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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOROUGH PRESIDENT - MANHATTAN

#### ■ PUBLIC HEARINGS

The Manhattan Borough Board will meet Thursday, July 16, 2015, at 8:30 A.M., in the Office of Manhattan Borough President, 1 Centre Street, 19th Floor South, New York, NY

The Manhattan Borough Board will hear a presentation by EDC and hold a public hearing on the disposition of city-owned property at 455

First Avenue, in Community District 6, pursuant to Section 384(b)(4) of the New York City Charter.

• jy9-16

### BOROUGH PRESIDENT - QUEENS

#### ■ MEETING

The Queens Borough Board jointly with the Queens Borough Cabinet will meet Monday, July 13, 2015 at 5:30 P.M. in the Queens Borough President Conference Room, 120-55 Queens Boulevard, 2<sup>nd</sup> Floor, Kew Gardens, N.Y. 11424.

jy7-13

### 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 22 Reade Street, New York, NY, on Wednesday, July 15 2015 at 10:00 A.M.

**BOROUGH OF BROOKLYN**  
Nos. 1 & 2  
**FDNY RESCUE 2**  
No. 1

**CD 16** **C 150326 PSK**  
**IN THE MATTER OF** an application submitted by the New York City Fire Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at Sterling Place between Howard

and Saratoga avenues (Block 1467, p/o lot 22) for use as a rescue facility.

No. 2

CD 16 C 150327 ZSK IN THE MATTER OF an application submitted by the New York City Fire Department pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a fire station to be located in a residence district to facilitate a proposed 2-story fire station on property located on the north side of Sterling Place between Howard Avenue and Saratoga Avenue (Block 1467, p/o Lot 22), in an R6 District.

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

No. 3 10300 FOSTER AVENUE

CD 18 C 150318 PQK IN THE MATTER OF an application submitted by the Human Resources Administration 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 10300 Foster Avenue (Block 8149, Lot 300) for use as a warehouse.

jy1-15

BOARD OF CORRECTION

MEETING

Please take note that the next meeting of the Board of Correction will be held on July 14, 2015, at 9:00 A.M. The location of the meeting will be 455 First Avenue, New York, NY 10016 in the Auditorium on the ground floor.

At that time there will be a discussion of various issues concerning New York City's correctional system. No response to this email is necessary.

jy8-14

DESIGN COMMISSION

MEETING

Agenda Monday, July 13, 2015

Public Meeting

12:20 P.M. Consent Items

- 25424: Installation of a prototypical newsstand, 1280 York Avenue, northeast corner of York Avenue and East 68th Street, Manhattan. (Preliminary and Final) (CC 5, CB 8) DCA/DOT
25425: Installation of a prototypical newsstand, 1441 Second Avenue, northwest corner of East 75th Street and Second Avenue, Manhattan. (Preliminary and Final) (CC 4, CB 8) DCA/DOT
25426: Installation of a prototypical newsstand, 58 Tenth Avenue, southeast corner of Tenth Avenue and West 15th Street, Manhattan. (Preliminary and Final) (CC 3, CB 4) DCA/DOT
25427: Installation of photovoltaic panels, Engine Company 331, 158-57 Cross Bay Boulevard, Queens. (Preliminary and Final) (CC 32, CB 10) DDC
25428: Installation of rooftop antennae, Public Safety Answering Center II (PSAC II), 1200 Waters Place, Bronx. (Preliminary and Final) (CC 13, CB 11) DDC/DoITT
25429: Installation of windows and mechanical equipment, 77th Precinct Annex, 653 Grand Avenue, Brooklyn. (Final) (CC 35, CB 8) DDC
25430: Installation of a garage door, Q7 Garage, 133-25 32nd Avenue, Queens. (Preliminary and Final) (CC 20, CB 7) DEP
25431: Reconstruction of the Borden Avenue Pump Station, including the construction of an aeration building addition, Dutch Kills and Newtown Creek, 28-45 Borden Avenue under the Long Island Expressway, Queens. (Preliminary and Final) (CC 26, CB 2) DEP
25432: Construction of a water quality monitoring station, 903 East 233rd Street, Bronx. (Final) (CC 12, CB 12) DEP

- 25433: Reconstruction of Gate Houses No. 2 and 3 and restoration of Gate House No. 7, Jerome Park Reservoir, Sedgwick Avenue, Goulden Avenue and Reservoir Avenue, Bronx. (Final) (CC 11, CB 8) DEP
25434: Installation of louvers, Fashion Institute of Technology, Shirley Goodman Resource Center, 282 Seventh Avenue, Manhattan. (Preliminary and Final) (CC 3, CB 5) DOE
25435: Installation of signage, Fashion Institute of Technology, David Dubinsky Student Center, 340 Eighth Avenue, and Fred P. Pomerantz Art and Design Center, 300 Seventh Avenue, Manhattan. (Preliminary) (CC 3, CB 5) DOE
25436: Installation of a step, railings and planters, 336 West 37th Street, Manhattan. (Preliminary and Final) (CC 3, CB 4) DOT
25437: Construction of Rheingold Park, Bushwick Avenue and Beaver Street, Brooklyn. (Preliminary) (CC 34, CB 4) DPR
25438: Reconstruction of a portion of the Parade Ground, Parkside Avenue, Parade Place, Canton Avenue and Coney Island Avenue, Prospect Park, Brooklyn. (Preliminary) (CC 40, CB 14) DPR
25439: Reconstruction of Sergeant William Dougherty Playground, including construction of a skate park and comfort station, Anthony Street, Vandervoort Avenue, Cherry Street and Porter Avenue, Brooklyn. (Preliminary) (CC 34, CB 1) DPR
25440: Reconstruction of a skate park, Rockaway Beach, Shore Front Parkway between Beach 91st Street and Beach 92nd Street, Queens. (Preliminary) (CC 32, CB 14) DPR
25441: Reconstruction of a portion of Brook Park, East 140th Street and East 141st Street between Willis Avenue and Brook Avenue, Bronx. (Preliminary) (CC 8, CB 1) DPR
25442: Reconstruction of Henry M. Jackson Playground, Henry Street between Jackson Street and Gouverneur Street, Manhattan. (Preliminary) (CC 2, CB 3) DPR
25443: Reconstruction of Arrochar Playground, adjacent to P.S. 139, Sand Avenue between Major Avenue and MacFarland Avenue, Staten Island. (Preliminary) (CC 50, CB 2) DPR
25444: Reconstruction of McDonald Playground, Forest Avenue and Myrtle Avenue between Broadway and North Burgher Avenue, Staten Island. (Preliminary) (CC 49, CB 1) DPR
25445: Reconstruction of a portion of Stockton Playground, adjacent to P.S. 297, Park Avenue and Floyd Street between Marcy Avenue and Tompkins Avenue, Brooklyn. (Preliminary) (CC 36, CB 3) DPR
25446: Reconstruction of Louis Simeone Park, Radcliff Avenue, Strong Avenue and Lewis Avenue, Queens. (Preliminary) (CC 25, CB 4) DPR
25447: Reconstruction of Playground 52, Phase II, Avenue St. John, Beck Street and Kelly Street, Bronx. (Preliminary) (CC 17, CB 2) DPR
25448: Reconstruction of a portion of Jessie Owens Playground, adjacent to P.S. 26 and J.H.S. 57, Lafayette Avenue between Stuyvesant Avenue and Malcolm X Boulevard, Brooklyn. (Preliminary) (CC 36, CB 3) DPR
25449: Reconstruction of Ten Eyck Playground, adjacent to P.S. 196, Scholes Street and Meserole Street between Bushwick Avenue and Waterbury Street, Brooklyn. (Preliminary) (CC 34, CB 1) DPR
25450: Construction of a prototypical comfort station, Green Central Knoll, Central Avenue, Noll Street and Evergreen Avenue, Brooklyn. (Preliminary) (CC 34, CB 4) DPR
25451: Construction of a golf cart storage shed, Maintenance Yard, Ferry Point Park Golf Course, Balcom Avenue, Miles Avenue, Whitestone Bridge approach, the East River, Bronx. (Preliminary) (CC 13, CB 10) DPR
25452: Restoration and renovation of Alice Austen Park, Hylan Boulevard at Edgewater Street, Staten Island. (Preliminary and Final) (CC 49, CB 1) DPR
25453: Reconstruction of Sumner Playground, adjacent to P.S. 59, Throop Avenue between Park Avenue and Myrtle Avenue, Brooklyn. (Final) (CC 36, CB 3) DPR
25454: Reconstruction of a basketball court and construction of a skate park, Van Cortlandt Stadium, Van Cortlandt Park, Broadway, Van Cortlandt Park South and Van Cortlandt Avenue West, Bronx. (Final) (CC 11, CB 8) DPR
25455: Construction of an addition, Dag's Patio Café, 342 East 47th Street, Dag Hammarskjöld Plaza, Manhattan. (Final) (CC 4, CB 6) DPR

- 25456: Reconstruction of Pier 42, Phase IA, East River Waterfront between Montgomery Street and Jackson Street, Manhattan. (Final) (CC 2, CB 3) DPR
- 25457: Installation of two signs as part of an interpretive signage system, 34<sup>th</sup> Street Partnership District, Sixth Avenue between 32<sup>nd</sup> Street and 33<sup>rd</sup> Street, and 34<sup>th</sup> Street between Fifth Avenue and Sixth Avenue, Manhattan. (Preliminary and Final) (CC 3, CB 4 & 5) DOT
- 25458: Reconstruction of BAM Park, Fulton Street, Lafayette Avenue, and Saint Felix Street, Brooklyn. (Preliminary) (CC 35, CB 2) EDC/DPR

**Public Hearing**

12:25 P.M.

- 25459: Reconstruction of Ranaqua Park, adjacent to P.S. 43, East 135th Street and East 136th Street between Willis Avenue and Brown Place, Bronx. (Preliminary) (CC 8, CB 1) DPR

12:50 P.M.

- 25460: Reconstruction of the Ravine, North Woods, West Drive, 102<sup>nd</sup> Street Crossing and East Drive, Central Park, Manhattan. (Preliminary and Final) (CC 9, CB 5, 7, 8, 10, 11) DPR/CPC
- 25461: Restoration of the Gill and rustic shelters, the Ramble, 79<sup>th</sup> Street Transverse Road, East Drive, Terrace Drive and West Drive, Central Park, Manhattan. (Preliminary and Final) (CC 9, CB 5, 7, 8, 10, 11) DPR/CPC

Design Commission meetings are held in the Conference Room on the third floor of City Hall, unless otherwise indicated.

All attendees, including members of the public, are encouraged to arrive at least 45 minutes in advance of the estimated time; those who also plan to testify are encouraged to submit their testimony in writing in advance of the meeting date. Please note that all times are approximate and subject to change without notice.

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

Per Local Law Int 0132-2010, public meetings are recorded on digital video and posted online.

Design Commission  
 City Hall, Third Floor  
 Phone: 212-788-3071  
 Fax: 212-788-3086  
[www.nyc.gov/designcommission](http://www.nyc.gov/designcommission)

◀ jy9

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**LANDMARKS PRESERVATION COMMISSION**

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■ PUBLIC HEARINGS

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**NOTICE IS HEREBY GIVEN** that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, **July 21, 2015 at 9:30 A.M.**, a public hearing will be held at 1 Centre Street, 9<sup>th</sup> Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Please note that the order and estimated times are subject to change. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**3531 Richmond Road - Moore-McMillen House (originally Rectory of the Church of St. Andrew)-Individual Landmark**

16-8798 - Block 2281, Lot 155, Zoned R1-2  
 Community District 2, Staten Island

**CERTIFICATE OF APPROPRIATENESS**

A Federal style house, built in 1818. Application is to construct an addition.

**25-31 West Drive - Douglaston Historic District**

15-2360 - Block 8012, Lot 1, Zoned R1-2  
 Community District 11, Queens

**CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style house with attached garage, designed by William Heckman and built in 1919. Application is to remove a tree, create a curbcut, install a driveway and garage door, relocate a stair,

and modify window and door openings.

**240-82 Beverly Road - Douglaston Historic District**

16-9219 - Block 8037, Lot 40, Zoned R1-2  
 Community District 11, Queens

**CERTIFICATE OF APPROPRIATENESS**

An English Cottage style house designed by Alfred Scheffer and built in 1926. Application is to construct an addition, create a new curb cut, excavate the side yard, and install a driveway, retaining walls, railings, gates and posts.

**145 Gates Avenue - Clinton Hill Historic District**

14-5362 - Block 1965, Lot 74, Zoned R6B  
 Community District 2, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A vacant lot. Application is to construct a new building.

**363 Carlton Avenue - Fort Greene Historic District**

16-8884 - Block 2120, Lot 8, Zoned R6B  
 Community District 2, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse built c. 1860. Application is to construct a rear yard addition.

**186 1/2 Bergen Street - Boerum Hill Historic District**

17-0112 - Block 386, Lot 34, Zoned R6B  
 Community District 2, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse designed by John Nonas and built in 1873-74. Application is to construct a rear yard addition.

**848 Carroll Street - Park Slope Historic District**

16-7980 - Block 1072, Lot 14, Zoned R7B  
 Community District 6, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A rowhouse designed by William B. Greenman and built in 1905. Application is to alter windows at the rear facade.

**619 3rd Street - Park Slope Historic District**

17-2112 - Block 635, Lot 42, Zoned R7B  
 Community District 6, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A neo-Renaissance style rowhouse, designed by Alex S. Nedman, and built in 1910. Application is to modify the areaway.

**227 4<sup>th</sup> Avenue - Public Bath No.7 - Individual Landmark**

17-2810 - Block 955, Lot 1, Zoned R8A  
 Community District 6, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A neo-Renaissance style bathhouse designed by Raymond F. Almirall and built in 1906-10. Application is to create an at-grade entrance, install signage, lower a parapet, and install mechanical equipment and railings at the roof.

**196-200 Prospect Park West - Park Slope Historic District Extension**

16-9253 - Block 1105, Lot 36, Zoned C2-4  
 Community District 7, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style apartment building, designed by Thomas Bennett, and built circa 1905. Application is to create a new entrance and construct a barrier access free lift.

**Prospect Park - Prospect Park Scenic Landmark**

17-2298 - Block 1117, Lot 1, Zoned Parkland Community District 6,7,8,9,12,14, Brooklyn

**ADVISORY REPORT**

A maintenance yard, within a naturalistic style park designed in 1865 by Frederick Law Olmsted and Calvert Vaux. Application is to construct a maintenance building, install containers and perform landscaping.

**89 South Street - South Street Seaport Historic District**

16-2016 - Block 73, Lot 10, Zoned C-2-8  
 Community District 1, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A modern pier and retail structure approved by the Landmarks Preservation Commission in 2014. Application is to demolish the Link building, modify the facade and construct a rooftop pergola structure.

**Governors Island - Building 111, 112 and 114 - Governors Island Historic District**

17-3112 - Block 1, Lot 10, Zoned R3-2  
 Community District 1, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A neo-Georgian style Officers' Quarters (Buildings 111 and 112) and Fort Jay Nurses' Quarters (Building 114) designed by Rogers & Poor, and built in 1934. Application is to install pools, pathways, fencing, mechanical equipment, lighting, signage and barrier-free access lifts.

**17 Leonard Street - Tribeca West Historic District**

17-1637 - Block 179, Lot 50, Zoned C62A  
 Community District 1, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A utilitarian commercial building, built in 1855-56. Application is to modify the roof; construct a rooftop addition; redesign the rear of the building; alter the front facade; and excavate the cellar.

**382 West Broadway - SoHo-Cast Iron Historic District Extension**

16-9252 - Block 488, Lot 30, Zoned M1-5A

Community District 2, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A one-story commercial building designed by Shapiro Lawn Associates and built in 1984. Application is to install signage and flagpoles.

**1-11 Astor Place, aka 746-754 Broadway, 108-134 East 8th Street - NoHo Historic District**

16-8487 - Block 545, Lot 59, Zoned C6-2

Community District 2, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A neo-Grec style hotel, boarding house and store building, designed by Starkweather & Gibbs and constructed in 1881-1883, and a classical Revival style office building, designed by W. H. Gompert and built in 1908-1909. Application is to replace windows.

**545-547 East 11th Street - Individual Landmark**

**Eleventh Street Methodist Episcopal Chapel**

(later People's Home Church and Settlement, now The Father's Heart Church)

17-2706 - Block 405, Lot 39, Zoned R8B

Community District 3, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A Gothic-Revival style church designed by William Field and Son and built in 1867-68 and later altered in 1900-01 by Jallade and Barber. Application is to demolish and replace an existing addition.

**58-60 9th Avenue - Gansevoort Market Historic District**

16-9175 - Block 738, Lot 78, Zoned C6-2A

Community District 4, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A pair of Greek Revival style rowhouses built in 1841-42. Application is to enlarge a rooftop addition and construct a bulkhead.

**574 6th Avenue, aka 57-59 West 16th Street - 574 6th Avenue Building - Individual Landmark**

16-8658 - Block 818, Lot 1, Zoned C6-2A

Community District 5, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A commercial palace designed by Simeon B. Eisendrath and built in 1903-04. Application is to replace windows.

**5 East 17th Street - Ladies' Mile Historic District**

16-6154 - Block 846, Lot 7501, Zoned M1-M5

Community District 5, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A neo-Renaissance style store and loft building designed by Edwin Wilbur and built in 1900-1902. Application is to construct an elevator bulkhead and install a new cornice.

**365 Fifth Avenue - B. Altman & Company Department Store Building Individual Landmark**

15-5408 - Block 864, Lot 7502, Zoned C5-2, C5-3

Community District 5, Manhattan

**ADVISORY REPORT**

An Italian Renaissance style department store building designed by Trowbridge & Livingston and built in 1905-1913. Application is to construct a rooftop addition.

**645 West End Avenue - Riverside-West End Historic District**

16-8885 - Block 1251, Lot 62, Zoned R8

Community District 7, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A neo-Renaissance style apartment house designed by Gaetano Ajello and built in 1912-13. Application is to replace windows.

**270 West 77th Street - West End - Collegiate Historic District**

16-8293 - Block 1168, Lot 160, Zoned R10A

Community District 7, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

An eclectic rowhouse with Elizabethan Renaissance style references, designed by Clarence True, and built in 1891-92. Application is to construct rooftop additions, modify the rear facade, and raise the grade level of the rear yard.

**925 Park Avenue - Park Avenue Historic District**

16-8852 - Block 1509, Lot 1, Zoned R10

Community District 8, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style apartment building designed by Delano & Aldrich and built in 1907-08. Application is to establish a master plan governing the future installation of windows.

**950 Park Avenue, aka 948-954 Park Avenue and 72 East 82nd Street - Park Avenue Historic District**

17-0303 - Block 1493, Lot 37, Zoned R10

Community District 8, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style apartment building designed by J.E.R. Carpenter and built in 1919-20. Application is to replace windows.

