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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BROOKLYN BOROUGH PRESIDENT

■ PUBLIC HEARINGS

UNIFORM LAND USE REVIEW PROCEDURE

NOTICE IS HEREBY GIVEN THAT, pursuant to Sections 82 and 197-C of the New York City Charter, Borough President will hold a public hearing on the following matters in the **Court Room, First Floor, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 4:00 P.M. on Tuesday, June 30, 2009.**

CALENDAR ITEM 1 BOARD OF ELECTIONS WAREHOUSE SITE SELECTION AND ACQUISITION COMMUNITY DISTRICT 7 090349 PCK

In the matter of an application submitted by the Board of Elections and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 4312 2nd Avenue for use as a warehouse facility.

CALENDAR ITEM 2 MOSDOTH CHILD CARE CENTER SITE ACQUISITION COMMUNITY DISTRICT 9 090323 PCK

In the matter of an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 420 Lefferts Avenue for continued use as a child care center.

CALENDAR ITEM 3 RIVERWAY SENIOR APARTMENTS UDAAP - LAND DISPOSITION COMMUNITY DISTRICT 16 090447 HAK

In the matter of applications submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter seeking approvals of an Urban Development Action Area designation and approval, and disposition of city-owned vacant land to facilitate the development of an approximately 115 unit rental project for the elderly in HPD's Supportive Housing Program.

CALENDAR ITEM 4 470 VANDERBILT AVENUE REZONING ZONING MAP/TEXT AMENDMENT - SPECIAL PERMIT COMMUNITY DISTRICT 2 090441 ZMK - 090442 ZRK - 090443 ZSK

In the matter of applications submitted by Atara Vanderbilt, LLC pursuant to Sections 197-c and 201 of the New York City Charter for: a.) an amendment of the Zoning Map eliminating

from an existing R6 District a C2-3 District and changing from an R6 District property bounded by Fulton Street, Vanderbilt Avenue, and a line 100 feet southeasterly of Fulton Street and Clermont Avenue; and, changing from an M1-1 District to a C6-3A District property bounded by a line 100 feet southeasterly of Fulton Street, Vanderbilt Avenue, Atlantic Avenue, and Clermont Avenue, b.) the grant of a special permit pursuant to Section 74-743(a) of the Zoning Resolution to modify the requirements of Section 23-145, Section 23-852, and Section 35-24 to facilitate a mixed use development on property located at 470 Vanderbilt Avenue.

CALENDAR ITEM 5 NAVY GREEN ZONING MAP AMENDMENT - SPECIAL PERMIT UDAAP - LAND DISPOSITION COMMUNITY DISTRICT 2 090444 ZMK - 090445 ZSK - 090446 HAK

In the matter of applications submitted by the New York City Department of Housing Preservation and Development pursuant to: a.) Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map changing from an M1-2 District to an R8 District and establishing within the proposed R8 District a C2-4 District property bounded by Flushing Avenue, Vanderbilt Avenue, a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly from the point of intersection of the westerly street line of Vanderbilt Avenue and northerly street line of Park Avenue and Clermont Avenue, and the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632; and, b.) Article 16 of the General Municipal Law of New York State for the designation of property located at 136-50 Flushing Avenue as an Urban Development Action Area, an Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD to facilitate the development of a mixed-use development, tentatively known as Navy Green, with approximately 455 residential units, commercial and community facility space.

Note: To request a sign language interpreter, or to request TTD services, call Mr. Kevin Parris at (718) 802-3856 at least five business days before the day of the hearing.

j24-30

BUSINESS INTEGRITY COMMISSION

■ MEETING

Pursuant to Section 104 of the Public Officers Law, notice is hereby given of an open meeting of the Commissioners of the New York City Business Integrity Commission. The meeting will be held on Friday from 10:00 A.M. to 12:00 P.M. on July 31, 2009 at Spector Hall, 22 Reade Street, 1st Floor, New York, New York.

j29-jy6

CITY COUNCIL

■ PUBLIC HEARING

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

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Chambers, City Hall, New York City, New York 10007, commencing at 10:00 A.M. on Wednesday, July 1, 2009:

CONEY ISLAND

BROOKLYN CB - 13 C 090272 ZMK
Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d:

- eliminating from within an existing R6 District a C1-2 District bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17th Street, a line 250 feet southerly of Mermaid Avenue, West 19th Street, a line 150 feet southerly of Mermaid Avenue, and West 20th Street;
- changing from a C7 District to an R5 District property bounded by a line 300 feet northerly of the northerly boundary line of Coney Island Beach, a line 150 feet northerly of former Highland View Avenue, West 22nd Street, the northerly and easterly boundary line of a park, the northerly boundary line of Coney Island Beach, and West 24th Street and its southerly centerline prolongation;
- changing from an R6 District to an R7A District property bounded by Mermaid Avenue, West 15th Street, a line 100 feet southerly of Mermaid Avenue, and West 20th Street;
- changing from a C7 District to an R7D District property bounded by Surf Avenue, the northerly prolongation of the westerly boundary line of a park, the northerly and westerly boundary line of a former park, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park, and West 22nd Street; and excluding the area bounded by the southerly street line of Surf Avenue, the westerly street line of West 21st Street, the southerly, easterly and southerly boundary line of a former park, and the easterly street line of West 22nd Street;
- changing from an R6 District to an R7X District property bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17th Street, Surf Avenue, West 20th Street, a line 100 feet southerly of Mermaid Avenue, and West 15th Street;
- changing from a C7 District to an R7X District property bounded by a line 150 feet southerly of Mermaid Avenue, Stillwell Avenue, Surf Avenue, and West 17th Street;
- establishing an R7D District bounded by:
 - the southerly street line of Surf Avenue, the westerly street line of West 21st Street, the southerly, easterly and southerly boundary line of a former park, and the easterly street line of West 22nd Street; and
 - the southerly street line of Surf Avenue, the proposed westerly boundary line of a park, the northerly boundary line of Coney Island Beach, and the westerly boundary line of a former park;
- establishing within a proposed R7A District a C2-4 District bounded by Mermaid Avenue, West 15th Street, a line 100 feet southerly of Mermaid Avenue, and West 20th Street;
- establishing within a proposed R7D District a C2-4 District bounded by Surf Avenue, the westerly boundary line of a park, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park, and West 22nd Street;
- establishing within a proposed R7X District a C2-4 District bounded by Mermaid Avenue, Stillwell Avenue, Surf Avenue, West 20th Street, a line 100 feet southerly of Mermaid Avenue, and West 15th Street; and
- establishing a Special Coney Island District (CI) bounded by Mermaid Avenue, Stillwell Avenue, the southerly boundary of the MTA New York City Transit Authority right-of-way, West 8th Street, Surf Avenue, the centerline of former West 8th

Street and its northerly centerline prolongation, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park, West 22nd Street, Surf Avenue, and West 20th Street;

as shown on a diagram (for illustrative purposes only) dated January 20, 2008, and which includes CEQR designation E-229.

CONEY ISLAND

BROOKLYN CB - 13 N 090273 (A) ZRK Application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1),

PROPOSED SPECIAL CONEY ISLAND DISTRICT

"A text " with CPC Modifications

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

11-12 Establishment of Districts

Establishment of the Special Clinton District

Establishment of the Special Coney Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

Establishment of the Special Coney Island Mixed Use District

12-10 Definitions

Special Coney Island District

The #Special Coney Island District# is a Special Purpose District designated by the letters "CI" in which special regulations set forth in Article XIII, Chapter 1, apply. The #Special Coney Island District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed, provided that its regulations shall not apply in Parcel 1 of the Coney East Subdistrict, which shall be governed by the provisions of the underlying C7 District.

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#. Rows include Brooklyn, Bay Ridge District, Coney Island District, Coney Island Mixed Use District, Downtown Brooklyn District, Mixed Use District-8 (Greenpoint-Williamsburg), Ocean Parkway District*, Sheepshead Bay District.

* #Sidewalk cafes# are not allowed on Ocean Parkway

Chapter 5 Residential Conversion of Existing Non-Residential Buildings

15-011 Applicability within Special Districts

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

ALL TEXT IN ARTICLE XIII, CHAPTER 1 IS NEW

131-00 GENERAL PURPOSES

The #Special Coney Island 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, to:

- (a) preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
(b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
(c) facilitate and guide the development of a residential and retail district;

- (d) provide a transition to the neighboring areas to the north and west;
(e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
(f) control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;
(g) promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

131-01 General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Coney Island 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.

131-02 District Plan and Maps

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix of this Chapter.

- Map 1 Special Coney Island District and Subdistricts
Map 2 Mandatory Ground Floor Use Requirements
Map 3 Coney East Subdistrict Floor Area Ratios
Map 4 Street Wall Location
Map 5 Minimum and Maximum Base Heights
Map 6 Coney West Subdistrict Transition Heights

131-03 Subdistricts

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

- Coney East Subdistrict
Coney West Subdistrict
Coney North Subdistrict
Mermaid Avenue Subdistrict.

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix of this Chapter.

131-04 Applicability

131-041 Applicability of Article I, Chapter 1

Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

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

131-042 Applicability of Article 1, Chapter 5

The provisions of Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The conversion to #dwelling units#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

131-043 Applicability of Article 6, Chapter 2

The provisions of Article 6, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Coney Island District#.

131-044 Applicability of Article 7, Chapter 4

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-045 Physical Culture Establishments

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, physical culture establishments shall be allowed as-of-right.

131-046 Modification of use and bulk regulations for zoning lots fronting upon the Riegelmann Boardwalk, Keyspan Park and Highland View Park

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of the Riegelmann Boardwalk, Keyspan Park or Highland View Park, such #lot line# shall

be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

131-10 SPECIAL USE REGULATIONS

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying Commercial Districts, as applicable.

For the purposes of this Chapter, "ground floor level" shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open area.

131-11 Use Group 5

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter.

131-12 Use Groups A, B and C

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121 Use Group A: Amusements

Use Group A consists of a group of #uses# selected from Use Groups 12, 13 and 15 as modified in this Section, and may be open or enclosed:

- (1) Amusement arcades
Amusement parks, with no limitation on floor area per establishment
Animal exhibits, circuses, carnivals or fairs of a temporary nature
Camps, overnight or day, commercial beaches or swimming pools
Dark rides, electronic or computer-supported games including interactive entertainment facilities, laser tag and motion simulators
Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions
Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions
Miniature golf courses and model car hobby centers, including racing
Open booths with games of skill or chance, including shooting galleries
Water parks
(2) Arenas or auditoriums, with capacity limited to 2,000 seats
Billiard parlors or pool halls, bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment
Gymnasiums or recreational sports facilities including but not limited to indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements
Skateboard parks, roller or ice skating rinks
Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet except that on #corner lots# one #street# frontage may extend up to 100 feet

#Accessory uses# to the amusements listed above, including the display and sale of goods or services, provided:

- (a) such #accessory uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment or, for open #uses#, not more than 25 percent of the #lot area#;
(b) such #accessory uses# shall be entered only through the principal amusement establishment;
(c) such #accessory uses# shall share common cash registers with the principal amusement #use#;
(d) such #accessory uses# shall have the same hours of operation as the principal amusement #use#; and
(e) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building# or, for open #uses#, at least 30 feet from the #street line#.

131-122 Use Group B: Amusement and entertainment-enhancing uses

Use Group B consists of a group of #uses# selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section: Art gallery, commercial

- Banquet halls
Breweries
Eating or drinking establishments of any size, including those with entertainment or dancing
Historical exhibits
Spas and bathhouses
Studios, art, music, dancing or theatrical
Tattoo parlors
Radio or television studios
Wedding chapels

131-123 Use Group C: Retail and service uses

Use Group C consists of a group of retail and service #uses# selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops

Bookstores

Candy or ice cream stores

Clothing or clothing accessory
Clothing, custom manufacturing or altering for retail including costume production and hair product manufacturing

Delicatessen stores

Fishing tackle or equipment, rental or sales

Gift shops

Jewelry manufacturing from precious metals

Musical instruments store

Toy stores

Music stores

Newsstands

Patio or beach furniture or equipment

Photographic equipment stores and studios

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving

131-13 Special Use Regulations in Subdistricts

131-131 Coney East Subdistrict

The #use# regulations of the underlying C7 District are modified as set forth in this Section. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages# shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

At least 15 percent of the #street# frontage of each #block# front bounding the south side of Surf Avenue between West 16th Street and West 10th Street shall be occupied by Use Group A1 #uses# at the ground floor level.

There shall be separate ground floor establishments fronting upon each #block# front bounding Surf Avenue, as follows:

- (1) On the #block# front bounding the southerly #street line# of Surf Avenue between Stillwell Avenue and West 12th Street there shall be at least six establishments;
- (2) On the #block# front bounding the southerly #street line# of Surf Avenue between West 12th Street and West 10th Street there shall be at least six establishments;
- (3) On all other #block# fronts there shall be at least four establishments;
- (4) The provisions of this paragraph (c) shall not apply along the southerly #street line# of Surf Avenue east of West 10th Street.

There may be fewer establishments fronting upon such #block# fronts than required pursuant to this paragraph (c) where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such modification is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Stillwell Avenue and West 10th Street

At least 15 percent of the Stillwell Avenue and West 10th Street #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level.

(e) #Transient hotels#

- (1) #Transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th Street and West 16th Street south of the prolongation of the centerline of Bowery.
- (2) #Transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.
- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
- (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by

active #accessory uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.

(5) #accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Depth of ground floor uses

All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#, as shown on Map 2 (Mandatory Ground Floor Use Requirements).

(g) Parcel 2

On Parcel 2 as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

131-132 Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply except as modified in this Section for #uses# fronting upon designated #streets#, as shown on Map 2 (Mandatory Ground Floor Use Requirements). For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as applicable.

(a) Mandatory ground floor level use along designated #streets#

Any #use# listed in Use Groups A, B and C, as set forth in Sections 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of the Riegelmann Boardwalk and within 100 feet of all other designated streets, as shown on Map 2.

(1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of the Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of frontage along the Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#.

(2) Designated #streets# other than Riegelmann Boardwalk

At least 20 percent of the designated #street# frontage of a #building# shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining designated #street# frontage of such #buildings# shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, #transient hotels#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a designated #street#.

There shall be at least four separate ground floor #commercial# establishments fronting upon each #block# front bounding Surf Avenue.

All ground floor #commercial uses# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

(b) Prohibited ground floor level #uses# along designated #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a designated #street# on the ground floor level of a #building#. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:
All #uses#.

From Use Groups 3A and 3B:
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:
All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street.

From Use Groups 6B, and 6E
Offices, veterinary medicine offices or non-commercial clubs.

From Use Group 6C
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue.

Electrolysis studios, frozen food lockers and loan offices.

From Use Group 6D:
All #uses#.

From Use Group 7:
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:
All #uses#.

From Use Groups 9A, 9B and 9C:
All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:
All #uses#.

Use Groups 12A and 12B:
Trade exhibitions.

Use Groups 12C and 12D:
All #uses#.

Use Group 14A and 14B:
All #uses#, except for bicycle sales, rental or repair shops.

131-14 Location of Uses within Buildings

The provisions of Section 32-42 (Location within Buildings) are modified to permit:

(a) #residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential use#, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and

(b) in the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#. Furthermore, a #public parking garage# may occupy any #story# of a #mixed building# provided such garage complies with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-15 Transparency

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in the Coney East Subdistrict and along the Riegelmann Boardwalk and boundary of Keyspan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 70 percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 70 percent open during seasonal business hours.

131-16 Security Gates

All security gates installed after (effective date of amendment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon the Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

131-17 Authorization for Use Modifications

Along designated #streets# other than the Riegelmann Boardwalk, as shown on Map 2, the City Planning Commission may authorize Use Group A, B or C establishments with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

131-20 SIGN REGULATIONS

(a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:

- (1) no #advertising signs# shall be permitted above a height of 40 feet, and
- (2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying along District Boundaries) shall not apply.

(b) In the Coney North and Coney West Subdistricts, the underlying C2-4 #sign# regulations shall apply, except that the height restrictions of Section 32-65 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial use#.

**131-30
FLOOR AREA REGULATIONS**

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

**131-31
Coney East Subdistrict**

The maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block# or portion thereof, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios). On Parcel 2, as shown on Map 3, the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

**131-32
Coney West, Coney North and Mermaid Avenue Subdistricts**

**131-321
Special floor area regulations for residential uses**

R7A R7D R7X

- (a) Applicability of Inclusionary Housing Program

R7A, R7D and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (Inclusionary Housing Program), inclusive, applicable as modified within the Special District.

- (b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the following table. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in the table through the provision of #lower income housing#, pursuant to the provisions for #Inclusionary Housing designated area#, as set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

TABLE FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

Subdistrict Zoning District	Base #floor area ratio#	Maximum #floor area ratio#
Coney West Parcels: A, B, C, D	R7D 4.35	5.8
Coney West Parcels: E, FR7D	4.12	5.5
Coney North R7X	3.75	5.0
Mermaid Avenue R7A	3.45	4.6

- (c) Coney West floor area distribution rules

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, may be distributed anywhere within such sets of parcels:

- Parcels A and B
- Parcels C and D
- Parcels E and F.

In addition, #floor area# attributable to lot 130, #block# 7071 within Parcel B may be distributed anywhere within Parcels C or D.

- (d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of paragraph (b) of Section 23-942 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

**131-322
Special floor area regulations for community facility uses**

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

**131-323
Special floor area ratio regulations for hotel uses**

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

**131-324
Special floor area ratio regulations for entrances to stories above the base flood elevation**

Up to 300 square feet of an entranceway adjoining the #street wall# of a #building# that contains ramps, stairs or handicap accessible elevators providing access from a public sidewalk to the lowest #story# above the #base flood elevation# shall be exempt from the definition of #floor area#.

**131-325
Lot coverage**

For #residential uses#, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less. Furthermore, the level of any #building# containing #accessory# parking spaces or non-#residential uses# shall be exempt from #lot coverage# regulations.

**131-326
Rear Yards**

Required #rear yards# or #rear yard equivalents# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# facing onto such #yard#.

**131-40
HEIGHT AND SETBACK REGULATIONS**

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

**131-41
Rooftop Regulations**

- (a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

- (b) Screening requirements for mechanical equipment
- For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

**131-42
Coney East Subdistrict**

The regulations of this Section, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section 131-42, inclusive.

**131-421
Coney East Subdistrict, south side of Surf Avenue**

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

- (a) #Street wall# location

The #street wall# of a #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;
- (2) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recesses does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (3) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (4) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

- (b) Building base

- (1) Surf Avenue, west of West 12th Street

West of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. If a tower is provided, in accordance with requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section. For #developments# or #enlargements# located West of West 12 Street that, provide a tower in accordance with the requirements of paragraph (d) of this Section, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 45 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 60 feet but not more than 65 feet. Furthermore, any portion of a #street wall# which exceeds a height of 60 feet

- (2) Surf Avenue, east of West 12th Street
- East of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback is required that shall comply with the provisions set forth in paragraph (d) of this Section.

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

- (c) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (b) of this Section, shall be set back from the #street line# at least 20 feet except that where towers are provided, the minimum setback depth from the #street line# shall be 10 feet.

- (1) East of West 12th Street

The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within 100 feet of Jones Walk on the easterly side, the maximum building height after the required setbacks shall be 85 feet.

- (2) West of West 12th Street

All portions of a #building# that exceed the maximum base height as set forth in paragraph (b) (1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

- (3) Special Regulations for Use Group A

The transition height regulations of paragraphs (c) (1) and (c) (2) of this Section shall not apply to #buildings# that rise to a maximum height of 85 feet to accommodate a Use Group A #use#; or to #buildings# where the Chairperson of the City Planning Department certifies to the Department of Buildings that additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

- (d) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 65 feet shall be considered a "tower" and shall comply with the provisions of this paragraph.

- (1) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (2) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet. The maximum height of a #building# located between West 12th Street and Jones Walk shall be 150 feet between West 12th Street and Jones Walk. The maximum height of a #building# located between West 12th Street and West 16th Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

- (3) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

**131-422
Coney East Subdistrict, north side of Surf Avenue**

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

**131-423
Along all other streets**

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets# and portions thereof located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

- (a) #Street wall# location

The #street wall# of the #development# or #enlargement#, or portion thereof, shall be located within five feet of the #street line#. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, a recess shall be permitted to have a depth of up to ten feet as measured from the #street line# provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

- (b) Maximum building height

The #street wall# of a #development# or #enlargement#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, and such portion of the #aggregate width of street walls# shall be located within 150 feet of the intersection of two #street lines# and shall coincide with that portion of the #street wall# along Surf Avenue that rises to a height of between 60 to 65 feet, pursuant to the provisions of paragraph (b)(1) of Section 131-421. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A, in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of #street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

Furthermore, a #building# that exceeds a height of 60 feet shall be permitted where the Chairperson of the City Planning Department certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

131-43 Coney West Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

131-431 Coney West District, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

- (a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances; However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

- (b) Building base

The #street wall# of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least eight #stories# or 80 feet, whichever is less. However, on the blockfront bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65

feet, whichever is less, before a setback is required.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street line# at least ten feet.

- (c)

Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Towers).

131-432

Along all other Streets, other than the Riegelmann Boardwalk

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of the Riegelmann Boardwalk.

- (a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower. In addition, for #street walls# facing Ocean Way, building entrances providing direct access to the lowest #story# located above the #base flood elevation# may be recessed up to a depth of ten feet as measured from the #street line# provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line# shall be planted except for sidewalks, steps and handicap accessible elevators that provide access to building entrances.

- (b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

- (c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

- (1) above the maximum base height, up to 60 percent of the #aggregate width of street walls# facing Ocean Way, and along all other #streets#, other than the Riegelmann Boardwalk, shall be set back a minimum distance of 10 feet from the #street line#. The remaining portion of such #aggregate width of street walls# facing Ocean Way, and along all other #streets# other than the Riegelmann Boardwalk, shall be set back a minimum distance of 15 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), the remaining portion of such #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line#;
- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of the Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.

A #building# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

131-433

Riegelmann Boardwalk and Building Line of Parcel F

The #street wall# of the #development# or #enlargement# shall be located on the Riegelmann Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet, as shown on Map 2 (Mandatory Ground Floor Use Requirements). Any #building or other structure# within 70 feet of the Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of the Riegelmann Boardwalk.

In addition, on Parcel F, the #street wall# of the #development# or #enlargement# shall be located on the Parachute Way building line and the portion of the Ocean Way building line that is within 100 feet of the Parachute Way building line, as shown on Map 2. Such #street walls# shall extend along such entire frontages of Parcel F to a minimum height of 20 feet.

131-434

Coney West District towers

All #stories# of a #development# or #enlargement# located partially or wholly above an applicable transition height shall be considered a "tower" and shall comply with the provisions of this Section.

- (a) Maximum floorplate
Each #story# of a tower shall not exceed a gross area of 8,500 square feet.
- (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum #building# height shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower complies with either paragraph (b)(1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or
- (2) The outermost wall of all tower #stories# below a height of 120 feet shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

- (c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# bounding Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, no more than two towers shall be permitted on any #zoning lot#, and the second tower shall be located within 25 feet of Ocean Way. However, on Parcel E, any #development# may include two towers and, for #developments# that provide #low income housing# pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

131-44

Coney North Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney North Subdistrict. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum building height provisions of this Section, inclusive.

131-441

Coney North Subdistrict, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

- (a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street

lines# and lines 15 feet from and parallel to such #street lines#; and

- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

The #street wall# of a building base of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 80 feet, but not more than 85 feet. However, on the blockfront bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided, as set forth in paragraph (a)(2) of this Section.

All portions of a #building# that exceed a height of 85 feet shall be set back from the #street line# at least ten feet, and comply with the tower provisions of Section 131-444 (Coney North Towers).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Towers).

131-442
Along all other Streets, other than Stillwell Avenue

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be recessed ten feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower.

For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line# shall be planted except for sidewalks, steps and handicap accessible elevators that provide access to building entrances.

(b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.

All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition height

In all portions of #blocks# located beyond 100 feet of Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-443
Stillwell and Mermaid Avenues

Within 100 feet of Stillwell and Mermaid Avenues, except

within 100 feet of Surf Avenue, all portions of a #building# or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-444
Coney North Subdistrict towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a "tower" and shall comply with the provisions of this Section 131-444.

(a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet and beyond 175 feet of Surf Avenue the maximum height of a #building# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower portion of such #building# complies with either paragraph (b)(1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or
- (2) The outermost wall of all tower #stories#, below a height of 120 feet, shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing#, pursuant to Section 131-321, a second tower shall be permitted anywhere on the #zoning lot# that is entirely beyond 175 feet of Surf Avenue and ten feet from any other #street#. All towers shall be located at least ten feet from a #side lot line#.

131-45
Mermaid Avenue Subdistrict

All portions of a #building# or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except that:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#;

except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-46
Tower Top Articulation

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

(a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks

Setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less. Such setbacks shall be located on either the north-facing or south-facing side of the #building#, but not both. Such setbacks shall have a minimum depth of 15 feet measured, as applicable, from the north or south-facing wall of the #story# immediately below. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story#, therefore, shall be located entirely within the northern or southern half of the tower, as applicable.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least eighteen inches but not more than five feet from the remaining plane surface of the #street walls# enclosing any #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

131-47
Design Requirements for Ground Level Setbacks

Wherever a building base below a tower is set back from the #street line#, and the building walls bounding such setback area are occupied by non-residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

(c) Wall treatments

All ground floor level building walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15 shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

- (1) If such building wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.

- (2) All other building walls shall comply with one of the following provisions:

- (i) Such building walls shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level building wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or
- (ii) Such building walls shall be articulated with artwork or landscaping to a height of at least ten feet.

(d) Building entrances

A public entrance to a #building# shall front upon such setback area. No ramps shall be permitted within the setback area.