**19 East 70th Street - 19 East 70th Street House - Individual Landmark - Upper East Side Historic District**

17-2847 - Block 1385, Lot 15, Zoned R8B

Community District 8, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

An Italian Renaissance style residence designed by Thornton Chard and built in 1909-1910. Application is to reconstruct the rear facade, construct a rooftop addition, replace the areaway fencing and alter the entrance.

**19 East 70th Street - 19 East 70th Street House - Individual Landmark - Upper East Side Historic District**

17-2847 - Block 1385, Lot 15, Zoned R8B

Community District 8, Manhattan

**MODIFICATION OF USE AND BULK**

An Italian Renaissance style residence designed by Thornton Chard and built in 1909-1910. 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.

**2376 Adam Clayton Powell Jr. Boulevard - St. Nicholas Historic District**

17-1463 - Block 2024, Lot 35, Zoned R7-2/C1-4

Community District 10, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A Georgian Eclectic style rowhouse designed by Bruce Price and Clarence S. Luce, and built in 1892. Application is to install storefront infill.

jy8-21

**NOTICE IS HEREBY GIVEN** that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, **July 14, 2015 at 9:30 A.M.**, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Please note that the order and estimated times are subject to change. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**38 West 83rd Street - Upper West Side/Central Park West Historic District**

16-4475 - Block 1196, Lot 49, Zoned R7-2

Community District 7, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A Queen Anne style rowhouse designed by George W. DaCunha and built in 1884-86. Application is to legalize the replacement of windows and alterations to the facade and areaway without Landmarks Preservation Commission permits.

**106 West 80th Street - Upper West Side/Central Park West Historic District**

17-1249 - Block 1210, Lot 138, Zoned R8B

Community District 7, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

An altered Renaissance Revival style rowhouse designed by George F. Pelham and built in 1893. Application is to legalize facade restoration work completed in non-compliance with Permit for Minor Work 13-5384.

**911 Park Avenue - Park Avenue Historic District**

16-4713 - Block 1508, Lot 72, Zoned R10, R8B

Community District 8, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style apartment building designed by Schwartz & Gross and built in 1925-26. Application is to establish master plan governing the future installation of windows.

**245 West 138th Street - St. Nicholas Historic District**

17-1095 - Block 2024, Lot 13, Zoned R7-2

Community District 10, Manhattan

**CERTIFICATE OF APPROPRIATENESS**

A neo-Georgian style rowhouse designed by Bruce Price and Clarence S. Luce and built in 1891-92. Application is to demolish a wall and construct a garage and deck.

**Watch Tower, Marcus Garvey Park - Watch Tower - Individual Landmark**

17-2188 - Block 1719, Lot 1, Zoned Parkland

Community District 10, Manhattan

**BINDING REPORT**

A cast iron fire watch tower attributed to the foundry of James Bogardus and built c. 1855. Application is to reconstruct the tower and install fencing.

**155 Noble Street – Greenpoint Historic District**

16-1964 - Block 2566, Lot 51, Zoned C4-3A

Community District 1, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A neo-Gothic style clubhouse designed by Gustave Erda and built in 1924. Application is to construct rooftop bulkheads, install a barrier-free access lift and alter the entry landing.

**6 Pierrepont Street - Brooklyn Heights Historic District**

17-1132 - Block 241, Lot 22, Zoned R6

Community District 2, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

An Eclectic/Romanesque style house built in the 1880s. Application is to alter the roofline and install railings.

**298 Dekalb Avenue - Clinton Hill Historic District**

16-8561 - Block 1931, Lot 19, Zoned R6B

Community District 2, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse built in 1876. Application is to replace windows and construct a rear yard addition.

**286 Carroll Street - Carroll Gardens Historic District**

17-0478 - Block 450, Lot 27, Zoned R6B

Community District 6, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse built in 1872-73. Application is to construct a rooftop addition.

**41 Montgomery Place - Park Slope Historic District**

17-1028 - Block 1072, Lot 53, Zoned R7B

Community District 6, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A rowhouse designed by George P. Chappell and built in 1890-91. Application is to construct rooftop and rear yard additions and to excavate the rear yard.

**749 5th Avenue - Weir Greenhouse - Individual Landmark**

17-2558 - Block 655, Lot 31, Zoned M1-MD

Community District 7, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A greenhouse building designed by Mercein Thomas and built in 1880 and altered by George Curtis Gillespie in 1895. Application is to demolish ancillary structures, excavate and construct an addition, and construct a new building on part of the landmark site.

**120 Kingston Avenue - Crown Heights North Historic District**

16-5101 - Block 1222, Lot 40, Zoned R6

Community District 8, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style flats building designed by Axel Hedman and built c. 1900-1902. Application is to replace ground floor infill; modify and create masonry openings, and install signage, light fixtures, security cameras, a fence and a rooftop bulkhead.

**590 Bergen Street - Prospect Heights Historic District**

16-5802 - Block 1144, Lot 23, Zoned R6B

Community District 8, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A Queen Anne style rowhouse designed by William H. Wirth and built c. 1886. Application is to construct a rear yard addition.

**51 Maple Street - Prospect Lefferts Gardens Historic District**

15-6023 - Block 5028, Lot 7502, Zoned R2

Community District 9, Brooklyn

**CERTIFICATE OF APPROPRIATENESS**

A neo-Georgian style house with Spanish Mission style influences designed by William A. Lacerenza and built in 1924. Application is to legalize and modify windows installed without Landmark Preservation Commission permit(s).

**120 Hollywood Avenue - Douglaston Historic District**

17-1656 - Block 8041, Lot 24, Zoned R1-2

Community District 11, Queens

**CERTIFICATE OF APPROPRIATENESS**

A Contemporary Tudor Revival style house, originally built in 1913 with a major redesign and expansion in the 1980s. Application is to construct dormers.

**84-11 37th Avenue, aka 35-64 85th Street - Jackson Heights Historic District**

16-6312 - Block 1458, Lot 35, Zoned R7-1/C1-3

Community District 3, Queens

**CERTIFICATE OF APPROPRIATENESS**

A Moderne style commercial building designed by Boris Dorfman and built in 1945-46. Application is to construct additions, alter the facades, install storefront infill, and a canopy, create planting beds and install a curb cut.

(formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, July 21, 2015 at 9:30 A.M., a public hearing will be held at 1 Centre Street, 9<sup>th</sup> Floor North, Borough of Manhattan with respect to the following proposed Historic District and then followed by a public meeting. The order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Preservation Commission no later than five (5) business days before the hearing or meeting.

Public Hearing Item No. 1

**Proposed Mount Morris Park Historic District Extension**

Borough of Manhattan

LP-2571

*Boundary Description:*

**Area 1** of the proposed Mount Morris Park Historic District Extension consists of the property bounded by a line beginning at the intersection of the western curblineline of Lenox Avenue and the northern curblineline of West 118<sup>th</sup> Street, extending westerly along the northern curblineline of West 118<sup>th</sup> Street to a point formed by its intersection with a line extending northerly from the eastern property line of 102 West 118<sup>th</sup> Street, southerly along said property line to the southern property line of 102 West 118<sup>th</sup> Street, westerly along said property line and along the southern property lines of 104 West 118<sup>th</sup> Street through 158 West 118<sup>th</sup> Street to the western property line of 158 West 118<sup>th</sup> Street, northerly along said property line to the southern curblineline of West 118<sup>th</sup> Street, easterly along said property line to a point formed by its intersection with a line extending southerly from the western property line of 157 West 118<sup>th</sup> Street, northerly along said property line, the western property line of 158 West 119<sup>th</sup> Street, and across the roadbed to the northern curblineline of West 119<sup>th</sup> Street, westerly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 157 West 119<sup>th</sup> Street, northerly along said property line to the southern property line of 166 West 120<sup>th</sup> Street, westerly along said property line to the western property line of 166 West 120<sup>th</sup> Street, northerly along said property line and across the roadbed to the northern curblineline of West 120<sup>th</sup> Street, westerly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 159 West 120<sup>th</sup> Street, northerly along said property line and the western property line of 164 West 121<sup>st</sup> Street to the southern curblineline of West 121<sup>st</sup> Street, easterly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 159 West 121<sup>st</sup> Street, across the roadbed and along said property line to the northern property line of 159 West 121<sup>st</sup> Street, easterly along said property line to the western property line of 164 West 122<sup>nd</sup> Street, northerly along said property line and across the roadbed to the northern curblineline of West 122<sup>nd</sup> Street, westerly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 165 West 122<sup>nd</sup> Street, northerly along said property line and along the western property line of 168 West 123<sup>rd</sup> Street to the southern curblineline of West 123<sup>rd</sup> Street, easterly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 111 West 123<sup>rd</sup> Street, northerly along said property line, easterly along the northern property lines of 111 through 107 West 123<sup>rd</sup> Street, southerly along the eastern property line of 107 West 123<sup>rd</sup> Street and across the roadbed to the southern curblineline of West 123<sup>rd</sup> Street, easterly along said curblineline to a point formed by its intersection with a line extending northerly from the eastern property line of 102 West 123<sup>rd</sup> Street, southerly along said property line and along the eastern property line of 103 West 122<sup>nd</sup> Street to the center of the roadbed of West 122<sup>nd</sup> Street, westerly along the center of said roadbed to a point formed by its intersection with a line extending northerly from the eastern property line of 147 West 121<sup>st</sup> Street southerly along said property line to the center of the roadbed of West 121<sup>st</sup> Street, easterly along the center of said roadbed to a point formed by its intersection with a line extending northerly from the eastern property line of 102 West 121<sup>st</sup> Street, southerly along said property line to the southern property line of 102 West 121<sup>st</sup> Street, westerly along said property line to the eastern property line of 103 West 120<sup>th</sup> Street, southerly along said property line to the center of the roadbed of 120<sup>th</sup> Street, easterly along the center of said roadbed to a point formed by its intersection with a line extending northerly from the western property line of 199 Lenox Avenue, southerly along the western property lines of 199 to 181 Lenox Avenue to the center of the roadbed of West 119<sup>th</sup> Street, easterly along the center of said roadbed to the center of the roadbed of Lenox Avenue, southerly along said roadbed to a point formed by its intersection with a line extending easterly from the northern curblineline of West 118<sup>th</sup> Street, westerly along said curblineline to the point of the beginning.

**Area 2** of the proposed Mount Morris Park Historic District Extension consists of the property bounded by a line beginning at the southwest corner of Fifth Avenue and West 120<sup>th</sup> Street, westerly along the southern curblineline of West 120<sup>th</sup> Street, southerly along the western property line of 1490-1500 Fifth Avenue (aka 2 West 120<sup>th</sup> Street), easterly along the southern property line of 1490-1500 Fifth Avenue

jy1-14

**NOTICE IS HEREBY GIVEN** that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320)

(aka 2 West 120<sup>th</sup> Street) to the western curblin of Fifth Avenue, northerly along said curblin to the point of the beginning.

Community District 10

July 7-20

**BOARD OF STANDARDS AND APPEALS**

■ PUBLIC HEARINGS

**JULY 28, 2015, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, July 28, 2015, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

**SPECIAL ORDER CALENDAR**

**301-03-BZ**

APPLICANT - Law Office of Lyra J. Altman, for 1103 East 22nd LLC., owner.  
SUBJECT - Application April 29, 2014 - Extension of Time to Complete Construction and Waiver of the rules for a single family home enlargement under 73-622 approved on January 13, 2004. R2 Zoning district.  
PREMISES AFFECTED - 1103 East 22nd Street, east side of East 22nd Street between Avenue J and Avenue K, Block 07604, Lot 31, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

**APPEAL CALENDAR**

**90-15-A**

APPLICANT - Rothkrug Rothkrug & Spector LLP,  
SUBJECT - Application April 23, 2015 - Proposed construction of a building located partially within the bed of mapped unbuilt street, pursuant Article 3 Section 35 of the General City Law. M3-1 (SRD) zoning district.  
PREMISES AFFECTED - 54 Industrial Loop, east side of Industrial Loop, approx. 483 ft. north of intersection with Arthur Kill Road, Block 07206, Lot 01191, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

**JULY 28, 2015, 1:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, July 28, 2015, 1:00 P.M., in Spector Hall, 22 Reade Street, New York, N.Y. 10007, on the following matters:

**ZONING CALENDAR**

**102-14-BZ**

APPLICANT - Moshe M Friedman, P.E., for Cong. Tiferes Avraham D'Zidichov, owner.  
SUBJECT - Application May 8, 2014 - Variance (§72-21) to permit the extension of house of worship (UG4) (*Congregation Tiferes Avraham D'Zidichov*) in an existing building lot of a three story brick building. R3-2 zoning district.  
PREMISES AFFECTED - 4017 Avenue P, northerly side of Avenue P 40' westerly from the corner of the northerly side of Avenue and the westerly side of Coleman Street, Block 07859, Lot 3, Borough of Brooklyn.

**COMMUNITY BOARD #3BK**

**202-14-BZ**

APPLICANT - Law Office of Lyra J. Altman, for Rochelle Beyda and Jack Yadid, owners.  
SUBJECT - Application August 22, 2014 - Special Permit (§73-622) for the enlargement and existing two family home to be converted to a single family home contrary to floor area, lot coverage and open space (ZR 23-141); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R4 (OP) zoning district.  
PREMISES AFFECTED - 2268 West 1st Street, west side of West 1st Street between Village Road South and Avenue West, Block 07151, Lot 13, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

**55-15-BZ**

APPLICANT - Elise Wagner, Kramer Levin Naftalis & Frankel LLP, for Alvin Alley Dance Foundation, owner.  
SUBJECT - Application March 13, 2015 - Variance (§72-21) to permit the enlargement of an Alvin Alley Dance foundations in an existing building to provide additional dance studios, classrooms, and offices. R8/C1-5, C6-2 Clinton Preservation Area zoning districts.  
PREMISES AFFECTED - 405 West 55th Street, northwest corner of Ninth Avenue and West 55th Street, Block 01065, Lot 29, Borough of Manhattan.

**COMMUNITY BOARD #4M**

*Margery Perlmutter, Chair / Commissioner*

July 9-8

**TRANSPORTATION**

■ PUBLIC HEARINGS

**COMMUTER VAN SERVICE AUTHORITY APPLICATION  
Queens/Manhattan**

**NOTICE IS HEREBY GIVEN** that the Department of Transportation has received an application for a new commuter van service authority. The applicant has proposed a service from and to the **Borough of Queens** bounded on the north by Northern Boulevard from Parsons Boulevard to College Point Boulevard, bounded on the east by Parsons Boulevard and Kissena Boulevard from Northern Boulevard to Golden Street, bounded on the south by Golden Street, Dahlia Avenue and Crommelin Avenue, from College Point Boulevard to Kissena Boulevard, bounded on the west by College Point Boulevard, from Northern Boulevard to Blossom Avenue to the **Borough of Manhattan** bounded on the north by West 44<sup>th</sup> Street from West 12<sup>th</sup> Avenue to 10<sup>th</sup> Avenue, bounded on the east by 10<sup>th</sup> Avenue from West 44<sup>th</sup> Street to West 41<sup>st</sup> Street, bounded on the south by West 41<sup>st</sup> Street from 10<sup>th</sup> Avenue to 12<sup>th</sup> Avenue, bounded on the west by 12<sup>th</sup> Avenue, from West 41<sup>st</sup> Street to West 44<sup>th</sup> Street. The company is Teng Long Express Inc. The address is 35-07 147<sup>th</sup> Street, Apt. 31, Flushing, NY 11354. The applicant is proposing to use 2 vans to provide this service 16 hours/daily.

There will be a public hearing held on Friday, July 17, 2015 at Queens Borough Hall, 120-55 Queens Boulevard, Room 213, Part 1, Kew Gardens, New York 11424 from 2:00 P.M. - 4:00 P.M., and on Thursday, July 23, 2015 at the Manhattan Borough President' Office, One Centre Street, 19<sup>th</sup> Floor South, New York, NY 1007 from 2:00 P.M. - 4:00 P.M. so that you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Division of Traffic and Planning, 55 Water Street - 6<sup>th</sup> Floor, New York, NY 10041 no later than July 23, 2015. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed expansion of vans will not meet present and/or future public convenience and necessity.

July 8-14

**COMMUTER VAN SERVICE AUTHORITY APPLICATION  
Queens/Manhattan**

**NOTICE IS HEREBY GIVEN** that the Department of Transportation has received an application for a new commuter van service authority. The applicant has proposed a service from and to the Borough of Queens mass transit and shopping facilities bounded on the north by Sanford Avenue from College Point Boulevard to Parsons Boulevard, bounded on the east by Parsons Boulevard from Sanford Avenue to Ash Avenue, following Ash Avenue from Parsons Boulevard to Kissena Boulevard, following Kissena Boulevard to Long Island Expressway, bounded on the south by Long Island Expressway from Kissena Boulevard to College Point Boulevard, bounded on the west by College Point Boulevard from the Long Island Expressway to Sanford Avenue from and to Chinatown in the Borough of Manhattan bounded on the north by Delancey Street and on the east by Clinton Street, from Delancey Street to East Broadway, bounded on the south by Canal Street from East Broadway to Chrystie Street, and on the west by Chrystie Street from Canal Street to Delancey Street. The company is Grand Paradise Travel Service, Inc., the address is 135-33 Roosevelt Avenue, Flushing, NY 11354. The applicant is proposing to use 5 vans to provide this service 16 hours/daily.

There will be a public hearing held on Friday, July 17, 2015 at Queens Borough Hall, 120-55 Queens Boulevard, Room 213, Part 1, Kew Gardens, NY 11424 from 2:00 P.M. - 4:00 P.M., and on Thursday, July 23, 2015 at the Manhattan Borough President' Office, One Centre Street, 19<sup>th</sup> Floor South, New York, NY 1007 from 2:00 P.M. - 4:00 P.M. so that you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Division of Traffic and Planning, 55 Water Street - 6<sup>th</sup> Floor, New York, NY 10041 no later than July 23, 2015. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed expansion of vans will not meet present and/or future public convenience and necessity.

July 7-13

**COMMUTER VAN SERVICE AUTHORITY APPLICATION  
Queens**

**NOTICE IS HEREBY GIVEN** that the Department of Transportation has received an application for a new commuter van service authority.

The applicant has proposed a service from and to Rosedale/Jamaica – bounded on the north by South Conduit from Springfield Boulevard to Francis Lewis Boulevard, bounded on the east by Francis Lewis Boulevard from Conduit Avenue to 148<sup>th</sup> Avenue, bounded on the south by 148<sup>th</sup> Avenue from Francis Lewis Boulevard to Huxley along 147<sup>th</sup> Avenue to Springfield Boulevard, bounded on the west by Springfield Boulevard from 147<sup>th</sup> Avenue to North Conduit. From and to downtown Jamaica Center bounded on the north by Hillside Avenue from Sutphin Boulevard to Merrick Boulevard, bounded on the east by Merrick Boulevard, from Hillside Avenue to Liberty Avenue, bounded on the west by Sutphin Boulevard, from Liberty Avenue to Hillside Avenue. The company is Island Ride Transportation Services, Inc. The address is 120-43 234<sup>th</sup> Street, Cambia Heights, NY 11411. The applicant is proposing to use 4 vans to provide this service 16 hours/daily.