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with, at a minimum, evergreen ground cover or shrubs in planting beds, with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

(f) For setback areas of 500 square feet or more, there shall be the following additional amenities:

- (1) an additional public entrance to the

#building# that fronts upon such setback area; and

(2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

131-48 Street Trees

The provisions of Section 33-03 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

131-49 Authorization for Exterior Ramps

The City Planning Commission may authorize modifications of the #street wall# location provisions of this Chapter to allow exterior ramps for access from the public sidewalk to the lowest #story# above the #base flood elevation# provided the Commission finds that the design of such ramps:

- (a) maximizes visibility of interior ground floor space within the #building# from the public sidewalk;
- (b) incorporates amenities such as seating and planting as the Commission may find appropriate; and
- (c) relates harmoniously with the design and materials of the adjacent #building# and the surrounding streetscape.

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

131-50 OFF-STREET PARKING AND LOADING REGULATIONS

The special provisions of this Section shall apply to all off-#street# parking spaces and loading facilities within the #Special Coney Island District#.

131-51 Amount of Required and Permitted Parking

(a) Residential and Community Facility Parking
The underlying regulations shall apply, except that the provisions of Section 36-331 are modified to require off-#street# parking spaces for at least 60 percent of all new #dwelling units#.

(b) Commercial parking
The underlying regulations shall apply, except as modified below:

- (1) For Use Group A #uses#: one off-#street# parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a water park, two off-#street# parking spaces per 1,000 square feet of #floor area# shall be provided
- (2) For #transient hotels#: one off-#street# parking space shall be provided for every six guest rooms or suites.

(c) Public parking facilities
In accordance with the provisions of Section 131-043 (Applicability of Article 7, Chapter 4), #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-52 Use and Location of Parking Facilities

The following provisions shall apply to all parking facilities:

- (a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is accessory within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# parking spaces and spaces within a #public parking garage# are provided on the same #zoning lot#, all such spaces may be provided within the same parking facility.
- (b) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:
 - (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by the Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
 - (2) In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:
 - Parcels A and B
 - Parcels C and D
 - Parcels E and F.

- (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.
- (c) All off-#street# parking facilities shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
 - (i) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. All such parking facilities shall be exempt from the definition of #floor area#.

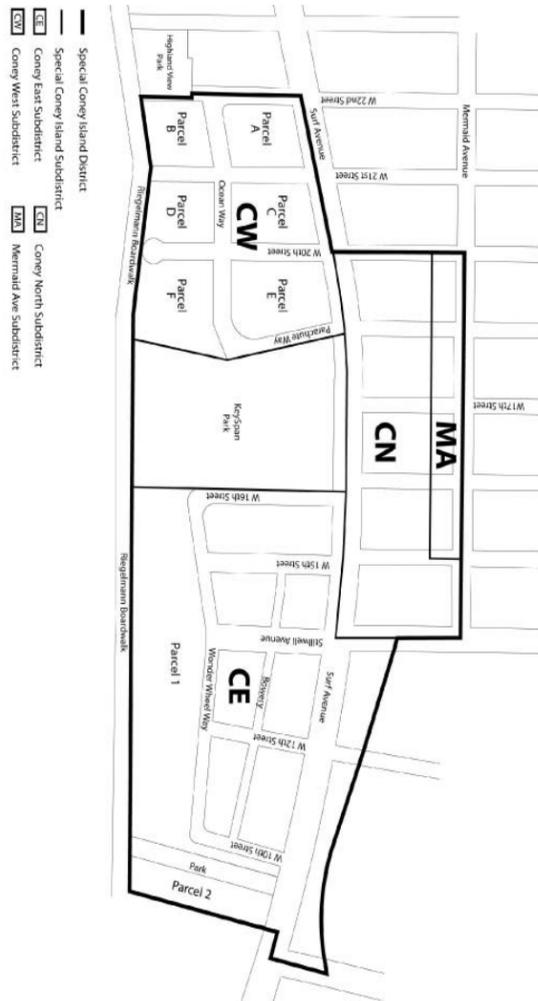
However, in the Coney East Subdistrict, the provisions of this paragraph (c)(2) need not apply on the north side of Surf Avenue above the level of the ground floor, on Parcel 2 beyond 70 feet of the Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

- (ii) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
- (iii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (iv) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.

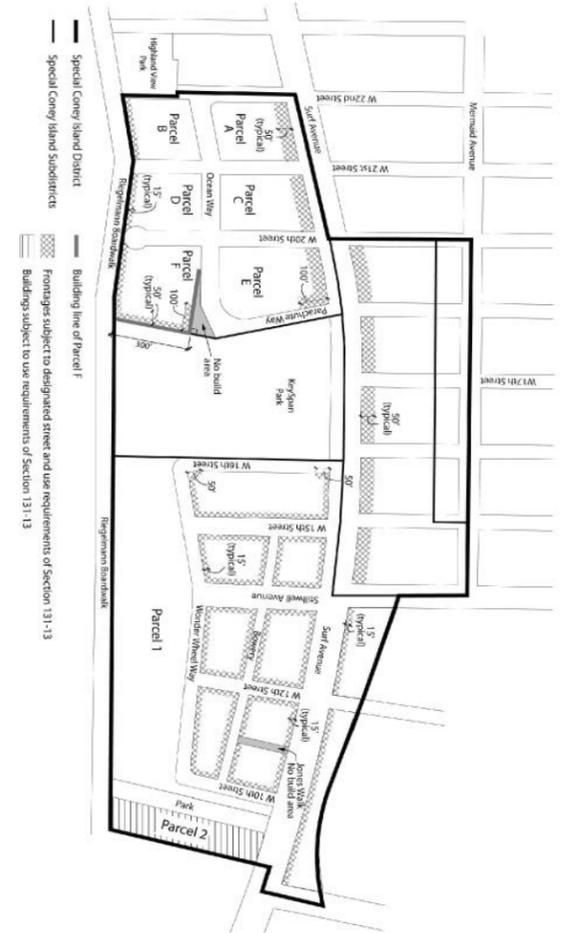
(d) Any roof of a facility containing off-street parking spaces not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

131-53 Curb Cuts

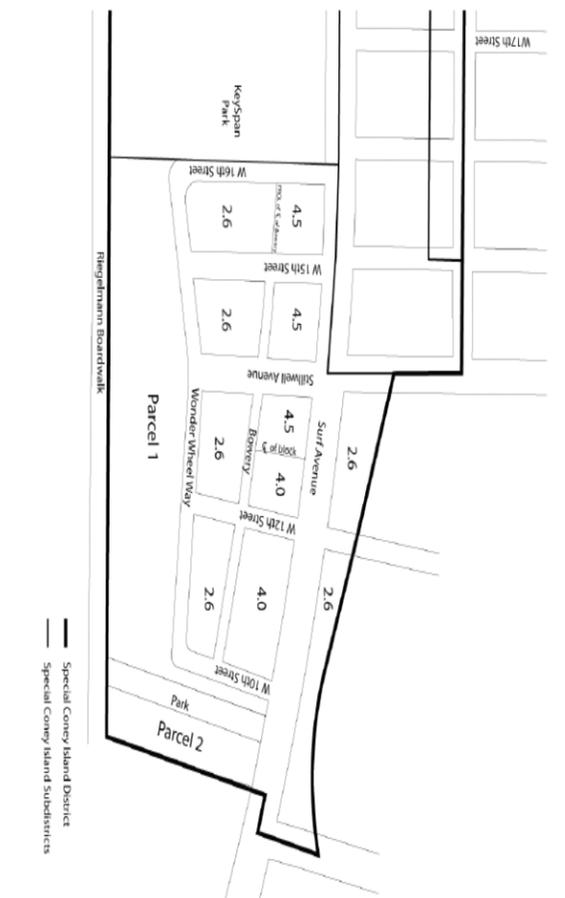
No curb cuts shall be permitted on Surf Avenue, Wonder Way or New Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all #developments# and #enlargements#.



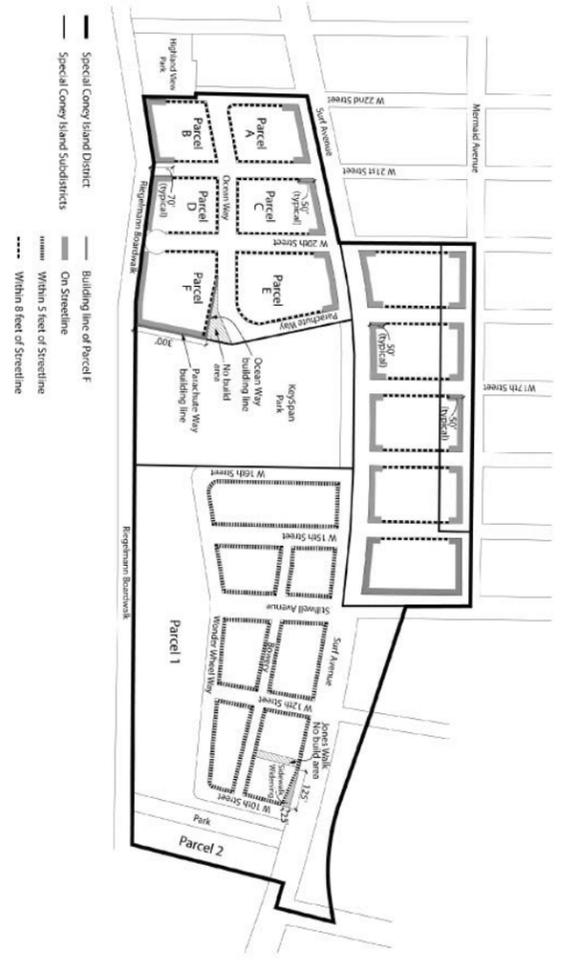
Map 1: Special Coney Island District and Subdistricts



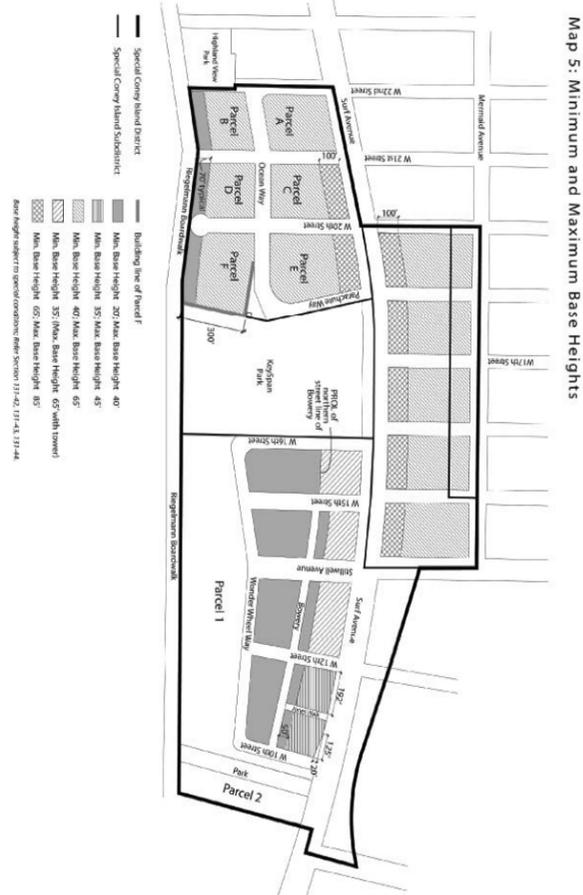
Map 2: Mandatory Ground Floor Use Requirements



Map 3: Coney East Subdistrict Floor Area Ratios



Map 4: Street Wall Location



Map 5: Minimum and Maximum Base Heights

CONEY ISLAND

BROOKLYN CB - 13 C 090274 PQQ

Application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at:

BLOCK LOTS

- 7074 4, 6, p/o 23, 89, p/o 105, 250, 254, p/o 256, 300, p/o 310, 340, 348, and p/o 360
8694 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, and 421
8695 61, 64, p/o 72, p/o 120, p/o 433
8696 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, p/o 212

CONEY ISLAND

BROOKLYN CB - 13 C 090275 PQQ

Application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31).

CONEY ISLAND

BROOKLYN CB - 13 C 090276 HAK

Application submitted by the Department of Housing Preservation and Development (HPD):

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

- a) the designation of property located at:

- 1. the designation of property located at:

Table with 3 columns: Block, Lot, Address. Lists lots 1 through 45 and their corresponding addresses on Mermaid Avenue, Surf Avenue, and West 19th Street.

to a developer selected by HPD, is approved.

CONEY ISLAND

BROOKLYN CB - 13 C 090277 PPK

Application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property pursuant to zoning, located at:

A: BLOCK LOTS

- 7074 4, 6, p/o 23, 89, p/o 105, 170, p/o 190
7074 250, 254, p/o 256, 300, p/o 310, 340, 348, p/o 360
8694 1, 5, 11, 12, 14, 16, 18, 25, 30, 33, 421
8695 61, 64, p/o 72, p/o 120, p/o 433
8696 35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, 211, p/o 212

B: Block 7071, Lot 142, pursuant to zoning.

CONEY ISLAND

BROOKLYN CB - 13 C 090107 MMK

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

- the establishment of new streets;
the establishment of new parks and park additions;
the modification and adjustment of grades of existing streets;
the elimination, discontinuance and closing of portions of streets;
the elimination of parks and portions of parks;
the delineation of easements and corridors; and
the extinguishment of record streets, all within an area generally bounded by West 8th Street, Surf Avenue, West 23rd Street, and the Public Beach,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2710 and X-2711, dated January 14, 2009, revised June 17, 2009, and Map Nos. Y-2715, X-2716, X-2717, and Y-2718, dated June 17, 2009, and signed by the Borough President.

j25-jy1

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON TUESDAY, JUNE 30, 2009, AT 11:00 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTER:

- M-1433, Communication from the Mayor submitting the name of Burton Lehman, a resident of Manhattan, for appointment to the New York City Conflicts of Interest Board pursuant to § 2602 of the New York City Charter. Should Mr. Lehman receive the advice and consent of the Council, he will serve the remainder of a six-year term that expires on March 31, 2012.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael M. McSweeney
City Clerk, Clerk of the Council

j23-30

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, July 1, 2009, commencing at 10:00 a.m.

BOROUGH OF THE BRONX
Nos. 1 & 2
161 STREET REZONING
No. 1

CD 4 N 090364 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying regulations establishing two new zoning districts: C6-3D and R9D and modifying related regulations.

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

Article 1
General Provisions

Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

11-12
Establishment of Districts

Table with 2 columns: District, Name. Lists districts R9, R9-1, R9A, R9D, R9X and their corresponding names.

Table with 2 columns: District, Name. Lists districts C6-3, C6-3A, C6-3D, C6-3X and their corresponding names.

ARTICLE II RESIDENCE DISTRICT REGULATIONS
Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-011

Quality Housing Program

(a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #development# or #enlargement# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and any #residential development#, #enlargement#, #extension# or conversion shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). In R5D Districts, certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

* * *

23-144

In designated areas where the Inclusionary Housing Program is applicable

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

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

23-145

For residential buildings developed or enlarged pursuant to the Quality Housing Program

R6 R7 R8 R9 R10
In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for any #residential building# on a #zoning lot developed# or #enlarged# pursuant to the Quality Housing Program shall be as set forth in the following table and the maximums for #developments#, or #enlargements# where permitted, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO FOR QUALITY HOUSING BUILDINGS

Table with 4 columns: District, #Corner Lot, #Interior Lot# or #Through Lot#, Maximum #Floor Area Ratio#. Lists various zoning districts and their corresponding metrics.

* * *

23-532

Required rear yard equivalents

However, in #lower density growth management areas# and in R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, on any #through lot# at least 180 feet in maximum depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

23-621

Permitted obstructions in certain districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
(c) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, the permitted obstructions set forth in Section 23-62 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction within a required setback distance. Such dormer may exceed a maximum base height specified for such district provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

* * *

23-633

Street wall location and height and setback regulations in certain districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
In the districts indicated, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply, except as otherwise set forth for #buildings# in R9D and R10X Districts.

(a) #Street wall# location
R6A R7A R7D R7X R9D
(1) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# of any #development# or #enlargement# shall be located no closer to the #street line# than the closest #street wall# of an

10.00	75	65	R10
10.00	100	70	R10A R10X

24-111
Maximum floor area ratio for certain community facility uses

R3 R4 R5 R6 R7 R8 R9
 (b) In the districts indicated, for any #zoning lot# containing nursing homes, health-related facilities or domiciliary care facilities for adults, each of which have secured certification by the appropriate governmental agency, sanitariums or philanthropic or non-profit institutions with sleeping accommodations as listed in Use Group 3, the #floor area ratio# as set forth in the following table, except where the permissible #floor area ratio# is modified pursuant to Section 74-902 (Bulk modifications for certain community facility uses).

The provisions of paragraph (b) of this Section are not applicable in R8B Districts in Community Board 8 in the Borough of Manhattan.

MAXIMUM FLOOR AREA RATIO FOR CERTAIN COMMUNITY FACILITIES

District	Maximum #Floor Area Ratio# Permitted
R3	0.50
R4	0.75
R5 R5A R5B	1.27
R5D R6B	2.00
R6	2.43
R6A R7B	3.00
R7	3.44
R7D	4.20
R7X	5.00
R7A R8B	4.00
R8 R8A	6.02
R8X	6.00
R9	7.52
R9A	7.5
R9D	9.00
R9X	9.00

24-164
Location of open space for residential portion

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
 (b) In the districts indicated, and for #buildings# in which the #residential# portion is #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, the provisions of Section 28-30 (RECREATION SPACE AND PLANTING AREAS) shall apply.

24-351
Special provisions applying along district boundaries

R6 R7 R8 R9 R10
 In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4 or R5 District coincides with a #side lot line# of a #zoning lot#, a #side yard# at least eight feet wide shall be provided along such boundary within the districts indicated. In addition, the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts) shall apply to any portion of a #building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District if the #building# that contains such portion is:

- (a) within an R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X District; or
- (b) within an R6, R7, R8, R9 or R10 District, without a letter suffix, and any portion of the #zoning lot# is #developed# pursuant to the Quality Housing Program.

24-381
Excepted through lots

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
 (b) In the districts indicated, and in other R6, R7, R8, R9 and R10 Districts where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions, and such #zoning lot# occupies the entire #block# frontage of a #street#.

24-382
Required rear yard equivalents

However, in R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and in other R6 through R10 Districts where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program, on any #through lot# at least 180 feet in depth from #street to street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

24-522
Front setbacks in districts where front yards are not required

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
 (b) In the districts indicated, for any #development# or #enlargement#, the provisions of this Section, Section 24-53 (Alternate Front Setbacks) and Section 24-54 (Tower Regulations) shall not apply. In lieu thereof, the provisions of Section 23-60 (HEIGHT AND SETBACK REGULATIONS) shall apply.

24-552
Required rear setbacks for tall buildings

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
 (b) In the districts indicated, for any #development# or #enlargement#, and for #buildings# in which the #residential# portion is #developed# or #enlarged# pursuant to the Quality Housing Program

in other R6 through R10 Districts, no portion of a #building# that exceeds the maximum base height specified in the table in Section 23-633 shall be nearer to a #rear yard line# than 10 feet.

Chapter 8
The Quality Housing Program

28-01
Applicability of this Chapter
 The Quality Housing Program is a specific set of standards and requirements for #buildings# containing #residences#. In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, some of these standards and requirements are mandatory for the #development#, #enlargement#, #extension# of, or conversion to any #residential use# other than #single-# or #two-family residences#. In R5D Districts, only the requirements set forth in Sections 28-12 (Street Tree Planting), 28-23 (Refuse Storage and Disposal), 28-33 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS
Chapter 2
Use Regulations

32-656
Height of signs above roof
 C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9
 In the districts indicated, no #sign# displayed from the wall of a #building# or other structure# shall extend above the parapet wall or roof of such #building# or other structure#, except that a vertical #sign#, the horizontal width of which, parallel to the wall, does not exceed 28 inches, may extend no higher than 15 feet above the roof level.

32-434
Ground floor use in C4-5D and C6-3D Districts and in Certain C2 Districts

C4-5D C6-3D
 In all C4-5D Districts the districts indicated and in C2 Districts mapped within R7D or R9D Districts, #uses# on the ground floor or within five feet of #curb level# shall be limited to non-#residential uses# which shall extend along the entire width of the #building#, and lobbies, entrances to subway stations and #accessory# parking spaces, provided such lobbies and entrances do not occupy, in total, more than 25 percent of the #street wall# width of the #building# or more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#, whichever is less. Such non-#residential uses# shall have a minimum depth of 30 feet from the #street wall# of the #building#. In C6-3D Districts, a vertical circulation core shall be permitted within such minimum 30 foot depth.

Enclosed parking spaces, or parking spaces within a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#. However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage and, if such #building# fronts on both a #wide street# and a #narrow street#, such loading berth shall be located only on a #narrow street#.

In C6-3D Districts, each ground floor level #street wall# of a #commercial# or #community facility use# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. However, where the #street wall# or portion thereof fronts an elevated rail line or is located within 50 feet of a #street wall# that fronts an elevated rail line, the glazing requirement of the area of the ground floor level #street wall# may be reduced from 70 percent to 50 percent, and not less than 35 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 15 percent of such area may be glazed with translucent materials. Furthermore, all security gates installed after (date of enactment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

Chapter 3
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-12
Maximum Floor Area Ratio
 C1 C2 C3 C4 C5 C6 C7 C8

In addition, the following limitations on maximum permitted #floor area# shall apply:
 C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A
 (a) In contextual Commercial Districts
 In the districts indicated, and in C1 and C2 Districts mapped within R9A, R9D, R9X, R10A or R10X Districts, no #floor area# bonuses are permitted.

33-121
In districts with bulk governed by Residence District bulk regulations

C1-1 C1-2 C-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5
 In the districts indicated, the maximum #floor area ratio# for a #commercial# or #community facility building# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

District	MAXIMUM FLOOR AREA RATIO		
	For #Commercial Buildings#	For #Community Facility Buildings#	For #Buildings# Used for Both #Commercial# and #Community Facility Uses#
R1 R2	1.00	0.50	1.00
R3-1 R3A R3X	1.00	1.00	1.00
R3-2	1.00	1.60	1.60
R4 R5	1.00	2.00	2.00
R5D R6B	2.00	2.00	2.00
R6A R7B	2.00	3.00	3.00

R7A R8B	2.00	4.00*	4.00
R7D	2.00	4.20	4.20
R6 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R8	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9	2.00	10.00	10.00
R9A	2.00	7.5	7.5
R9D	2.00	9.00	9.00
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00

33-122
Commercial buildings in all other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8
 In the districts indicated, the maximum #floor area ratio# for a #commercial building# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	0.50
C4-1 C8-1	1.00
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8	2.00
C4-2A C4-3A	3.00
C4-2 C4-2F C4-3 C4-4	3.40
C4-4D C4-5 C4-6	4.00
C4-4A C4-5A C4-5X C5-1	4.20
C4-5D	4.20
C8-4	5.00
C6-1 C6-2 C6-3	6.00
C6-3D	9.00
C4-7 C5-2 C5-4 C6-4	10.00
C6-5 C6-8	15.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

33-123
Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8
 In the districts indicated, the maximum #floor area ratio# for a #community facility building#, or for a #building# used for both #commercial# and #community facility uses#, shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	1.00
C4-1	2.00
C8-1	2.40
C4-2A C4-3A	3.00
C1-6A C2-6A C4-4A C4-5A	4.00
C4-5D	4.20
C4-2 C4-3 C8-2	4.80
C4-5X	5.00
C6-1A	6.00
C1-6 C1-7 C2-6 C4-2F C4-4	6.50
C4-4D C4-5 C6-1 C6-2 C8-3	6.50
C8-4	6.50
C1-8A C2-7A C6-3A	7.50
C1-8X C2-7X C6-3D C6-3X	9.00
C1-8 C1-9 C2-7 C2-8 C4-6	10.00
C4-7 C5-1 C5-2 C5-4 C6-3	10.00
C6-4 C6-5 C6-8	15.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

33-283
Required rear yard equivalents

C1 C2 C3 C4-1 C7 C8-1 C8-2 C8-3
 In the districts indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:
 (a) an open area with a minimum depth of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts. In C1-6A, C1-7A, C1-8X, C1-9A, C2-6A, C2-7X, C2-8A and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X or R10 Districts, a #rear yard equivalent# shall be provided only as set forth in this paragraph; or

33-294
Other special provisions along certain district boundaries

C1-6A C1-7A C1-8A C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X
 In the districts indicated, and in C1 and C2 Districts mapped within R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, the #development# or #enlargement# of a #building#, or portions thereof, within 25 feet of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts).

33-431
In C1 or C2 Districts with bulk governed by surrounding Residence District

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5
 (b) In the districts indicated, when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R10A or R10X Districts, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

33-432
In other Commercial Districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X
 (b) In the districts indicated, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

33-492
Height limitations for narrow buildings or enlargements

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4D C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A

C6-4X
In the districts indicated, and in C1 and C2 Districts mapped within R7-2, R7D, R7X, R8, R9 and R10 Districts, if the width of the #street wall# of a new #building# or the #enlarged# portion of an existing #building# is 45 feet or less, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to such new or #enlarged building#.

Chapter 4
Bulk Regulations for Residential Buildings in Commercial Districts

34-011
Quality Housing Program

In C1 and C2 Districts mapped within #Residence Districts# with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).

34-112
Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #Residence Districts# set forth in the following table:

Table with 2 columns: Districts, Applicable #Residence District#. Lists various district codes and their corresponding applicable regulations.

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

35-011
Quality Housing Program

In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, any #residential# portion of a #mixed building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8. In C1 and C2 Districts mapped within R5D Districts, #mixed buildings# shall comply with certain regulations of Article II, Chapter 8, as set forth in Section 28-01 (Applicability of this Chapter).

35-23
Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

In the districts indicated, the #bulk# regulated, the #bulk# regulations for #residential# portions of #mixed buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 shall apply to such #mixed building#.

Table with 2 columns: Applicable #Residence District#, District. Lists applicable district codes for various residential districts.

35-24
Special Street Wall Location and Height and Setback Regulations in Certain Districts

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings# or other structures# shall be measured from the #base plane#.

Permitted obstructions
In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the permitted obstructions set forth in Section 33-42 shall apply to any #building# or other structure#. In addition, a dormer may be allowed as a permitted obstruction within a required setback area. Such dormer may exceed a maximum base height specified for such district provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum

base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

(b) #Street wall# location
C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D

(2) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in other C1 or C2 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#:

(i) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

In C1 or C2 Districts when mapped within R9D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

(ii) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

Above a height of 12 feet above the #base plane#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(2)(i) of this Section.

(iii) For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section. The preceding #street wall# provisions shall not apply along #narrow streets# beyond 50 feet of their intersection with a #wide street#, nor along any #street frontage# of a #zoning lot# occupied by existing #buildings#. C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

(3) In the districts indicated, and in other C4, C5 or C6 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the #street wall# location requirements shall be as set forth in paragraph (b)(2), inclusive, of this Section, except that a #street wall# with a minimum height of 12 feet shall be required on a #narrow street line# beyond 50 feet of its intersection with a #wide street#, and shall extend along such entire #narrow street# frontage of the #zoning lot#. In C6-4X Districts, #public plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by a #public plaza#.

In C6-3D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

(c) Setback regulations
In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, all #developments# or #enlargements# shall comply with the following provisions:

(1) At a height not lower than the minimum base height or higher than the maximum base height specified in Table A of this Section for #buildings# in contextual districts, and Table B for #buildings# in non-contextual districts, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

(2) These setback provisions are optional for any building wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn

perpendicular to it in plan would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of paragraph (a) of this Section may penetrate a required setback area.

(3) In C6-3D Districts, for #developments# or #enlargements# that front upon an elevated rail line, at a height not lower than 15 feet or higher than 25 feet, a setback with a depth of at least 20 feet shall be provided from any #street wall# fronting on such elevated rail line, except that such dimensions may include the depth of any permitted recesses in the #street wall# and the depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided above the minimum base height.

(i) The setback provisions of paragraph (c) of this Section are optional for such #developments# or #enlargements# where a building wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#.

(ii) Where such #development# or #enlargement# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(d) Maximum building height
No #building# or other structure# shall exceed the maximum building height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, except as provided in this paragraph, (d), inclusive:

C6-3D C6-4X
In the districts indicated, any #building# or #buildings#, or portions thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 33-454) above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to paragraph (a) of this Section shall not be included in tower #lot coverage#. Such tower or towers may exceed a height limit of 85 feet above the #base plane#, provided:

(1) at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street#, and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#; the base of such tower complies with the #street wall# location provisions of paragraph (b) of this Section, and the setback provisions of paragraph (c) of this Section; and

(2) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.

(4) In C6-3D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(5) In C6-3D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

Dormers permitted within a required setback area pursuant to paragraph (a) of this Section shall not be included in tower #lot coverage#.

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X
(e) Additional regulations
In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following additional provisions shall apply to all #developments# or #enlargements#:

(5) In C6-3D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

TABLE A
HEIGHT AND SETBACK FOR BUILDINGS
IN CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Building Height
C1 or C2 mapped in R6B	30	40	50
C1 or C2 mapped in R6A	40	60	70
C4-2A C4-3A			
C1 or C2 mapped in R7B	40	60	75
C1 or C2 mapped in R7A	40	65	80
C1-6A C2-6A C4-4A C4-5A			
C1 or C2 mapped in R7D			
C4-5D	60	85	100
C1 or C2 mapped in R7X	60	85	125
C4-5X			
C1 or C2 mapped in R8B	55	60	75
C1 or C2 mapped in R8A	60	85	120
C1-7A C4-4D C6-2A			
C1 or C2 mapped in R8X	60	85	150
C1 or C2 mapped in R9A**	60	95	135
C1-8A** C2-7A** C6-3A**			
C1 or C2 mapped in R9A*	60	102	145
C1-8A* C2-7A* C6-3A*			
C1 or C2 mapped in R9D	60	85****	***
C6-3D			
C1 or C2 mapped in R9X**	60	120	160
C1-8X** C2-7X** C6-3X**			
C1 or C2 mapped in R9X*	105	120	170
C1-8X* C2-7X* C6-3X*			
C1 or C2 mapped in R10A**	60	125	185
C1-9A** C2-8A** C4-6A**			
C4-7A** C5-1A** C5-2A**			
C6-4A**			
C1 or C2 mapped in R10A*	125	150	210
C1-9A* C2-8A* C4-6A*			
C4-7A* C5-1A* C5-2A*			
C6-4A*			
C1 or C2 mapped in R10X	60	85	***
C6-4X			

* Refers to that portion of a district which is within 100 feet of a #wide street#
 ** Refers to that portion of a district on a #narrow street#, except within a distance of 100 feet from its intersection with a #wide street#
 *** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section
 **** For #developments# or #enlargements# that front upon an elevated rail line, the maximum base height shall be 25 feet.

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

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

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

In the designated areas set forth in Section 23-922 (#Inclusionary Housing designated areas#), except within Waterfront Access Plan BK-1, and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-942 for the applicable district. However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be either the base #floor area ratio# set forth in Section 23-942 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial uses# in such district, whichever is lesser.

Such The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in such Section 23-942 only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

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

**Article III
Chapter 6
Accessory Off-Street Parking and Loading Regulations**

**36-52
Size and Location of Spaces**

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-4A C6-4X
 (b) Location of parking spaces in certain districts In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A

and R10X Districts, #accessory# off-street parking spaces shall not be located between the #street wall# of a #building# and any #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire blockfront. Where a #zoning lot# is bounded by more than one #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire blockfront, this provision need not apply along more than one #street line#.

**Article III
Chapter 7
Special Urban Design Regulations**

**37-38
Sidewalk Widening in Certain Districts**
C6-3D

In the district indicated, and in C1 or C2 districts mapped within an R9D district, for #developments# or #enlargements# on #zoning lots# fronting upon #wide streets#, or fronting upon #narrow streets# that include an elevated rail line, sidewalks, with a minimum depth of 20 feet measured perpendicular to the curb of the #street#, shall be provided along such entire #street# frontages of the #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 20 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 20 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. In addition, the provisions of paragraph (f) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces), subparagraphs (2) through (5) shall apply.

**37-40
OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR**

Where a #development# or #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances* shall be provided in accordance with the provisions of this Section.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section 37-50.

Station	Line
8th Street	BMT-Broadway
23rd Street	BMT-Broadway
23rd Street	IRT-Lexington Ave.
28th Street	IRT-Lexington Ave.
33rd Street	IRT-Lexington Ave.
34th Street	IND-8th Avenue
59th Street	IRT-Lexington Ave.
Lexington Avenue-60th St.	BMT-Broadway
161st Street	IND-6th Avenue

* Provision of a new subway entrance or entrances pursuant to the requirements of this Section may also require satisfaction of additional obligations under the Americans with Disabilities Act of 1990 (ADA), including the ADA Accessibility Guidelines. The New York City Transit Authority should be consulted with regard to any such obligations.

**CD 4
IN THE MATTER OF** C 090365 ZMX
Department of City Planning pursuant to Sections 197-c and 201 of the New York City charter for an amendment of the Zoning Map, Section Nos.3b and 6a:

- eliminating from within an existing R7-1 District a C1-4 District bounded by Morris Avenue a line 100 feet northeasterly of East 161st Street, a line 100 feet southeasterly of Morris Avenue, and East 161st Street;
- eliminating from within an existing R8 District a C1-4 District bounded by River Avenue, a line 250 feet northeasterly of East 161st Street, East 162nd Street, Gerard Avenue, East 161st Street, a line midway between Gerard Avenue and Walton Avenue, a line 100 feet southwesterly of East 161st Street, a line midway between River Avenue and Gerard Avenue, and a line 150 feet northeasterly of East 158th Street;
- changing from an R7-1 District to an R8A District property bounded by East 162nd Street and its southeasterly prolongation, Park Avenue, East 161st Street, and Morris Avenue;
- changing from an R8 District to a C6-2 District property bounded by East 161st Street, Concourse Village West, a line 50 feet northeasterly of East 159th Street, and a line 100 feet northwesterly of Concourse Village West;
- changing from a C4-6 District to a C6-2 District property bounded by a line 140 feet northeasterly of East 161st Street, Sheridan Avenue, East 161st Street, and a line 100 feet northwesterly of Sheridan Avenue;
- changing from a C8-3 District to a C6-2 District property bounded by East 161st Street, Concourse Village East, a line 150 feet southwesterly of East 161st Street, and Concourse Village West;
- changing from an R8 District to a C6-3D* District property bounded by River Avenue, a line 250 feet northeasterly of East 161st Street, East 162nd

Street, Gerard Avenue, East 161st Street, a line midway between Gerard Avenue and Walton Avenue, a line 110 feet southwesterly of East 161st Street, a line midway between River Avenue and Gerard Avenue, and a line 150 feet northeasterly of East 158th Street

- changing from a C8-3 District to a C6-3D* District property bounded by River Avenue, a line 150 feet northeasterly of East 158th Street, a line midway between River Avenue and Gerard Avenue, and a line perpendicular to the southeasterly street line of River Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of River Avenue and the northeasterly street line of East 153rd Street; and
- establishing within the proposed R8A district a C2-4 District bounded by East 162nd Street, a line 100 feet southeasterly of Morris Avenue, a line midway between East 161st Street and East 162nd Street, a line 100 feet northwesterly of Park Avenue, a line 100 feet northeasterly of East 161st Street, a line perpendicular to the northeasterly street line of East 161st Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of East 161st Street and the northwesterly street line of Park Avenue, East 161st Street, and Morris Avenue;

as shown on a diagram (for illustrative purposes only) dated March 30, 2009 and subject to the conditions of CEQR Declaration E-225.

* Note: A C6-3D District is proposed to be created under a related application N 090364 ZRY for an amendment of the Zoning Resolution.

NOTICE

On Wednesday, July 1, 2009, at 10:00 a.m., in Spector Hall, at the Department of City Planning, 22 Reade Street, in lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearings to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning applications for amendments to the Zoning Map and, the Zoning Resolution, related to the 161st Street rezoning proposal.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 09DCP024X.

**Nos. 3 & 4
SOCIAL SECURITY ADMINISTRATION PARKING**
No. 3

CD 6 C 090342 ZMX
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, by:

- eliminating within an existing R7-1 District a C1-4 District bounded by a line 100 feet northwesterly of Southern Boulevard, a line 70 feet southwesterly of East 176th Street, and a line 80 feet southeasterly of Trafalgar Place; and
- establishing within an existing R7-1 District a C1-4 District bounded by:
 - Trafalgar Place, East 176th Street, a line 100 feet northwesterly of Southern Boulevard, and a line 70 feet southwesterly of East 176th Street; and
 - a line 80 feet southeasterly of Trafalgar Place, a line 100 feet northwesterly of Southern Boulevard, and East 175th Street;

as shown on a diagram (for illustrative purposes only) dated April 20, 2009.

**No. 4
CD 6 N 090343 HAX**
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
 - the designation of property located at 906 and 916 East 176th Street (Block 2958, p/o Lots 106 and 109) and 907 East 175th Street (Block 2958, Lot 120) as an Urban Development Action Area; and
 - an Urban Development Action Area Project for such area;

to facilitate accessory parking.

**BOROUGH OF BROOKLYN
Nos. 5 & 6
SUNSET PARK REZONING**
No. 5

CD 7 C 090386 ZMK
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16b, 16d, 22a & 22c:

- eliminating from within an existing R6 District a C1-3 District bounded by:
 - a line 150 feet northwesterly of Fourth Avenue, 41st Street, Fourth Avenue, a line midway between 39th Street and 40th Street, a line 150 feet southeasterly of Fourth Avenue, and 42nd Street;
 - a line 150 feet northwesterly of Fourth Avenue, 44th Street, a line 150 feet southeasterly of Fourth Avenue, a line midway between 45th Street and 46th Street, Fourth Avenue, and 45th Street;
 - a line 150 feet northwesterly of Fourth Avenue, 47th Street, Fourth Avenue, 46th Street, a line 150 feet southeasterly of Fourth Avenue, 61st Street, a line 150

- feet northwesterly of Fourth Avenue, 58th Street, Fourth Avenue, and 57th Street;
- d. a line 150 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 150 feet southeasterly of Fifth Avenue, and 41st Street;
- e. a line 150 feet northwesterly of Fifth Avenue, 43rd Street, Fifth Avenue, 44th Street, a line 150 feet southeasterly of Fifth Avenue and 50th Street;
- f. a line 150 feet northwesterly of Fifth Avenue, 56th Street, a line 150 feet southeasterly of Fifth Avenue, 59th Street, Fifth Avenue, and 60th Street;
- g. a line 150 feet northwesterly of Sixth Avenue, a line midway between 48th Street and Sunset Terrace, a line 150 feet southeasterly of Sixth Avenue, a line midway between 54th Street and 55th Street, Sixth Avenue, a line midway between 52nd Street and 53rd Street, a line 150 feet northwesterly of Sixth Avenue, 51st Street, Sixth Avenue, and 50th Street;
- h. a line 150 feet northwesterly of Sixth Avenue, 56th Street, a line 150 feet southeasterly of Sixth Avenue, and a line midway between 58th Street and 59th Street;
- i. a line 150 feet northwesterly of Seventh Avenue, 58th Street, a line 150 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, and a line midway between 61st Street and 62nd Street; and
- j. a line 150 feet northwesterly of Eighth Avenue, a line midway between 39th Street and 40th Street/ Finlandia Street, a line 150 feet southeasterly of Eighth Avenue, and a line midway between 60th Street and 61st Street;
- 2. eliminating from within an existing R6 District a C2-3 District bounded by: Fourth Avenue, 30th Street, a line 150 feet Southeasterly of Fourth Avenue, and 34th Street;
 - a. a line 150 feet northwesterly of Fourth Avenue, 61st Street, a line 150 feet southeasterly of Fourth Avenue, the northeasterly service road of the Gowanus Expressway, Fourth Avenue, 64th Street, a southeasterly boundary line of a Park and its southwesterly prolongation, and a northeasterly boundary line of a Park; and
 - b. a line 150 feet northwesterly of Fifth Avenue, 60th Street, a line 150 feet southeasterly of Fifth Avenue, a line midway between 62nd Street and 63rd Street, a line 100 feet southeasterly of Fifth Avenue, and 63rd Street;
- 3. changing from an R6 District to an R4-1 District property bounded by Gowanus Expressway, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Fourth Avenue, and a line midway between 62nd Street and 63rd Street;
- 4. changing from an R6 District to an R4A District property bounded by the northwesterly street line of Second Avenue, a line midway between 61st Street and 62nd Street and its northwesterly prolongation, a line 380 feet southeasterly of Second Avenue, 62nd Street, a north westerly service road of the Gowanus Expressway, and a line midway between 62nd Street and 63rd Street and its northwesterly prolongation;
- 5. changing from an R6 District to an R6A District property bounded by:
 - a. Gowanus Expressway, a line midway between 57th Street and 58th Street, a line 100 feet northwesterly of Fourth Avenue, and 60th Street;
 - b. a line 100 feet northwesterly of Gowanus Expressway, 61st Street, a line 100 feet northwesterly of Fourth Avenue, a line midway between 61st Street and 62nd Street, Gowanus Expressway, a line midway between 62nd and 63rd Street, a line 100 feet northwesterly of Fourth Avenue, Gowanus Expressway, 64th Street, Third Avenue (Northwesterly portion), a north westerly service road of the Gowanus Expressway, and 62nd Street;
 - c. a line 100 feet southeasterly of Fourth Avenue, a line midway between 60th Street and 61st Street, a line 100 feet northwesterly of Fifth Avenue, 57th Street, a line 100 feet southeasterly of Fifth Avenue, 63rd Street, Fifth Avenue, 64th Street, a line 100 feet northwesterly of Fifth Avenue, and a line midway between 61st Street and 62nd street;
 - d. a line 100 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fifth Avenue, the northeasterly, northwesterly and southwesterly boundary line of Sunset Park, a line 100 feet southeasterly of Fifth Avenue, and 47th Street;
 - e. a line 505 feet northwesterly of Sixth Avenue and its southwesterly prolongation, 40th Street, a line 155 feet northwesterly of Sixth Avenue and its southwesterly prolongation, and the northeasterly boundary line of Sunset Park; and
 - f. a line 100 feet northwesterly of Sixth Avenue and its northeasterly prolongation, the southwesterly boundary

- line of Sunset Park, a line 100 feet southeasterly of Sixth Avenue and its northeasterly prolongation, the northeasterly, northwesterly and southwesterly boundary line of Rainbow Park, a line 100 feet southeasterly of Sixth Avenue, and 61st Street;
- 6. changing from an R6 District to an R6B District property bounded by:
 - a. a line 100 feet southeasterly of Fourth Avenue, a line midway between 28th Street and 29th Street, Fifth Avenue, 35th Street, a line 200 feet northwesterly of Fifth Avenue, a line midway between 37th Street and 38th Street, a line 100 feet southeasterly of Fourth Avenue, 36th Street, Fourth Avenue, and 34th Street;
 - b. Gowanus Expressway, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Fourth Avenue, and a line midway between 57th Street and 58th Street;
 - c. the northwesterly street line of Second Avenue, a line midway between 60th Street and 61st Street and its northwesterly prolongation, a line 350 feet southeasterly of Second Avenue, a line midway between 59th Street and 60th Street, a line 100 feet northwesterly of Third Avenue, 60th Street, a line 100 feet northwesterly of Fourth Avenue, 61st Street, a line 100 feet northwesterly of Third Avenue, 62nd Street, a line 380 feet southeasterly of Second Avenue, and a line midway between 61st Street and 62nd Street and its northwesterly prolongation;
 - d. a line 100 feet southeasterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Fifth Avenue, 50th Street, a line 150 feet northwesterly of Fifth Avenue, 56th Street, a line 100 feet northwesterly of Fifth Avenue, and a line midway between 60th Street and 61st Street;
 - e. a line 100 feet southeasterly of Fourth Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Fifth Avenue, 64th Street, Fifth Avenue, and the northeasterly service road of Gowanus Expressway;
 - f. a line 100 feet southeasterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Seventh Avenue, the northeasterly boundary line of Sunset Park, a line 155 feet northwesterly of Sixth Avenue and its southwesterly prolongation, 40th Street, a line 505 feet northwesterly of Sixth Avenue and its southwesterly prolongation, and the northeasterly boundary line of Sunset Park;
 - g. a line 100 feet southeasterly of Fifth Avenue, the southwesterly boundary line of Sunset Park, a line 100 feet northwesterly of Sixth Avenue and its northeasterly prolongation, 61st Street, a line 100 feet southeasterly of Sixth Avenue, the southwesterly, northwesterly and northeasterly boundary line of Rainbow Park, a line 100 feet southeasterly of Sixth Avenue and its northeasterly prolongation, the southwesterly boundary line of Sunset Park and its southeasterly prolongation, Seventh Avenue, a line midway between 44th Street and 45th Street, a line 100 feet northwesterly of Seventh Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Sixth Avenue, a line midway between 62nd Street and 63rd Street, a line 100 feet southeasterly of Fifth Avenue, 56th Street, a line 150 feet southeasterly of Fifth Avenue, and 50th Street; and
 - h. a line 100 feet southeasterly of Seventh Avenue, a line midway between 39th Street and 40th Street/ Finlandia Street, a line 100 feet northwesterly of Eighth Avenue, a line midway between 60th Street and 61st Street, a line 100 feet southeasterly of Seventh Avenue, a line midway between 40th Street/ Finlandia Street and 41st Street, a line 325 feet southeasterly of Seventh Avenue, and 40th Street/ Finlandia Street;
- 7. changing from a C4-3 District to an R6B District property bounded by:
 - a. a line 150 feet northwesterly of Fifth Avenue, 50th Street, a line 100 feet northwesterly of Fifth Avenue, and 56th Street; and
 - b. a line 100 feet southeasterly of Fifth Avenue, 50th Street, a line 150 feet southeasterly of Fifth Avenue, and 56th Street;
- 8. changing from an R6 District to an R7A District property bounded by:
 - a. Fourth Avenue, a line midway between 28th Street and 29th Street, a line 100 feet southeasterly of Fourth Avenue, and 34th Street;
 - b. Fourth Avenue, 36th Street, a line 100 feet southeasterly of Fourth Avenue, and a line midway between 37th Street and 38th Street;
 - c. a line 100 feet northwesterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fourth Avenue, and the north easterly service road of Gowanus

- Expressway, Fourth Avenue, and Gowanus Expressway; and
- d. a line 100 feet northwesterly of Seventh Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Seventh Avenue, 40th Street/ Finlandia Street, a line 325 feet southeasterly of Seventh Avenue, a line midway between 40th Street/ Finlandia Street and 41st Street, a line 100 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Seventh Avenue, a line midway between 44th Street and 45th Street, Seventh Avenue, the southeasterly prolongation of the southwesterly boundary line of Sunset Park, and the southeasterly and northeasterly boundary line of Sunset Park;
- 9. changing from an R6 District to a C4-3A District property bounded by:
 - a. a line 100 feet northwesterly of Fifth Avenue, 47th Street, a line 100 feet southeasterly of Fifth Avenue, and 50th Street; and
 - b. a line 100 feet northwesterly of Fifth Avenue, 56th Street, a line 100 feet southeasterly of Fifth Avenue and 57th Street;
- 10. changing from a C4-3 District to an C4-3A District property bounded by a line 100 feet northwesterly of Fifth Avenue, 50th Street, a line 100 feet southeasterly of Fifth Avenue, and 56th Street;
- 11. establishing within an existing R6 District a C2-4 District bounded by a line 100 feet northwesterly of Eighth Avenue, a line midway between 39th Street and 40th Street/ Finlandia Street, Eighth Avenue, and a line midway between 60th Street and 61st Street;
- 12. establishing within a proposed R6A District a C2-4 District bounded by:
 - a. a line 100 feet northwesterly of Third Avenue, 61st Street, Third Avenue, and 62nd Street;
 - b. a line 100 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fifth Avenue, the northeasterly, northwesterly and southwesterly boundary line of Sunset Park, a line 100 feet southeasterly of Fifth Avenue, and 47th Street;
 - c. a line 100 feet northwesterly of Fifth Avenue, 57th Street, a line 100 feet southeasterly of Fifth Avenue, 59th Street, Fifth Avenue, 60th Street, a line 100 feet southeasterly of Fifth Avenue, 63rd Street, Fifth Avenue, and 64th Street;
 - d. Sixth Avenue, 50th Street, a line 100 feet southeasterly of Sixth Avenue and 51st Street;
 - e. a line 100 feet northwesterly of Sixth Avenue, 51st Street, Sixth Avenue, 52nd Street, a line 100 feet southeasterly of Sixth Avenue, 53rd Street, Sixth Avenue, and a line midway between 52nd Street and 53rd Street;
 - f. a line 100 feet northwesterly of Sixth Avenue, 56th Street, Sixth Avenue, and 57th Street;
 - g. Sixth Avenue, 57th Street, a line 100 feet southeasterly of Sixth Avenue, and 58th Street; and
 - h. a line 100 feet northwesterly of Sixth Avenue, 58th Street, Sixth Avenue, and a line midway between 58th Street and 59th Street;
- 13. establishing within a proposed R7A a C2-4 District bounded by:
 - a. Fourth Avenue, a line midway between 28th Street and 29th Street, a line 100 feet southeasterly of Fourth Avenue, and 34th Street;
 - b. Fourth Avenue, 36th Street, a line 100 feet southeasterly of Fourth Avenue, and 37th Street;
 - c. a line 100 feet northwesterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fourth Avenue, the northeasterly service road of Gowanus Expressway, Fourth Avenue, and 64th Street; and
 - d. a line 100 feet northwesterly of Seventh Avenue, a line midway between 45th Street and 46th Street, Seventh Avenue, Sunset Terrace, a line 100 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, and a line midway between 61st Street and 62nd Street;

as shown on a diagram (for illustrative purposes only) dated April 20, 2009, and subject to the conditions of CEQR Declaration E-236.

No. 6

CD 7 C 090387 ZRK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn, Community District 7.

Matter in underline is new, to be added;

Matter in strikeout is old, to be deleted;

Matter within # # is defined in Section 12-10;

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

Article II: Residence District Regulations

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-144

In designated areas where the Inclusionary Housing Program is applicable

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

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

* * *

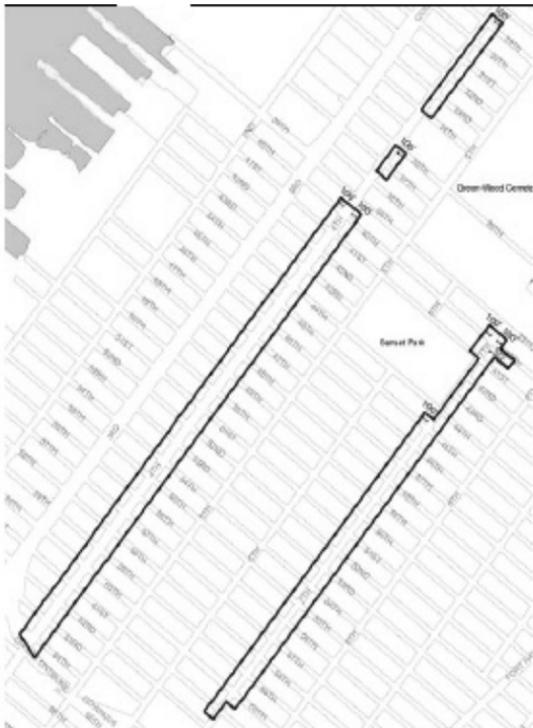
23-922

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

* * *

(x) In Community District 7, in the Borough of Brooklyn, in the R7A District within the areas shown on the following Maps X1:



Map X1, Portion of Community District 7, Brooklyn

No. 7

JARICAN CULTURAL CENTER

CD 8 C 090219 ZSK

IN THE MATTER OF an application submitted by Jarican Cultural Foundation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a non-profit institution without sleeping accommodations (Use Group 4A) on the second floor of a proposed two-story building located at 1025 Pacific Street (Block 1125, lots 60 and 61), in an M1-1 District.

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

BOROUGH OF STATEN ISLAND

No. 8

PRESENTATION CIRCLE

CD 3 C 080374 ZSR

IN THE MATTER OF an application submitted by Presentations Sisters of Staten Island, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-732 of the Zoning Resolution to allow a private sewage pumping station which will serve a 97-unit residential development on property located at 419 Woodrow Road (Block 5735, p/o Lot 1 (tentative Lot 15)), in an R3-2 District, within the Special South Richmond District (SRD).