There will be a public hearing held on Friday, July 17, 2015 at Queens Borough Hall, 120-55 Queens Boulevard, Room 213, Part 1, Kew Gardens, NY 11424 from 2:00 P.M. - 4:00 P.M. so that you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Division of Traffic and Planning, 55 Water Street – 6<sup>th</sup> Floor, New York, NY 10041 no later than July 17, 2015. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed expansion of vans will not meet present and/or future public convenience and necessity.

jy7-13

**COMMUTER VAN SERVICE AUTHORITY APPLICATION  
Queens Hearing – expansion**

**NOTICE IS HEREBY GIVEN** that the Department of Transportation has received an application for an expansion of vans for an existing commuter van service authority in the Borough of Queens. The existing territory is from a residential area of Queens bounded on the north by Jamaica Avenue from Guy Brewer Boulevard to Hollis Avenue/Farmers Boulevard, bounded on the east by Hollis Avenue/Farmers Boulevard/Merrick Boulevard/along Hook Creek Boulevard to 149<sup>th</sup> Street, bounded on the south by 149<sup>th</sup> Street/Huxley Street/147<sup>th</sup> Avenue/225<sup>th</sup> Street/North Conduit Avenue to Rockaway Boulevard, bounded on the west by Rockaway Boulevard Baisley Boulevard/Guy Brewer Boulevard to Jamaica Avenue. The applicant is Cedi Transportation. They can be reached at 161-36 118<sup>th</sup> Avenue, Jamaica, NY 11434. The applicant currently has 13 vans and is proposing to add 9 vans daily to provide this service 24 hours a day.

There will be a public hearing held on Friday, July 17, 2015 at Queens Borough Hall, 120-55 Queens Boulevard, Room 213, Part 1, Kew Gardens, NY 11424 from 2:00 P.M. - 4:00 P.M. so that you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Division of Traffic and Planning, 55 Water Street – 6<sup>th</sup> Floor, New York, NY 10041 no later than July 17, 2015. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed expansion of vans will not meet present and/or future public convenience and necessity.

jy7-13

**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, 9<sup>th</sup> Floor, Room 945 commencing at 2:00 P.M. on Wednesday, July 29, 2015. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9<sup>th</sup> Floor SW, New York, NY 10041, or by calling (212) 839-6550.

**#1 IN THE MATTER OF** a proposed revocable consent authorizing 148 West 23<sup>rd</sup> Street Owners, Inc. to continue to maintain and use planters on the south sidewalk of West 23<sup>rd</sup> Street, east of Seventh Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2014 to June 30, 2024 - \$108/per annum.

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

**#2 IN THE MATTER OF** a proposed revocable consent authorizing American Broadcasting Companies, Inc. to continue to maintain and use a conduit under and across West 67<sup>th</sup> Street, east of Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and

provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2015 to June 30, 2016 - \$6,369  
 For the period July 1, 2016 to June 30, 2017 - \$6,543  
 For the period July 1, 2017 to June 30, 2018 - \$6,717  
 For the period July 1, 2018 to June 30, 2019 - \$6,891  
 For the period July 1, 2019 to June 30, 2020 - \$7,065  
 For the period July 1, 2020 to June 30, 2021 - \$7,239  
 For the period July 1, 2021 to June 30, 2022 - \$7,413  
 For the period July 1, 2022 to June 30, 2023 - \$7,587  
 For the period July 1, 2023 to June 30, 2024 - \$7,761  
 For the period July 1, 2024 to June 30, 2025 - \$7,935

the maintenance of a security deposit in the sum of \$8,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate

**#3 IN THE MATTER OF** a proposed revocable consent authorizing Elizabeth A. Grain and Jonathan E. Breckenridge to continue to maintain and use a stoop, steps and planted area on the north sidewalk of State Street, east of Smith Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

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

the maintenance of a security deposit in the sum of \$3,700 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#4 IN THE MATTER OF** a proposed revocable consent authorizing Macy's Retail Holdings Inc. to continue to maintain and use planters, together with electrical conduits on the sidewalks of Seventh Avenue, West 34<sup>th</sup> Street and Broadway, and a sidewalk plaque on the west sidewalk of Broadway between West 34<sup>th</sup> and West 35<sup>th</sup> Streets, all adjacent to the property known as 1317-1327 Broadway, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2015 to June 30, 2016 - \$ 8,723  
 For the period July 1, 2016 to June 30, 2017 - \$ 8,961  
 For the period July 1, 2017 to June 30, 2018 - \$ 9,199  
 For the period July 1, 2018 to June 30, 2019 - \$ 9,437  
 For the period July 1, 2019 to June 30, 2020 - \$ 9,675  
 For the period July 1, 2020 to June 30, 2021 - \$ 9,913  
 For the period July 1, 2021 to June 30, 2022 - \$10,151  
 For the period July 1, 2022 to June 30, 2023 - \$10,389  
 For the period July 1, 2023 to June 30, 2024 - \$10,627  
 For the period July 1, 2024 to June 30, 2025 - \$10,865

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

**#5 IN THE MATTER OF** a proposed revocable consent authorizing the Mutual Redevelopment Houses, Inc. to continue to maintain and use conduits under and across West 24<sup>th</sup> Street, West 25<sup>th</sup> Street, West 26<sup>th</sup> Street and West 28<sup>th</sup> Street between Eighth and Ninth Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2015 to June 30, 2016 - \$53,427  
 For the period July 1, 2016 to June 30, 2017 - \$54,886  
 For the period July 1, 2017 to June 30, 2018 - \$56,345  
 For the period July 1, 2018 to June 30, 2019 - \$57,804  
 For the period July 1, 2019 to June 30, 2020 - \$59,263  
 For the period July 1, 2020 to June 30, 2021 - \$60,722  
 For the period July 1, 2021 to June 30, 2022 - \$62,181  
 For the period July 1, 2022 to June 30, 2023 - \$63,640  
 For the period July 1, 2023 to June 30, 2024 - \$65,099  
 For the period July 1, 2024 to June 30, 2025 - \$66,558

the maintenance of a security deposit in the sum of \$46,600 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#6 IN THE MATTER OF** a proposed revocable consent authorizing The Jewish Museum to continue to maintain and use an information

poster case on the east sidewalk of Fifth Avenue north of East 92<sup>nd</sup> Street and two benches on the north sidewalk of East 92<sup>nd</sup> Street east of Fifth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2015 to June 30, 2016 - \$2,770
- For the period July 1, 2016 to June 30, 2017 - \$2,837
- For the period July 1, 2017 to June 30, 2018 - \$2,904
- For the period July 1, 2018 to June 30, 2019 - \$2,971
- For the period July 1, 2019 to June 30, 2020 - \$3,038
- For the period July 1, 2020 to June 30, 2021 - \$3,105
- For the period July 1, 2021 to June 30, 2022 - \$3,172
- For the period July 1, 2022 to June 30, 2023 - \$3,239
- For the period July 1, 2023 to June 30, 2024 - \$3,306
- For the period July 1, 2024 to June 30, 2025 - \$3,373

the maintenance of a security deposit in the sum of \$3,400 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#7 IN THE MATTER OF** a proposed revocable consent authorizing TST 375 Hudson, LLC to continue to maintain and use light poles and electrical sockets, together with electrical conduits, in front of premises known as 375 Hudson Street, bounded by Hudson, King, Greenwich and West Houston Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2015 to June 30, 2016 - \$7,732
- For the period July 1, 2016 to June 30, 2017 - \$7,878
- For the period July 1, 2017 to June 30, 2018 - \$8,024
- For the period July 1, 2018 to June 30, 2019 - \$8,170
- For the period July 1, 2019 to June 30, 2020 - \$8,316
- For the period July 1, 2020 to June 30, 2021 - \$8,462
- For the period July 1, 2021 to June 30, 2022 - \$8,608
- For the period July 1, 2022 to June 30, 2023 - \$8,754
- For the period July 1, 2023 to June 30, 2024 - \$8,900
- For the period July 1, 2024 to June 30, 2025 - \$9,046

the maintenance of a security deposit in the sum of \$9,100 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#8 IN THE MATTER OF** a proposed revocable consent authorizing New York University to construct, maintain and use conduits and cables in the existing facilities of Empire City Subway Company (Limited) under, across and along West 12<sup>th</sup> Street, west of Fifth 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 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- From the date of Approval by the Mayor to June 30, 2016- \$9,666/annum
- For the period July 1, 2016 to June 30, 2017 - \$9,930
- For the period July 1, 2017 to June 30, 2018 - \$10,194
- For the period July 1, 2018 to June 30, 2019 - \$10,458
- For the period July 1, 2019 to June 30, 2020 - \$10,722
- For the period July 1, 2020 to June 30, 2021 - \$10,986
- For the period July 1, 2021 to June 30, 2022 - \$11,250
- For the period July 1, 2022 to June 30, 2023 - \$11,514
- For the period July 1, 2023 to June 30, 2024 - \$11,778
- For the period July 1, 2024 to June 30, 2025 - \$12,042
- For the period July 1, 2025 to June 30, 2026 - \$12,306

the maintenance of a security deposit in the sum of \$12,400 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#9 IN THE MATTER OF** a proposed revocable consent authorizing Cake Brownstones Corporation to construct, maintain and use a stoop and a walled-in area, together with steps and planted areas, on the north sidewalk of West 71<sup>st</sup> Street, between Columbus Avenue and Central Park West, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to the Expiration Date - \$25/per annum.

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

• jy9-29

# PROPERTY DISPOSITION

## CITYWIDE ADMINISTRATIVE SERVICES

### ■ SALE

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

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

Vehicles can be viewed in person by appointment at: KenBen Industries, 364 Maspeth Avenue, Brooklyn, NY 11211. Phone: (718) 802-0022

a28-o6

## OFFICE OF CITYWIDE PROCUREMENT

### ■ NOTICE

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

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

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

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

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 1000

j2-d31

## POLICE

### ■ NOTICE

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

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

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

### INQUIRIES

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

### FOR MOTOR VEHICLES (All Boroughs):

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

### FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806



- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j2-d31

## PROCUREMENT

### “Compete To Win” More Contracts!

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

- Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)

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

### HHS ACCELERATOR

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

Important information about the new method

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

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

### Participating NYC Agencies

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

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

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

## ADMINISTRATION FOR CHILDREN’S SERVICES

### AWARD

*Human Services/Client Services*

**FAMILY TREATMENT REHABILITATION SERVICES** - Renewal - PIN#06811P0029029R001 - AMT: \$3,152,800.00 - TO: St. Dominic’s Home, 2345 University Avenue, Bronx, NY 10468.

● **FAMILY TREATMENT REHABILITATION SERVICES** - Renewal - PIN#06811P0029020R001 - AMT: \$4,300,500.00 - TO: Lutheran Social Services of Metropolitan New York, 475 Riverside Drive, New York, NY 10115.

◀ jy9

## CITYWIDE ADMINISTRATIVE SERVICES

### OFFICE OF CITYWIDE PROCUREMENT

### AWARD

*Goods*

**EMERGENCY BIOFIRE FILM ARRAY INSTRUMENTS** - Emergency Purchase - Other - PIN#8571500635 - AMT: \$415,000.00 - TO: BioFire Diagnostics, LLC, 390 Wakara Way, Salt Lake City, UT 84108.

Emergency Procurement of BioFire FilmArray Instruments and Reagent Kits for DOHMH Ebola Preparedness and Response pursuant to Section 3-06 of the New York City Procurement Policy Board Rules.

◀ jy9

### VENDOR LIST

*Goods*

### EQUIPMENT FOR DEPARTMENT OF SANITATION

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

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

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

j2-d31

## EDUCATION

### CONTRACTS AND PURCHASING

### SOLICITATION

*Goods and Services*

**REQUIREMENTS CONTRACT FOR WOOD FLOORING SYSTEM** - Competitive Sealed Bids - PIN#B2720040 - Due 8-25-15 at 4:00 P.M.

The Contractor shall provide all labor, material and supervision that is required and is necessary to temporarily remove all the furniture, materials and apparatus from the classrooms, offices, gymnasiums, dance classrooms, auditoriums, or other designated room, cut out, remove and legally dispose of the damaged areas of the existing wood flooring system. The Contractor shall make all necessary repairs and/or replacement of the defective flooring, subflooring, plywood, sleepers, nailing strips, grout between nailing strips, corks, neoprene strips/pads and any other existing resilient material, perlite, mastic, screed coat, membrane, mineral wool, expansion joint material, polyethylene film, cleats, clips, anchors, resilient anchors and any other existing defective components of the existing flooring system and replace the same with new material to match the original condition and create a new proper base for the new wood flooring installation. After the completion of the wood flooring system repair, finishing and clean up, the Contractor

shall reinstall all removed furniture and apparatus to its original location.

To download, please go to <http://schools.nyc.gov/Offices/DCP/Vendor/RequestsforBids/Default.htm>. If you cannot download, send an email to [vendorhotline@schools.nyc.gov](mailto:vendorhotline@schools.nyc.gov) with the RFB number and title in the subject line.

For all questions related to this RFB, please email [krodrig7@schools.nyc.gov](mailto:krodrig7@schools.nyc.gov) with the RFB number and title in the subject line of your email.

There will be a Pre-Bid Conference on Friday, July 17, 2015 at 2:00 P.M., at 65 Court Street, 12th Floor, Conference Room 1201, Brooklyn, NY 11201. Contact: Marissa Procope, 718-935-3000

BID OPENS ON AUGUST 26, 2015 AT 11:00 A.M.

The New York City Department of Education (DOE) strives to give all businesses, including Minority and Women-Owned Business Enterprises (MWBES), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including MWBES, from all segments of the community. The DOE works to enhance the ability of MWBES to compete for contracts. DOE is committed to ensuring that MWBES fully participate in the procurement process.

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.

Education, 65 Court Street, 12th Floor, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; [vendorhotline@schools.nyc.gov](mailto:vendorhotline@schools.nyc.gov)

✦ jy9

## FIRE DEPARTMENT

### FISCAL SERVICES

#### ■ AWARD

*Services (other than human services)*

**MAINTENANCE AND REPAIR SERVICES FOR THE UNISYS CLEARPATH MAINFRAME COMPUTER** - Competitive Sealed Bids - PIN#057150001092 - AMT: \$678,540.00 - TO: Signature Technology Group, Inc., 2424 West Desert Cove Avenue, Phoenix, AZ 85029.

✦ jy9

## HEALTH AND HOSPITALS CORPORATION

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

j2-d31

### CONTRACT SERVICES

#### ■ SOLICITATION

*Construction Related Services*

**ELMHURST HOSPITAL EMERGENCY DEPARTMENT EXPANSION AND RENOVATION - RFP FOR AE SERVICES** - Request for Proposals - PIN# DCN# 2197 - Due 8-7-15 at 4:00 P.M.

The NYC Health and Hospital Corporation (HHC) is seeking proposals from firms desiring to provide AE and related consulting services required for Elmhurst Hospital Emergency Department Expansion and Renovation, and all related decanting phasing and temporary relocations as required to execute construction.

**MINIMUM REQUIREMENTS:** Experience providing architectural and engineering services for at least five (5) projects relating to large urban hospitals.

Pre-Proposal Conference: July 20, 2015 at 10:00 A.M., in Room #A1-15 at Elmhurst Hospital, 79-10 Broadway, Elmhurst, NY (room location to be announced)

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, 55 Water Street, 25th Floor, New York, NY 10041. Clifton Mc Laughlin (212) 442-3658; [mclaughc@nychhc.org](mailto:mclaughc@nychhc.org)

✦ jy9

## HOUSING AUTHORITY

### COMMUNICATIONS

#### ■ SOLICITATION

*Goods and Services*

### NYCHA AND HPD RELEASE REQUEST FOR AFFORDABLE HOUSING PROPOSALS IN BROOKLYN AND THE BRONX

- Request for Proposals - Due 9-30-15 at 2:00 P.M.

As part of NextGeneration NYCHA, the Authority's 10-year strategic plan, the New York City Housing Authority (NYCHA) and NYC Department of Housing Preservation and Development (HPD) invite developers to submit proposals to build and manage affordable housing on three NYCHA Sites; one in the Bronx and two in Brooklyn.

NYCHA and HPD are working in partnership to contribute land and financial resources to Housing New York, Mayor de Blasio's plan to build or preserve 200,000 affordable housing units over ten years.

Please download the RFP at

<http://www1.nyc.gov/site/nycha/business/request-development-proposals.page>; or

<http://www1.nyc.gov/site/hpd/developers/rfp-rfq-rfo.page>

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, 250 Broadway, 3rd Floor, New York, NY 10007. Burton Leon (212) 306-8560; Fax: (212) 306-4421; [burton.leon@nycha.nyc.gov](mailto:burton.leon@nycha.nyc.gov)

✦ jy9

### SUPPLY MANAGEMENT

#### ■ SOLICITATION

*Construction Related Services*

### SMD DEMOLITION AND REMOVAL OF BATHTUBS AND WALL SURROUNDS

- Competitive Sealed Bids - Due 8-13-15

PIN# 62488 - Various Brooklyn Developments - Due at 10:00 A.M.

PIN# 62489 - Various Bronx Developments - Due at 10:05 A.M.

PIN# 62490 - Various Manhattan Developments - Due at 10:10 A.M.

PIN# 62491 - Various Queens and SI Developments - Due at 10:15 A.M.

Demolition and removal of bathtubs and wall surrounds including associated rough plumbing work and installation of new roll-in shower bases, various developments. Licensed Master Plumber or under the supervision of a Licensed Master Plumber required. Please ensure that bid response includes documentation as required and attached/included in electronic bid proposal submittal. Failure to comply will result in your bid being deemed non-responsive. The contract is one (1) year.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the "Doing Business with NYCHA", using the link: <http://www.nyc.gov/nychabusiness>. Once on that page, please scroll down to mid page, on the left hand column, select "Selling to NYCHA", click into "Getting Started: Register or Log-in" link. If you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click "Returning iSupplier Users" and "Log-In Here" If you do not have your log-in credentials, select "Request a Log-In ID." Upon access, select "Sourcing Supplier" then "Sourcing Homepage", reference applicable RFQ number per solicitation.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at time of pickup.

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

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007.  
 Erneste Pierre-Louis (212) 306-3609; Fax: (212) 306-5109;  
 erneste.pierre-louis@nycha.nyc.gov

◀ jy9

**HUMAN RESOURCES ADMINISTRATION**

**OFFICE OF CONTRACTS**

■ AWARD

*Human Services/Client Services*

**NON-RESIDENTIAL SERVICES TO DOMESTIC VIOLENCE CLIENTS** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# 09610P0017010 - AMT: \$1,987,467.00 - TO: Violence Intervention Program, Inc., P.O. Box 1161, Triborough Station, New York, NY 10035. Term: 04/01/2015 - 03/31/2018

● **PROVISION OF CIVIL LEGAL SERVICES FOR LOW INCOME INDIVIDUALS** - BP/City Council Discretionary - PIN# 09615L0087001 - AMT: \$750,000.00 - TO: The Legal Aid Society, 199 Water Street, 3rd Floor, New York, NY 10038. Term: 07/01/2014 - 06/30/2015

● **CIVIL LEGAL SERVICES FOR LOW INCOME INDIVIDUALS** - BP/City Council Discretionary - PIN# 09615L0088001 - AMT: \$750,000.00 - TO: The Legal Aid Society, 199 Water Street, 3rd Floor, New York, NY 10038. Term: 07/01/2014 - 06/30/2015

● **PROVISION OF AWARD FOR THE IOI; ENGLISH LANGUAGE INSTRUCTION** - BP/City Council Discretionary - PIN# 09615L0065001 - AMT: \$250,000.00 - TO: Catholic Charities Community Services Archdiocese of New York, 1011 First Avenue, New York, NY 10022-4134. Term: 07/01/2014 - 08/30/2015

● **PROVISION OF ANTI-EVICTION LEGAL SERVICES AND ADVOCACY** - BP/City Council Discretionary - PIN# 09615L0066001 - AMT: \$172,000.00 - TO: The Legal Aid Society, 199 Water Street, 3rd Floor, New York, NY 10038. Term: 07/01/2014 - 06/30/2015

◀ jy9

**PARKS AND RECREATION**

■ VENDOR LIST

*Construction/Construction Services*

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

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

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

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

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

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

\*Firms that are in the process of becoming a New York City-certified M/WBE may submit a PQL application and submit a M/WBE

Acknowledgement Letter, which states the Department of Small Business Services has began the Certification process.

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

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

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

j2-d31

■ SOLICITATION

*Goods and Services*

**DEVELOPMENT, OPERATION AND MANAGEMENT OF A SNACK BAR AT VERDI SQUARE, MANHATTAN.** - Request for Proposals - PIN# M94-SB-2015 - Due 7-27-15 at 3:00 P.M.

In accordance with Section 1-13 of the Rules of the Franchise and Concession Review Committee ("FCRC"), the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a Request for Proposals ("RFP") for the development, operation and management of a snack bar at Verdi Square, Manhattan.

There will be a recommended proposer meeting on Thursday, July 9, 2015 at 11:00 A.M. We will be meeting at the proposed concession site, which is located near the intersection of 72nd Street and Amsterdam Avenue, on the north side of Verdi Square, Manhattan. If you are considering responding to this RFP, please make every effort to attend this recommended meeting.

To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities> and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

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

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

*Parks and Recreation, The Arsenal, 830 Fifth Avenue, Room 407, New York, NY 10065. Jeremy Holmes (212) 360-1397; Fax: (212) 360-3434; jeremy.holmes@parks.nyc.gov*

j25-jy9

**TRANSPORTATION**

ADMINISTRATION

■ SOLICITATION

*Services (other than human services)*

**SPONSORSHIP RECRUITMENT, MARKETING AND EVENT PRODUCTION SERVICES** - Request for Proposals - PIN# 84115MBAD895 - Due 8-10-15 at 2:00 P.M.

This procurement is subject to participation goals for Minority-owned Business Enterprises (MBEs) as required by Section 6-129 of the New York Administrative Code. The M/WBE goal for this project is 5 percent. A printed copy of the solicitation can also be purchased. A deposit of \$50.00 is required for the specification book in the form of a certified check or money order payable to: New York City Department of Transportation. NO CASH ACCEPTED. Company address, telephone and fax numbers are required when picking up contract documents. Entrance is located on the south side of the building facing the Vietnam Veterans Memorial). Proper government issued identification is required for entry to the building (driver's license, passport, etc.). The Pre-Proposal Conference will be held on July 22, 2015 at 2:00 P.M. at 55 Water Street, Ground Floor, Bid Room. Sealed proposal must be submitted by 2:00 P.M. on August 10, 2015 to 55 Water Street, Ground Floor, New York, NY 10041. For additional information, please contact David Maco at (212) 839-9400.

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.

*Transportation, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. Vivan Cruz (212) 839-9435*

◀ jy9

**BRIDGES**

■ **AWARD**

*Construction/Construction Services*

**INTERIM REHABILITATION OF TRANS-MANHATTAN EXPRESSWAY CONNECTOR RAMP** - Competitive Sealed Bids - PIN#84115MNB839 - AMT: \$9,391,605.00 - TO: Beaver Concrete Construction Company, Inc., 1 Bethany Road, Suite 68, Building 5, Hazlet, NJ 07730.

● **REHABILITATION OF FENDER SYSTEM AND W. 155 STREET VIADUCT OF MACOMBS DAM BRIDGE/HARLEM RIVER** - Competitive Sealed Bids - PIN#84115NBR842 - AMT: \$39,235,200.00 - TO: CCA Civil, Inc., 525 Washington Boulevard, Suite 1668, Jersey City, NJ 07310.

◀ j9

**AGENCY RULES**

**HEALTH AND MENTAL HYGIENE**

■ **NOTICE**

**Notice of Adoption of Amendments to Article 81 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 to amend Article 81 of the New York City Health Code (the "Health Code") was published in the City Record on December 12, 2014 and a public hearing was held on January 29, 2015. Five people testified and seven written comments were received, including from people who testified. Changes made in response to the comments are discussed below. At its meeting on March 10, 2015 the Board of Health adopted the following resolution.

**Statement of Basis and Purpose**

**Statutory Authority**

These amendments to the New York City Health Code (the Health Code) are promulgated pursuant to §§558 and 1043 of the New York City Charter (the Charter). Sections 558(b) and (c) of the Charter empower the Board of Health (the Board) to amend the Health Code and to include in the Health Code all matters to which the authority of the New York City Department of Health and Mental Hygiene (the Department) extends. Section 556 of the Charter authorizes the Department to supervise and regulate the City's food supply. Section 1043 grants the Department rule-making authority.

**Background**

The Commissioner of the Department of Health and Mental Hygiene is the "permit issuing official" designated in the State Sanitary Code (10 NYCRR Chapter 1) Subpart 14-1 to enforce provisions of the Sanitary Code applicable to the operation of food service establishments in the City of New York (the City). In the City, food service establishments are also subject to provisions of the New York City Health Code and Chapter 23 of Title 24 of the Rules of the City of New York, and mobile food vendors are also subject to subchapter 2 of Chapter 3 of Title 17 of the New York City Administrative Code. The Department's Division of Environmental Health enforces the provisions of the Administrative, Sanitary and Health Codes and the Department's rules applicable to such establishments.

The Board of Health is amending Article 81 of the Health Code to update certain requirements to reflect changes in food science recommendations found in the 2013 US FDA Model Food Code ("2013 Food Code") and to clarify various provisions to help establishment operators comply with the requirements.

The following changes are being made:

§81.03 Definitions.

Amends the definition of sanitization in subdivision (ii) to add submersion in a quaternary ammonium solution as an approved method of chemically sanitizing tableware, utensils and equipment. The method is included in the 2013 Food Code and will give operators another option for sanitization.

§81.04 Approved sources of food.

Amends subdivision (c) to add scallops sold with their roe (eggs) to the list of shellfish for which identification tags must be retained. This section has been clarified since its proposal. In accordance with the 2013 Food Code, tags are not required to be kept for shucked abductor muscle of the scallops. Tags are required solely when scallops are sold live in their shells or when they are shucked and still have their roe attached.

Subdivision (d) is being added to require that exotic game meats served in food service establishments be inspected and acquired from commercially regulated sources, such as those described in regulations of the State Department of Agriculture and Markets found at 1 NYCRR §271-2.2, and will be made consistent with the 2013 Food Code.

Subdivision (e) is being added to address the fact that many food service establishments are producing their own packaged juice products, and will require that juice produced in retail establishments (including food service establishments) bear warnings stating that the juice has not been produced in a manner that prevents, reduces or eliminates the presence of pathogens. In response to a comment, paragraph (1) has been changed to add a definition of "packaged" to clarify when labels are required. A reference to Health Code §71.05(d) provisions on misbranding has also been added.

§81.05 Permit requirements; technical review and pre-permitting inspections for food service establishments and non-retail food processing establishments.

The name of this section is being amended to indicate that a permit is required to operate a food service establishment. The first sentence of former subdivision (c), which stated that a permit is needed to operate a food service or non-retail food processing establishment, has been re-lettered as subdivision (a) and the entire section has been re-lettered accordingly. Certain language in former subdivision (c), re-lettered here as subdivision (d), is being added to conform this provision with State Sanitary Code §14-1.190, and make clear that an establishment may not begin operating for 21-days after it applies for an initial permit, unless the Department has inspected it. This language was inadvertently omitted from the last revision of Article 81.

§ 81.06 Prevention of imminent or public health hazards.

Subdivision (c) is being amended to clarify that the Department's approval of a food service establishment's Hazard Analysis and Critical Control Point (HACCP) plan is not required when food is controlled according to the time and temperature requirements of §81.09.

§81.07 Food; sanitary preparation, protection against contamination.

Paragraph (2) of subdivision (a) is being deleted because it is duplicative of §81.17(d).

Subdivision (c) is being amended to prohibit establishments from keeping, as well as using, non-pasteurized liquid, frozen or dry eggs.

Subdivision (d) is being amended to delete the sentence that begins with the phrase "Food removed from original containers or packages..." which is unnecessary because subdivision (a) of this section already mandates that all food, regardless of packaging, be protected from contamination.

Subdivision (h) is being amended to add an additional method of storing utensils that is recommended in the 2013 Food Code §4-602.11. Establishments would be able to place them in water maintained at or above 135 degrees Fahrenheit. This subdivision is also being amended to clarify that utensils used for dispensing ready to eat foods must have handles to prevent food contamination. In response to comments, the provision has been clarified to require that handles be of sufficient length to avoid bare hand contact with ready to eat potentially hazardous food.

Subdivision (o), formerly entitled "Drinking straws," is being retitled "Single service articles" and amended to require that these items, which include paper coffee cups and plastic cutlery, also be dispensed in ways that prevent possible contamination. This rule change responds to a petition to the Board to commence rulemaking about preventing contamination of single service articles.

Several other amendments are being made to this section to clarify its provisions.

§81.09 Potentially hazardous (time and temperature control for safety) foods.

This section is being repealed and replaced with one that is better organized and specifies the temperatures required for various processes.

Temperatures for cooking meats are being updated in accordance with the 2013 Food Code recommendations. The language in subdivision (a)(1) was corrected from the proposal, to add the words "cooked and refrigerated" to the term "cooked and refrigerated food," from they were inadvertently omitted.

Subdivision (b) is being amended to require freezing of fish to destroy parasites before serving such fish raw, raw-marinated (e.g. ceviche) or undercooked. Parasites (in the larval stage) consumed in uncooked or undercooked fish present a risk of food borne illness. Among parasites, nematodes or roundworms (*Anisakis* spp.), cestodes or tapeworms (*Diphyllobothrium* spp.) and trematodes or flukes are of most concern. The FDA Food Code recommends that fish that is not going to be adequately cooked be frozen to destroy parasites before service because visual inspection techniques cannot adequately detect the presence of parasites. The effectiveness of freezing fish to kill parasites depends on several factors, including the temperature at which and length of time the fish is frozen, as well as the type of parasite. Proposed requirements for recordkeeping have been deleted from this subdivision in response to comments.

Paragraph 5 of subdivision (c) has been amended since the proposal to decrease the cooking temperature of mechanically tenderized and injected meats to 155 degrees Fahrenheit (68 degrees Celsius).

§81.10 Time as a public health control; exception to required holding temperatures of potentially hazardous (temperature control for safety) foods.

Several provisions of the section are being clarified, but remain substantively unchanged.

The section title is being amended to indicate that time can be used as a control as an alternative to maintaining the time and temperature requirements of §81.09.

Subdivision (b) is being amended to add the date as an element that must be noted on labels when food is being held out of temperature. Additional amendments are being made to subdivisions (b) and (c) to clarify their provisions.

Paragraph (2) of subdivision (d) is being amended to clarify that, if food previously held under §81.10 is returned to temperature control, it is considered contaminated and in violation of §81.07.

Table 1 is being amended to reflect the changes made to this section.

§81.11 Consumer advisory: serving raw or undercooked foods.

This section is new. Section 81.09 formerly required that an establishment tell consumers about the dangers of food borne illness when potentially hazardous/time and temperature control for safety foods are being served raw or undercooked. The 2013 Food Code recommends a written advisory, which has been adopted and included in this new section, effective January 1, 2016. Until that time, establishments may continue to verbally warn consumers of the risk posed by eating raw or undercooked foods.

§81.12 Reduced oxygen packaging; cook chill and *sous vide* processing.

The heading of subdivision (c) is being retitled to more accurately reflect its content.

§81.13 Food workers; health; hygienic practices.

This section is being amended to clarify the activities during which workers must wear hair coverings. Also, consistent with recent amendments to the Smoke-Free Air Act enacted by Local Law 152 of 2013, the use of electronic cigarettes will also be prohibited. Provisions on the use of gloves have been moved from subdivision (d) of this section to §81.07(j).

§81.17 General requirements: design, construction, materials and maintenance.

Minor changes are being made to clarify some provisions and reorganize this section. In addition, a new subdivision (g) is being added to include the provisions on handling toxic and hazardous substances that formerly appeared in §81.23. Provisions governing single service articles are being deleted to reflect their inclusion in the new §81.07(o).

§81.18 Cold and hot storage and holding facilities.

An error in this section is being corrected to require that thermometers and other temperature measuring devices be calibrated to be accurate to (+) or (-) 2 degrees, rather than the former (+) or (-) 3 degrees.

§81.20 Plumbing and water supply

Subdivision (a) is being amended to add a requirement that an establishment have adequate supplies of potable water at all times.

Subdivisions (b) and (c) are being combined and the provisions related to condensation, clarified, and the remainder of the section re-lettered appropriately.

§81.21 Hand wash sinks.

Subdivision (a) is being amended to require that hand sinks be supplied with potable running water.

The former requirement in subdivision (b) that waste receptacles be foot operated and covered is being deleted.

§81.22 Employee and patron toilets.

This section is being amended to clarify its provisions but remains substantively unchanged.

§81.23 Integrated pest management.

Subdivision (d) is being amended to clarify the provisions of paragraph (3) and add a new paragraph (4) prohibiting use of unprotected bait stations, consistent with State Sanitary Code §14-1.60(e).

Subdivision (e), relating to toxic materials, is being moved to §81.17.

§81.24 Garbage and waste disposal.

The former requirement that garbage and wastes be either removed from the food establishment daily or placed in a separate pest-proof room is being deleted. Garbage and waste stored for removal now need to be kept in pest-proof containers but need not be in a pest proof room. The provisions of this section are also being reorganized.

§81.27 Cleaning of premises, equipment and utensils.

This section is being amended to clarify its requirements. The cleaning of food contact surfaces is vital in preventing bacterial growth and contamination. The amendments clarify that cleaning requirements apply to all food contact surfaces.

§81.29 Dishwashing and ware washing.

This section is being repealed and restated to clarify its provisions. Provisions referring to sanitizing in accordance with manufacturers' instructions for use of various chemical solutions and equipment are being deleted. This section now requires that when items are chemically sanitized, chemicals registered as anti-microbial pesticides with the US Environmental Protection Agency for food service be used.

§81.31 Outdoor cooking, food and beverage preparation facilities.

No substantive changes are being made to this section, but its provisions are being clarified to facilitate compliance.

§81.46 Refillable, returnable containers.

This section is new. It sets out procedures for establishments that allow consumers to re-use their own beverage containers or that provide food/beverage containers to consumers that may be refilled at the establishment, as an environmental conservation measure. Re-using food containers exposes food workers and consumers to increased public health risks and food to potential contamination and this section establishes procedures to reduce those risks. These provisions are consistent with 2013 Food Code §3-304.17. In response to comments, the provision has been revised to allow establishments that do not want to wash and sanitize containers returned by patrons to obtain Department approval for a written standard operating procedure that demonstrates that the procedures being used prevent contamination.

§81.53 Maximum Beverage Size.

This section is being repealed.

The resolution is as follows.

“Shall” and “must” denote mandatory requirements and may be used interchangeably.

New text is underlined; deleted material is in [brackets].

**RESOLVED**, that subdivision (ii) of section 81.03 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

- (ii) Sanitization means effective bactericidal treatment by heat or chemical means that destroys pathogens on surfaces treated. Acceptable sanitization methods are:
  - (1) immersion for at least one-half minute in clean hot water at a temperature of [not less than] at least 170 degrees Fahrenheit (76.7 degrees Celsius);
  - (2) immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine at a temperature of at least 75 degrees Fahrenheit (23.9 degrees Celsius);
  - (3) immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having pH not higher than 5.0 and at a temperature of at least 75 degrees Fahrenheit (23.9 degrees Celsius);
  - (4) immersion for at least one minute in a solution of 200 parts per million quaternary ammonium at a temperature of at least 75 degrees Fahrenheit (23.9 degrees Celsius);

- (5) immersion in a clean solution containing any other food grade chemical sanitizing agent that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as hypochlorite which has been held at a temperature of at least 75 degrees Fahrenheit (23.9 degrees Celsius) for one minute;
- [(5)] (6) treatment with culinary-quality steam in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
- [(6)] (7) swabbing fixed equipment with a solution of at least twice the strength required for that sanitizing solution when used for immersion.

Notes: Subdivision (ii) of section 81.03 was amended by resolution of the Board of Health adopted March 10, 2015 to add a quaternary ammonium solution as an acceptable sanitization method.

**RESOLVED**, that subdivision (c) of section 81.04 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended and that new subdivisions (d) and (e) be added to such section, to be printed together with explanatory notes to read as follows:

\* \* \*

- (c) Shellfish tags. Fresh and frozen shellfish, shelled or shucked shellfish (oysters, clams, scallops, scallops with roe attached or mussels) shall be identified with the name and address of the original shell stock processor, shucker-packer or repacker, and the foreign intrastate and interstate identification number issued pursuant to applicable law. Identification tags shall be retained on the premises for 90 days from the date the shellfish was used, in accordance with State Sanitary Code § 14-1.33 (b) or any successor provision. No tags are required to be kept for shucked scallop abductor muscles.
- (d) Exotic and game animals. Exotic animals not native to New York State and any game animals served in food service establishments must be obtained from commercially regulated sources, such as those described in regulations of the State Department of Agriculture and Markets found at 1 NYCRR §271-2.2, or successor regulations.
- (e) Labeling unpasteurized packaged juices.
  - (1) Definitions. For the purposes of this subdivision:
    - (A) Juice means the aqueous (water-based) liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or purees.
    - (B) Packaged juice means juice that has been sealed in bottles or other containers.
  - (2) Labeling. Unpasteurized packaged juices prepared by a food service establishment for direct sale to the establishment's patrons must be labeled in accordance with §71.05(d) of this Code so as not to be misbranded, and such label must include the following information:
    - (A) Food ingredients, using common names;
    - (B) Food additives, if any;
    - (C) Name and address of the entity that packaged the juice;
    - (D) "Use by" date;
    - (E) The statements: "WARNING: This product has not been pasteurized. It may contain harmful bacteria that can cause serious illness, especially in children, elderly persons and persons with weakened immune systems." and "Must keep refrigerated."
  - (3) Juice produced for wider distribution. Juice produced and/or packaged by any establishment that is distributed at wholesale or to any persons other than the establishment's patrons must be produced and packaged in accordance with 21 CFR Part 120, or any successor regulations.