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

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

j18-jy1

CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

The Civilian Complaint Review Board's Monthly Public meeting has been scheduled for 10:00 A.M. on Wednesday, July 8th, 2009 at 40 Rector Street, 2nd Floor, New York City. The agency's Executive Director Report will be available online on Friday, July 3rd, 2009 at nyc.gov/ccrb.

j26-jy6

DESIGN & CONSTRUCTION

NOTICE

DETERMINATION AND FINDINGS BY THE CITY OF NEW YORK PURSUANT TO SECTION 204 OF THE NEW YORK STATE EMINENT DOMAIN PROCEDURE LAW

Whereas, the New York City Department of Design and Construction ("DDC"), on behalf of the New York City Department of Environmental Protection ("DEP") and the City of New York ("City"), has proposed the acquisition of certain street properties known as portions of Barnes Avenue from Tilden Street to East 222nd Street pursuant to Capital Project HWX647B in the borough of the Bronx; and

Whereas, the New York State Eminent Domain Procedure Law ("EDPL") sets forth uniform procedures for condemnations by municipalities throughout the State of New York, which also govern over this acquisition; and

Whereas, pursuant to the EDPL, the City is required to hold a public hearing to determine whether the public would be better served by the proposed acquisition of the above-mentioned properties and the impact of such an acquisition on the neighborhood where the project is to be constructed; and

Whereas, the City held a public hearing pursuant to EDPL Section 204 in relation to this acquisition on Monday, April 20, 2009 in the borough of the Bronx. Having given due consideration to the complete hearing record, which includes, among other things, all documents submitted and all public comments, the City makes the following determination and findings concerning the above and below described acquisitions and project:

(1) The public use and benefit of this project is roadway reconstruction including the installation of sewers, water mains, traffic lights, sidewalks and pedestrian ramps, etc. on Barnes Avenue from Tilden Street to East 222nd Street in the borough of the Bronx (the "Project").

(2) The properties to be acquired are shown on the City's Tax Map for the borough of the Bronx and include the following properties:

- Block 4668, part of Lots 1, 7, 8, 9, 10, 11;
- Block 4671, part of Lots 31, 32, 33, 51;
- Block 4672, part of Lots 39, 40, 42, 138; and
- Bed of Street for Barnes Avenue from Tilden Street to East 222nd Street.

The proposed acquisition shall consist of the following locations in the borough of the Bronx:

- Barnes Avenue from Tilden Street to East 222nd Street as shown on Damage and Acquisition Map No. 12520, dated May 2, 2008.

The City selected these locations based on a need for roadway reconstruction and installation of sewers and water mains.

(3) The City has considered the general effect of the proposed project on the environment and the residents of the locality and has determined that the project will serve to improve current living conditions in the area. The proposed Project involves roadway reconstruction including the installation of sewers, water mains, traffic lights, sidewalks and pedestrian ramps and will have no significant adverse effect on the environment. DDC conducted an environmental review of the proposed acquisition associated with the proposed improvements and concluded that the project falls within the scope of an action with no significant environmental impact in accordance with New York State and New York City Codes, Rules and Regulations.

(4) Comments and concerns raised by the property owners at the public hearing are currently being reviewed by the City. Issues and concerns raised by the property owners include as follows: 1) the amount of property the City plans to acquire; 2) the metes and bounds of the new configuration of their lots; 3) the dimensions of the new sidewalks; 4) the party responsible for construction-related damages, if any, to their property; and 5) the effect of the construction on adjacent properties. The City will work with all public and private parties involved in the project to minimize the impact of construction activities on the street, residents and environment. The City has also reviewed all potential alternate locations and has determined that no other sites are feasible for the Project. The City continues to review its plans and will make modifications addressing these issues whenever possible. DDC will also work with DEP, other agencies and the community in order to review and address project-related concerns.

DETERMINATION:

Based upon due consideration of the record and the foregoing findings, it is determined that the City of New York should exercise its power of eminent domain to acquire the above-described properties in order to promote and permit the purposes of the project to be achieved.

NOTICE:

Pursuant to EDPL Section 207, property owners have thirty (30) days from completion of the publication of this

"Determination and Findings" to seek judicial review of this determination.

The exclusive venue for the judicial review of this determination pursuant to EDPL Sections 207 and 208 is the Appellate Division of the Supreme Court in the Judicial Department where any part of the property to be acquired is located.

A copy of this Determination and Findings by the City is available without cost upon written request to:

New York City Department of Design and Construction
Office of General Council – 4th Floor
30-30 Thomson Avenue
Long Island City, NY 11101
Attn.: Barnes Avenue Acquisition

j29-jy1

ECONOMIC DEVELOPMENT CORPORATION

NOTICE

The New York City Economic Development Corporation (NYCEDC) invites you to the NYC Gov 2.0 Tech Forum being held at the Digital Sandbox, 55 Broad Street, on July 9th, 2009. The forum gives your firm the opportunity to:

● Learn about the City's growing technology needs

● Gain insights on the City's Procurement process

For more information about the event, visit www.nycedc.com/NYCGovTech. To register please send an email to NYCGovTech@nycedc.com by July 2. Space is limited.

j26-jy2

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting at 2:30 P.M., on Wednesday, July 8, 2009 at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

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

j29-jy8

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on **Tuesday, July 07, 2009 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF THE BRONX 09-3008 - Block VARIOUS, lot VARIOUS-

Various Addresses - Fieldston Historic District
A Romantic style planned suburb laid out in 1914 by engineer Albert Wheeler based on recommendations made by Frederick Law Olmsted and James R. Croe. The Historic District is characterized by an eclectic variety of residential buildings and styles including Medieval, Tudor, and Mediterranean, as well as formal modernist houses. Application is to establish a Master Plan to govern certain types of alterations to buildings, other improvements and landscape improvements within the Fieldston Historic District, authorizing the staff to approve such work if it meets the requirements of the Master Plan.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF THE BRONX 09-6620 - Block VARIOUS, lot VARIOUS-

Various Addresses - Fieldston Historic District
A Romantic style planned suburb laid out in 1914 by engineer Albert Wheeler based on recommendations made by Frederick Law Olmsted and James R. Croe. The Historic District is characterized by an eclectic variety of residential buildings and styles including Medieval, Tudor, and Mediterranean, as well as formal modernist houses. Application is to adopt the Fieldston Historic District Implementation Rules for a proposed master plan for certain alterations to improvements in the Fieldston Historic District pursuant to the City Administrative Procedures Act.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 09-0740 - Block 1278, lot 38-78-27 37th Avenue - Jackson Heights Historic District
A neo-Georgian style commercial building designed by Andrew J. Thomas and built in 1947. Application is to legalize the installation of an areaway fence without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 09-5039 - Block 1443, lot 33-82-15 35th Avenue - Jackson Heights Historic District
A neo-Georgian style apartment building, designed by Seelig & Finkelstein and built in 1937. Application is to construct a barrier-free access ramp and railing.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 09-8016 - Block 1009, lot 1-303 Manor Road, aka 32-15 East Drive, 32-15 240th Street - Douglaston Historic District
A Colonial Revival style freestanding house designed by Hobart A. Walker and built in 1912. Application is to construct an addition, modify a driveway, replace retaining walls and a deck, and install HVAC equipment. Zoned R1-2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 09-7625 - Block 8066, lot 7-220 Forest Road - Douglaston Historic District
A Contemporary Colonial Revival style house built in 1961. Application is to construct a rear addition and alter the facades. Zoned R1-2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-0267 - Block 87, lot 1-209 Broadway - St. Paul's Chapel and Graveyard-Individual Landmark
A Georgian style church designed by Thomas McBean and built in 1764-66. Application is to install signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-0266 - Block 49, lot 1-81 Broadway - Trinity Church and Graveyard-Individual Landmark
A Gothic Revival style church designed by Richard Upjohn and built in 1846. Application is to install signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-9164 - Block 89, lot 1-135-139 Fulton Street, aka 93-99 Nassau Street - Bennett Building - Individual Landmark
A Second Empire style office and store building designed by Arthur D. Gilman and built in 1872-1873, with additions designed by James M. Farnsworth and built in 1890-1892 and 1894. Application is to legalize the enlargement of a rooftop addition without Landmarks Preservation Commission permits. Zoned C 5-5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-9177 - Block 217, lot 1-250 West Street - Tribeca North Historic District
A neo-Renaissance style warehouse designed by William H. Birkmire and built in 1903-1906. Application is to construct a rooftop addition, alter the facade, and replace windows. Zoned C6-3A.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-6877 - Block 497, lot 33-83 Spring Street - SoHo-Cast Iron Historic District
A 19th century building altered by Richard Berger as a store and loft building in 1886. Application is to install a new storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7598 - Block 230, lot 3-317 Canal Street - SoHo-Cast Iron Historic District
A Federal style house built in 1821 and altered in 1869. Application is to install new storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6476 - Block 532, lot 20-659-659A Broadway, aka 218-226 Mercer Street and 77 Bleecker Street - NoHo Historic District
An Italianate style store building designed by Griffith Thomas and built in 1866-67. Application is to legalize alterations to the storefront and the installation of signage without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-8652 - Block 609, lot 75-159 West 13th Street - Greenwich Village Historic District
A rowhouse built in 1847-48 and altered in the 20th century. Application is to install windows and a cornice, and re-clad the brick facade.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 088334 - Block 625, lot 36-23 8th Avenue - Greenwich Village Historic District
A rowhouse built in 1845. Application is to alter the existing rooftop addition. Zoned C1-6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-9426 - Block 712, lot 24-409 West 14th Street - Gansevoort Market Historic District
An Italianate style French flats and brewery building designed by John B. Snook and built in 1876. Application is to install new storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-0043 - Block 847, lot 22-876 Broadway - Ladies(Mile Historic District
A commercial palace style store and warehouse building design by Henry Fernbach and built in 1883-84. Application is to install new storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-3179 - Block 828, lot 41-230 Fifth Avenue - Madison Square North Historic District
A Beaux Arts style office building designed by Schwartz & Gross and built in 1912-15. Application is to install a flagpole.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-2884 - Block 1030, lot 58-232-246 Central Park South, aka 233-241 West 58th Street, 1792-1810 Broadway - Central Park South Apartments - Individual Landmark
An Art-Deco style apartment building designed by Mayer and Whittlesey and built in 1939-1940. Application is to legalize the installation of awnings and conduits without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7422 - Block 1244, lot 33-80 Riverside Drive - Riverside Drive- West 80th-81st Street Historic District
A neo-Classical style apartment building, designed by Maurice Deutsch and built in 1926-1927. Application is to construct a rooftop addition. Zoned R10A.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-8789 - Block 1202, lot 11-53 West 88th Street - Upper West Side/Central Park West Historic District
A Romanesque Revival style rowhouse, designed by Neville & Bagge, built in 1892-94. Application is to construct a rear yard addition. Zoned R7-2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7680 - Block 1399, lot 5-113 East 64th Street - Upper East Side Historic District.
A residence building, designed by W.P. & A.M. Parsons and built in 1881-82, and altered by Theodore A. Cieslewicz in 1948. Application is to alter the facade.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 099455 - Block 1503, lot 24-51 East 91st Street - Expanded Carnegie Hill Historic District
A neo-Grec style rowhouse designed by A.B Ogden & Son, and built in 1884 and altered in 1950. Application is to construct a rooftop addition, modify the areaway and installed a barrier-free access lift. Zoned R8B and R10/C1.5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7400 - Block 1507, lot 1-1140 Fifth Avenue - Carnegie Hill Historic District
A neo-Renaissance style apartment building, designed in 1921 by the Fred F. French Co. Application is to establish a master plan governing the future installation of windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-8909 - Block 1523, lot 171-1211 Park Avenue - Carnegie Hill Historic District
A neo-Georgian style townhouse designed by Flemer & Kohler and built in 1922. Application is to construct a rooftop addition. Zoned R10.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7411 - Block 1504, lot 16-1298 Madison Avenue - Carnegie Hill Historic District
A Romanesque Revival/Queen Anne style rowhouse built in 1889 by A.B. Ogden & Son, altered in 1926 and again in 1955-56 by Glick & Gelbman. Application is to modify the facade and construct rooftop and rear yard additions. Zoned R10/C1-5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-8532 - Block 301, lot 44-155 Warren Street - Cobble Hill Historic District
A Greek Revival style rowhouse built in 1838. Application is to construct dormers at the roof.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-6543 - Block 211, lot 15-72 Poplar Street - Brooklyn Heights Historic District
A brick police station building with a one-story attached garage designed by Beverly King and Harry Walker and built in 1912. Application is to construct rooftop additions, modify the entrances and window openings. Zoned R7-1, R-8.

MODIFICATION OF USE AND BULK
BOROUGH OF BROOKLYN 10-0214 - Block 211, lot 15-72 Poplar Street - Brooklyn Heights Historic District
A brick police station building with a one-story attached garage designed by Beverly King and Harry Walker and built in 1912. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Bulk Pursuant to Section 74-711 of the Zoning Resolution. Zoning R 7-1, R-8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-9087 - Block 208, lot 209-138 Columbia Heights - Brooklyn Heights Historic District
An Italianate style house built in 1860. Application is to install a rear yard deck.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-9497 - Block 386, lot 20-162 Bergen Street - Boerum Hill Historic District
An Italianate style rowhouse built between 1856 and 1861. Application is to alter the areaway, install a ramp, and alter window openings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-8710 - Block 1930, lot 5-321 Clinton Avenue - Clinton Hill Historic District
A transitional Italianate/neo-Grec style residence designed by Ebenezer L. Roberts and built in 1875. Application is to construct a deck and railing.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 07-7542 - Block 1965, lot 9-51 Cambridge Place - Clinton Hill Historic District
An Italianate style rowhouse built c.1856. Application is to construct a rear yard addition. Zoned R-6.

j23-jy7

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, July 14, 2009, at 9:30 A.M.**, the Landmarks Preservation Commission will conduct a *public hearing* in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Landmarks and Landmark Sites. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

ITEMS TO BE HEARD

PUBLIC HEARING ITEM NO. 1
LP-2374 **INTERBOROUGH RAPID TRANSIT POWERHOUSE**, 850 12th Avenue (aka 840-848 12th Avenue; 855-869 11th Avenue; 600-648 West 59th Street; 601-669 West 58th Street), Manhattan
Landmark Site: Borough of Manhattan Tax Map Block 1106, Lot 1 in part

PUBLIC HEARING ITEM NO. 2
LP-2338 **WEST PARK PRESBYTERIAN CHURCH**, 165 West 86th Street (aka 165-167 West 86th Street; 541 Amsterdam Avenue), Manhattan.
Landmark Site: Borough of Manhattan Tax Map Block 1217, Lot 1

j30-jy14

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M., on Wednesday, July 8, 2009. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor, New York, NY 10013, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing Rodney Miller, Sr. to construct, maintain and use steps and planted area on the north sidewalk of East 92nd Street, west of Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2020 - \$25/annum

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

#2 In the matter of a proposed revocable consent authorizing Lucille Lortel Theatre Foundation, Inc. to maintain and use name plates and bollards on the north sidewalk of Christopher Street, east of Hudson Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2009 to June 30, 2019 - \$7,350/annum

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

#3 In the matter of a proposed revocable consent authorizing New York University to construct, maintain and use a conduit under, across and along East 13th Street, west of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to The following schedule:

For the period July 1, 2009 to June 30, 2010 - \$8,870
For the period July 1, 2010 to June 30, 2011 - \$9,136
For the period July 1, 2011 to June 30, 2012 - \$9,402
For the period July 1, 2012 to June 30, 2013 - \$9,668
For the period July 1, 2013 to June 30, 2014 - \$9,934
For the period July 1, 2014 to June 30, 2015 - \$10,200
For the period July 1, 2015 to June 30, 2016 - \$10,466
For the period July 1, 2016 to June 30, 2017 - \$10,732
For the period July 1, 2017 to June 30, 2018 - \$10,998
For the period July 1, 2018 to June 30, 2019 - \$11,264

the maintenance of a security deposit in the sum of \$12,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing New York University to maintain and use a conduit under and across a public walkway, between West 3rd Street and West 4th Street, east of LaGuardia Place, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$1,775
For the period July 1, 2010 to June 30, 2011 - \$1,827
For the period July 1, 2011 to June 30, 2012 - \$1,879
For the period July 1, 2012 to June 30, 2013 - \$1,931
For the period July 1, 2013 to June 30, 2014 - \$1,983
For the period July 1, 2014 to June 30, 2015 - \$2,035
For the period July 1, 2015 to June 30, 2016 - \$2,087
For the period July 1, 2016 to June 30, 2017 - \$2,139
For the period July 1, 2017 to June 30, 2018 - \$2,191
For the period July 1, 2018 to June 30, 2019 - \$2,243

the maintenance of a security deposit in the sum of \$12,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing 200 Park LP to construct, maintain and use bollards on the sidewalks adjacent to Viaduct East and Viaduct West, south of 45th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor. There shall be no compensation required for this revocable consent. the maintenance of a security deposit in the sum of \$15,000, and the filing of an insurance policy for property damage and/or bodily injury, including death, shall be not less than \$10,000,000 combined single limit per occurrence and a minimum \$20,000,000 aggregate.

#6 In the matter of a proposed revocable consent authorizing Goldman Sachs Headquarters LLC to maintain and use bollards on Murray Street, between West Street and Vesey Street; and on Vesey Street between West Street and Murray Street, in front of 200 West Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor. There shall be no compensation required for this revocable consent.

the maintenance of a security deposit in the sum of \$30,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#7 In the matter of a proposed revocable consent authorizing Metropolitan Transportation Authority to maintain and use bollards on 8th Avenue between 31st and 33rd Streets, and 7th Avenue and 34th Street, in front of Penn Station, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor. There shall be no compensation required for this revocable consent.

There is no maintenance of a security deposit required, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#8 In the matter of a proposed revocable consent authorizing JP Morgan Chase Bank, N.A. to maintain and use a bridge over and across Duffield Street, south of Myrtle Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$25,093
For the period July 1, 2010 to June 30, 2011 - \$25,824
For the period July 1, 2011 to June 30, 2012 - \$26,555
For the period July 1, 2012 to June 30, 2013 - \$27,286
For the period July 1, 2013 to June 30, 2014 - \$28,017
For the period July 1, 2014 to June 30, 2015 - \$28,748
For the period July 1, 2015 to June 30, 2016 - \$29,479
For the period July 1, 2016 to June 30, 2017 - \$30,210
For the period July 1, 2017 to June 30, 2018 - \$30,941
For the period July 1, 2018 to June 30, 2019 - \$31,672

the maintenance of a security deposit in the sum of \$31,700, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#9 In the matter of a proposed revocable consent authorizing JP Morgan Chase Bank, N.A. to maintain and use a tunnel under and across Duffield Street, south of Myrtle Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- For the period July 1, 2009 to June 30, 2010 - \$25,517
For the period July 1, 2010 to June 30, 2011 - \$26,260
For the period July 1, 2011 to June 30, 2012 - \$27,003
For the period July 1, 2012 to June 30, 2013 - \$27,746
For the period July 1, 2013 to June 30, 2014 - \$28,489
For the period July 1, 2014 to June 30, 2015 - \$29,232
For the period July 1, 2015 to June 30, 2016 - \$29,975
For the period July 1, 2016 to June 30, 2017 - \$30,718
For the period July 1, 2017 to June 30, 2018 - \$31,461
For the period July 1, 2018 to June 30, 2019 - \$32,204

the maintenance of a security deposit in the sum of \$32,200, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

j17-jy8

VOTER ASSISTANCE COMMISSION

NOTICE

VAC Bi-Monthly Open Meeting HOSTED BY: Mayor's Office of Veterans' Affairs will take place on Wednesday, July 1, 2009, 1:00 P.M. - 3:00 P.M. in the Mayor's Office of Veterans' Affairs, 346 Broadway, 8 West (across Federal Plaza) Conference Room 801 (persons with Mayor's Office ID), (108 Leonard Street, general public)

Anyone who wishes to testify, please call Ms. Bibi Yusuf at (212) 788-8384. Please note that, due to the expected volume of testimony, we asked that one person per organization testify and testimonies must be kept less than four (4) minutes.

j29-jy1

COURT NOTICES

SUPREME COURT

NOTICE

BRONX COUNTY IA PART 6 NOTICE OF MOTION INDEX NUMBER 650/07

In the Matter of Acquiring Fee Title, Permanent and Temporary Easements, and an Access Corridor Where not Heretofore Acquired for the

WILLIS AVENUE BRIDGE REPLACEMENT

in the area generally bounded by Bruckner Boulevard, Brown Place, the Bronx Kill, the Harlem River, and Lincoln Avenue in the Borough of Bronx, City and State of New York.

PLEASE TAKE NOTICE, that, upon the annexed affirmation of MARY SWARTZ and the exhibits annexed thereto, and upon all prior proceedings had herein, the City of New York ("City") will move in IA Part 6 of the Supreme Court of the State of New York, County of the Bronx, in Room 625 of the Courthouse located at 851 Grand Concourse, in the Borough of Bronx, City and State of New York on the 27th day of July, 2009, at 2:00 P.M. or as soon thereafter as counsel may be heard, for an Amended Vesting Order, issued pursuant to Sec. 5-331 of the New York City Administrative Code, superseding the Vesting Order filed March 20, 2007 and granting the City leave to file an Amended Acquisition and Damage Map to be deemed filed as of March 27, 2007, nunc pro tunc, in order to clarify the extent and scope of the permanent easements taken in this proceeding with respect to Bronx Tax block 2260 Lot 62.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR Section 2214(b), any papers submitted in opposition to this motion, and any notice of cross-motion (and any papers in support of a cross-motion) must be served upon the undersigned at least seven (7) days before the return date of this motion.

Dated: June 22, 2009, New York, New York
MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
100 Church Street, Rm. 5-203
New York, New York 10007
(212) 788-0715

By: Mary Swartz
Assistant Corporation Counsel

TO: Harlem River Yard Ventures, Inc.
By: Goldstein, Goldstein, Rikon & Gottlieb, P.C.
ATTN: John Houghton, Esq.
80 Pine St. 32 floor
New York, New York 10005

Waste Management of New York, LLC (a/k/a USA
Waste Services of NYC, Inc.)
By: Harris Beach PLLC
ATTN: Phillip Spellane, Esq.
99 Garnsey Road, Pittsford, New York 14534

82 Willis LLC
By: Jaspan Schlesinger Hoffman LLP
ATTN: Andrew M. Mahony, Esq.
300 Garden City Plaza, Fifth Floor, Garden City,
New York 11530

Cons Rail Co. # Schenberg
P.O. Box 8499, Philadelphia, PA 19101-8499

Properties Hacker, LLC
P.O. Box 770-538, Woodside, NY 11377

Properties Hacker, LLC
c/o Moe Malik
84-11 Elmhurst Ave. Apt. 1F, Elmhurst, NY 11373

The People of the State of New York acting by and through
The New York State Department of Transportation
Building 5, State Office Campus
1220 Washington Avenue, Albany, NY 12232

New York City Industrial Development Agency
110 William Street, New York, NY 10038

United States Trust Company of New York, as Trustee
114 West 47th Street, New York, NY 10036

Mary Caiola
5 Hale Place, Tappan, NY 10983

The Bank of New York, as Collateral Agent and Custodian
101 Barclay Street, New York, NY 10286
Attn.: Corporate Trust Department

Bank of America, N.A.
1185 Avenue of the Americas, 16th fl., New York, NY 10036

Clear Channel Outdoor, Inc.
By: Davidoff Malito & Hutcher LLP
ATTN: Patrick J. Kilduff, Esq.
605 Third Avenue, 34th floor, New York, New York 10158

SEE COURT NOTICE MAP ON BACK PAGES

j30-jy14

QUEENS COUNTY IA PART 8 NOTICE OF ACQUISITION INDEX NUMBER 8655/09

In the Matter of the Application of THE CITY OF NEW YORK, relative to acquiring title in fee to certain real property where not heretofore acquired for the same purpose located along

BEACH 43rd STREET
from Beach Channel Drive to Conch Basin Bulkhead; and

BEACH 44th STREET
from Beach Channel Drive to Conch Road; and

BEACH 45th STREET
from Beach Channel Drive to Norton Avenue; and

CONCH DRIVE
from Beach 43rd Street to Norton Basin Bulkhead; and

NORTON AVENUE
from Beach 45th Street to Beach 43rd Street; and

EDGEMERE DRIVE
from Beach 44th Street to Beach 43rd Street; and

HANTZ ROAD
from Beach 45th Street to Beach 44th Street; and

CONCH ROAD
from Beach 43rd Street to Beach 44th Street

in the Borough of Queens, City and State of New York.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Queens, IA Part 8 (Hon. Jaime A. Rios, J.S.C.), duly entered in the office of the Clerk of the County of Queens on May 28, 2009, the application of the City of New York to acquire certain real property, for the Department of Design and Construction and the Department of Transportation, was granted and the City was thereby authorized to file an acquisition map with the Office of the City Register.

Said map, showing the property acquired by the City, was filed with the City Register on June 10, 2009. Title to the real property vested in the City of New York on June 10, 2009.

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

Table with 3 columns: Damage Parcel, Block, Part of Lot. Lists parcel numbers 1 through 69 and their corresponding block and lot information.

Table with 3 columns: Parcel Number, Block, Part of Lot. Lists parcel numbers 70 through 319 and their corresponding block and lot information.

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof is hereby required, on or before June 10, 2010 (which is one (1) calendar year from the title vesting date), to file a written claim with the Clerk of the Court of Queens County, and to serve within the same time a copy thereof on

the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL § 504, the claim shall include:

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

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

PLEASE TAKE FURTHER NOTICE, that, pursuant to §5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 on or before June 10, 2011 (which is two (2) calendar years from the title vesting date).

Dated: June 16, 2009, New York, New York
 MICHAEL A. CARDOZO
 Corporation Counsel of the City of New York
 100 Church Street
 New York, New York 10007
 Tel. (212) 788-0424

j19-jy2



CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 09001- Z and 01001 - A

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, July 08, 2009 (SALE NUMBER 01001-A). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 AM until 9:00 A.M. The auction begins at 9:00 A.M.

NOTE: **The auction scheduled for Wednesday, June 24, 2009 (SALE NUMBER 09001-Z) has been cancelled.**

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets). A listing of vehicles to be offered for sale in the next auction can be viewed on our Web site, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions> Terms and Conditions of Sale can also be viewed at this site.

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

j18-jy8

■ SALE BY SEALED BID

SALE OF: 14 PIECES OF USED LANDFILL EQUIPMENT.

S.P.#: 09025 DUE: July 2, 2009

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

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

j19-jy2

SALE OF: 7 LOTS OF MISCELLANEOUS EQUIPMENT/SUPPLIES, USED AND UNUSED.

S.P.#: 09031 DUE: July 14, 2009

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

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

j30-jy14

SALE OF: 1 LOT OF 28,800 LBS. OF ONCE FIRED ASSORTED CALIBER CARTRIDGE CASES AND 1 LOT OF 40,000 LBS. OF BULLET LEAD, USED.

S.P.#: 09026 DUE: July 7, 2009

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

DCAS, Division of Municipal Supply Services, 18th Floor,

Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

j23-jy7

POLICE

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

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

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

INQUIRIES

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

FOR MOTOR VEHICLES

(All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

■ AUCTION

PUBLIC AUCTION SALE NUMBER 1162

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is July 13, 2009 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on July 14, 2009 at approximately 9:30 A.M.

Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

j30-jy14



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

ADMINISTRATION FOR CHILDREN'S SERVICES

■ INTENT TO AWARD

Services (Other Than Human Services)

DAY CARE COUNCIL – Sole Source – Available only from a single source - PIN# 06811DCC0000 – DUE 07-13-09 – The Administration for Children's Services (ACS) contracts with over 250 not-for-profit organizations to operate childcare programs and provide services in over 300 locations throughout the five boroughs. These organizations are the employers of over 6000 child care professional and support staff.

The Day Care Council of New York, Inc. ("The Council") has been designated by the Child Care Not-for-Profit providers represented by District Council 1707/Local 205 of AFSCME and The Council of Supervisors and Administrators (CSA) to serve as their representative in all collective bargaining issues negotiations and agreements. Additionally, The Council provides grievance-mediation services, recruitment and personnel assistance. Training and technical assistance is also provided to ensure consistency and efficiency throughout the childcare community.

ACS cannot perform these negotiations with the unions on behalf of the contracted agencies and their staffs, because ACS is not the employer. However, City funding is used to adjudicate any grievances, fund collective bargaining issues

and other negotiations affecting contract with our child care vendors. It is therefore advantageous to the City to provide funding to The Council to advocate for ACS not-for-profit agencies. Additionally, based upon correspondence from the City of New York's Office of Labor Relations (OLR) pertaining to lawsuits brought by unions against the City claiming the City was a "joint employer" with contract vendor agencies; the City prevailed in these cases because it was not a signatory to collective bargaining agreements between these unions and the vendor agencies and it did not directly provide wages or benefits to these employees. The Council's contract will eliminate the appearance that the City is a joint employer of the not-for-profit employees.

The Council's unique expertise, service and configuration are the primary basis for this sole source method determination. It conforms to the first condition for a sole source procurement that there be only one source for the required service pursuant to Section 3-05 of the PPB Rules.

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

Administration for Children's Services, Office of Child Care Contracts, 150 William Street, 9th Floor, New York, NY 10038. Sherene Hassen (212) 341-3443, sherene.hassen@dca.state.ny.us

j25-jy1

BUILDINGS

PURCHASING

■ INTENT TO AWARD

Services (Other Than Human Services)

MAINTENANCE FOR Q-MATIC EQUIPMENT – Sole Source – Available only from a single source - PIN# 810-105978M – DUE 07-08-09 AT 3:00 P.M. – Any one firm that believe it can provide the required service may do so indicate in a letter addressed to the contact name below by the date and time indicated.

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

Department of Buildings, 280 Broadway, 6th Floor. Leessel Wong (212) 566-4183, lewong@buildings.nyc.gov

j29-jy6

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AWARDS

Goods

LOCKS: PADLOCK, MORTISE CYLINDER, LOCK SETS – Other – PIN# 857901256 – AMT: \$2,796.00 – TO: Solo Supplies Inc., 1274 49th Street #25, Brooklyn, NY 11219. Original Vendor Accredited lock and door hardware Basis for Buy-Against: non-delivery by original vendor on Purchase Order #A908997.

● **LOCKS: PADLOCK, MORTISE CYLINDER, LOCK SETS** – Other – PIN# 857901257 – AMT: \$810.00 – TO: Majestic Lock Company, Inc., 65 Leliarts Lane, Elmwood Park, NJ 07407.

Original Vendor Accredited lock and door hardware Basis for Buy-Against: non-delivery by original vendor on Purchase Order #A908998.

j30

HP ENTERPRISE SYSTEMS - DOF – Intergovernmental Purchase – PIN# 8570901147 – AMT: \$461,924.72 – TO: Amdex Computer Inc., 135 Calkins Rd., Rochester, NY 14623. NYS Contract #PT 64150.

● **RADIO COMMUNICATIONS EQUIPMENT, DOITT** – Intergovernmental Purchase – PIN# 8570901321 – AMT: \$363,776.00 – TO: Eastern Communications Ltd, 48-14 36th St., Long Island City, NY 11101. NYS Contract #PT 62493.

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

j30

CHEESE MARGARINE AND ICE CREAM – Competitive Sealed Bids – PIN# 857900946 – AMT: \$549,532.00 – TO: Jamac Frozen Food Corporation, 570 Grand Street, Jersey City, NJ 07302.

j30

OFFICE OF EMERGENCY MANAGEMENT

■ INTENT TO AWARD

Services (Other Than Human Services)

AUDIO VISUAL SUPPORT AND MAINTENANCE – Sole Source – Available only from a single source - PIN# 01709AV01 – DUE 07-13-09 AT 10:00 A.M. – The New York City of Emergency Management intends to enter into sole source negotiations with Signal Perfection Limited (SPL) to provide annual and preventative maintenance services as well as customized help desk support for integrated software and audio visual equipment. SPL will maintain, manage, update and provide technical support for the all audio visual equipment in OEM's conference rooms, training rooms and Emergency Operations Center, in addition to the Teleconference Center located at City Hall. SPL is the provider of unique performance specifications and specialized software created by the contractor specifically for the Mayor's Office which took over a year of development and requires continuous expansion.

Any firm who believes it could also provide this service is invited to submit an expression of interest in writing to: NYC OEM, 165 Cadman Plaza East, Brooklyn, NY 11201, (718) 422-8429. Attention: Nydia Colimon, or via email at procurement@oem.nyc.gov.

j26-jy2

ENVIRONMENTAL PROTECTION

BUREAU OF WATER AND SEWER OPERATIONS

■ SOLICITATIONS

Services (Other Than Human Services)

RE-BID: PERFORM CROSS CONNECTION CONTROL ENFORCEMENT AND PLAN REVIEW OF BUILDINGS, NEW YORK CITY – Competitive Sealed Bids – PIN# 82610FLOW009 – DUE 07-30-09 AT 11:30 A.M. RE-BID: Project Number-BACKFLOWR. Document Fee: \$40.00. There will be a mandatory pre-bid conference on 7/10/09 at 10:00 A.M. at 96-05 Horace Harding Expressway, 3rd Floor Conference Room, Flushing, NY 11373. The Project Manager is John Dydland (718) 595-5333. Vendor ID#: 61050.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Environmental Protection
59-17 Junction Blvd., Flushing, NY 11373.
Greg Hall (718) 595-3236, ghall@dep.nyc.gov

☛ j30

BUREAU OF WASTEWATER TREATMENT

■ SOLICITATIONS

Services (Other Than Human Services)

TRANSPORTATION AND DISPOSAL SERVICES FOR NYC BIOSOLIDS, CITYWIDE – Competitive Sealed Bids – PIN# 826101247BIO – DUE 07-29-09 AT 11:30 A.M. CONTRACT: 1247-BIO: The document fee is \$100.00. There is a pre-bid conference held on 7/15/09 at 10:00 A.M., at Wards Island WPCP, 7 Wards Island, New York, 10036. The Project Manager for this contract is Pedick Lai (718) 595-6571. Vendor Source ID#: 61114.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Environmental Protection
59-17 Junction Blvd., 17th Floor, Flushing, New York 11373.
Greg Hall (718) 595-3236, ghall@dep.nyc.gov

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HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.

j1-d31

■ INTENT TO AWARD

Goods & Services

ANGIOGRAPHIC CATHETERS – Renewal – PIN# 029-0074 – DUE 07-20-09 AT 11:00 A.M. – Intends to enter into agreement with Anglo Dynamic, 603 Queensbury Ave., Queensbury, NY 12804, to provide goods and services, including Angiographic Catheters. The term of the contract will be for three years.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Hospitals Corporation, 346 Broadway, Room 516, New York, NY 10013. Naima Richardson (212) 442-0328, naima.richardson@nychhc.org

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HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

■ INTENT TO AWARD

Services (Other Than Human Services)

MAINTENANCE RENEWAL – Sole Source – Available only from a single source - PIN# 09MI141501R0X00 – DUE 07-13-09 AT 4:00 P.M. – NYC DOHMH intends to enter a sole source contract with ESRI for Software maintenance (annual renewal of technical support plus ESRI software updates/upgrades) for all ESRI products, except ArcLogistics Route and ArcGIS Business Analyst. The contract term will be from 7/1/08 to 6/30/11. Any vendor that believes they can also provide these services for such procurement in the future is invited to indicate an expression of intent by letter which must be received no later than July 13, 2009 at 4:00 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.
Health and Mental Hygiene, 93 Worth Street, Room 812 New York, NY 10013. Shamecka Williams (212) 219-5879 swillia9@health.nyc.gov

j29-jy6

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

■ SOLICITATIONS

Human/Client Service

TRANSITIONAL RESIDENCES FOR HOMELESS/DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. – The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating

transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004.
Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

■ SOLICITATIONS

Construction/Construction Services

RESTORATION OF APARTMENTS FIRESTOPPING (PART A) AT BETANCES HOUSES III, IV, V – Competitive Sealed Bids – PIN# GR9009268 – DUE 07-09-09 AT 10:00 A.M.
● **ROOF REPLACEMENT AND ASBESTOS ABATEMENT AT RANGEL HOUSES** – Competitive Sealed Bids – PIN# RF9008003 – DUE 07-16-09 AT 10:00 A.M.

Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M. for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, (212) 306-3121, gloria.guillo@nycha.nyc.gov

j25-jy1

REQUIREMENT CONTRACT FOR REPLACEMENT OF UNDERGROUND STEAM DISTRIBUTION SYSTEM AT VARIOUS DEVELOPMENTS, MANHATTAN – Competitive Sealed Bids – PIN# HE9009411 – DUE 07-17-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M. for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov

j26-jy2

PURCHASING DIVISION

■ SOLICITATIONS

Goods

FURNISH CARBON BRUSHES – Competitive Sealed Bids – RFQ #6942 – DUE 07-14-09 AT 10:30 A.M.

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

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HOUSING PRESERVATION & DEVELOPMENT

■ INTENT TO AWARD

Services (Other Than Human Services)

2011 NYC HOUSING AND VACANCY SURVEY – Contract with another Government – PIN# 806091000929 – DUE 07-14-09 AT 11:00 A.M. – In accordance with Section 3-13 of the Procurement Policy Board Rules of the City of New York, the NYC Department of Housing Preservation and Development intends to enter into a Government To Government Contract with the United States Bureau of the Census for the provision of technical services to plan and conduct the NYC 2011 Housing and Vacancy Survey. Determination to utilize the Government To Government procurement method is made pursuant to the United States Census being the only entity possessing a complete list of the addresses of all dwelling units in NYC, which must be used as a sample frame for the survey. Firms who believe they can provide these services for future solicitations are requested to express their interest by notifying the Agency contact at the address indicated no later than 11:00 A.M. on July 14, 2009.

Confidentiality provisions in the United States Law prohibit release of the address list to any entity for any purpose. Local Emergency Housing Rent Control Act (Chapter 21, Laws of New York, 1962 as amended by Chapter 657, Laws of New York 1967 and subsequent amendments) and Section 26-415 of the NYC Administrative Code requires that this survey be conducted at least once in every three years.

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 Preservation and Development, 100 Gold Street New York, NY 10038. Jay Bernstein, Deputy ACCO (212) 863-6657, JB1@hpd.nyc.gov

j26-jy2

LEGAL DEPARTMENT

■ INTENT TO AWARD

Services (Other Than Human Services)

INTEGRATION OF SYSTEMS AND ENHANCEMENTS FOR PROPRIETARY SECTION 8 RENT SUBSIDY SOFTWARE – Sole Source – Available only from a single

source - PIN# 806091001004 – DUE 07-13-09 AT 11:00 A.M. – The Department of Housing Preservation and Development (HPD) of the City of New York intends to enter into sole source negotiations for additional proprietary software solutions required for integration into HPD's existing ELITE Database (a proprietary software support system) currently provided by Emphasys Computer Solutions, Inc. The software is utilized to manage and track HPD's administration of HUD Section 8 Housing Assistance Payments. The additional proprietary software required includes an Accounts Receivable Module, inquiry Tracking System, Rent Increase Tracking System, File Tracking System, Subpoenas and Evictions Module, Appeals Tracking System, and PIC Validation Suite. The software currently being utilized by HPD and to be further enhanced with additional software modules under the proposed contract is the proprietary intellectual property of Emphasys Computer Solutions, Inc. licensed to HPD. Any firm who believes it can provide this requirement is invited to do so in a letter or e-mail to the HPD contact person.

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 Preservation and Development, 100 Gold Street, Room 8-54, New York, NY 10038.
Jay Bernstein (212) 863-6657, jb1@hpd.nyc.gov

j24-30

OFFICE OF PROPERTY MANAGEMENT

■ AWARDS

Services (Other Than Human Services)

HANDYPERSON AND SUPERINTENDENT PAYROLL AND PERSONNEL SERVICES – Competitive Sealed Bids – PIN# 806099020001 – AMT: \$18,500,000.00 – TO: Dominion Temps, Inc., 445 Broadhollow Road, Suite 25, Melville, NY 11747.

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HUMAN RESOURCES ADMINISTRATION

■ SOLICITATIONS

Human/Client Service

SCATTER SITE I HOUSING – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 06910H070600 – DUE 08-13-09 AT 2:00 P.M. – The Human Resources Administration is seeking an appropriately qualified vendor to operate and maintain 140 Scatter Site I Housing Units, and to provide case management and support services to Persons Living with AIDS or advanced HIV illness and their families with children. Scatter-site housing consists of one, two or three-bedroom apartments or studios located in various buildings. Non-emergency scatter-site housing is available for clients on a long-term basis.

A pre-proposal conference will be held on July 8, 2009 at 180 Water Street, New York, NY on 12th Floor from 10:00 A.M. to 12:00 P.M. Attendance by proposers is optional but strongly recommended by the agency. Vendor Source ID# is 61019.

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.
HRA/HASA, 12 W. 14th Street, 5th Floor, New York, NY 10011. Paula Sangster-Graham (212) 620-5493, sangstergrahamp@hra.nyc.gov
HRA, 180 Water Street, 14th Floor, RFP Unit, New York 10038.

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PARKS AND RECREATION

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction/Construction Services

RECONSTRUCTION OF MCCARREN POOL AND BATHHOUSE – Competitive Sealed Bids – PIN# 8462009B058C01 – DUE 08-11-09 AT 10:30 A.M. – Located East of Lorimer Street between Bayard Street and Driggs Ave. in McCarren Park, Brooklyn, known as Contract #B058-108M. Vendor Source ID#: 60995. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005. This contract is subject to Apprenticeship program requirements.

A pre-bid meeting is scheduled for Friday, July 17, 2009 at 11:00 A.M. at the site. Bid documents are available for a fee of \$100.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, Olmsted Center, Room 64 Flushing Meadows Corona Park, Flushing, NY 11368.
Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov

j26-jy2

RECONSTRUCTION OF MCCARREN POOL AND BATHHOUSE – Competitive Sealed Bids – DUE 08-11-09 AT 10:30 A.M. – PIN# 8462009B058C02 - Electrical
PIN# 8462009B058C03 - Plumbing
PIN# 8462009B058C04 - HVAC

Located East of Lorimer Street between Bayard Street and Driggs Ave. in McCarren Park, Brooklyn, known as Contract #B058-208M, B058-308M, 058-408M. Vendor Source ID#: 60996, 60997, 60998.

This contract is subject to Apprenticeship program requirements.

A pre-bid meeting is schedule for Friday, July 17, 2009 at 11:00 A.M. at the site. Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, Olmsted Center, Room 64
Flushing Meadows Corona Park, Flushing, NY 11368.
Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov

j26-jy2

AWARDS

Construction / Construction Services

HVAC WORK IN CONNECTION WITH THE CONSTRUCTION OF A COMFORT STATION IN THE PORTION OF FERRY POINT PARK – Competitive Sealed Bids – PIN# 8462008X126C06 – AMT: \$48,272.64 – TO: Arista Plumbing, Heating, and Piping Corp., 590 78th Street, Brooklyn, NY 11209. The Bronx, known as Contract #126-406M.

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CONTRACTS

SOLICITATIONS

Services (Other Than Human Services)

ADVERTISING SERVICES – Competitive Sealed Bids – PIN# 84610C000X01 – DUE 07-15-09 AT 3:00 P.M. – In Local, National and Overseas Publications to solicit bids. Proposals and Public Hearing Notifications for NYC Parks Concession Contracts.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, 24 West 61st Street, 3rd Floor
New York, NY 10023. Laverne Andrews (212) 830-7968
laverne.andrews@parks.nyc.gov

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REVENUE AND CONCESSIONS

SOLICITATIONS

Services (Other Than Human Services)

MAINTENANCE AND OPERATION OF AN INDOOR TENNIS / SPORTS FACILITY AND OPTIONAL FOOD SERVICE FACILITY – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# X10-IT – DUE 08-26-09 AT 3:00 P.M. – At Crotona Park, The Bronx. Parks will hold an on-site proposer meeting and site tour on Tuesday, July 21, 2009 at 11:00 A.M. at the proposed concession site (Block #2942, Lot #1), which is located at 1700 Crotona Avenue, Bronx, NY 10457. We will be meeting in front of the tennis courts which are located east of Crotona Ave., west of Indian Lake, south of Crotona Park North, and north of Indian Rock.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park
830 Fifth Avenue, Room 407, New York, NY 10021.
Joel Metlen (212) 306-1397, joel.metlen@parks.nyc.gov

j25-jy9

RENOVATION, OPERATION, AND MAINTENANCE OF THE PARKING LOT AT ORCHARD BEACH – Competitive Sealed Bids – PIN# X39-B-PL – DUE 07-31-09 AT 11:00 A.M. – In Pelham Bay Park, The Bronx. Parks will hold a recommended bidder meeting on Monday, July 13, 2009 at 10:00 A.M. at the concession site, which is located at Orchard Beach in Pelham Bay Park, Bronx. We will be meeting to the left of the ticket booths at the parking lot entrance. All interested parties are urged to attend.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park
830 Fifth Avenue, Room 407, New York, NY 10021.
Alexander Han (212) 360-1397, alexander.han@parks.nyc.gov

j22-jy6

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction Related Services

INVESTIGATION OF SPECIAL AND EMERGENCY HAZARDOUS CONDITIONS – Request for Proposals – PIN# SCA09-00090R-1 – DUE 07-21-09 AT 2:00 P.M. – Proposals will be accepted from the following firms: Amman and Whitney; Dewberry-Goodkind, Inc.; Epstein Engineering, P.C.; Feld, Kaminetzky and Cohen, P.C.; G and G Engineering Assoc.; Gilsanz Murray Stefficek, LLP; Goldstein Associates Consulting Engineers; Haks Engineers and Land Surveying; Hirani Engineering and Land Surveying, P.C.; Israel Berger and Associates, LLC; Leslie E. Robertson Associates; PB Americas, Inc.; Paulus, Sokolowski and Sartor; Raman and Oundjian Engineering and Inspection P.C.; Robert Silman Associates; The RBA Group-NY; Severud

Associates; SJH Engineering; STV, Inc; Simpson, Gumperta and Heger, Inc.; URS Corp.-New York; Weidlinger Associates; Ysrael A. Seinuk, P.C.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Sal DeVita (718) 472-8049
sdevita@nycsca.org

j29-jy6

TRANSPORTATION

SOLICITATIONS

Services (Other Than Human Services)

IMAGING CAMERA SYSTEM – Competitive Sealed Bids – PIN# 84108MBPT316 – DUE 07-21-09 AT 11:00 A.M. – Contract available during the hours of 9:00 A.M. - 3:00 P.M. ONLY. Provision and Installation of Thermal Imaging Camera System and Equipment at the Staten Island Ferry Facilities, Ferryboats and Vessels for the New York City Department of Transportation. A Pre-Bid Meeting (Mandatory) will be held on Wednesday, July 8, 2009 at 9:30 A.M. at 1 Ferry Terminal Drive, Conference Room, Staten Island, NY 10301. A deposit of \$50.00 in the form of a certified check or money order made payable to New York City Department of Transportation is required to obtain Contract Bid/Proposal Documents. NO CASH ACCEPTED. Refund will be made only for Contract Bid/Proposal Documents that are returned in its original condition within 10 days after bid opening. Any persons delivering bid documents must enter the building located on the South Side of the Building facing the Vietnam Veterans Memorial. All visitors must go through the building's security screening process. Bidders should allow extra time and ensure that proper government issued photo identification (i.e. Drivers License, Passport, Identification card) is available upon request. Please ensure that your company's address, telephone and fax numbers are submitted by your company (or messenger service) when picking up contract documents. For additional information please contact George Patrick Mahoney at (718) 818-8710. Vendor Source ID#: 60791.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Transportation, Contract Management Unit,
Office of the Agency Chief Contracting Officer, 55 Water Street, Ground Floor, New York, NY 10041.
Bid Window (212) 839-9435, vcruz@dot.nyc.gov

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AWARDS

Services (Other Than Human Services)

DESIGN, INSTALLATION AND MODIFICATION TO WHITEHALL FERRY TERMINAL SECURITY SYSTEM, ACCESS TO THIRD FLOOR – Intergovernmental Purchase – Available only from a single source - PIN# 84109MNSI413 – AMT: \$322,212.36 – TO: Universal Security Systems Inc., 310 Oser Avenue, Hauppauge, NY 11788.

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AGENCY RULES

HEALTH AND MENTAL HYGIENE

NOTICE

NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 45 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice of intention to amend Article 45 (General Provisions Governing Schools and Children's Institutions) of the New York City Health Code (the "Health Code") was published in the City Record on March 27, 2009 and a public hearing was held on the proposal on April 28, 2009. No written comments or testimony were received. At its meeting on June 24, 2009, the Board of Health adopted the following resolution.

STATUTORY AUTHORITY

These amendments to the Health Code are promulgated pursuant to §§558 and 1043 of the Charter. Sections 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the authority of the Department of Health and Mental Hygiene (the "Department") authority extends. Section 1043 grants the Department rule-making authority.

STATEMENT OF BASIS AND PURPOSE

The Department has requested that the Board of Health amend Article 45 of the New York City Health Code (General Provisions Governing Schools and Children's Institutions) to eliminate requirements in subdivision (c) of §45.09 (Staff) that every adult who regularly associates with children at a school, and that a person employed by the Department of Parks and Recreation ("DOPR") who regularly associates with children under the age of 16 in a DOPR recreational program be tested for tuberculosis prior to commencing work, and at Department established intervals after commencing work. In 2008, the Board repealed and reenacted Article 47 (Child Care Services), updating provisions related to the health of children and staff, and eliminated a similar requirement. The Statement of Basis and Purpose accompanying that resolution indicated that "the requirement that new staff hires be tested for tuberculosis infection has been eliminated since this group is at relatively low risk for tuberculosis." The Department believes that the same justification applies to elimination of the requirement for school and DOPR staff and volunteers.

Accordingly, the Department has requested that the Board repeal subdivision (c) in its entirety, and substitute a

provision authorizing the Department to require tuberculosis testing whenever necessary for epidemiological investigation.

Statement Pursuant to Charter § 1043

This proposal was not included in the Department's regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

The amendment is as follows:

Matter underlined is new
Matter to be deleted is indicated by [brackets]

RESOLVED, that subdivision (c) of §45.09 of Article 45 (General Provisions Governing Schools and Children's Institutions) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, as last amended by resolution adopted on the fifth of December, two thousand six, be, and the same hereby is, repealed and readopted, to be printed together with explanatory notes, to read as follows:

§45.09 Staff.

* * *
(c) Testing for tuberculosis. The Department may require testing for tuberculosis at any time of any persons in a school, children's institution, or other program providing services for children when such testing is deemed necessary for epidemiological investigation.

* * *
Notes: Subdivision (c) of §45.09 was repealed and readopted by resolution of the Board of Health on June 24, 2009 to delete a requirement that staff of schools and persons employed by the City's Department of Parks and Recreation have tuberculin testing as part of a pre-employment physical examination, since such persons are considered at low risk for tuberculosis. As readopted, subdivision (c) authorizes the Department to require testing for tuberculosis at any time when the Department finds it necessary in the course of epidemiological investigation.

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NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 47 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice of intention to amend Article 47 (Child Care Services) of the New York City Health Code (the "Health Code") was published in the City Record on March 27, 2009, and a public hearing was held April 28, 2009. Comments were received in support of the proposal, and no changes were made to the proposal. At its meeting on June 24, 2009, the Board of Health adopted the following resolution.

STATUTORY AUTHORITY

These amendments to the Health Code are promulgated pursuant to §§558 and 1043 of the Charter. Sections 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 grants the Department rule-making authority.