Notes: Section 81.04 was amended by resolution of the Board of Health adopted on March 10, 2015 to add a new subdivision (d) specifying sources of exotic and game animals and a new subdivision (e) requiring certain information on labels of juices packaged by food service establishments for sale to their patrons. Subdivision (c) was amended to indicate that the source of scallops with their roe attached must be identified and tags maintained.

**RESOLVED**, that section 81.05 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

**§81.05 [Technical] Permit requirements; technical review and pre-permitting inspections for food service establishments and non-retail food processing establishments.**

- (a) Permit required. Except as specified in this section, no person shall operate a food service establishment or non-retail food processing establishment without a permit therefor issued by the Commissioner.
- (b) An operator of a food service establishment or non-retail food processing establishment shall construct, equip, furnish, maintain and operate such establishment in compliance with this Article and all other applicable federal, state and city laws, rules and regulations.
- [(b)] (c) Prior to new construction or major renovation of a food service establishment or non-retail food processing establishment, or at any time thereafter where the Department determines that the public health and safety requires a Departmental review of the physical plant of such establishment, the Department may require such establishment to submit sketches or plans showing the floor layout, equipment, plumbing, ventilation, refuse storage facilities, sewage disposal facilities and similar information on a form acceptable to the Department. Submission and review of plans shall not relieve the operator of such establishment or his or her successor from meeting all requirements of this section.
- [(c)] Except as specified in this section, no person shall operate a food service establishment or non-retail food processing establishment without a permit therefor issued by the Commissioner.]
- (d) A food service or non-retail food processing establishment may not operate without a permit for 21 days after submitting an application for a permit unless the Department has conducted an inspection and approved issuance of a permit. If the Department does not make an inspection of the establishment during this 21 day period, operations may commence without a permit on the twenty-second day after submission of an application for a permit, and the establishment may continue operating without being in violation of this section until such time as the Department inspects the establishment and either approves issuance of a permit or issues an order to cease operation for cause [pursuant to §81.39 of this Article or other applicable provision of] in accordance with this Code.
- [(d)] (e) A permit for a food service establishment or non-retail food processing establishment shall be issued subject to the establishment being constructed, maintained and operated in compliance with this Code, and not presenting a danger to the health or safety of the consumer or to the public. The condition of the establishment, including its equipment, utensils, personnel, mode of operation, surroundings, water supply, sewage disposal, waste handling, furnishings, food and appurtenances, and, if applicable, past history of compliance or non-compliance, shall be considered in determining whether its operation may be dangerous or detrimental to the public health. If the pre-permitting inspection indicates that such conditions are unsatisfactory, the operator shall be advised of the violations which prevent issuance of such permit.
- [(e)] (f) Religious, fraternal and charitable organizations which provide food services more often than once a week shall obtain a permit pursuant to this Article; provided, however, that an organization providing food service less frequently than once a week shall notify the Department in writing of its intention to engage in such food service operations and shall obtain authorization from the Department. Such authorization may be issued for a term not to exceed two years. The payment of a fee for such authorization shall not be required. The provisions of this subsection shall not limit in any way the right of the Department to take any actions necessary to protect the public health.
- [(f)] (g) Every person using or contracting for use of shared kitchen space and equipment shall obtain a permit to operate a food service establishment unless such person is licensed or regulated by the Commissioner of Agriculture and Markets pursuant to Article 20-C, or any successor provision, of the Agriculture and Markets Law. However, a person holding a non-retail processing establishment permit to operate a shared kitchen shall be responsible for maintaining the condition of the establishment, its equipment, surroundings, water supply, waste handling, furnishings and other appurtenances in accordance with this Code.
- [(g)] (h) No person operating a shared kitchen shall rent space or equipment in the shared kitchen to an individual who intends to use the facility to prepare food for sale or service to the public and does not have a currently valid food service establishment permit issued by the Commissioner, unless such

user is currently licensed or regulated by the Commissioner of Agriculture and Markets.

- (h) (i) Upon the request of the Department, the operator of a shared kitchen shall provide a copy of any agreement between the operator and the user. Such agreement shall indicate the purpose of using the shared kitchen, the type of food to be prepared, and the place where the food will be sold.
- (i) (j) A permit shall not be issued if the applicant or a principal of an entity applying for such has been denied a permit on the basis of violations of this Code which could have resulted in the suspension or revocation of a permit. A permit may be renewed, provided that the permittee meets all requirements for renewal, the permit has not been revoked or suspended, and the permittee has not been determined to have committed a violation that could be a basis for permit revocation or suspension under this Article.

Notes: Section 81.05 was amended by resolution adopted by the Board of Health at its March 10, 2015 meeting, to amend subdivision (a) and the section Title to require a permit prior to operation; and reletter the remaining subdivisions accordingly. Former subdivision (c), relettered as subdivision (d), includes a requirement inadvertently omitted during a prior amendment of the section.

**RESOLVED**, that subdivision (c) of section 81.06 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

- (c) *Prior approval required for certain foods and processing.* [Prior approval] Approval by the Department of a food service establishment's HACCP plan shall be obtained prior to processing any potentially hazardous food on the food service establishment's premises by means of reduced oxygen packaging methods, drying, fermentation, curing, or smoking food products [on the premises of the food service establishment except that no]. No HACCP plan is required for processes that are conducted in accordance with the time and temperature requirements of §81.09 of this Article.

Notes: Subdivision (c) of §81.06 was amended by resolution of the Board of Health adopted March 10, 2015 to clarify provisions relating to Department approval of food service establishments' HACCP plans.

**RESOLVED**, that subdivisions (a), (c), (d), (e), (g), (h), (j), (m) and (o) of section 81.07 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

**§81.07 Food; sanitary preparation, protection against contamination.**

- (a) *Food protection.* Food shall be free of and protected against contamination and shall be manufactured, prepared, processed or packed using clean and sanitary utensils and equipment.
  - (1) *Culinary sink.* A dedicated single compartment culinary sink shall be provided and used only for washing fruits, vegetables, meats, and aquatic animal foods prior to other preparation. However, where no culinary sink is provided, foods may be washed in (i) a food grade container or colander or (ii) one compartment of a multi-compartment sink. No sink used for washing foods shall be used as a slop, utility or hand washing sink. All sinks used for washing food shall be indirectly washed, cleaned and sanitized prior to washing food, and between washing raw meats and other foods.
  - (2) *[Food contact surfaces.* Surfaces with which food comes in contact shall be impervious.
  - (3) *Prevention of cross-contamination.* Food that will not be washed or cooked shall be protected from cross-contamination from food which is required to be washed or cooked.
  - (4) (3) *Storage on ice or in water.* Packaged food shall not be stored in direct contact with ice or water if packaging allows the entry of water. Unpackaged food may only be [stored] in direct contact with [drained] ice if stored in a container that drains, except that whole[,] raw fruits, [or] whole or cut vegetables, [cut, raw vegetables such as celery or carrot sticks or cut potatoes,] and tofu, may be immersed in clean and sanitary [undrained] ice or water held in a container that does not drain.
  - (5) (4) *Washing raw fruits and vegetables.* Raw fruits and vegetables shall be thoroughly washed with potable water before cutting or serving.
  - (6) (5) *Storage of raw chicken and fish.* Raw chicken and raw fish that are received in ice in shipping containers may remain in such condition, provided the required cold holding temperature is maintained while being stored or awaiting preparation, display, service or sale.

\* \* \*

- (c) *Eggs.* Only clean, whole eggs with shells intact [and] that are free from cracks or splits; or pasteurized[,] liquid, frozen or dry eggs; or pasteurized dry egg products shall be kept and used. [All containers in which eggs are received in a food service establishment or non-retail food processing establishment must identify the source of the eggs.] No unpasteurized liquid, frozen or dry eggs shall be kept or used in the establishment.
- (d) *Food storage.* [Food removed from original containers or packages shall be protected from contamination by storing in clean, sanitized and covered containers and by maintaining proper temperature.] Containers of food shall be stored at least six inches (14.24 centimeters) above the floor, in a refrigerator or dry storage area, or at a greater height if necessary to permit cleaning of the storage area. Potentially hazardous raw foods that are not properly packaged or in sealed containers and that may leak or drip shall not be placed in storage above other foods.
- (e) *Food display.*
  - (1) *Containers.* Food shall be displayed only in equipment such as cleanable containers, cabinets, display cases or similar protective equipment that protects such food from contamination.
  - (2) *Protective shields.* Self-service equipment shall have protective shields or guards to prevent [unnecessary] potential contamination [or contact by patrons] of food.
  - (3) *Quantities to be limited.* The quantity of food displayed shall be minimized to that necessary to meet immediate needs.

\* \* \*

- (g) *Ice [dispensing] for consumption.* Ice for consumption shall be dispensed with scoops, tongs or other utensils, or from automatic self-service ice-dispensing equipment. [Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice.]
- (h) [Dispensing utensils] *Utensils.* Food dispensing utensils [shall] equipped with handles must be provided for [dispensing food] use by food workers and for self-service in dispensing food and ice. Utensil handles must be of sufficient length to prevent bare hand contact with ready to eat potentially hazardous food. Between uses, food dispensing utensils shall be stored in the food with the handles extended [out of the] so that the handles do not come into contact with food; [shall be] kept clean and dry on a clean surface; [or shall be] kept in a dipper well with running water at an adequate velocity and volume to remove food residue during intervals between intermittent use; or kept in a container of water maintained at a temperature at or above 135 degrees Fahrenheit and changed at least every four hours and free from accumulated food residue. When stored, all clean and sanitized utensils must be segregated from unclean utensils and equipment to prevent contamination.
- (j) *Bare hand contact prohibited.* Food shall be prepared and served without bare hand contact unless the food will be heated to at least the minimum temperature required under §81.09. Convenient and suitable utensils, [sanitary] disposable food grade gloves, waxed paper or an equivalent barrier shall be provided and used to prepare or serve food to eliminate bare hand contact and prevent contamination. Gloves must be changed after handling raw foods, performing tasks that do not involve food preparation or processing, handling garbage, or any other work where the gloves may have become soiled or contaminated.

\* \* \*

- (m) *Animal slaughter prohibited.* [Except for] No live animals, except fresh or saltwater finfish, crustaceans, or mollusks, [no live animals] shall be slaughtered at any food service or non-retail processing establishment. Tanks used to hold live fish or crustaceans intended for human consumption must be regularly cleaned and kept free of dead fish and algae.

\* \* \*

- (o) *Drinking straws and other single service articles.* Single service articles must be manufactured from clean non-toxic materials. Such items shall not be reused and must be discarded after use. Single service articles must be handled, transported, stored and dispensed in a manner that protects the food-contact and mouth-contact surfaces of such articles from contamination. Drinking straws shall not be offered to the consumer unless they are completely enclosed in a wrapper or dispensed from a sanitary device. [Drinking straws shall be discarded immediately after use.]

\* \* \*

Notes: Section 81.07 was amended by resolution of the Board of Health adopted on March 10, 2015 to clarify various provisions: Paragraph (2) of subdivision (a) was deleted, the remaining paragraphs renumbered, and newly numbered paragraph (3) clarified; subdivision (c) was amended to prohibit use of unpasteurized egg products other than whole shell eggs; subdivision (d) was amended to delete repackaging requirements; paragraph (2) of subdivision (e) was amended to substitute the term "potential" for "unnecessary" contamination; subdivision (g) was amended to specify that the requirements to prevent contamination of ice applied only to ice that is for consumption; subdivision (h) was amended to clarify management of dispensing utensils; subdivision (j) was amended to add provisions related to use of gloves by food workers deleted from section 81.13; subdivision (m) was amended to add a requirement that tanks for marine life be regularly cleaned and sanitized; and subdivision (o) was amended to apply to all single service articles, where previously it only addressed straws.

**RESOLVED**, that section 81.09 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, regarding temperature controls for food safety, is hereby REPEALED and a new section 81.09 is added, to be printed together with explanatory notes to read as follows:

**§81.09 Potentially hazardous (time and temperature control for safety) foods.**

(a)  Holding and storage temperatures. Potentially hazardous food must be stored or held at or below 41 degrees Fahrenheit (5 degrees Celsius) or at or above 140 degrees Fahrenheit (60 degrees Celsius) except as follows:

- (1)  Immediate service. Cooked and refrigerated food prepared for immediate service in response to an individual consumer order may be served at any temperature.
- (2)  Eggs. Intact shell eggs must be stored at an ambient temperature of 45 degrees Fahrenheit (7.2 degrees Celsius) or below.
- (3)  Processed fish. All processed fish products must be prepared and stored at a temperature that does not exceed 38 degrees Fahrenheit (3.3 degrees Celsius) without interruption until served to the ultimate consumer, provided, however, that:
  - (A)  Processed fish that contains a water phase salt level of at least 17 percent shall not require refrigerated storage; and
  - (B)  Dry salted fish that contains a water phase level of at least 10 percent, salt water activity of less than 0.85 Aw, or a pH of 4.6 or lower, must be held at refrigerated temperatures that do not exceed 41 degrees Fahrenheit (5 degrees Celsius).
- (4)  Necessary preparation. Foods may be held out of temperature during active necessary preparation. Active necessary preparation of food does not include time food is being heated, cooled, cooked, reheated or stored and requires temperature control.
- (5)  Time as the sole public health control. When using time alone as a public health control in accordance with §81.10 of this Article.

(b)  Freezing and storage of fish to be served raw, raw marinated or undercooked.

- (1)  Freezing required. To destroy parasites in fish or fish products that are to be consumed raw, undercooked or raw-marinated, an establishment must either purchase frozen fish or fish products, or freeze fish or fish products prior to service as follows:

<u>Minimum Freezing Temperature</u>	<u>Minimum Storage Temperature</u>	<u>Minimum Freezer Storage Time</u>
<u>-4 degrees F (-20 degrees C)</u>	<u>-4 degrees F (-20 degrees C)</u>	<u>168 hours (7 days); or</u>
<u>-31 degrees F (-35 degrees C)</u>	<u>-31 degrees F (-35 degrees C)</u>	<u>15 hours; or</u>
<u>-31 degrees F (-35 degrees C)</u>	<u>-4 degrees F (-20 degrees C)</u>	<u>24 hours.</u>

(2)  Exceptions to freezing requirement. Freezing is not required before serving raw or undercooked:

- (A)  Molluscan shellfish; or
- (B)  Tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), *Thunnus thynnus* (Bluefin tuna, Northern); or

- (C)  Aquacultured or farm raised fish, such as salmon that are:
  - (i)  Raised in open water in net-pens or in land-based operations such as ponds or tanks, and
  - (ii)  Fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish; or
- (D)  Fish eggs that have been removed from the skin and rinsed.

(c)  Cooking temperatures. All parts of potentially hazardous foods requiring cooking are to be heated to 140 degrees Fahrenheit (60 degrees Celsius) or above for 15 seconds, except as follows:

- (1)  Poultry. Whole or ground poultry, poultry parts, all food containing poultry, poultry stuffing and poultry stuffing containing meat must be heated so all parts of the food are at least 165 degrees Fahrenheit (73.9 degrees Celsius) for 15 seconds with no interruption of the cooking process.
- (2)  Pork. Pork and food containing pork, other than whole pork roasts, and ground and comminuted pork, must be heated so all parts of the food are at least 150 degrees Fahrenheit (65.6 degrees Celsius) for 15 seconds, unless otherwise ordered by the consumer.
- (3)  Whole meat roasts. Roast beef, beef steak, corned beef, lamb roasts, pork and cured pork roasts must be heated to and cooked at the following minimum temperatures for the corresponding time:

<u>Temperature °F (°C)</u>	<u>Cooking Time in Minutes</u>	<u>Temperature °F (°C)</u>	<u>Cooking Time in Minutes</u>
<u>130 (54.4)</u>	<u>112</u>	<u>138 (58.9)</u>	<u>18</u>
<u>131 (55.0)</u>	<u>89</u>	<u>140 (60.0)</u>	<u>12</u>
<u>133 (56.1)</u>	<u>56</u>	<u>142 (61.1)</u>	<u>8</u>
<u>135 (57.2)</u>	<u>36</u>	<u>144 (62.2)</u>	<u>5</u>
<u>136 (57.8)</u>	<u>28</u>	<u>145 (62.8)</u>	<u>4</u>

- (4)  Ground and comminuted meat. Ground meats and comminuted meat products, other than poultry, and food containing ground meat must be heated so that all parts of the food are at least 158 degrees Fahrenheit (69.4 degrees Celsius) with no interruption of the cooking process, unless otherwise ordered by the consumer.
- (5)  Stuffings and mechanically tenderized and injected meats. Stuffed meats, stuffed fish, stuffed ratites and stuffing containing ratites and fish, must be heated to a temperature of at least 165 degrees Fahrenheit (73.9 degrees Celsius) with no interruption of the cooking process, unless otherwise ordered by the consumer. Meats whose exterior surface has been mechanically tenderized or injected by breaking, puncturing, or scoring must be heated to a temperature of at least 155 degrees Fahrenheit (68 degrees Celsius).
- (6)  Shell eggs and egg products. Unpasteurized raw eggs or foods containing unpasteurized raw shell eggs, including but not limited to, drinks, condiments, dressings, desserts and sauces, must be heated to 145 degrees Fahrenheit (62.8 degrees Celsius) or greater for 15 seconds, unless the consumer requests preparation of shell eggs in a style such as raw, poached or fried which in order to comply with the request must be prepared at a temperature less than 145 degrees Fahrenheit.
- (7)  Microwaving. Raw animal foods cooked in a microwave oven must be covered during cooking; rotated or stirred during cooking to a temperature of at least 165 degrees Fahrenheit (73.9 degrees Celsius); and allowed to stand covered for 2 minutes after cooking.
- (8)  Advisory for raw, undercooked foods. When menu items containing raw or undercooked eggs, meat, fish or other potentially hazardous foods including but not limited to steak tartare, rare duck breasts, uncooked dessert mousse, Caesar salad dressing, sashimi, and ceviche or any other raw or undercooked seafood, are served, the consumer advisory required by §81.11 of this Article must be provided.

(d)  Reheating previously cooked food. Potentially hazardous food that is cooked, cooled and reheated for hot holding must be reheated so that all parts of the food reach a temperature of at least 165 degrees Fahrenheit (73.9 degrees Celsius) for 15 seconds. The minimum temperature of 165 degrees Fahrenheit (73.9 degrees Celsius) must be reached within 2 hours of commencing reheating. Reheated food must be held at or above 140 degrees Fahrenheit (60 degrees Celsius) until served.