STATEMENT OF BASIS AND PURPOSE

The Board of Health, at its meeting on March 6, 2008, adopted a resolution repealing and reenacting Article 47 of the New York City Health Code (Child Care Services). The Department of Health and Mental Hygiene (the "Department") has requested that the Board amend various provisions of subdivision (e) and repeal subdivision (f) of §47.31 (Health: medication administration) of the Health Code to enable child care services permittees regulated under Article 47 to administer medications to children with disabilities.

After adoption of the resolution, the American Diabetes Association brought to the Department's attention omission of a provision that would have made it possible for Article 47 permittees operating child care services to administer necessary medications, including injectible insulin, to diabetic children, where the Americans With Disabilities Act may require the child care service to administer such medication in order to reasonably accommodate the child's attendance in the child care service.

Article 47's current provisions allow health care professionals and certified non-professional staff to administer certain medications, and are based on nearly identical provisions in regulations of the New York State Office of Children and Family Services (OCFS). Through an oversight, however, Article 47 omits provisions that would enable New York City child care services providers to accommodate children with disabilities who may require medication to be administered by injection, vaginally or rectally.

Accordingly, the Board is amending Article 47. The amendment is essentially the same as the applicable OCFS regulation, 18 NYCRR §418-1.11 and is consistent with Guidance issued by OCFS regarding compliance with the Americans with Disabilities Act and OCFS regulations on the administration of medications in child care programs. Two favorable comments were received, including one from the American Diabetes Association. No changes have been made to the proposal.

Statement Pursuant to Charter § 1043

This proposal was not included in the Department's regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

The amendment is as follows:

Matter underlined is new
Matter to be deleted is indicated by [brackets]

RESOLVED, that §47.31 of Article 47 (Child Care Services) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, adopted by resolution on the sixth of March, two thousand eight, be, and the same hereby is, amended, to be printed together with explanatory notes, to read as follows:

§47.31 Health; medication administration.

(a) Medication policy required. Each permittee shall establish a policy as to whether the permittee will or will not administer medication, and incorporate such policy in the service's health care plan. Component of the written safety plan required by §47.11 of this Article. Notwithstanding any child care service's general policy not to administer medication, such policy shall indicate that the child care service may be required to administer medication to a child with a disability pursuant to the Americans with Disabilities Act.

* * *
(e) Medication administration procedures. Permittees and designated staff may administer prescription and nonprescription (over-the-counter) medications for eyes or

ears, oral medications, topical ointments and medications, and inhaled medications in accordance with the provisions of this section.

* * *

(5) Permittees and designated staff may not administer medications by injection, vaginally or rectally, except [for] as follows:

(A) [epinephrine] Epinephrine auto-injector devices when necessary to prevent anaphylaxis for an individual child when the parent and the child's healthcare provider have indicated such treatment is appropriate; or

(B) For a child with special health care needs where the parent, child care service and the child's health care provider have agreed on a plan pursuant to which the permittee or designated staff may administer medications by injection, vaginally or rectally; or

(C) Where the permittee or designated staff hold a valid New York State license as a physician, physician's assistant, registered nurse, nurse practitioner, licensed practical nurse, or advanced emergency medical technician.

(6) [Medications shall not be administered vaginally or rectally except where such permittee or staff has a valid New York State license as a physician, physician's assistant, registered nurse, nurse practitioner, licensed practical nurse, or advanced emergency medical technician.] Nothing in this section shall be deemed to require any permittee to administer any medication, treatment, or other remedy except to the extent that such medication, treatment or remedy is required under the provisions of the Americans with Disabilities Act.

* * *

(13) A permittee may administer over-the-counter topical ointments, including sunscreen lotion and topically applied insect repellent, upon the written instructions of the parent. Such administration shall be consistent with any directions for use noted on the original container, including but not limited to precautions related to age and special health conditions, and no additional certifications to administer medications are required by the permittee or designated staff. If the only administration of medication offered by the service will be the administration of over-the-counter topical ointment, including sunscreen lotion and topically applied insect repellent, a designated health care consultant is not required. The permittee or designated staff shall record in the medication log applications of such topically applied ointments, sunscreen lotions and topically applied insect repellents, with the name of the child, date and time administered, and staff signature.

* * *

(18) Nothing in this section shall prevent a parent, guardian or other legally authorized individual in relation to a child from administering medication to a child while such child is in a child care service. In these circumstances, the permittee shall document the dosages and time that the medications were administered to the child by such individual. If the only administration of medication in such service is done by such individual, no certifications to administer medication are required by the permittee or staff.

RESOLVED, that subdivision (f) of §47.31 of Article 47 (Child Care Services) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, adopted by resolution on the sixth of March, two thousand eight, be, and the same hereby is repealed.

Notes: Subdivision (a) and paragraphs (5), (6) and (13) of subdivision (e) of §47.31 were amended, a new paragraph (18) added to subdivision (e) and subdivision (f) was repealed by resolution of the Board of Health on June 24, 2009 to clarify that child care services may be required to administer medications to children with special health needs in compliance with the Americans with Disabilities Act, and incorporating additional provisions of the regulations of the New York State Office of Children and Family Services with respect to medication administration. See, e.g., 18 NYCRR §418-1.11. A permittee who is required to administer medications under the provisions of the Americans with Disabilities Act is required to have staff certified in medication administration training (MAT), CPR and first aid in accordance with subdivision (d) of this section. Subdivision (f) (*When medication is not administered by the permittee*) was repealed, and non-duplicative provisions of this subdivision were incorporated in paragraph (13) and a new paragraph (18) of subdivision (e).

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NOTICE OF ADOPTION TO REPEAL AND RE-ENACT ARTICLE 141 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter and pursuant to the authority granted to the Board of Health by §558 of said Charter, the Notice of Intention to Repeal and Re-enact Article 141 of the New York City Health Code was published in the City Record on March 27, 2009. A public hearing was held on May 1, 2009. Six individuals testified at this public hearing and the Department received two written comments. Several changes have been made to the proposal in response to public comments received during the public comment period, including revisions concerning those entities that provide nationally-recognized standards in water treatment. The Board of Health at its June 24, 2009 meeting adopted the following resolution.

STATUTORY AUTHORITY

These amendments to the New York City Health Code ("Health Code") are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter ("Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene ("Department") with jurisdiction to regulate all matters affecting health in the City of New York. Specifically, Section 556(a)(1) states that the Department shall enforce all provisions of law relative to the necessary health supervision of the purity and wholesomeness of the water supply and the sources thereof; Section 556(a)(3) says the Department shall exercise its functions, powers and duties in the area extending over the city, and over the waters adjacent thereto, and, Section 556(c)(7) says that the Department shall supervise and regulate the public health aspects of the water supply and sewage disposal and water pollution. Section 558(b) and (c) of the Charter empower the Board of Health ("Board") to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants the Department rulemaking powers.

STATEMENT OF BASIS AND PURPOSE INTRODUCTION

As part of a comprehensive review of the Health Code to assess the efficacy of its Articles in protecting the public health, the Board repealed and reenacted Article 141, Drinking Water, to better reflect current practice and the regulatory environment, to assure that the revised provisions provide adequate legal tools to effectively address the public health aspects of public and private water supplies and to harmonize such provisions with related provisions of the New

York State Sanitary Code, 10 NYCRR, Subparts 5-1, 5-2 and 5-6. As part of the revision effort, antiquated and obsolete provisions have been omitted and the standards set forth in the revised Article 141 have been modernized to reflect current industry practice and standard requirements as set forth in the New York State Sanitary Code, the Rules of the City of New York, the Administrative Code of the City of New York, the New York State Public Health Law and standards as established by industry associations, such as the American National Standards Institute (ANSI), American Water Works Association (AWWA), and National Sanitation Foundation (NSF). The revised Article supplements rather than duplicates the regulations of other governmental agencies concerned with water supply such as the New York City Department of Environmental Protection, the New York City Department of Buildings, and the New York State Department of Health. Pursuant to this review and assessment of the Health Code, the Board repealed and reenacted Article 141 as provided below.

The key revisions to Article 141 are noted below:

The prior title to the Article, "Drinking Water," has been amended to reflect the regulatory scheme of the Article and is now titled, "Water Supply Safety Standards."

Section 141.01

This section "Definitions" is derived from prior section 141.01 and provides updated definitions and adds to the list of terms in the current definitions section. The existing terms, "device" and "potable water" have been updated to reflect modern usage, and the following terms and their definitions have been added: "ANSI," "APHP," "AWWA," "Bottled Water," "Building," "Bulk Water," "Contamination," "Department," "Disinfection," "Drinking Water," "Fluoridation," "Ground Water," "Licensed Master Plumber," "Municipal Water Supply," "Non-potable Water," "NSF," "ppm," "State," "State Sanitary Code," "Water Supply Tank," "WEF," "Well" and "Well Water." The addition of these terms and their definitions brings the Article into greater conformity with its regulatory scope and has been updated to compare with the corresponding and applicable definitions in the Rules of the City of New York and the New York State Sanitary Code.

Section 141.03

This section, "Drinking Water Supply Source" is derived from prior section 141.02.

Section 141.05

This section, "Fluoridation of Municipal Water Supply" is derived from prior section 141.08.

Section 141.07

This section, "Building Drinking Water Storage Tanks" is derived from prior section 141.03, which currently contains provisions on drinking water tank inspections, cleaning and painting requirements. The title of this section has been changed to better reflect the subject of Drinking Water Storage Tanks in buildings and the subdivisions have been reorganized to better clarify the requirements related to annual inspections, such as record keeping, public notice and for corrective actions.

Section 141.09

This section, "Building Water Tank Cleaning, Painting and Coating" is derived from prior sections 141.03 and 141.05, which both previously contained provisions on water tank inspection, cleaning, coating and painting. The changes to this section reflect and incorporate current Department practices and standards prescribed by the New York City Building Code, AWWA and NSF concerning the maintenance, cleaning and disinfection of building water tanks and any part of the building drinking water systems. In particular, the amendments provide more stringent standards for maintenance, cleaning and disinfection to ensure that tanks are cleaned properly and regularly. Updated and more stringent provisions for permitting of individuals who engage in cleaning or painting water tanks have been added, as have requirements for sampling and record keeping.

Section 141.11

The prior section 141.11 "Drinking Water on Vessels" has been removed from the Health Code to reflect applicable federal regulations (see, 21 CFR Parts 1240, 1250) and Department practice. The Department will no longer regulate water on vessels, but will respond to and assist Federal agencies when requested.

This section, "Chemical Treatment of Drinking Water" includes and amends provisions from prior section 141.07. The title of this section has been changed to better reflect the substance of the section and the subdivisions have been reorganized to better reflect the regulatory effort. The changes to the existing provisions reflect current Department practices, and incorporate references to industry organizations, such as AWWA and NSF as well as the requirements of the New York State Sanitary Code, Subpart 5-2. AWWA and NSF provide modern standards and technical guidance on matters related to current, approved chemicals for use in drinking water supplies, devices used to add chemicals to water supplies, and methods for water sampling and analysis.

Section 141.13

This section, "Bottled Water" includes and amends provisions derived from prior section 141.04 on bottled drinking water. The requirement for filing for a permit with the Department has been removed since it duplicates the New York State Department of Health requirement for permitting of bottled water in the State of New York. The provisions have been updated to reflect and conform to the bottled drinking water standards and procedures for distribution as prescribed by Subpart 5-6 of the State Sanitary Code and current Department enforcement practices.

Section 141.15

This section, "Hauling Bulk Water", includes and amends provisions from prior sections 141.021 and 141.11. The requirement for filing for a permit with the Department has been removed since it duplicates the New York State Department of Health requirement for permitting of bulk water in the State of New York. The provisions have been updated to reflect and conform to the bulk water standards and procedures for distribution as prescribed by Subpart 5-6 of the State Sanitary Code and current Department enforcement practice.

Section 141.17

This section, "Groundwater Wells," incorporates provisions from prior sections 141.09 and 141.10. These provisions have been amended to reflect and include references to newer standards as set forth in the New York State Sanitary Code, Subpart 5-1. New provisions have also been added concerning permit applications for well water use. Groundwater quality standards and well construction standards make reference to and reflect the standards set forth in Part 5 of the State Sanitary Code, and the rules and regulations of the New York State Department of Environmental Conservation and

the New York City Department of Environmental Protection and applicable provisions promulgated by the New York City Council contained in the Administrative Code of the City of New York, as these entities have jurisdiction related to the construction, operation and maintenance of groundwater wells.

Section 141.19

This section, "Modification," is derived from prior section 141.13 and has been amended to reflect gender neutrality.

The rule is as follows:

Matter in brackets [] is deleted.

Matter underlined is new.

RESOLVED, that Article 141 and the list of section headings and provisions for Article 141 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be and the same hereby are repealed and reenacted, to be printed together with explanatory notes to read as follows:

ARTICLE 141

WATER SUPPLY SAFETY STANDARDS

§141.01 Definitions

§141.03 Drinking Water Supply Source

§141.05 Fluoridation of Municipal Water Supply

§141.07 Building Drinking Water Storage Tanks

§141.09 Building Water Tank Cleaning, Painting and Coating

§141.11 Chemical Treatment of Building Drinking Water

§141.13 Bottled Water

§141.15 Hauling Bulk Water

§141.17 Groundwater Wells

§141.19 Modification

Introductory Notes:

As part of a comprehensive review of the Health Code to assess the efficacy of these articles in protecting public health, the Board of Health repealed and reenacted Article 141 on June 24, 2009. The section headings and provisions contained in the revised Article have been promulgated to regulate the public health and safety aspects of the New York City water supply for both potable and non-potable usage, to better reflect current practice and the regulatory environment, to assure that the revised provisions provide adequate legal tools to effectively address the public health aspects of public and private water supplies and to harmonize such provisions with related provisions of the New York State Sanitary Code, 10 NYCRR, Subparts 5-1, 5-2 and 5-6.

§141.01 Definitions

"ANSI" shall mean American National Standards Institute.
 "APHP" shall mean American Public Health Association.
 "AWWA" shall mean American Water Works Association.
 "Bottled Water" shall mean any product, including natural spring or well water taken from municipal or private utility systems or other water sources, distilled water, deionized water, or any of the foregoing to which chemicals may be added, which are put into sealed bottles, packages or in other containers, to be sold for human consumption.
 "Building" shall mean any enclosed structure occupied or intended for supporting or sheltering any occupancy, including the service equipment therein. The term "building" used herein shall include, where applicable, any affiliated buildings or structures, such as a building complex.
 "Bulk Water" shall mean water intended for potable purposes which is transported via licensed potable water tankers or trucks or equivalent from one area to another.
 "Contamination" shall mean the introduction into water of any biological, chemical, physical, or radiological substance, waste or waste water in concentrations that makes water unfit for its intended use.
 "Department" shall mean the New York City Department of Health and Mental Hygiene.
 "Device" shall mean the mechanical equipment used for the addition of chemicals to the drinking water supply of a building.
 "Disinfection" shall mean a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.
 "Drinking Water" shall mean water used for human consumption or used directly or indirectly in connection with the preparation of food for human consumption including the cleaning of utensils used in the preparation of food.
 "Fluoridation" shall mean treatment of water by the adjustment of fluoride ion concentrations to provide the optimum fluoride concentration in water.
 "Groundwater" shall mean water at or below the water table.
 "Licensed Master Plumber" shall mean any person licensed by the Commissioner of Buildings to engage in the business or trade of master plumber to perform plumbing work within New York City.
 "Municipal Water Supply" shall mean all pipes, mains and structures owned and/or maintained by the City, for the conveyance of drinking water to the public for human consumption or any connection to the municipal water supply system.
 "Non-potable Water" shall mean water which is not treated to the approved drinking water standards, is not suitable and not intended for human consumption (drinking, washing or culinary purposes), but is produced and delivered to users for other purposes such as watering of lawns, washing vehicles and property.
 "NSF" shall mean National Sanitation Foundation.
 "Parts per million (ppm)" shall mean a unit of concentration expressed in parts per million (ppm) and is equivalent to milligrams per liter.
 "Potable Water" shall mean drinking water that meets the water quality requirements established in Subpart 5-1 of the State Sanitary Code which is suitable for human consumption or used directly or indirectly in connection with the preparation of food for human consumption, including the cleaning of utensils used in the preparation of food.
 "State" shall mean the New York State Department of Health.
 "State Sanitary Code" shall mean Title 10, Chapter 1 of the Codes, Rules and Regulations of the State of New York.
 "Water Supply Tank" shall mean any device used to store drinking water used for potable purposes as part of the drinking water supply system in a building.
 "WEF" shall mean Water Environment Federation.
 "Well" shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location or acquisition of ground water.
 "Well Water" shall mean water taken from below the ground through piping or similar installed device using external force or vacuum.

§141.03 Drinking Water Supply Source

The owner, agent or other person in control of a building shall supply potable water by connecting to the municipal water supply or a source approved either by the Department or the State, which shall be available at all times on the premises of said building. The drinking water supply system of such building shall be connected to such approved source and shall not be subject to contamination. When supplied

from a public source, the drinking water supply system shall not be connected to private or unapproved water supplies.

§141.05 Fluoridation of Municipal Water Supply

The municipal water supply shall be fluoridated in the following manner: A fluoride compound shall be added to the drinking water supply at an optimum concentration of about 1.0 ppm of the fluoride ion, provided, however, the concentration of such ion shall not exceed 1.5 ppm at any time.

§141.07 Building Drinking Water Storage Tanks

(a) **Applicability.** The owner, agent or other person in control of a building which has one or more water tanks used to store potable water which is distributed as part of the building's drinking water supply system shall comply with the provisions of this section. This section does not apply to the domestic hot water system.

(b) **Inspection Requirements.** The owner, agent or other person in control of a building shall have the water tank inspected at least once annually. The inspection shall include the examination of the general condition of the tank, including but not limited to the condition of overflow pipes, access ladders, air vents, roof access hatches and screens. The interior and exterior of the water tank and its sealed edges and seams shall be inspected for evidence of pitting, scaling, blistering or chalking, rusting, corrosion and leakage. Inspection of sanitary conditions, including the presence of sediment, biological growth, floatable debris and insects in the tank and rodent or bird activity on and around the tank, shall be performed. The inspection shall include sampling of the water in the water tank to verify the bacteriological quality of the water supply in compliance with Subpart 5-1 of the State Sanitary Code. Sample results shall be reported by a State certified laboratory equipped to analyze drinking water, in accordance with the latest edition of the Standard Methods for the Examination of Water and Wastewater, published jointly by the APHA, the AWWA and the WEF.

(c) **Reporting and Record Keeping.** A written report documenting the results of such inspection shall be maintained by the owner, agent or other person in control of a building for at least 5 (five) years from the date of the inspection and such reports shall be made available to the Department upon request within 5 (five) business days. The inspection report shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with those requirements.

(d) **Public Notice.** The owner, agent or other person in control of a building shall post in an easily accessible location to residents in each building served by a potable water tank a notice that inspection results are available upon request. The notice must be placed in a frame with a transparent cover. The public notice shall include the name, address, and phone number where inspection results can be requested. Upon receipt of a request, the owner or manager shall make a copy of the inspection results available within 5 (five) business days.

(e) **Corrective Actions.** When an inspection identifies any unsanitary condition, the owner, agent or other person in control of a building shall take the necessary steps to immediately correct the condition. If water sampling analysis of the water tank finds noncompliance with the bacteriological quality standards as provided in Subpart 5-1 of the State Sanitary Code, this condition shall be reported to the Department within 24 hours. If it is found that the quality of such water is attributed to the sanitary condition of the water tank, the owner, agent or other person in control of a building shall clean the tank in accordance with section §141.09 of this Article. A water tank shall be cleaned whenever directed by the Department to correct an unsanitary condition.

§141.09 Building Water Tank Cleaning, Painting and Coating

(a) **Applicability.** The owner, agent, or other person in control of a building which has one or more water tanks as part of its drinking water supply system shall comply with the provisions of this section.

(b) **Qualification.** No person or entity shall engage or hold themselves out as engaging in the business of cleaning, painting or coating of a water tank of any kind that is part of a building's drinking water supply system without holding a valid permit issued by the Commissioner, unless:

(1) that person is a licensed master plumber, as defined in section 141.01, or

(2) that entity is a corporation or partnership in which one of the officers or partners has the qualifications required by subdivision (b)(1) above.

(c) **Cleaning, Painting or Coating Requirements.** Water tanks that are a part of a building's drinking water supply system shall be cleaned, painted and coated in accordance with the applicable provisions of the Administrative Code of the City of New York, the State Sanitary Code Part 5-1 and applicable industry standards and recommendations including, but not limited to, AWWA, NSF/ANSI, or other national standards developed by ANSI-accredited organizations. All products related to work performed shall be certified by ANSI-accredited organizations. No paint containing lead in any form or in any amount shall be used on the inside of a water tank. When a tank is cleaned, painted or coated, the water supply connections to and from the tank shall be disconnected or effectively plugged to prevent foreign matter from entering the distribution piping.

(d) **Disinfection.** All water, dirt, and foreign material accumulated during the cleaning and/or painting process shall be discharged from the tank. The tank shall then be disinfected in accordance with the applicable provisions of the Administrative Code of the City of New York and industry standards and recommendations including, but not limited to, AWWA, NSF/ANSI, or other national standards developed by ANSI-accredited organizations. All products related to work performed shall be certified by ANSI-accredited organizations. The drinking water supply tank shall be completely drained and flushed with potable water before refilling for use.

(e) **Sampling.** After painting or treating the interior of the tank, a water sample will be taken to ensure volatile organic compounds are not found at levels greater than that allowed by Subpart 5-1 of the State Sanitary Code. Sample results shall be reported by a State certified laboratory equipped to analyze drinking water, in accordance with the latest edition of the Standard Methods for the Examination of Water and Wastewater, published jointly by the APHA, the AWWA and the WEF.

(f) **Record Keeping.** A record of the date, address and work performed including a list of the cleaning, paints, coating and disinfection products used shall be maintained by the owner, agent or other person in control of a building for at least 5 (five) years from the date of the completed work and such records shall be made available to the Department upon request within 5 (five) business days.

§ 141.11 Chemical Treatment of Building Drinking Water

(a) **Applicability.** The provisions of this section shall apply to any person proposing to, or engaging in the business of chemical treatment of the drinking water supply system within a building. No owner, agent or other person in control of a building shall add any chemical or other substance to the drinking water supply unless such addition is performed by the holder of a permit issued by the Department. The provisions of this section do not apply to the treatment by addition of chemicals to water not intended for human consumption, however whenever such water is treated, all necessary precautions shall be taken to prevent the treated non-potable water from coming into contact with or contaminating a potable drinking water supply system, including through an accidental inter-connection or cross-connection.

(b) **Certification.** A permit to treat water chemically in a building shall be issued only for anti-corrosion, anti-scaling or disinfection purposes. Such permit shall be issued to:

(1) A person who has a degree with a major in chemistry, chemical engineering, or sanitary engineering from a college or university approved by the Board of Regents of the University of the State of New York and who has at least 5 (five) years experience in the chemistry of water or in closely related work or a water treatment plant operator with a certification issued by the State under Subpart 5-4 of the State Sanitary Code or an equivalent license or certification acceptable to the Department for the appropriate treatment types; or

(2) A corporation or partnership in which one of the officers or partners has the qualifications required by subdivision (b)(1) of this section and is engaged in the full time supervision of all operations involving the addition of chemicals to drinking water for potable purposes.

(c) **Operators Requirement.** The actual addition of chemicals shall be performed only by the permittee or by a representative who is under the direct supervision of the permittee. All personnel involved in the addition of chemicals to the drinking water supply shall have successfully completed the appropriate course approved by the State under Subpart 5-4 of the State Sanitary Code, based on the system treatment complexity, flow and/or service population.

(d) **Product Standards.** The only chemicals, drinking water additives, treatment devices or equipment that may come in direct contact with drinking water for potable purposes must be in compliance with Subpart 5-1 of the State Sanitary Code, applicable industry standards and recommendations including, but not limited to, AWWA and NSF/ANSI 60 Drinking Water Treatment Chemicals-Health Effects and NSF/ANSI 61 Drinking Water System Components-Health Effects

(e) **Cross Connection Control.** To prevent the treated water from entering the municipal water supply system, cross connection control prevention shall be provided by installing a State-approved RPZ (Reduced Pressure Zone) Backflow Prevention Device on the potable water service connection to the building.

(f) **Design, Installation and Maintenance.** The system used to chemically treat the water shall be designed, installed and maintained in accordance with the manufacturer's specifications and applicable industry standards to ensure proper chemical dosage and operation. The system shall be tamper proof. Maximum feed pump capacity shall be adjusted to prevent any overfeed of chemicals above recommended levels. The installation of the device shall be such as to prevent the back-siphoning of chemicals. Sampling taps shall be provided both upstream and down stream of the chemical addition point in order to ensure representative samples.

(g) **Sampling.** Prior to placing the system in operation, the permittee shall confirm that the drinking water supply, after being chemically treated, complies with Subpart 5-1 of the State Sanitary Code. Once the system is operational, the permittee shall take monthly samples of the treated water, to ensure compliance with applicable sections of Subpart 5-1 of the State Sanitary Code. A permittee shall maintain or retain the services of a State certified laboratory equipped to analyze drinking water, in accordance with the latest edition of the Standard Methods for the Examination of Water and Wastewater, published jointly by the APHA, the AWWA and the WEF. Records of water sampling and analysis shall be maintained on file by the permittee for at least 5 (five) years and made available to the Department upon request within 5 (five) business days.

(h) **Water Quality.** A permittee who is operating and/or maintaining a system under this section shall ensure that the system used to chemically treat the water meets the requirements of the State Sanitary Code, Subpart 5-1 relating to Public Water Systems and applicable industry standards and recommendations including, but not limited to, AWWA, NSF/ANSI, or other national standards developed by ANSI-accredited organizations. All products related to work performed shall be certified by ANSI-accredited organizations. The health effects and the maximum dosage shall be monitored and maintained within limits set by the approved product.

(i) **Maintenance Record Keeping.** All personnel who work or maintain the chemical addition device, shall keep records showing the dates and times of service and the amount of each chemical applied to the drinking water supply being treated. Such records shall be maintained on file for at least 5 (five) years and made available to the Department upon request within 5 (five) business days.