- (1) Microwave reheating. Food reheated in a microwave oven must be covered during heating; food must be rotated or stirred during heating, or otherwise manipulated according to label instructions, if provided, and must be reheated to a temperature of at least 165 degrees Fahrenheit (73.9 degrees Celsius) and allowed to stand covered for 2 minutes after reheating.
- (2) Heating commercially processed foods. Commercially processed pre-cooked potentially hazardous food in hermetically sealed containers and precooked potentially hazardous food in intact packages from non-retail food processing establishments must be heated to 140 degrees Fahrenheit (60 degrees Celsius) within 2 hours of removal from container or package and held at such temperature until served.
- (e) Cooling.
- (1) After cooking or removal from hot holding. Foods removed from cooking or hot holding that require refrigeration must be rapidly cooled from 140 degrees Fahrenheit (60 degrees Celsius) to 70 degrees Fahrenheit (21.1 degrees Celsius) within 2 hours and from 70 degrees Fahrenheit (21.1 degrees Celsius) to 41 degrees Fahrenheit (5 degrees Celsius) within 4 hours after cooking or removal from hot holding by placing containers of food in an ice bath, a rapid chill unit or adding ice to the food, and
- (A) Placing the food in shallow pans or containers (less than 4 inches in height); and/or
- (B) Dividing foods into smaller or thinner pieces or portions; and/or
- (C) Using containers made of materials that facilitate heat transfer; and/or
- (D) Stirring foods that are liquids or semi-liquid, and
- (E) Arranging containers in cooling equipment to provide maximum heat transfer through container walls, not stacking or nesting; and
- (F) Keeping containers loosely covered, or uncovered if protected from overhead contamination during the cooling period, to facilitate heat transfer from the surface of the food.
- (2) Other cooling. Potentially hazardous foods removed from cold holding or prepared from or combined with ingredients at room temperatures must be cooled to 41 degrees Fahrenheit (5 degrees Celsius) or below within 4 hours of preparation using cooling methods described in paragraph (1) of this subdivision.
- (f) Thawing frozen foods. Potentially hazardous food must be thawed as follows:
- (1) In refrigerated facilities at a temperature not to exceed 41 degrees Fahrenheit (5 degrees Celsius); or
- (2) Completely submerged under potable running water at a temperature of 70 degrees Fahrenheit (21.1 degrees Celsius) or below, with sufficient water velocity to agitate and float off loose particles into the overflow; or
- (3) In a microwave oven when the food will be immediately transferred to other conventional cooking equipment as part of a continuous cooking process, or when the entire uninterrupted cooking process takes place in the microwave oven; or
- (4) As part of the conventional cooking process, without interruption.
- (5) Whole frozen poultry, other than a single portion intended for service to an individual consumer, must be completely thawed prior to conventional cooking; a single portion may be thawed during the cooking process.
- (g) Thermometers and other temperature measuring devices. Establishments must provide devices such as thermometers and thermocouples to measure internal temperatures of potentially hazardous foods during cooking, cooling, reheating, hot holding and cold holding. Such devices must be properly calibrated to plus or minus 2 degrees Fahrenheit (1.1 degrees Celsius), made from food grade materials that will not expose food to contamination

and be kept readily accessible in the establishment's food preparation and hot and cold holding areas.

*Notes:* Section 81.09 was repealed and restated by resolution adopted by the Board of Health at its March 10, 2015 meeting, to reorganize the provisions for handling various kinds of potentially hazardous or time and temperature control food according to the process involved, and to add a new provision adopting 2013 US FDA Food Code recommendations for freezing fish, with some exceptions, that will be served raw or undercooked, in order to kill parasites in the fish that are associated with food borne illness.

**RESOLVED**, that the section title and subdivisions (b), (c) and (d) and Table 1 of section 81.10 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

**§81.10 Time as a public health control; exception to required holding temperatures of potentially hazardous (temperature control for safety) foods.**

- (b) Labeling. All foods removed from temperature control in accordance with this section shall be labeled or marked as follows:
- (1) Four hour labeling. Food to be held for up to four hours shall be labeled or marked at the time it is removed from temperature control with the [initial] date and time of removal, temperature at time of removal, and the discard time, four hours after removal from temperature control, when such food shall be discarded if not served.
- (2) Six hour labeling. Food to be held for up to six hours shall be labeled or marked at the time it is removed from cold temperature control with the [initial] date and time of removal, temperature at time of removal, the time [removed from cold temperature control, times and temperatures] and temperature, measured four hours after removal from temperature control, and the time, six hours after removal from temperature control, when such food shall be discarded if not served.
- (3) Labels to be kept. Labels or marked containers shall be legibly marked and labels and markings must be kept on food containers until foods have been served or discarded.
- (c) Limits on use of time as a public health control. Time shall not be used as the sole means of public health control, and §81.09 shall remain applicable as follows:
- (1) Holding raw eggs prior to using such eggs in food prepared for (i) persons who may be at higher risk for food-borne illnesses, such as immunocompromised persons including residents or clients of senior centers, charitable feeding programs, adult day care programs, custodial care and health care facilities, and assisted living programs; (ii) infants and children [in] attending summer camps, child day care and pre-school programs; and (iii) pupils in primary and secondary schools.
- (2) Preparation and holding of [ready-to-eat] potentially hazardous foods sold by or in (i) mobile food vending units; (ii) food vending machines; (iii) temporary food service establishments operating in accordance with Article 88 of this Code; or (iv) self-service salad bars or buffets.
- (3) Preparation and holding of potentially hazardous foods consisting of smoked or vacuum-packed food products.
- (d) Violations.
- (1) §81.09 violations. An establishment shall be in violation of §81.09 of this Code if the Department finds that, while using time as a public health control, the establishment (i) has not discarded food after the times specified in this section; or (ii) has not labeled or marked food as specified in this section.
- (2) §81.07 violations. Food shall be deemed contaminated and an establishment shall be in violation of §81.07 (a) of this Code if the Department finds that while using time as a public health control, (i) cold potentially hazardous foods labeled for six hour holding are measured at or above temperatures of 70 degrees Fahrenheit (21 degrees Celsius) after removal from cold temperature control or (ii) food is returned to temperature control instead of being discarded.

**§81.10 Table 1. Summary of procedures for using time as a public health control.**

Summary of Procedures for Using Time as a Public Health Control				
Removal From:	Maximum Time out of Holding Temperature	When to Measure Temperature	What to Note on Required Labels	When to Discard
Cold holding at or below 41°F (5°C)	6 hours	When removed from cold holding, and, at 4 hours after removal	<ul style="list-style-type: none"> <li>The <u>date</u>, time and temperature when removed from cold holding, and,</li> <li>The time and temperature 4 hours after removal, and</li> <li>The time to discard, serve, or cook.</li> </ul>	If temperature is over 70°F (21° C) at 4 hours after removal <u>or if not served within 6 hours</u>
Hot holding at or above 140°F (60°C)	4 hours	When removed from hot holding	<ul style="list-style-type: none"> <li>The <u>date</u>, time and temperature when removed from hot holding, and,</li> <li>The time 4 hours after removed from hot holding. This is the time when the food must be cooked, served, or discarded,</li> </ul>	If not served within 4 hours

Notes: Section 81.10 was amended by resolution adopted by the Board of Health at its March 10, 2015 meeting to clarify labeling requirements and identifying violations.

**RESOLVED**, that Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended to add a new section 81.11 to be printed together with explanatory notes to read as follows:

**§81.11 Consumer advisory: serving raw or undercooked foods.**

(a) Written consumer advisory. Effective January 1, 2016, when meat, fish, molluscan shellfish, or unpasteurized raw shell eggs are offered alone or as an ingredient in other foods, and are either raw or heated to a temperature below that required by this Code, written notice must be provided to consumers of the increased risk of food borne illness from eating such raw or undercooked foods.

(1) The statement “Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness” must appear on menus, menu boards, brochures, signage, food labels, table tents, or placards, with either:

(A) A description or identification of the specific foods being served raw or undercooked, such as “oysters on the half shell (raw oysters),” or “raw-egg Caesar salad dressing,” as applicable; or

(B) Noted by an asterisk or other mark next to the listed food item on a menu or menu board with a footnote that references the statement in paragraph (1) of this subdivision.

(C) Prior to January 1, 2016, an establishment must warn of the increased risk for foodborne illness when serving raw or undercooked foods. Such warning may be given orally and need not be in writing.

(b) Limitations on service. Raw or undercooked meat, eggs, fish or molluscan shellfish, either alone, or as an ingredient in other menu items shall not be served in facilities that primarily serve persons who may be at a higher risk for food borne illnesses. Such facilities include those serving immunocompromised persons, senior centers, charitable feeding programs, custodial care facilities, hospitals and health care facilities, as defined in Article 28 of the Public Health Law or successor law; adult day care and assisted living programs; child care, children’s camps and pre-school programs; and elementary and secondary schools.

Notes: Section 81.11 was added by Board of Health resolution adopted March 10, 2015 to establish a requirement for a written consumer advisory, replacing the oral advisory that had appeared in subdivision

(d) of section 81.09, and adopting a recommendation in the 2009 and 2013 editions of the USFDA Model Food Code.

**RESOLVED**, that subdivision (c) of section 81.12 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

(c) [Food safety] On-site preparation, consumption, sale and distribution. Foods processed by ROP shall be prepared and consumed on the premises of the food service establishment, or off premises if the preparation site is properly permitted and wholly owned and operated by the same business entity as the food service establishment, and no ROP food products shall be sold or distributed to any other business entities or consumers.

\* \* \*

Notes: The former title “Food safety” of subdivision (c) of §81.12 was amended by resolution of the Board of Health adopted at its March 10, 2015 meeting to more accurately reflect the content of the provision.

**RESOLVED**, that subdivisions (b), (d) and (g) of section 81.13 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

(b) Hair restraints. Food workers shall wear caps, hats, hair nets or other hair coverings to effectively keep hair from [having contact with exposed] contaminating food or food contact surfaces, and clean equipment or utensils that have contact with food]. This requirement shall not apply to counter staff [who serve only beverages and/or pre-packaged foods], bartenders, baristas, hosts or wait staff when they are preparing or serving beverages or serving food.

\* \* \*

(d) Hand washing. Food workers and other employees shall wash hands and exposed areas of arms thoroughly with soap and [warm] water before starting work and as often as necessary to remove soil and any substance that might lead to contamination. Thereafter, hands shall be washed thoroughly after using the toilet, smoking or using electronic cigarettes, sneezing, coughing, eating, drinking or when otherwise soiling hands before returning to work. When gloves are used as a barrier to protect ready-to-eat food from bare hand contact, hands shall be washed before gloves are put on. [Gloves shall be changed after handling raw foods, performing tasks that do not involve food preparation or processing, handling garbage, or any other work where the gloves may have become soiled or contaminated.]

\* \* \*

(g) Smoking. Food workers shall not smoke any substance, [or] use tobacco in any form [in an establishment] or use electronic cigarettes in any indoor or outdoor area of the premises used by a food service establishment.

\* \* \*

Notes: Subdivisions (b), (d) and (g) of section 81.13 were amended by resolution of the Board of Health adopted at its March 10, 2015 meeting. Subdivision (b) was amended to clarify which food workers are required to wear hair restraints; subdivision (d) was amended to delete provisions for use of gloves, which may now be found in §81.07 of the Article; and subdivision (g) was amended to add prohibitions on use of electronic cigarettes by food workers, consistent with the amended Smoke-Free Air Act in the City Administrative Code.

**RESOLVED**, that subdivisions (d) and (e) of section 81.17 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended and a new subdivisions (g) be added, to be printed together with explanatory notes to read as follows:

**§81.17 General requirements: design, construction, materials and maintenance.**

(d) Food contact surfaces. Food contact surfaces of utensils and equipment shall be constructed of food grade and impermeable materials, shall not be painted, and shall not contain lead, cadmium or any other substance that is toxic or may react with food, cleaning or sanitizing materials to form harmful compounds, or render food unwholesome or detrimental to health, and shall not impart any odor, color or taste to food.

(1) Surfaces to be easily cleanable, [and] sanitized and maintained. An establishment shall not use equipment, utensils or containers that are chipped, cracked, rusted, corroded, worn or in a condition where food and debris cannot be removed and such items cannot be easily cleaned and sanitized. Surfaces that come into contact with food such as cutting blocks and boards that are subject to scratching and scoring must be replaced or resurfaced if they can no longer be effectively cleaned and sanitized. Food and other debris

must be removed from such surfaces and surfaces must be washed and sanitized as needed to prevent contamination.

- (2) *Food grade lubricants.* Establishments shall use food grade lubricants approved by the United States Food and Drug Administration to lubricate equipment. Such lubricants shall not leak or contact food or food contact surfaces. An establishment shall select and use equipment that requires only the use of simple tools for disassembly to encourage and facilitate cleaning and sanitizing of equipment. Such tools shall include, but not be limited to, mallets, screwdrivers, and open-end wrenches that are kept readily available near the equipment.
- (3) *Cleaned in place equipment.* Equipment designed for in-place cleaning by the circulation or flowing by mechanical means through a piping system shall be constructed so that cleaning and sanitizing solutions circulate through an effective fixed system that allows such solutions to contact all interior food-contact surfaces, and so that the system is self-draining or can be completely evacuated.
- (4) *Cleaning and polishing food contact surfaces.* No substance containing any cyanide preparation shall be used for cleaning or polishing copper, nickel, silver, silver plated ware or any utensils or appliances used in preparation or service of food. Cleaning and polishing formulations shall be used in accordance with the manufacturer's instructions so that such substances do not contaminate food.
- (5) *Approved sanitizers.* Only chemical sanitizers and antimicrobial agents approved by the U.S. Environmental Protection Agency shall be used to clean food and food contact surfaces.
- (6) *Single service articles.* Single service articles shall be manufactured from clean, non-toxic materials and fulfill the requirements of the Food, Drug and Cosmetic Act, as amended. Such articles shall not be reused and shall be discarded immediately after use.]
- (e) *Non-food contact surfaces.*
  - (1) *Floors.* Floors, floor coverings, and materials used to repair floors of food storage, food preparation, utensil washing areas, walk-in refrigerating units, dressing rooms, locker rooms, lavatories and rest rooms shall be constructed of a hard, smooth, durable, non-absorbent and easily cleanable material and shall be kept clean, without cracks, holes or gaps or other unintended openings at floor and wall junctions or around plumbing pipes and fixtures. Carpeting is prohibited on floors in food preparation areas. Mats and duckboards shall be designed to be removable and easily cleanable.
  - (2) *Walls and ceilings.* Walls, ceilings, doors, panels, windows, and other interior components of rooms, and equipment such as walk-in refrigerators, and the materials used to repair such components shall be smooth and non-absorbent, constructed of hard, impermeable, light colored materials, and shall be easily cleanable, kept clean and without cracks, holes or gaps or other unintended openings at floor, wall and ceiling junctions or around plumbing pipes and fixtures. Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.
  - (3) *Equipment and fixtures.* Equipment and fixtures, including but not limited to, light fixtures, vent covers and hoods, fans, ducts, and decorative materials[, and other materials affixed to walls and ceilings] shall be easily cleanable, and kept clean and in working order.
  - [(4) *Transportation.*]
  - (f) *Transporting food.* Vehicles and other conveyances used for the transportation of food by an establishment shall be kept clean, sanitary, and free of pests, and shall have sufficient equipment in operating condition to maintain temperatures required by this Code for holding potentially hazardous foods.
  - (g) *Toxic materials and hazardous substances: restrictions, labeling and storage.* Toxic materials and other hazardous substances, as defined in Article 173 of this Code, must be used only when required to maintain sanitary conditions and in accordance with label directions.
    - (1) *Labels.* Containers of such substances must be prominently labeled in accordance with applicable law and substances applied and removed without creating any risk to the health of any persons and without contaminating food, equipment, utensils and supplies.
    - (2) *Storage.* Toxic and hazardous materials are to be stored in designated storage areas in which food, equipment and utensils are not stored. Bactericides and cleaning compounds

shall not be stored with insecticides, rodenticides or other toxic materials. Insecticides and rodenticides are to be kept in their original containers.

- (3) *Toxic residues.* Bactericides, cleaning compounds or other compounds used on food contact surfaces must be rinsed and removed in accordance with label directions so as not to leave any toxic residues.
- (4) *Phenolic compounds.* Phenolic compounds may not be used for sanitizing food contact surfaces.
- (5) *Medications.* Medicinal first-aid supplies and medications must be kept in non-food storage areas in a manner that does not create a risk of food contamination.

*Notes:* Subdivisions (d) and (e) of §81.17 were amended and subdivision (f) and (g) were added by resolution adopted by the Board of Health at its March 10, 2015 meeting. Paragraph (1) of subdivision (d) reflects recommendations in the 2013 USDA Model Food Code for cleaning of food contact surfaces; paragraph (6) (“Single service articles”) was deleted and moved to §81.07. Clarifying changes were made to subdivision (e). Paragraph (4) of subdivision (e) was lettered as new subdivision (f). A new subdivision (g) “Toxic materials and hazardous substances” was moved to this section from §81.23 with clarifications but no substantive changes.

**RESOLVED**, that paragraph 3 of subdivision (a) and paragraph 1 of subdivision (b) of section 81.18 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

- (a) *Refrigeration.* Refrigerators shall be capable of maintaining and shall maintain potentially hazardous foods at or below 41 degrees Fahrenheit (5 degrees Celsius) at all times. Food preparation procedures should be conducted so that refrigerators are opened on only a limited basis.

\* \* \*

- (3) *Thermometers.* Refrigeration units shall have numerically scaled or digital indicating thermometers, calibrated to be accurate to (+) or (-) [3] 2 degrees Fahrenheit.

\* \* \*

- (b) *Hot holding.* Hot holding and storage equipment shall be capable of maintaining and shall maintain potentially hazardous foods at or above 140 degrees Fahrenheit (60 degrees Celsius) at all times.

- (1) *Thermometers.* Hot holding units shall have numerically scaled or digital indicating thermometers, calibrated to be accurate to (+) or (-) [3] 2 degrees.

*Notes:* The degrees of calibration for thermometers required in hot and cold holding equipment was changed from (+) or (-) 3 degrees to (+) or (-) 2 degrees in paragraph (3) of subdivision (a) and paragraph (1) of subdivision (b) of §81.18 by resolution adopted by the Board of Health at its meeting on March 10, 2015.