(j) **Chemical Storage.** All chemicals shall be kept only in the original sealable container provided by the supplier and in a secured area without public access acceptable to the Department. Such containers shall be clearly marked to indicate that their contents are to be used only for the treatment of the drinking water supply.

(k) **Termination of Treatment.** When a device is no longer in service, the owner, agent or other person in charge of the building in which it is installed shall cause the device to be completely disconnected from the water supply system and all openings shall be properly sealed.

(l) **Reporting.**

(1) System Installation and/or Termination.

Within 24 hours after the installation and commencement of treatment or termination of a system, the permittee shall report to the Department the following information:

(A) The owner, name, address, and description of the premises where the device is located;
(B) The date the device was installed and/or terminated and the approval date for the device;
(C) The chemicals to be used with the device; and,
(D) The name and address of the permittee.

(2) Water Quality

When the water quality exceeds the standards as defined under subdivision (h) of this section, the permittee shall provide a report to the Department within 24 hours analyzing the cause of the water quality exceedance and any corrective actions that were taken.

§141.13 Bottled Water

(a) **Applicability.** No person shall import, manufacture or bottle water for human consumption in bottles or containers for sale or distribution in New York City without a valid permit issued by the State Department of Health and such bottles or containers shall be stamped with a State certification number to distribute bottled water. The requirements of Subpart 5-6 of the State Sanitary Code shall apply to bottled water produced, used, distributed and/or sold in New York City.

(b) **Bottled Water Standards.** Bottled drinking water shall meet the bacteriological, chemical and physical water quality standards as prescribed by Section 5-6.10 of Subpart 5-6 of the State Sanitary Code.

(c) **Enforcement.** When the Department finds that bottled water does not comply with the standards promulgated by the State Department of Health, the Department may order said source to discontinue distribution. Such bottled water shall remain out of distribution until compliance with all the applicable standards can be demonstrated to the satisfaction of the Department. The unacceptable product may be embargoed, recalled and/or destroyed pursuant to the provisions of this Code.

§141.15 Hauling Bulk Water

(a) **Applicability.** No person shall import into, sell or transport from one area to another in New York City water intended for public potable use via tanker truck or equivalent means for the purpose of treatment, packaging, or human consumption without a permit issued by the State Department of Health. The requirements of Subpart 5-6 of the State Sanitary Code shall apply to bulk water produced, used, distributed and/or sold in New York City.

(b) **Water Quality Standards.** All bulk water shall meet, when delivered, the bacteriological, chemical and physical water quality standards as prescribed by Section 5-6.10 (Maximum contaminant levels) of Subpart 5-6 of the State Sanitary Code

(c) **Enforcement.** When the Department finds that bulk water does not comply with the standards promulgated by the State, the Department may order said source to discontinue transportation and distribution. Such bulk water shall remain out of transportation or distribution until compliance with all applicable standards can be demonstrated to the satisfaction of the Department. The unacceptable product may be embargoed, recalled and/or destroyed pursuant to the provisions of this Code.

§141.17 Groundwater Wells

(a) **Applicability.** No owner, person, corporation, well driller or partnership shall engage in the installation, drilling, replacement or operation of a water well, water well pump or well pumping equipment as appurtenances supplying water to any building in New York City for water supply purposes without a permit issued by the Department.

(b) **Well Categories and Water Quality Standards:**

(1) **Potable Wells.** Potable well water used for drinking purposes shall meet the bacteriological, chemical and physical water quality standards as prescribed by the State Sanitary Code, Subpart 5-1. No well permit shall be issued for drinking water purposes unless the applicant can establish to the Department's satisfaction that the municipal water supply is not accessible.

(2) **Non-Potable Wells.** Non-potable well water used for purposes other than drinking shall meet the following water quality standards:

(A) **Microbiological Standards:** Not to exceed 200 Fecal Coliform per 100ml.

(B) **All Other Pollutants:** Not to exceed any limitation set by the New York City Department of Environmental Protection. The presence of any other substance shall be evaluated as a potential public health hazard to be determined by the Department.

(c) **Application Requirements:** No person shall construct or operate a water well without prior construction authorization and a permit issued by the Department. The application shall include the appropriate fees, application forms and other supplemental information as required by the Department.

(d) **Construction Standards.** No person shall construct or abandon any water well without a permit issued by the Department in accordance with Section 5-2.4 of the State Sanitary Code, nor shall any person use any water well except in accordance with the State Sanitary Code, Subparts 5-1, 5-2 and associated appendices (Appendix 5-A through 5-D). Applicable industry standards and recommendations including, but not limited to, AWWA, NSF/ANSI or other national standards developed by ANSI-accredited organizations shall apply to wells constructed in New York City. Well water shall not be used for a purpose other than that stated on the permit. The well water supply system shall be free from cross connections as set forth in Section 5-1.31 of the State Sanitary Code and in accordance with the applicable provisions of the Administrative Code of the City of New York.

(e) **Driller Qualifications.** No person shall drill, construct or abandon a well without first registering with the New York State Department of Environmental Conservation pursuant to New York State Environmental Conservation Law §15-1525.

(f) **Signage.** On each pump, tap and outlet connected to a well whose water is not approved for drinking water, a weather-proof sign with the words: "Danger – WATER UNSAFE -This well water is NOT to be used for drinking or domestic purposes." shall be clearly, legibly and prominently displayed. Every pipe and fitting linked to the non-potable water supply system shall be properly identified to prevent any possible cross connection with the drinking water system or the municipal water supply system.

(g) **Well Decommissioning and Abandonment.** If a water well

is to be sealed or closed, the owner of the property shall make application of notification to the Department on a form prescribed by the Department. Every decommissioned or abandoned groundwater well shall be sealed or closed so as to protect the aquifer from pollution or contamination, and to prevent a hazard to life or property. The Department may require abandonment of any well which it deems to be contaminated or damaged or which has been constructed or operated improperly.

(h) Potable Well Water Standards and Disinfection. A permit to use well water shall not be issued unless the water meets the bacteriological, chemical and physical water quality standards as prescribed by the State Sanitary Code Subpart 5-1. When the Department finds that a well does not comply with the State Sanitary Code or for other reasons, the Department may order such well to discontinue operations; such well shall remain out of service until compliance with appropriate standards can be demonstrated to the satisfaction of the Department. The owner, operator or permittee of a potable well requiring treatment to meet drinking water quality standards shall have the treatment plan approved by the Department, and shall complete acceptable water quality testing by a State certified laboratory to demonstrate compliance with appropriate standards, including those as required in Subpart 5-1 of the State Sanitary Code.

§141.19 Modification

When the strict application of any provision of this Article presents practical difficulties or unusual hardships, the Commissioner, in a specific instance, may modify the application of such provision consistent with the general purpose of this Article and upon such condition as, in his or her opinion are necessary to protect life and health. The denial by the Commissioner of a request for modification may be appealed to the Board in the manner provided pursuant to § 5.21 or successor rule.

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NOTICE OF ADOPTION OF A RESOLUTION TO AMEND ARTICLE 203 OF THE NEW YORK CITY HEALTH CODE

In compliance with § 1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by § 558 of the Charter, a Notice of Intention of the proposed amendment of Article 203 of the New York City Health Code (the "Health Code") was published in the City Record on March 27, 2009, and a public hearing was held on April 30, 2009. No one testified at the public hearing, and one written comment was received. One change was made to the resolution. At its meeting on June 24, 2009, the Board of Health adopted the following resolution.

STATEMENT OF BASIS AND PURPOSE INTRODUCTION

As part of a comprehensive review of the Health Code to assess the efficacy of the Code in protecting public health, the Department proposes that current Article 203, Termination of Pregnancy, be amended, effective January 1, 2010, to assure that the Code provides adequate legal tools to effectively address general public health matters. As part of the revision effort, obsolete provisions have been omitted and the standards and references set forth in revised Article 203 have been modernized to reflect current Department and public health practice.

Pursuant to this review and assessment of the Health Code, the DOHMH proposes that the Board amend Article 203 as provided for below.

Section 203.01

Subdivision (a) was amended to remove the clause "as formerly defined," as there was no such previous reference.

Subdivision (c) was amended to reflect the definition recommended by the National Center for Health Statistics of the federal Centers for Disease Control and Prevention.

A new definition of "licensed health care practitioner" was added as subdivision (e). Which health care practitioners may perform which health care services is a function of state law, most importantly the New York State Education Law. The new definition simply refers to whichever health care practitioners are authorized to perform terminations of pregnancy pursuant to the state Education Law or other applicable law. In turn, those health care practitioners are among those who are obligated or authorized to file or prepare reports, as specified in sections 203.03 and 203.05. The simplicity of this definition facilitates reporting, including electronic reporting, and avoids the need to delineate which health care practitioners are obligated or authorized to file termination of pregnancy reports or to prepare documents associated therewith.

Section 203.03

Subdivision (a) was amended to update terminology from physician or nurse-midwife to other licensed health care practitioners, in order to reflect the current practice of having medical practitioners other than physicians in attendance at terminations of pregnancy. Permitting a licensed health care practitioner who was in attendance, other than a physician, to report a termination of pregnancy facilitates reporting and does not affect medical care standards.

Subdivision (b) was modified to accommodate legal nomenclature and to reflect the change to paragraph (4) of subdivision (a) clarifying that when the office of chief medical examiner files a certificate of spontaneous termination of pregnancy, any medical examiner within that office may file the certificate without a confidential medical report.

Subdivision (c) was amended to change the 24 hour filing requirement for spontaneous terminations and 5 day filing requirement for induced terminations of pregnancy to a 24 hour reporting requirement for all terminations of pregnancy when a permit to dispose of the conceptus is required or requested. Certificates and confidential medical reports, if any, related to terminations not resulting in the issuance of a disposition permit must be filed within 5 business days after the event. As per amendments to section 203.09 (see below), such permit is required for all terminations occurring at 24 weeks gestation or later and may be requested for terminations occurring at less than 24 weeks. Subdivision (c) was also amended to remove the provision pertaining to filing within 15 days for the termination of pregnancy revealed by pathological examination. This provision is no longer applicable as pathological examination is no longer required for determining pregnancy status.

Subdivision (d) was amended to make proper reference to New York City, and to accommodate the fact that in some cases, but not necessarily all, a conceptus may be buried or otherwise disposed of pursuant to a permit issued by the

Department. In such circumstances, the required documents may be filed by a funeral director, undertaker or person in charge of the City mortuary, as the case may be, or a registered agent or designee of such persons. Such an alternative means of filing is only available, however, when the report is being filed in paper form. Reference to electronic filing was deleted and incorporated into the new subdivision (e).

Subdivision (e) was added to require all facilities reporting births electronically or reporting 100 or more induced terminations of pregnancy in any 1 year, and the office of chief medical examiner, to report terminations of pregnancy electronically. When a required reporter files electronically, a funeral director or undertaker authorized to take charge of the remains, or the person in charge of the City mortuary when filing an application for a disposition permit, must also file such application electronically. Facilities not required to report electronically may opt to do so with approval by the Department or may continue to report on paper. However, once a facility begins to report electronically, it may not revert to paper filing unless so authorized by the Department.

Subdivision (f) was added to require departmental approval of electronic reporting systems, in order to ensure the uniformity and quality of data collection. The subdivision also requires approval from the DOHMH prior to the electronic transfer of data from a facility to the Department to ensure the protection of the confidentiality of the information provided. The subdivision also provides for alternative arrangements, upon the Department's approval or initiative, in particular circumstances.

Subdivision (g) was added to provide for situations in which a reporter receives required information after reporting the termination of the pregnancy. The reporter must submit such information within 5 business days of receipt.

Subdivision (h) was added to require reporters to provide, within 5 business days of a request by the Department, additional information necessary to complete, clarify or verify the information required to be reported. Such information may include, for example, updated causes of death.

Section 203.05

The title of section 203.05 was amended to "Preparation and Certification of Certificates" and the paragraph titles "Preparation" and "Certification" were added to subdivision (a). These changes were made to indicate that separate rules apply to the preparation and certification of certificates.

Paragraph (1) of subdivision (a) was amended to include licensed health care practitioners, as defined in section 203.01, and to reflect gender neutrality. Besides physicians, licensed health care practitioners may also attend, assist or be present at terminations of pregnancy. Permitting a licensed health care practitioner in attendance, assisting or present at or after the event, other than a physician, to prepare reports facilitates the expeditious preparation of certificates and does not affect medical care standards. Accordingly, when a termination of pregnancy occurs in a hospital, reports may be prepared by a licensed health care practitioner who was in attendance, assisting or present at or after the event; the chief medical officer of the hospital; or the physician in charge of the treating hospital service. When a termination of pregnancy occurs elsewhere than in a hospital and is attended by a licensed health care practitioner, the practitioner may prepare the report.

This paragraph was also amended to permit the designee of a person in charge of a hospital, or the designee of the attending licensed health care practitioner elsewhere than in a hospital, to prepare the required certificate and confidential medical report, if any. Such a designee must be trained or approved by the Department. This is particularly useful for electronic reporting and will enable the hospital, or, for example, a doctor attending a termination of pregnancy in his or her office, to delegate the task of preparing the certificate to a lower level employee. The training and approval requirement should improve data quality.

Paragraph (2) of subdivision (a) is substantially new and was amended to clarify that, regardless of which kind of licensed health care practitioner or other individual is authorized to file a report or to prepare a certificate, only a physician may certify a certificate of spontaneous termination of pregnancy or the associated confidential medical report. For induced termination of pregnancy certificates, a licensed health care practitioner, as well as the several physicians specified, may certify such reports. A certifying physician, or a medical examiner who is also a physician, is required to examine the documents being certified and make necessary changes. Accordingly, the requirement for a physician's countersignature has been deleted.

Subdivision (b) was amended to provide that if worksheets are used by anyone authorized to prepare certificates of termination of pregnancy and confidential medical reports, if any, the worksheets must be approved by the DOHMH in order to control the quality of data collection. In addition, the requirement to have the Board of Health approve the electronic form of certificates has been deleted, because electronic forms are merely reflective of the paper forms prescribed by the Board pursuant to this subdivision, aside from incidental formatting differences.

Section 203.07

Subdivision (a) was amended to provide that the disclosure of the confidential medical report of a spontaneous termination of pregnancy shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code.

Subdivision (b) was amended to include epidemiologic surveillance and investigation conducted by governmental public health agencies within the meaning of "scientific purposes."

Subdivision (c) was amended to provide that the certificate of induced termination of pregnancy is confidential and that disclosure shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code.

Section 203.09

This section was amended to clarify that a disposition permit may be issued, upon request, for the disposal of a conceptus of less than 24 weeks gestation. It should be noted that the original proposal to amend this section proposed to change the gestational age at which a disposition permit would be required from the current 24 weeks to 20 weeks in order to be consistent with the Public Health Law applicable in the rest of the state, but not in New York City. Upon further reflection, the Department is withdrawing that particular proposed change. Section 4162 of the Public Health Law, specifying 20 weeks, does not apply in New York City. Furthermore, the 20-week requirement in section 4162 dates back to the 1960's, whereas the Health Code's current 24-

week standard was adopted in 1977 and is consistent with the timeframe set forth in a 1970 amendment to subdivision (3) of section 125.05 of the Penal Law defining a justifiable abortion. Therefore, the Department has concluded that the gestational age at which a disposition permit is required in New York City should remain at 24 weeks.

The Proposal is as follows:
Note – Matter in brackets [] is to be deleted.
Matter underlined is new.

RESOLVED, that, effective January 1, 2010, Article 203 of the New York City Health Code be and the same hereby is revised, to be printed together with explanatory notes to read as follows:

Article 203 Termination of Pregnancy Introductory Notes

This Article was amended by resolution of the Board on June 24, 2009 to mandate electronic reporting of spontaneous terminations of pregnancy for hospitals or other facilities, such as doctors' offices, reporting births electronically and for hospitals or other facilities reporting 100 or more induced terminations per year; update the definition of induced termination to match that of the Centers for Disease Control and Prevention; broaden the class of individuals who are obligated to report, or who are authorized to prepare reports to licensed health care practitioners, defined as a physician or other person licensed or authorized pursuant to the New York State Education Law or other applicable law, to perform terminations of pregnancy; require departmental approval or training for any non-licensed health care practitioner designated to prepare reports; clarify that only physicians may sign or certify reports of spontaneous terminations and that licensed health care practitioners may also sign or certify reports of induced terminations; and allow the issuance of a disposition permit, upon request, for the disposal of a conceptus that has not completed 24 weeks of gestation.

On September 15, 1977, the Board of Health passed a resolution to repeal then-Articles 203 and 204 and to reenact them as a new Article 203 to pertain to all events governed by the former articles and to define them as terminations of pregnancy. Terminations of pregnancy were classified as either spontaneous or induced terminations.

Two U.S. Supreme Court cases have upheld vital statistics or public health reporting requirements for terminations of pregnancy. In *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52, 96 S.Ct. 2831, 49 L.Ed.2d 788 (1976), the Court unanimously upheld a Missouri law that required health facilities and physicians to report all abortions to the health department. The Court concluded that the keeping of such statistics and records is useful to the state's interest in protecting the health of its female citizens, and that record-keeping and reporting requirements "that are reasonably directed to the preservation of maternal health and that properly respect a patient's confidentiality and privacy are permissible." *Id.* at 80, 96 S.Ct. at 2846.

Subsequently, the Supreme Court reiterated its holding in *Danforth* when it considered the reporting requirements of the Pennsylvania Abortion Control Act in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 112 S.Ct. 2791, 120 L.Ed.2d 674 (1992). The Court held, "The collection of information with respect to actual patients is a vital element of medical research, and so it cannot be said that the requirements serve no purpose other than to make abortions more difficult." *Id.* at 900-01, 112 S.Ct. at 2832.

§ 203.01 Definitions.

When used in this title:

- (a) "Termination of pregnancy" means the expulsion or extraction of a conceptus, regardless of the duration of pregnancy, other than a live birth as defined in § 201.01(a), and includes fetal death [as formerly defined].
- (b) "Spontaneous termination of pregnancy" means the unplanned termination of a pregnancy, including but not limited to an ectopic pregnancy, or such a termination associated with a cesarean section, or an operative procedure unrelated to pregnancy resulting in an inadvertent termination.
- (c) "Induced termination of pregnancy" means the [planned termination of a pregnancy by operative, instrumental or other intervention] purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant and which does not result in a live birth. This definition excludes management or prolonged retention of products of conception following a spontaneous termination of pregnancy.
- (d) "Conceptus" means the product of any termination of pregnancy, regardless of its duration, including a hydatidiform mole, fetal tissue or other evidence of pregnancy recovered by operative or other procedure, but not including a live birth as defined in § 201.01(a).
- (e) "Licensed health care practitioner" means a physician or other person licensed or authorized pursuant to the New York State Education Law, or other applicable law, to perform terminations of pregnancy.

Notes:

This section was amended by resolution adopted on June 24, 2009.

Subdivision (a) was amended to remove the clause "as formerly defined," as there was no such previous reference.

Subdivision (c) was amended to reflect the definition recommended by the National Center for Health Statistics of the federal Centers for Disease Control and Prevention.

A new definition of "licensed health care practitioner" was added as subdivision (e). Which health care practitioners may perform which health care services is a function of state law, most importantly the New York State Education Law. The new definition simply refers to whichever health care practitioners are authorized to perform terminations of pregnancy pursuant to the state Education Law, or other applicable law. In turn, those health care practitioners are among those who are obligated or authorized to file or prepare reports, as specified in sections 203.03 and 203.05. The simplicity of this definition facilitates reporting, including electronic reporting, and avoids the need to delineate which health care practitioners are obligated or authorized to file termination of pregnancy reports or to prepare documents associated therewith.

§ 203.03 Reporting terminations of pregnancy.

(a) When a termination of pregnancy occurs in the City it shall be reported as follows:

- (1) If the event occurs in a hospital or [on its ambulance service] en route thereto, by the person in charge [thereof] of such hospital or his or her designee; or[,]
- (2) If the event occurs elsewhere than in a hospital or en

route thereto, by the licensed [physician] health care practitioner in attendance at or after such event; or (3) If a [nurse-midwife] licensed health care practitioner attends at or after the event elsewhere than in a hospital or en route thereto as an associate of a hospital, by the person in charge of the [maternity clinic or] hospital with which [she] the licensed health care practitioner is associated or by the designee of such person in charge; or (4) If the event is investigated by the office of [the] chief medical examiner, by [the chief] a medical examiner within that office.

(b) The person required to report a termination of pregnancy pursuant to [subsection] subdivision (a)(1), (2) or (3) of this section shall file:

(1) A certificate of induced termination of pregnancy for an induced termination of pregnancy; or

(2) A certificate of spontaneous termination of pregnancy, including a confidential medical report, for a spontaneous termination of pregnancy. The chief; provided that a medical examiner, when required to report pursuant to [subsection] paragraph (a)(4) of this section, shall file a certificate of spontaneous termination of pregnancy only.

(c) A certificate of [spontaneous] termination of pregnancy required by this section shall be filed within 24 hours after the event if a permit to dispose of the conceptus pursuant to Article 205 of this Code is required or requested, and in all other cases a certificate of [induced] termination of pregnancy shall be filed within five business days after the event with any office maintained and designated by the Department for such purposes, but if the termination of pregnancy is revealed by pathological examination of tissues, the required certificate shall be filed within 15 days after recovery of the tissue.

(d) [T] In circumstances where the issuance of a disposition permit pursuant to Article 205 of this Code is required or requested and a person required to report a termination of pregnancy pursuant to subdivision (a) of this section does not file a report thereof electronically, the requirement of filing, the certificate and confidential medical report, if any, required by this section may be fulfilled by delivery of the same immediately upon demand and within the time prescribed by [subsection] subdivision (c) of this section to a funeral director or undertaker authorized to take charge of the conceptus or to the person in charge of the [c]City mortuary if the remains are to be buried in the [c]City cemetery. Such funeral director, undertaker or person in charge of the [c]City mortuary, or an agent of such funeral director or undertaker registered with the Department pursuant to Article 205 of this Code or a designee of the person in charge of the mortuary, shall then file the certificate within 48 hours following the receipt of the certificate of termination of pregnancy. Funeral directors, undertakers, [and c]City mortuary personnel, and their agents or designees, shall not divulge information in the confidential documents except to authorized personnel of the Department. [Certificates required to be filed by this section may be filed with the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department.]

(e) All spontaneous terminations of pregnancy occurring at or en route to hospitals or other facilities that report births electronically to the Department pursuant to Article 201 of this Code, all induced terminations of pregnancy occurring at hospitals or other facilities reporting 100 or more induced terminations of pregnancy per year, and all terminations of pregnancy reported by the office of chief medical examiner, shall be reported to the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. In circumstances where the issuance of a disposition permit pursuant to Article 205 of this Code is required or requested, and a person required to report a termination of pregnancy pursuant to subdivision (a) of this section files a report thereof electronically, a funeral director or undertaker authorized to take charge of the remains, or the person in charge of the City mortuary when said mortuary files an application for a disposition permit, shall also file, within 72 hours following the termination of pregnancy, the application for such a permit electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. All hospitals or other facilities that are not required to report terminations of pregnancy electronically pursuant to this subdivision may, at their election and upon approval by the Department, implement an electronic reporting system, or continue to report terminations of pregnancy on approved paper forms. However, once a hospital or facility has commenced reporting electronically, such hospital or facility may not report on paper forms unless otherwise authorized by the Department.

(f) All facilities required or electing to report electronically pursuant to subdivision (e) of this section shall apply to the Department prior to implementing any electronic reporting system and, upon approval by the Department, shall make electronic reports only in such manner and on computer programs prescribed and provided by or otherwise authorized by the Department. Written paper reports may be submitted for a limited period of time only in the case of extenuating circumstances, temporary equipment failure, or prolonged inability to access the electronic reporting system, and only with the specific approval of the Department. In addition, the Department may, on its own initiative, allow written, paper reports to be submitted if electronic reporting is not possible in a particular circumstance, as a result of a deficiency in the Department's electronic reporting system. The Department may, in addition, require summary, cumulative or periodic reports on such reporting schedule as it may deem necessary.

(g) The person required to report a termination of pregnancy or to file an application for a disposition permit shall provide to the Department information that was required to be reported, but that was not so reported, within five business days of that person receiving the information.

(h) Upon a request by the Department for additional information that may be necessary to complete, clarify or verify the information required to be reported, the person required to report a termination of pregnancy or to file an application for a disposition permit shall provide such information to the Department within five business days of the request.

Notes:

This section was amended by resolution adopted on June 24, 2009.

Subdivision (a) was amended to update terminology from physician or nurse-midwife to other licensed health care practitioners, in order to reflect the current practice of having medical practitioners other than physicians in attendance at terminations of pregnancy. Permitting a licensed health care practitioner who was in attendance, other than a physician, to report a termination of pregnancy facilitates reporting and does not affect medical care standards.

Subdivision (b) was modified to accommodate legal nomenclature and to reflect the change to paragraph (4) of subdivision (a) clarifying that when the office of chief medical examiner files a certificate of spontaneous termination of pregnancy, any medical examiner within that office may file the certificate without a confidential medical report.

Subdivision (c) was amended to change the 24 hour filing requirement for spontaneous terminations and 5 day filing requirement for induced terminations of pregnancy to a 24 hour reporting requirement for all terminations of pregnancy when a permit to dispose of the conceptus is required or requested. Certificates and confidential medical reports, if any, related to terminations not resulting in the issuance of a disposition permit must be filed within 5 business days after the event. As per amendments to section 203.09 (see below), such permit is required for all terminations occurring at 24 weeks gestation or later and may be requested for terminations occurring at less than 24 weeks. Subdivision (c) was also amended to remove the provision pertaining to filing within 15 days for the termination of pregnancy revealed by pathological examination. This provision is no longer applicable as pathological examination is no longer required for determining pregnancy status.

Subdivision (d) was amended to make proper reference to New York City, and to accommodate the fact that in some cases, but not necessarily all, a conceptus may be buried or otherwise disposed of pursuant to a permit issued by the Department. In such circumstances, the required documents may be filed by a funeral director, undertaker or person in charge of the City mortuary, as the case may be, or a registered agent or designee of such persons. Such an alternative means of filing is only available, however, when the report is being filed in paper form. Reference to electronic filing was deleted and incorporated into the new subdivision (e).

Subdivision (e) was added to require all facilities reporting births electronically or reporting 100 or more induced terminations of pregnancy in any 1 year, and the office of chief medical examiner, to report terminations of pregnancy electronically. When a required reporter files electronically, a funeral director or undertaker authorized to take charge of the remains, or the person in charge of the City mortuary when filing an application for a disposition permit, must also file such application electronically. Facilities not required to report electronically may opt to do so with approval by the Department or may continue to report on paper. However, once a facility begins to file electronically, it may not revert to paper filing unless so authorized by the Department.

Subdivision (f) was added to require departmental approval of electronic reporting systems, in order to ensure the uniformity and quality of data collection. The subdivision also requires approval from the DOHMH prior to the electronic transfer of data from a facility to the Department to ensure the protection of the confidentiality of the information provided. The subdivision also provides for alternative arrangements, upon the Department's approval or initiative, in particular circumstances.

Subdivision (g) was added to provide for situations in which a reporter receives required information after reporting the termination of the pregnancy. The reporter must submit such information within 5 business days of receipt.

Subdivision (h) was added to require reporters to provide, within 5 business days of a request by the Department, additional information necessary to complete, clarify or verify the information required to be reported. Such information may include, for example, updated causes of death.

§ 203.05 Preparation and certification of certificates.

(a)(1) Preparation. Any certificate or confidential medical report required by this [section] Article shall be prepared by the same person required to file the same pursuant to § 203.03 but when a termination of pregnancy occurs in a hospital or [on its ambulance service] en route thereto, the certificate and confidential medical report, if any, shall be prepared by [the physician] a licensed health care practitioner in attendance, [or] assisting or present at or after the event, by the chief medical officer of the hospital, [or] by the physician in charge of the service on which the woman was treated, or by a designee of the person in charge of the hospital who is trained or approved by the Department. When a [nurse-midwife] licensed health care practitioner attends at or after a termination of pregnancy elsewhere than in a hospital or en route thereto, he or she, or a designee of such person who is trained or approved by the Department, shall prepare the required certificate, and a physician shall countersign the certificate and examine it for correctness of the medical information entered thereon and make necessary changes] and confidential medical report, if any.

(2) Certification. A certificate of spontaneous termination of pregnancy and the confidential medical report shall be certified by a physician in attendance or assisting at or after the event, by the chief medical officer of the hospital where the event occurred, or by the physician in charge of the service on which the woman was treated. A certificate of induced termination of pregnancy shall be certified by a licensed health care practitioner, who is licensed or authorized pursuant to the State Education Law or other applicable law to perform such a termination of pregnancy, in attendance or assisting at or after the event, by the chief medical officer of the hospital where the event occurred, or by the physician in charge of the service on which the woman was treated. When a termination of pregnancy certificate is filed by the office of chief medical examiner, the certificate shall be certified by a medical examiner within that office. A person certifying a certificate and confidential medical report, if any, shall examine said documents for correctness of the information contained thereon and make necessary changes.

(b) The certificates specified in § 203.03(b), except for certificates filed electronically pursuant to § 203.03(e), shall be prepared on forms prescribed by the Board and furnished by the Department. [Certificates that are electronically filed by means of c] Computer programs specified and provided or otherwise authorized for use by the Department [must be filed in an electronic form prescribed by the Board and furnished by the Department] for electronic filing shall be reflective of the forms prescribed by the Board except to the extent that differences may be necessary or warranted in order to accommodate electronic formatting. The person preparing the certificate shall enter all information required by the appropriate form. When a termination of pregnancy occurs in a hospital or [on its ambulance service] en route thereto, the information shall be taken from the hospital record of the case. If worksheets are used to prepare certificates of termination of pregnancy and confidential medical reports, if any, the worksheets shall be ones provided by the Department or in a form approved by the Department. If individuals other than a physician, licensed midwife, registered professional nurse, certified nurse practitioner or registered physician assistant use such worksheets, then such individuals shall be trained or approved by the Department. The person preparing the certificate and confidential medical report, if any, or such person's employer, shall retain such worksheets for a period of three years from the date of the event, and shall, upon request, make such worksheets available to the Department for inspection.

Notes:

This section was amended by resolution adopted on June 24, 2009.

The title of section 203.05 was amended to "Preparation and Certification of Certificates" and the paragraph titles "Preparation" and "Certification" were added to subdivision (a). These changes were made to indicate that separate rules apply to the preparation and certification of certificates.

Paragraph (1) of subdivision (a) was amended to include licensed health care practitioners, as defined in § 203.01, and to reflect gender neutrality. Besides physicians, licensed health care practitioners may also attend, assist or be present at terminations of pregnancy. Permitting a licensed health care practitioner in attendance, assisting or present at or after the event, other than a physician, to prepare reports facilitates the expeditious preparation of certificates and does not affect medical care standards. Accordingly, when a termination of pregnancy occurs in a hospital, reports may be prepared by a licensed health care practitioner who was in attendance, assisting or present at or after the event; the chief medical officer of the hospital; or the physician in charge of the treating hospital service. When a termination of pregnancy occurs elsewhere than in a hospital and is attended by a licensed health care practitioner, the practitioner may prepare the report.

This paragraph was also amended to permit the designee of a person in charge of a hospital, or the designee of the attending licensed health care practitioner elsewhere than in a hospital, to prepare the required certificate and confidential medical report, if any. Such a designee must be trained or approved by the Department. This is particularly useful for electronic reporting and will enable the hospital, or, for example, a doctor attending a termination of pregnancy in his or her office, to delegate the task of preparing the certificate to a lower level employee. The training and approval requirement should improve data quality.

Paragraph (2) of subdivision (a) is substantially new and was amended to clarify that, regardless of which kind of licensed health care practitioner or other individual is authorized to file a report or to prepare a certificate, only a physician may certify a certificate of spontaneous termination of pregnancy or the associated confidential medical report. For induced termination of pregnancy certificates, a licensed health care practitioner, as well as the several physicians specified, may certify such reports. A certifying physician, or a medical examiner who is also a physician, is required to examine the documents being certified and make necessary changes. Accordingly, the requirement for a physician's countersignature has been deleted.

Subdivision (b) was amended to provide that if worksheets are used by anyone authorized to prepare certificates of termination of pregnancy and confidential medical reports, if any, the worksheets must be approved by the DOHMH. This will enable the Department to control the quality of data collection. In addition, the requirement to have the Board of Health approve the electronic form of certificates was deleted, because electronic forms are merely reflective of the paper forms prescribed by the Board pursuant to this subdivision, aside from incidental formatting differences.

§ 203.07 Confidential medical report of spontaneous termination of pregnancy and certificate of induced termination of pregnancy; not subject to [subpoena] compelled disclosure or inspection.

(a) The confidential medical report of a spontaneous termination of pregnancy shall [not] be confidential and not subject to [subpoena] compelled disclosure or to inspection by persons other than the Commissioner or authorized personnel of the Department, except in a criminal action or criminal proceeding, or for official purposes by a federal, State, county or municipal agency charged by law with the duty of detecting or prosecuting crime. The Commissioner may, however, approve the inspection of such medical reports for scientific purposes.

(b) Within the context of this section, scientific purposes shall mean epidemiologic surveillance and investigation by a governmental public health agency, research, [and/or] the compilation of statistics relating factors bearing on disease incidence, prevalence, mortality or treatment.

(c) The certificate of induced termination of pregnancy shall [not] be confidential and not subject to [subpoena] compelled disclosure or to inspection by persons other than the Commissioner or authorized personnel of the Department.

Notes:

This section was amended by resolution adopted on June 24, 2009.

Subdivision (a) was amended to provide that the disclosure of the confidential medical report of spontaneous termination of pregnancy shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code.

Subdivision (b) was amended to include epidemiologic surveillance and investigation conducted by governmental public health agencies within the meaning of "scientific purposes."

Subdivision (c) was amended to provide that the certificate of induced termination of pregnancy is confidential and that disclosure shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code.

§ 203.09 Disposal of conceptus.

Every conceptus that has completed 24 or more weeks of gestation shall be disposed of in a manner provided for human remains generally and in accordance with a disposition permit issued pursuant to Article 205 of this [c]Code. When, however, [the certificate of termination of pregnancy has been filed pursuant to §203.03(b),] a conceptus [which] has not completed 24 weeks of gestation, it may be [used for anatomical purposes within the meaning of §205.01(e) and thereafter disposed of by the physician in attendance without further authorization or permit] disposed of in accordance with a disposition permit issued pursuant to Article 205 of this Code, upon request.

Notes:

This section was amended by resolution adopted on June 24, 2009.

This section was amended to clarify that a disposition permit may be issued, upon request, for the disposal of a conceptus of less than 24 weeks gestation.

NOTICE OF ADOPTION OF A RESOLUTION TO AMEND ARTICLE 201 OF THE NEW YORK CITY HEALTH CODE

In compliance with § 1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by § 558 of said Charter, a Notice of Intention of the proposed amendment of Article 201 of the

New York City Health Code (the "Health Code") was published in the City Record on March 27, 2009, and a public hearing was held on April 30, 2009. No one testified at the public hearing and no written comments were received. No changes were made to the resolution. At its meeting on June 24, 2009, the Board of Health adopted the following resolution.

STATEMENT OF BASIS AND PURPOSE

INTRODUCTION

As part of a comprehensive review of the Health Code, the Department proposes that current Article 201, Births, be amended to assure that the revised provisions provide adequate legal tools to effectively address general public health matters and to reflect modern public health thinking and practice.

Pursuant to this review and assessment of the Health Code, the DOHMH proposes that the Board amend Article 201, effective January 1, 2010, as set forth below.

Section 201.01

The definition of the term "person in charge of a hospital" has been amended to include the title of chief executive officer as an example of a person in charge of a hospital. Such amendment provides additional guidance on which individuals the DOHMH will consider a person in charge.

A new subdivision (c) has been added to define the term "hospital" in a manner consistent with Article 28 of the State Public Health Law to include not only in-patient hospitals, but also, for example, diagnostic and treatment centers.

Section 201.03

Subdivision (a) has been amended to delete reference to a hospital's ambulance service as the only forum for a birth en route to a hospital, and to add the broader concept of a birth occurring en route to the hospital. This subdivision was also amended to permit the designee of a person in charge of a hospital to report a live birth to the DOHMH. This will enable the hospital to delegate the task of filing the report to a lower level employee. Reference to a "maternity clinic" has been deleted as such facilities are subsumed within the term "hospital" as now defined.

Subdivision (a) has also been amended to permit a licensed midwife and a registered physician assistant, in addition to a physician, in attendance at a birth outside a hospital to report such birth. Permitting such licensed health care professionals to report the birth reflects the practice of having medical personnel other than physicians participate in live births. In addition, permitting reporting by such licensed health care professionals in attendance at the live birth other than a physician does not affect medical care standards; rather, it facilitates reporting requirements.

Subdivision (b) was amended to correct legal nomenclature distinguishing between a "subsection" and a "paragraph".

Subdivision (c) has been added to require reporters to provide additional required information upon receipt of new information by the reporter. The new subdivision provides for submission of such information within five business days of receipt by the reporter.

Subdivision (d) has been added to require reporters to provide, within five business days of a request by the Department, additional information necessary to complete, clarify or verify the information required to be reported.

Section 201.05

Subdivision (a) has been amended to permit a licensed midwife or registered physician assistant, in addition to a physician, certified nurse practitioner or a registered professional nurse, to prepare a birth certificate and a confidential medical report of birth, and to further specify that such documents must be certified. This subdivision now permits individuals other than the licensed health care professionals who attended or assisted, or who were present at or after the birth to prepare and certify the certificates and confidential medical reports, relying on their review of medical records. This change recognizes current practice in hospitals, especially in the context of electronic filing. However, the amendment requires that such individuals be designated by the person in charge of the hospital and that they be trained or approved by the Department. If a birth occurs elsewhere than in a hospital or en route thereto, and is attended by a physician, licensed midwife, certified nurse practitioner or a registered physician assistant, then only they can prepare and certify the documents. Furthermore, this subdivision was amended to make clear that the act of certifying involves an examination of the record being certified for correctness of the information.

Subdivision (b) has been amended to reflect gender neutrality and to correct a reference to a particular section of the State Public Health Law. In order to control the quality of data collection, a provision has been added to require that DOHMH approved worksheets be used in a hospital, and that individuals using them, other than the specified licensed professionals, be trained or approved by the Department. Such worksheets must be retained by the hospital for three years, and must be made available for inspection by the Department upon request.

Subdivision (c) and subdivision (f) (now renumbered as subdivision (d)) have been amended to remove now unnecessary language concerning requirements that were effective January 1997. Renumbered subdivision (d) has been amended to emphasize that electronic reporting can only occur upon approval by the Department.

Subdivisions (d) and (e) have been deleted as no longer necessary because currently both the birth certificate and the confidential medical report of birth are required to be filed electronically.

Section 201.07

Subdivision (a) was amended to indicate that the disclosure of confidential medical reports of birth shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code.

Subdivision (b) was amended to include epidemiologic surveillance and investigation conducted by governmental public health agencies within the meaning of "scientific purposes".

Section 201.09

A new §201.09 has been added to specify how, in a manner consistent with §4131 of the State Public Health Law, reports of foundlings filed by the City's Commissioner of Children's Services are to be treated and processed by the Department.

Section 201.11

Subdivision (a) has been amended to reflect gender neutrality. Paragraph (2) has been deleted as the submission of a certificate of birth on an application for a delayed registration of birth no longer reflects the Department's

application process.

Subdivision (b) was amended to correct legal nomenclature distinguishing a "subsection" and a "paragraph".

Subdivision (c) was deleted as no longer necessary given that the new §201.09 comprehensively covers the handling of foundling reports. A new subdivision (c) has been added to clarify that an application for a delayed registration of birth will not be granted for a person who is already deceased.

The Proposal is as follows:

Note – Matter in brackets [] is to be deleted
Matter underlined is new

RESOLVED, that, effective January 1, 2010, Article 201 of the New York City Health Code be and the same hereby is revised, to be printed together with explanatory notes to read as follows:

Article 201

Births

Introductory Notes

This article contains provisions for the reporting of births occurring in the City, for the maintenance of registries of births and for the reporting of births not reported at the time of the event.

§201.01 Definitions.

When used in this title:

- (a) "Live birth" or "birth" means the complete expulsion or extraction from its mother of a product of conception, regardless of the duration of pregnancy, which after expulsion or extraction shows evidence of life, such as breathing, beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
- (b) "Person in charge of a hospital" means the officer or employee who is responsible for the administration of a hospital or similar institution and includes but is not limited to a person holding the title of chief executive officer, administrator, superintendent, director or executive director.
- (c) "Hospital" means a facility or institution licensed pursuant to Article 28 of the State Public Health Law and defined as such in §2801 of said law.

Notes:

Subdivision (b) was amended and subdivision (c) was added by resolution adopted on June 24, 2009. The definition of "hospital" is intended to capture the entire range of facilities that are licensed by the State Department of Health pursuant to Article 28 of the State Public Health Law, including in-patient hospitals and birthing centers that are so licensed.

§201.03 Reporting births.

(a) When a live birth occurs in the City, it shall be reported to the Department as follows:

- (1) If the birth occurs in a hospital or [on its ambulance service] en route thereto, by the person in charge of such hospital or his or her designee; or,
 - (2) If the birth occurs elsewhere than in a hospital or en route thereto, by the physician, [or nurse] licensed midwife or registered physician assistant, in attendance at or after such birth; or,
 - (3) If a [nurse midwife] physician, licensed midwife or registered physician assistant attends at or after the birth elsewhere than in a hospital, or en route thereto, as an associate of a hospital, by the person in charge of the [maternity clinic or] hospital with which he or she is associated or by the designee of such person in charge; or,
 - (4) If the birth occurs without the attendance of a physician, [or nurse midwife] licensed midwife or registered physician assistant, by either of the parents of the child or, if no parent is alive, by the next of kin of the child or any person present at the birth.
- (b) A person required to report a live birth pursuant to [subsection] paragraphs [(a)](1), (2) or (3) of subdivision (a) of this section shall file a certificate of birth and a confidential medical report, and a person required to report pursuant to [subsection] paragraph [(a)](4) of subdivision (a) of this section shall file a certificate of birth only. Reports shall be filed within 5 business days after the birth with the office maintained and designated by the Department for such purposes.
- (c) The person required to report a birth shall provide to the Department information that was required to be reported, but that was not so reported, within five business days of that person receiving the information.
- (d) Upon a request by the Department for additional information that may be necessary to complete, clarify or verify the information required to be reported, the person required to report a birth shall provide such information to the Department within five business days of the request.

Notes:

This section was amended by resolution adopted on June 24, 2009. This section focuses on who is required to file a report of a live birth with the Department. Section 201.05 concerns who must prepare and certify such reports. Throughout this section and others in this Article, the phrase "or on its ambulance service" has been replaced by "en route thereto" to acknowledge the fact that ambulance services can be independent of hospitals and to encompass births that may occur en route to a hospital, such as in an automobile, taxicab or police car. This section also acknowledges the broader range of licensed health care professionals that can participate at or after a birth. Subdivisions (c) and (d) are new, and have been added to require reporters to submit additional information, and to clarify the Department's authority to require additional information.

§201.05 Preparation and certification of certificate of birth and confidential medical report of birth.

(a) The certificate of birth and confidential medical report shall be prepared and certified by the person required to file the same pursuant to §201.03, but when the birth occurs in a hospital or [on its ambulance service] en route thereto, the certificate and the confidential medical report [may] shall be prepared and certified by the physician, licensed midwife or registered physician assistant in attendance or assisting, or by a certified nurse practitioner or registered professional nurse present at or after the birth, or by a designee of the person in charge of the hospital who is trained or approved by the Department. When a physician, licensed [nurse] midwife or registered physician assistant attends at or after a birth elsewhere than in a hospital or en route thereto, he or she shall prepare and certify the certificate and confidential medical report. A person certifying a certificate and confidential medical report shall examine said documents for correctness of the information contained thereon and make any necessary changes.

(b) The certificate and confidential medical report shall be prepared on forms prescribed by the Board and furnished by the Department and shall contain no statement indicating

the marital name or status of the mother or whether the child was born in or out of wedlock. The person preparing the certificate shall enter all information required by the form provided by the Department, except that in case of a child born out of wedlock [he] such person shall not enter the name of the putative father unless there is submitted to [him] the preparer a verified written consent of the putative father pursuant to §17-166(d) of the Administrative Code or a voluntary acknowledgement of paternity pursuant to §4135-b [Title I of Article 41] of the State Public Health Law. When the birth occurs in a hospital or [on its ambulance service] en route thereto, the information required by the forms shall be taken from the hospital records of the case. In a hospital, worksheets provided or otherwise approved by the Department shall be used in the preparation of the certificate and confidential medical report, and if such worksheets are used by individuals other than a physician, licensed midwife, registered professional nurse, certified nurse practitioner or registered physician assistant, then such individuals shall be trained or approved by the Department. Worksheets shall be retained by the hospital for a period of at least three years from the date of the birth, and shall, upon request, be made available to the Department for inspection.

(c) All live births occurring in the City [of New York on or after January 1, 1997] at facilities reporting 100 or more live births per year shall be reported to the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. All facilities at which fewer than 100 live births are reported per year may, at their election and upon approval by the Department, implement an electronic birth certificate reporting system or continue to report births on approved paper forms.

[(d) Facilities reporting births electronically shall file the confidential medical report of birth solely by means of electronic filing.

(e) Facilities reporting births electronically shall file the certificate of birth both electronically and on approved paper forms.]

[(d)(f) All facilities required to file birth certificates electronically [after January 1, 1997] and facilities reporting fewer than 100 births per year which elect to report electronically, shall apply to the Department prior to implementing any system and, upon approval by the Department, shall make electronic reports only in such manner and on computer programs prescribed and provided or otherwise authorized by the Department. [Facilities reporting 100 or more live births per year may elect to commence filing birth certificates electronically, with the approval of the Department, prior to January 1, 1997 which the Department, at its discretion, may authorize. Such election shall be irrevocable upon commencement of electronic filing by such facilities.]

Notes:

Subdivisions (a), (b) and (c) were amended, subdivisions (d) and (e) were repealed and subdivision (f) was amended and re-lettered as a new subdivision (d) by resolution adopted on June 24, 2009. This section governs who is required to prepare and certify a report of a live birth, including a range of licensed professionals. The section now mentions certification in addition to preparation in order to clarify what the long-standing practice and use of approved forms has been; namely that the reports must be signed, whether in hardcopy or electronically. For births occurring in or en route to a hospital, worksheets approved by the Department must be used and retained by the hospital for at least three years.

§201.07 Confidential medical report of birth; not subject to compelled disclosure [subpoena] or inspection.

(a) The confidential medical report of birth shall [not] be confidential and not subject to compelled disclosure [subpoena] or to inspection by persons other than the Commissioner or authorized personnel of the Department, except in a criminal action or criminal proceeding, or for official purposes by a federal, state, county or municipal agency charged by law with the duty of detecting or prosecuting crime. The Commissioner may, however, approve the inspection of such medical reports for scientific purposes.

(b) Within the context of this section, scientific purposes shall mean epidemiologic surveillance and investigation by a governmental public health agency, research, [and/or] the compilation of statistics relating factors bearing on disease incidence, prevalence, mortality or treatment.

Notes:

Section 201.07 was amended by resolution adopted on June 24, 2009. The confidential medical report of birth is still not subject to disclosure except as specified in the section. The phraseology of subdivision (a) was changed to "confidential and not subject to compelled disclosure" in order to broaden the prohibition on disclosure and to conform to the language of other Articles in this Code. Epidemiologic surveillance and investigations by a governmental public health agency are now specified as within the meaning of "scientific purposes" so as to permit disclosure with the approval of the Commissioner.

§201.09 Foundlings.

(a) The report of the finding of a child whose parents are unknown, filed by the Commissioner of the City Administration for Children's Services in accordance with the provisions of subdivision two of §398 of the State Social Services Law, shall constitute the birth record of such child.

(b) The address or location where such child was found shall be considered as the place of birth, and the date of birth shall be that determined by the Commissioner of the City Administration for Children's Services as the approximate date of birth.

(c) If, however, such child is subsequently identified, and a certificate of birth for such child has been duly filed either before or following identification, the report of the Commissioner of the City Administration for Children's Services shall be placed under seal by the Department, and such seal shall not be broken except upon order of a court of competent jurisdiction.

Notes:

Section 201.09 was added by resolution adopted on June 24, 2009. This section is new and tracks §4131 of the State Public Health Law.

§201.11 Delayed registration of births.

(a) When a birth in the City is not recorded in the Department within one year following the birth, it may be recorded with the approval of the Commissioner or the Commissioner's designee [other personnel of the Department designated by him]. Application for such delayed registration shall be made on a form furnished by the Department by the parents or surviving parent, or by the guardian of the person whose birth is to be recorded, if such person is a minor, or by the person himself or herself if he or she is 18 years of age or over and his or her parents are dead. The application shall be accompanied by the following:

- (1) A certified statement issued by the Department that a search was made for the record of birth in question and that

such record was not found; and [(2) A certificate of birth on a delayed registration form prescribed by the Board and furnished by the Department. The certificate shall state the facts relating to the birth as of the date of birth and shall be signed by the physician, nurse midwife or midwife who attended at the birth, or if the physician, nurse midwife or midwife is dead or not available, or if there was no such person in attendance, it shall be signed by the person in charge of the hospital in which the birth occurred or by the parents or surviving parent, or by the guardian of the person whose birth is to be recorded. If none of these persons is alive or available, and the person whose birth is to be recorded is over 18 years of age, he shall sign the certificate, and.]

(2)(3) Such documentary and other evidence as will establish to the satisfaction of the Commissioner or [his] the Commissioner's designee the facts and date of birth as alleged in the application. The burden of submitting convincing proof rests with the applicant.

(b) When an application for delayed registration has been granted and a certificate of birth on a delayed registration form is filed pursuant to this section, the Department shall issue to the applicant without further charge, in exchange for the certified statement submitted pursuant to [subsection] paragraph (1) of subdivision (a) of this section, a certified copy of the certificate of birth.

(c) No application for delayed registration shall be granted, and no delayed certificate of birth shall be registered or issued for a deceased person. [If a report of founding, prepared by the City commissioner of welfare pursuant to §398(2)(e) of the Social Welfare Law is not filed with the Department before the end of the calendar year following the year in which the child was found, it shall be filed as delayed registration of birth.]

Notes: Subdivisions (a) and (b) were amended, paragraph (2) of subdivision (a) was deleted, and subdivision (c) was repealed and reenacted by resolution adopted on June 24, 2009. This section remains essentially the same, except that prior subdivision (c), relating to foundlings, was deleted in light of the new section 201.09. A new subdivision (c) was added to clarify that delayed registrations of birth cannot be issued for individuals who are already deceased.

j30



COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on July 8, 2009, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include parcels 13, 15,15A, 1 6, 18, 19,19A, 20,20A.

Acquired in the proceeding, entitled: NEW CREEK BLUEBELT, PHASE 3, subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr. Comptroller

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The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE....Date Intent to Negotiate Notice was published in CR
- OLB.....Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN.....Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS.....Source required by state/federal law or grant
- SCE.....Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED.....Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/only one source**
- RS.....Procurement from a Required Source/ST/FED
- NA.....Negotiated Acquisition
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9New contractor needed for changed/additional work
- NA/10.....Change in scope, essential to solicit one or limited number of contractors
- NA/11.....Immediate successor contractor required due to termination/default

For Legal services only:

- NA/12.....Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1Prevent loss of sudden outside funding
- WA2Existing contractor unavailable/immediate need
- WA3Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F.....Federal
- IG/S.....State
- IG/OOther
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A.....Life
- EM/B.....Safety
- EM/C.....Property
- EM/D.....A necessary service
- AC **Accelerated Procurement/markets with** significant short-term price fluctuations
- SCE..... **Service Contract Extension/insufficient time;** necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a.....anti-apartheid preference
- OLB/b.....local vendor preference
- OLB/crecycled preference
- OLB/d.....other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.