**RESOLVED**, that section 81.20 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

**§81.20 Plumbing and water supply.**

- (a) *Potable water supply.* Establishments at all times must have adequate supplies of potable water, as defined in Part 5 of the State Sanitary Code (10 NYCRR Chapter 1). An establishment shall be equipped with plumbing and plumbing fixtures, in accordance with applicable law, that safely supply potable water[, as defined in Part 5 of the State Sanitary Code (10 NYCRR Chapter 1),] to all parts of the establishment. Plumbing and fixtures shall be properly connected, vented, and drained to prevent contamination of the potable water supply. Potable water supply fixtures or other equipment connected to the potable water supply shall be designed and constructed or equipped with a device that prevents back-flow or siphoning into, or cross connection with the water supply.
- (b) *Disposal of sewage and liquid waste.* Sewage and liquid wastes [other than grease and oil waste] including but not limited to condensates discharged by equipment, such as refrigerators, ice machines, air conditioners, drain pans, evaporator trays, hoses and other plumbing or cooling lines and fixtures; fluids drained from culinary slop or ware washing sinks; and fluids discarded after cooking shall be conveyed to the sewer or sewage disposal system so as to prevent contamination of the premises and its contents[. Grease] and so as not to create harborage conditions. Liquid wastes consisting of discarded grease and oil [wastes] shall be disposed of in accordance with applicable laws.
  - (1) *Indirect waste connection required.* There shall be no direct connection between the sewage system and any drains from plumbing fixtures and equipment used for hot and cold

storage, or mechanical processing of food. Waste lines from equipment required to have indirect drains shall be installed to prevent back-flow from sewers and other drains and waste lines.

- (2) *Direct [drainage] connections required.* Waste water [pipes] shall be discharged into [a] properly trapped, sewer-connected [clean, sloop sink, or other acceptable method of drainage] plumbing lines.
- (c) *[Condensation.* Plumbing pipes shall be installed and maintained in a manner that prevents waste water, including condensation, from contact with food or equipment.
- (d) *Carbonated beverages.* All plumbing lines conducting carbon dioxide gas or carbonated beverages shall be manufactured from stainless steel, food-grade plastic or other material that will not produce toxic substances when exposed to carbon dioxide or carbonated water.

Notes: Section 81.20 was amended by resolution of the Board of Health adopted March 10, 2015, amending subdivision (a) to require adequate supplies of potable water at all times, amending subdivision (b) to provide examples of and to clarify requirements for disposal of liquid wastes. Former subdivision (c) ("Condensation") was deleted, and former subdivision (d) was relettered as subdivision (c).

**RESOLVED**, that subdivisions (a) and (b) of section 81.21 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes as follows:

**§ 81.21 Hand wash sinks.**

- (a) *Location.* Hand washing sinks equipped with hot and cold potable running water shall be installed in food preparation, food service, and ware washing areas, and in or adjacent to employee and patron toilet rooms, and may be located between such areas.
  - (1) Sufficient sinks shall be provided so that a hand washing sink is no more than 25 feet from any food preparation, service or ware washing area.
  - (2) Any area in which a hand wash sink is located shall be unobstructed by doors or equipment, and access shall be kept clear to enable its use as required by this Code. Hand washing sinks shall not be used for purposes other than hand washing.
  - (3) An automatic hand washing sink shall be used in accordance with the manufacturer's instructions. A self-closing, slow-closing or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet. A steam mixing valve shall not be used.
- (b) *Soap, towels, trash receptacle.* Soap or detergent; single use disposable towels or mechanical drying devices; and a [foot operated covered] trash receptacle shall be provided. A supply of towels or a towel dispenser shall be located immediately adjacent to the hand wash sink, and available without requiring the user to open drawers, cabinets or other enclosures that could lead to recontamination of hands.

Notes: Section 81.21 was amended by resolution of the Board of Health adopted March 10, 2015. Subdivision (a) was amended to add that potable water be provided in all hand wash sinks. Subdivision (b) was amended to eliminate a requirement for foot-operated covered trash receptacles.

**RESOLVED**, that section 81.22 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

**§81.22 Employee and patron toilets.**

- (a) *[Toilets] Toilet facilities required.* Toilet facilities shall be provided for employees and shall be equipped with a minimum number of water closets, urinals, and other plumbing fixtures as required by §PC 403 of Chapter 4 of the New York City Plumbing Code, Administrative Code [§28-PC 403] Title 28, or any successor law.
 

\* \* \*
- (c) *Toilet rooms.* All toilets shall be properly flushed and trapped[,]. Toilet rooms must be adequately lighted and mechanically or naturally ventilated, maintained in sanitary[,] operating condition, and furnished with supplies of toilet tissue and easily cleanable [covered] receptacles for waste paper and other refuse.
- (d) *Shared toilet facilities.* [Except where patrons would have to pass through a kitchen or food storage or preparation facility, the same toilet facilities may be used by both patrons and employees.] Patrons and employees may use the same toilet facilities, except if patrons would be required to walk through a kitchen, food preparation or storage area, or utensil washing area to access the toilet.

Notes: Section 81.22 was amended by resolution adopted by the Board of Health on March 10, 2015 to clarify its provisions, but is substantively unchanged.

**RESOLVED**, that subdivision (d) of section 81.23 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, and further that subdivision (e) of the same section, regarding the storage of toxic materials is hereby **REPEALED**, to be printed together with explanatory notes to read as follows:

- (d) *Pesticide applications.* Pesticides shall be properly labeled, authorized for use, and used only by licensed pest professionals in accordance with the New York State Environmental Conservation Law and Title 6 of the New York Codes, Rules and Regulations (N.Y.C.R.R.) Part 325, or any successor regulation, and applied so that:
  - (1) There is no hazard to employees or other persons.
  - (2) There is no pesticide spraying in food preparation and service areas while food is being processed, prepared or served, or where unprotected food, clean utensils or containers are displayed or stored.
  - (3) Food, equipment, utensils, linens, and single-service or single use articles are protected from contamination [or] and toxic residues that result from pesticide [drip, drain, fog, splash or spray on by removal,] application. Such items are to be protected by impermeable coverings or other measures[, and by cleaning and sanitizing] during pesticide application and must be cleaned and sanitized after pesticide application.
  - (4) The use of unprotected or unlocked bait stations is prohibited in food service establishments.

Notes: Subdivision (d) of §81.23 was amended by resolution adopted by the Board of Health at its meeting on March 10, 2015 to clarify provisions related to pesticide applications, and add a prohibition on use of unprotected bait stations in a new paragraph (4), consistent with Part 14 of the State Sanitary Code. Former subdivision (e) of this section, "Toxic materials," was deleted and moved to §81.17.

**RESOLVED**, that section 81.24 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

**§81.24 Garbage and waste disposal.** Garbage and wastes shall be stored, handled, and disposed of in a manner that protects food and food-contact surfaces from contamination, and does not create a condition conducive to pests or a nuisance.

- (a) *Garbage [storage] and waste stored for removal.*
  - [(1) Garbage] Prior to street placement and pickup, garbage and wastes shall be [removed from the establishment daily for collection or stored in a pest-proof room in the establishment] placed in easily cleanable, watertight, rodent-resistant, and insect-resistant containers with tight fitting lids that must be securely fastened. Containers must be stored in a manner that does not attract pests or create pest harborage conditions.
  - [(2)] (b) Garbage and waste removal. Solid and putrescible wastes placed on sidewalks for collection shall be disposed of in accordance with applicable law, including but not limited to Title 16 of the Administrative Code and the rules of the Department of Sanitation and the Business Integrity Commission, or successor agencies.
  - [(b)] (c) *Containers to be cleaned after emptying.* Garbage receptacles and covers shall be cleaned after emptying and prior to reuse.

Notes: Paragraph (1) of subdivision (a) of §81.24 was amended to remove the paragraph designations and paragraph (2) of subdivision (a) was relettered as subdivision (b) by resolution of the Board of Health adopted March 10, 2015. As amended, subdivision (a) no longer requires garbage and wastes to be either removed from the establishment daily or stored in a pest proof room, but to be either stored in a pest proof room or other dedicated area until collected.

**RESOLVED**, that section 81.27 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

**§81.27 Cleaning of premises, equipment and utensils.**

- (a) *Non-food contact surface components.* Floors, walls, ceilings, and other non-food contact surfaces shall be kept free of accumulations of dust, dirt, food residue, grease, and other debris and shall be cleaned as necessary to prevent such accumulations.
- (b) *Food contact surfaces.* [Equipment food] Food contact surfaces, including food contact surfaces on equipment, and utensils shall

be clean to sight and touch and shall be kept free of dust, dirt, food residues, grease deposits, and other contaminants. [Equipment food contact surfaces and utensils shall be cleaned] Equipment must be disassembled for the purpose of cleaning unless specifically constructed to enable cleaning in place. Food contact surfaces must be cleaned and sanitized:

- (1) Before each use with a different type of raw animal food such as beef, fish, lamb, pork or poultry;
  - (2) Each time there is a change from working with raw to working with ready-to-eat foods; and
  - (3) At [any time when] other times as necessary to prevent accumulations of dirt, mold, encrusted food, grease or other substances or whenever contamination may have occurred.
- (c) [Equipment with food contact surfaces. Ice bins, coffee grinders, frozen dessert machines, culinary sinks and similar types of equipment with food contact surfaces shall be cleaned and sanitized at the frequency specified by the manufacturer or at a frequency necessary to prevent the accumulation of encrusted food, mold, grease or other contaminants. Unless specifically constructed to enable cleaning in place, equipment shall be disassembled prior to cleaning.
- (d) Cloths. Cloths used for the cleaning and sanitizing of food contact and non-food contact surfaces shall be stored clean and dry, or in a sanitizing solution, between uses.
- (1) Moist cloths used for wiping food spills from kitchenware and food contact surfaces shall be used only for this purpose and shall be stored in a sanitizing solution between uses.
  - (2) Moist cloths used for wiping non-food contact surfaces shall be used only for this purpose and shall be stored in a sanitizing solution between uses.

*Notes:* Section 81.27 was amended by Board of Health resolution adopted at its meeting on March 10, 2015 to clarify various provisions, without making substantive changes. Some provisions of former subdivision (c) that were considered duplicative were deleted and its remaining provisions combined with subdivision (b). Subdivision (d) was relettered as subdivision (c).

**RESOLVED**, that section 81.29 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, relating to the washing and drying of tableware, utensils, and equipment, is hereby REPEALED and a new section 81.29 is added, to be printed together with explanatory notes to read as follows:

**§81.29 Dishwashing and ware washing.** Tableware, including dishes, utensils, and equipment must be cleaned and sanitized, as defined in §81.03 of this Article, manually or by machine using either heat or chemical means, in accordance with this section, except that other adequate methods acceptable to the Department may be used.

- (a) Manual washing and sanitizing. A three compartment sink must be used when washing and sanitizing equipment, dishes and utensils by hand, except where otherwise indicated in this subdivision. All compartments of the sink must be large and deep enough to permit complete immersion of the largest equipment and utensils to be washed. Items must be:
- (1) Washed in the first compartment in a detergent solution;
  - (2) Rinsed free of such solution in clean hot water in the second compartment; and
  - (3) Sanitized in the third compartment with hot water or a chemical solution.
- (A) Hot water sanitizing. Hot water used for sanitizing must be heated to and maintained at or above 170 degrees Fahrenheit (76.6 degrees Celsius). A numerically scaled, indicating or digital thermometer calibrated to be accurate to plus or minus 2 degrees Fahrenheit (1.1 degrees Celsius) must be used to measure water temperature. Items must be wholly immersed for at least 30 seconds to destroy surface pathogens.
- (B) Chemical sanitizing. Only anti-microbial pesticides registered with the US Environmental Protection Agency shall be used for manual chemical sanitizing and must be used in sufficient amounts to achieve the sanitization levels required by subdivision (ii) of §81.03 of this Article, without leaving toxic residues on surfaces treated. A test kit or other device must be used to accurately measure the parts per million concentration of the solution used, and the pH of the solution when the pH level would affect the performance of the chemical sanitizer.
- (C) Glassware. Glasses only may be washed in a two-compartment sink using a combination detergent and sanitizer in the first compartment and rinsed in clean water in the second compartment, if the manufacturer of

the combination product indicates it may be used in this manner.

- (b) Mechanical washing and sanitizing
- (1) Heat requirements for mechanical washing. High temperature machines used for the cleaning and sanitizing of utensils, equipment, and food contact surfaces must be installed, maintained, and kept in working order. Machines must be equipped with thermometers, and operated so that all food contact surfaces achieve a surface temperature of at least 160 degrees Fahrenheit (71 degrees Celsius) in order to destroy surface pathogens.
  - (2) Chemical requirements for mechanical washing. Low temperature machines that use chemicals must be installed, maintained, kept in working order and operated so as to attain effective sanitization. A test kit or other device must be used to accurately measure the parts per million concentration of the solution used and the pH of the solution when the pH level would affect the performance of the chemical sanitizer and to ensure the chemical sanitizer is used in concentrations that will not leave toxic residues on surfaces treated.
- (c) Drain boards; air drying. Drain boards of adequate size must be provided and used for the proper handling of soiled items prior to washing, and of clean items following sanitization. Drain boards must be self-draining, and located and constructed so that they do not interfere with the proper use of ware washing facilities. All tableware, utensils, and food contact equipment must be air dried after sanitizing.

*Notes:* Section 81.29 was repealed and restated by resolution of the Board of Health adopted at its meeting on March 10, 2015. The only substantive change is elimination of references to “manufacturers’ instructions” for use of machines and chemical sanitizing since such instructions either do not exist or are not being utilized, resulting in unreliable sanitizing results and unacceptable risks to public health.

**RESOLVED**, that subdivisions (a) and (b) of section 81.31 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

**§81.31 Outdoor cooking, food and beverage preparation facilities.**

- (a) Street and sidewalk cooking prohibited; exceptions. There shall be no cooking, preparation, processing, or service of food, or storage of food, utensils or equipment on a street or sidewalk, except when an establishment is participating in an event as defined in Article 88 of this Code, or is a mobile food vending unit [is] being operated in accordance with Article 89 and other applicable law, or permission has been obtained from appropriate City agencies.
- (b) Conducted on the premises owned by a food service establishment. When permission has been obtained from the Department of Buildings, Fire Department, and other agencies when required, a permitted food service establishment may cook outdoors at the establishment within the premises under the establishment’s ownership, management, operation, and control, including, but not limited to, in the establishment’s backyard, in accordance with this section, and other provisions of this Article

*Notes:* Subdivisions (a) and (b) of §81.31 were amended by resolution adopted by the Board of Health at its meeting on March 10, 2015 to clarify its provisions, without making substantive changes.

**RESOLVED**, that Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended to add a new section 81.46, to be printed together with explanatory notes to read as follows:

**§81.46 Refillable, returnable containers**

- (a) Beverage containers. Employees or consumers may refill consumers’ personal take-out beverage containers (such as thermally insulated bottles, non-spill coffee cups, and promotional beverage containers) with beverages that are not potentially hazardous foods, provided that beverages are dispensed in a manner that prevents contact with, or contamination of, the food-contact surfaces of the beverage dispensing equipment.
- (b) Other containers. An establishment providing consumers with returnable containers must wash and sanitize all such containers before reuse in accordance with §81.29 of this Article. An establishment that does not wash and sanitize patrons’ containers before reuse must obtain Department approval of a written standard operating procedure that demonstrates that there is no contamination of food and/or food contact surfaces. Such procedure must be maintained on the premises and made available at the time of Department inspection.
- (c) Container materials. Reusable containers that will be washed and sanitized must be made of food grade materials resistant under

normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, and of sufficient weight and thickness to be washed and sanitized in accordance with §81.29 of this Article.

Notes: This section was added by resolution of the Board of Health adopted at its meeting on March 10, 2015 to manage public health concerns associated with reuse of food containers, particularly that inadequately cleaned and sanitized containers could make other consumers and employees ill and contaminate an establishment's food supplies. It also prohibits refilling consumers' containers with beverages that contain primarily potentially hazardous foods such as smoothies or milk shakes. These provisions are consistent with 2013 US FDA Food Code §3-304.17.

**RESOLVED**, that section 81.53 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, regarding a maximum serving size for certain beverages, is hereby **REPEALED**, and explanatory notes are printed to read as follows:

Notes: §81.53 Maximum Beverage Size was repealed by resolution of the Board of Health adopted at its March 10, 2015 meeting.

**RESOLVED**, that the schedule of section headings in Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

ARTICLE 81

FOOD PREPARATION AND FOOD ESTABLISHMENTS

- §81.01 Scope.
- §81.03 Definitions.
- §81.04 Approved sources of food.
- §81.05 [Technical] Permit requirements; technical review and pre-permitting inspections for food service establishments and non-retail food processing establishments.
- §81.06 Prevention of imminent or public health hazards.
- §81.07 Food: sanitary preparation, protection against contamination.
- §81.08 Foods containing artificial trans fat.
- §81.09 Potentially hazardous [foods;] (time and temperature control for safety) foods.
- §81.10 Time as a public health control; exception to required holding temperatures of potentially hazardous (temperature control for safety) foods.
- §81.11 [repealed] Consumer advisory: serving raw or undercooked foods.
- §81.12 Reduced oxygen packaging; cook chill and *sous vide* processing.
- §81.13 Food workers: health; hygienic practices.
- §81.15 Food protection course.
- §81.17 General requirements: design, construction, materials and maintenance.
- §81.18 Cold and hot storage and holding facilities.
- §81.19 Lighting and ventilation.
- §81.20 Plumbing and water supply.
- §81.21 Hand wash sinks.
- §81.22 Employee and patron toilets.
- §81.23 Integrated pest management.
- §81.24 Garbage and waste disposal.
- §81.25 Live animals.
- §81.27 Cleaning of premises, equipment and utensils.
- §81.29 Dishwashing and ware washing.
- §81.31 Outdoor cooking, food and beverage preparation facilities.
- [§81.33 repealed.]
- [§81.35 repealed.]
- [§81.37 repealed.]
- §81.39 Sealing unclean equipment, utensils and vehicles; denial, suspension and revocation of permits; enforcement; padlocking.
- §81.41 Dispensing devices used to dispense food; construction, cleanliness, refrigeration, safety.
- §81.43 Reporting complaints of patrons' illness, emergency occurrences.
- [§81.45 repealed.]
- §81.46 Refillable, returnable containers.
- [§81.47 repealed.]
- [§81.49 repealed.]
- §81.50 Posting of calorie information.
- §81.51 Grading of inspection results and posting of grades by certain food service establishments.
- [§81.53 Maximum Beverage Size.]
- §81.55 Modification by Commissioner.

Notes: The table of section headings was amended by resolution adopted by the Board of Health at its March 10, 2015 meeting.

**COMMISSIONER OF HEALTH AND MENTAL HYGIENE  
NOTICE OF ADOPTION OF AMENDMENTS TO  
APPENDIX 23-C OF CHAPTER 23  
OF TITLE 24 OF THE RULES OF THE CITY OF NEW YORK**

In compliance with §1043(a) of the New York City Charter (the "Charter"), a notice of intention to amend Appendix 23-C of Chapter 23 ("Food Service Establishment Sanitary Inspection Procedures") of Title 24 of the Rules of the City of New York was published in the City Record on April 14, 2015 providing an opportunity for comments to be submitted on or before May 15, 2015. No public hearing was held since it was determined that there was no public purpose for such a hearing. One written comment was received, but no change has been made in response to the comment. The \$200 penalty for violation code 22H (miscellaneous Health Code violations) was inadvertently omitted from the proposed rules and has been restored to the final rule.

**Statutory Authority**

Amendment of Appendix 23-C of Chapter 23 of Title 24 of the Rules of the City of New York is authorized by §§389(b) and 1043 (a) of the Charter. Charter §389(b) provides that "heads of mayoral agencies shall have the power to adopt rules to carry out the powers and duties delegated to the agency head or the agency by or pursuant to federal, state or local law." Charter §1043(a) authorizes each agency to "adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law."

The authority for these rules is found in §556 of the New York City Charter and §81.51 of the New York City Health Code (the Health Code).

**Statement of Basis and Purpose of Proposed Rule**

**Background**

The Department of Health and Mental Hygiene (the Department) regulates food service establishments, which include a broad range of businesses and not-for-profit operations that provide food in individual portion sizes for consumption by members of the public, and enforces Article 81 (Food Preparation and Food Establishments) of the New York City Health Code (the Health Code). Health Code §81.51 authorizes the Commissioner of the Department to promulgate rules for establishing a system for grading and classifying inspection results. Chapter 23 (Food Service Establishment Sanitary Inspection Procedures and Letter Grading) of Title 24 of the Rules of the City of New York implements such a system, and consists of rules as well as three appendices: Appendix 23-A (Food Service Establishment Inspection Worksheet); Appendix 23-B (Food Service Establishment Inspection Scoring Parameters-A Guide to Conditions) and Appendix 23-C (Food Service Establishments and Non Retail Food Service Establishments Penalty Schedule).

**Reason for making changes**

At its March 10, 2015 meeting, the New York City Board of Health amended Article 81, reorganizing and renumbering several sections. Renumbering the Health Code sections means that certain violations listed and described in Appendix 23-C must also be renumbered, and in a few cases the brief descriptions of violations updated to accurately reflect these amendments to the Health Code.

**Changes made**

All references are to the Health Code or, where indicated, to the State Sanitary Code (SSC), except as described below.

The following is the list of the scored violations where the violation number and/or description must be changed:

<b>Violation Code</b>	<b>Current Citation</b>	<b>Renumbered Citation and/or Amended Description</b>
02A	81.09(a)(1) or (5)	81.09(c)(1) and 81.09(c )(5) – separates the violations for poultry and poultry stuffings from those for stuffed and tenderized meats and meat stuffings
02A	81.09(a)(2)	81.09(c)(2) – pork heating temperature changed from 155 degrees F to 150 degrees F
02A	81.09(a)(3)	81.09(c)(3)
02A	81.09(a)(4)	81.09(c)(4)
02A	81.09(a)(6)	81.09(c)(6)
02A	81.09(a)	81.09(c) – other food heating temperature changed from 145 degrees F to 140 degrees F
02C	81.09(a)(7)	81.09(d)
02D	81.09(a)(10)	81.09(d)(2)
02E	81.09(g)(5)	81.09(f)(5)
02F	81.09(d)	81.11
02G	81.09(c)	81.09(a)(3)

02G	81.09(b)	81.09(a)(2)
02I	81.09(f)	81.09(e)(2)
03B	81.04(c)	same – adds term “required” to describe shellfish tags
03C	81.04(c)	same – deletes violation for “source of eggs”
03E	SSC14-1.121	NYCHC 141.13
03E	81.20(d)	81.20(c) – spelling error “impropse” corrected to “improper”
03F	81.07(K)	81.07(k) – lower case subdivision referenced
03G	81.07 (a)(5)	81.07(a)(4)
04C	81.07(J)	81.07 (j) – lower case subdivision referenced
04E	81.23(d)(3)	same – deletes pesticides not properly “stored” and moves to 4E below;
04E	SSC14-1.60	deleted; duplicates a general violation 08C
04H	81.07(a)(3)	81.07 (a)(2)
04J	81.09(h)	81.09(g) – deletes “used”)
05A	81.09(b) and (c)	81.09 (b)
05H	81.29(a)	81.29
06B	81.13(g)	same – adds “e-cigarettes” to smoking prohibition for food workers
06D	81.27(c)	81.27(b)
06F	81.27(d)	81.27(c)
08B	81.24(a)(1)	81.24(a)
08B	81.24(b)	81.24(c)
08C	SSC14-1.60 (e)	81.23(d)(4)
08C	81.23(e)	81.17(g)
09B	81.09(g)	81.09(f)
10B	81.20(c)	81.20(b) – term “maintain” corrected to read “maintained”
10E	SSC14-1.44	81.18(a)
10H	81.29(a)(1)	81.29(a)
10H	81.29(a)(2)	81.29(a)
10H	81.29(a)(3)	81.29(b)(1)
10H	81.29(a)(4)	81.29(b)(2)
10H	81.29(a)(2)	81.29(a) – test kit for manual/chemical sanitizing
10H	81.29(a)(4)	81.29(b)(2) – test kit for mechanical/chemical sanitizing
10I	SSC 14-1.110(e)	81.07(o)

In the list of unscored violations, a new violation code 22G containing a penalty for violations of Administrative Code §16-329 (c) which prohibits use of expanded polystyrene single service articles, is being added.

One person commented on the brief descriptions of the violations during the comment period for this Rule, but no changes have been made to the penalties originally published or to the violations as described.

In addition, the original publication of Appendix 23-C in June 2014 indicated, in the Statement of Basis and Purpose, that

Eventually the Department will be proposing rules fixing penalties for all violations that are adjudicated at the Health Tribunal. Chapter 23 is being amended first to add a new Appendix C fixing penalties for any violation that can be cited against a food service establishment on inspection because the majority of notices of violation heard at the Health Tribunal are against food service establishments. *There are violations listed in Appendix C, however, that are cited more broadly than just against food service establishments. Examples include failing to prevent a nuisance in violation of Health Code §§3.07 or 3.09, or obstructing an inspection in violation of Health Code §3.15(a). The penalties proscribed for these violations ... will apply in all notices of violation adjudicated at the Health Tribunal and not just when the respondent is a food service establishment.* (emphasis added)

However, a statement of this intent was not explicitly included in the published tables at that time. To further clarify that penalties listed for violations of Article 3 of the Health Code must be applied to all sustained violations that are adjudicated at the OATH Health Tribunal, not just those cited and issued to food service establishments, a note to this effect is now being added to Appendix 23-C.

The amendments are as follows.

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

Deleted material is in [brackets]; new text is underlined.

Section 1. Appendix 23-C of Chapter 23, found in Title 24 of the Rules of the City of New York, is amended as follows:

CHAPTER 23 - APPENDIX [C] 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE									
SCORED VIOLATIONS									
VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*	
02A	NYCHC 81.09[(a)(1) or (5)](c)(1)	Public Health Hazard	Poultry, poultry stuffing [containing meats, stuffed meats:] not heated to 165°F for 15 seconds				\$400	\$600	
02A	NYCHC 81.09[(a)](c)(2)	Public Health Hazard	Pork/food containing pork not heated to [155°F] <u>150°F</u> for 15 seconds				\$400	\$600	
02A	NYCHC 81.09[(a)](c)(3)	Public Health Hazard	Rare roast beef/steak not heated to minimum time/temperature				\$400	\$600	
02A	NYCHC 81.09[(a)](c)(4)	Public Health Hazard	Ground meat not heated to 158°F				\$400	\$600	
<u>02A</u>	<u>NYCHC 81.09(c)(5)</u>	<u>Public Health Hazard</u>	<u>Stuffed meats, fish, ratites and tenderized meats not heated to 165°F for 15 seconds</u>				<u>\$400</u>	<u>\$600</u>	
02A	NYCHC 81.09[(a)](c)(6)	Public Health Hazard	Shell eggs/food containing shell eggs not heated 145°F for 15 seconds				\$400	\$600	
02A	NYCHC 81.09[(a)](c)	Public Health Hazard	Other potentially hazardous hot food not heated to [145°F] <u>140°F</u> for 15 seconds				\$400	\$600	

CHAPTER 23 - APPENDIX [C] 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE

SCORED VIOLATIONS

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
02B	NYCHC 81.09(a)	Public Health Hazard	Hot potentially hazardous food not held at 140°F or above	\$250	\$300	\$350	\$400	\$600
02C	NYCHC 81.09(a)(7)(d)	CRITICAL	Previously heated and cooled potentially hazardous hot food not reheated to 165°F for 15 seconds within 2 hours	\$200	\$200	\$250	\$300	
02D	NYCHC 81.09(a)(10)(d)(2)	CRITICAL	Commercially processed potentially hazardous food not heated to 140°F within 2 hours	\$200	\$200	\$250	\$300	
02E	NYCHC 81.09(g)(f)(5)	CRITICAL	Whole frozen poultry or poultry breast, other than a single portion, cooked frozen or partially thawed	\$200	\$200			
02F	NYCHC [81.09(d)]81.11	CRITICAL	Meat, fish, or shellfish served raw or partially cooked				\$300	
02G	NYCHC 81.09(a)	Public Health Hazard	Cold potentially hazardous food not held at 41°F or below	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.09(c)(a)(3)	Public Health Hazard	Processed or smoked fish not held at or below 38°F	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.09(b)(a)(2)	Public Health Hazard	Eggs not held at ambient temperature of 45°F or below	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.12(d)(2)	Public Health Hazard	Reduced oxygen packaged raw foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged cold foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600
02H	NYCHC 81.09(e)	Public Health Hazard	Potentially hazardous food not cooled by approved method	\$250	\$300	\$350	\$400	\$600
02I	NYCHC 81.09(f)(e)(2)	CRITICAL	Potentially hazardous food not cooled to 41°F when prepared from ambient temperature ingredients within 4 hours	\$200	\$200	\$250	\$300	
02J	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged foods not properly cooled	\$250	\$300	\$350	\$400	\$600
03A	NYCHC 81.04	Public Health Hazard	Food not from an approved source				\$400	\$600
03A	NYCHC 81.12(c)	Public Health Hazard	Reduced oxygen packaged foods not from an approved source				\$400	\$600
03A	NYCHC 81.12(e)	Public Health Hazard	Reduced oxygen packaging fish not frozen before processing				\$400	\$600
03A	NYCHC 81.04(b)	Public Health Hazard	Meat not from an approved source				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish not from an approved source				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish improperly tagged or labeled				\$400	\$600



CHAPTER 23 - APPENDIX [C] 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE

SCORED VIOLATIONS

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish <u>required</u> tags not retained at least 90 days				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Wholesale shellfish records not on premises				\$400	\$600
03C	NYCHC 81.07(c)	Public Health Hazard	Eggs cracked, dirty or unpasteurized[; source of eggs not identified on container]	\$250	\$300	\$350	\$400	\$600
03D	NYCHC 81.07(b)	Public Health Hazard	Food packages damaged; cans of food swollen, leaking and/or rusted	\$250	\$300	\$350	\$400	\$600
03E	NYCHC 81.20(a)	Public Health Hazard	Potable water not provided; inadequate				\$400	\$600
03E	[SSC 14-1.121] NYCHC 14.1.13	Public Health Hazard	Bottled water not from an approved source				\$250	\$250
03E	NYCHC 81.20(a)	Public Health Hazard	Cross-connection observed between potable and non-potable water				\$400	\$600
03E	NYCHC 81.20[(d)](c)	Public Health Hazard	Carbon dioxide gas lines unacceptable, [impropse] <u>improper</u> materials used				\$400	\$600
03F	NYCHC 81.07[(K)](k)	Public Health Hazard	Unpasteurized milk and milk products				\$400	\$600
03G	NYCHC 81.07(a) [(5)](4)	CRITICAL	Fruits and vegetables not washed prior to serving	\$200	\$200	\$250	\$300	
04A	NYCHC 81.15(a)	CRITICAL	Food Protection Certificate not held by supervisor or manager of food operations					\$600
04B	NYCHC 81.13(a)	Public Health Hazard	Food worker with illness, communicable disease and/or injury preparing food				\$400	\$600
04C	NYCHC 81.07[(J)](i)	Public Health Hazard	Bare hand contact with ready-to-eat foods	\$250	\$300	\$350	\$400	\$600
04D	NYCHC 81.13(d)	Public Health Hazard	Food worker failed to wash hands after contamination				\$400	\$600
04E	NYCHC 81.23(d)(3)	Public Health Hazard	Pesticides not properly [stored] <u>used</u> ; food, equipment, utensils, etc., not protected from pesticide contamination	\$250	\$300	\$350	\$400	\$600
[04E	SSC 14-1.60	Public Health Hazard	Chemicals and toxic materials not properly stored	\$250	\$300	\$350	\$400	600]
04F	NYCHC 81.20(b)	Public Health Hazard	Sewage and liquid waste not properly disposed of				\$400	\$600
04G	NYCHC 81.07(l)	Public Health Hazard	Unprotected potentially hazardous food re-served				\$400	\$600
04H	NYCHC 81.07(a) [(3)](2)	Public Health Hazard	Food not protected from cross-contamination	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food in contact with toxic material	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food not protected from adulteration or contamination	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.06(b)(3)	Public Health Hazard	Food not discarded in accordance with HACCP plan	\$250	\$300	\$350	\$400	\$600
04I	NYCHC 81.07(l)	CRITICAL	Food other than in sealed packages re-served	\$200	\$200	\$250	\$300	

**CHAPTER 23 - APPENDIX [C] 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**SCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>CATEGORY</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY CONDITION I*</b>	<b>VIOLATION PENALTY CONDITION II*</b>	<b>VIOLATION PENALTY CONDITION III*</b>	<b>VIOLATION PENALTY CONDITION IV*</b>	<b>VIOLATION PENALTY CONDITION V*</b>
04J	NYCHC 81.09(h)(g)	CRITICAL	Thermometer not provided, [used,] calibrated properly, accessible for use and/or inadequate				\$300	
04J	NYCHC 81.12(g)(1)	CRITICAL	Thermocouple not provided				\$300	
04K	NYCHC 81.23(a)	CRITICAL	Evidence of rats	\$200	\$200	\$250	\$300	\$350
04L	NYCHC 81.23(a)	CRITICAL	Evidence of mice	\$200	\$200	\$250	\$300	\$350
04M	NYCHC 81.23(a)	CRITICAL	Evidence of roaches	\$200	\$200	\$250	\$300	\$350
04N	NYCHC 81.23(a)	CRITICAL	Filth flies	\$200	\$200	\$250	\$300	\$350
04O	NYCHC 81.25	CRITICAL	Live animal other than fish in tank or service animal	\$200	\$200	\$250	\$300	\$350
05A	NYCHC 81.20(b) [and (c)]	Public Health Hazard	Sewage disposal system improper or unapproved				\$400	\$600
05B	NYCHC 81.19(c)	Public Health Hazard	Harmful noxious gas or vapor detected; CO levels at or exceeding 9 ppm				\$400	\$600
05C	NYCHC 81.17(d)	CRITICAL	Food contact surface improperly constructed, located and/or made of unacceptable materials	\$200	\$200	\$250	\$300	\$350
05C	NYCHC 81.07(a)(1)	CRITICAL	Culinary sink or alternative method not provided for washing food	\$200	\$200	\$250	\$300	\$350
05D	NYCHC 81.21(a)	CRITICAL	Hand washing facilities not provided or not located where required				\$300	\$350
05D	NYCHC 81.21(a)(1)	CRITICAL	Hand washing facilities not provided within 25 feet of food preparation area or ware washing area				\$300	\$350
05D	NYCHC 81.21(a)	CRITICAL	Hand wash facility not provided with running water, or properly equipped				\$300	\$350
05D	NYCHC 81.21(b)	CRITICAL	Hand wash facility inadequate				\$300	\$350
05E	NYCHC 81.22(a)	CRITICAL	Toilet facilities not provided for employees				\$300	\$350
05E	NYCHC 81.22(b)	CRITICAL	Toilet facilities not provided for patrons				\$300	\$350
05E	NYCHC 81.22(d)	CRITICAL	Shared patron/employee toilet accessed through kitchen, food prep or storage area				\$300	\$350
05F	NYCHC 81.18	CRITICAL	Hot or cold holding equipment not provided or inadequate				\$300	\$350
05G	NYCHC 89.27(c)	CRITICAL	Enclosed service area not provided, equipped in mobile food vending commissary				\$300	\$350
05H	NYCHC 81.29(a)	CRITICAL	Manual or mechanical tableware, utensil and/or ware washing facilities not provided				\$300	\$350
05I	NYCHC 81.12 (d)(5)	CRITICAL	Refrigeration unit not equipped with an electronic system				\$300	\$350
06A	NYCHC 81.13	CRITICAL	Food worker does not maintain personal cleanliness				\$300	\$350

CHAPTER 23 - APPENDIX [C] 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE

SCORED VIOLATIONS

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
06A	NYCHC 81.13(e)	CRITICAL	Fingernails not clean, trimmed, or with nail polish	\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(c)	CRITICAL	Clean outer garment not worn	\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(b)	CRITICAL	Effective hair restraint not worn	\$200	\$200	\$250	\$300	
06B	NYCHC 81.13(h)	CRITICAL	Eating in food preparation or service areas	\$200	\$200	\$250	\$300	
06B	NYCHC 81.13(g)	CRITICAL	Smoking [Tobacco] tobacco, using e-cigarettes or other substance in establishment	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(a)	CRITICAL	Food not protected from contamination	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(q)	CRITICAL	Unnecessary traffic through food prep area	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(d)	CRITICAL	Food not properly protected when stored	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(e)	CRITICAL	Food not properly protected when displayed	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(f)	CRITICAL	Condiments for self service not properly dispensed	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(i)	CRITICAL	Supplies and equipment placed under overhead sewage pipe	\$200	\$200	\$250	\$300	
06C	NYCHC 81.31	CRITICAL	Cooking by FSE on street, sidewalk, except as authorized by Articles 88, 89					\$350
06D	NYCHC 81.27(b)	CRITICAL	Food contact surface not sanitized; and/or not clean to sight and/or touch	\$200	\$200	\$250	\$300	
06D	NYCHC 81.27[(c)](b)	CRITICAL	Equipment with food contact surfaces not clean and sanitized	\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	CRITICAL	In-use food dispensing utensil not properly stored	\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(g)	CRITICAL	Ice not properly dispensed [or dispensing utensil not properly stored]	\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	CRITICAL	Food dispensing utensil not provided	\$200	\$200	\$250	\$300	
06F	NYCHC 81.27[(d)](c)	CRITICAL	Wiping cloth improperly stored and/or sanitized	\$200	\$200	\$200		
06G	NYCHC 81.06(b) and (c)	Public Health Hazard	Approved HACCP plan not maintained on premises or not approved				\$400	\$600
06H	NYCHC 81.06(b)(4)	CRITICAL	Records and logs not maintained on site					\$350
06I	NYCHC 81.12(d)(6)	CRITICAL	Food not labeled in accordance with the approved HACCP plan				\$300	\$350
07A	NYCHC 3.15(a)	CRITICAL	Obstruction of Department personnel					\$1,000
08A	NYCHC 81.23(a)	CRITICAL	Conditions conducive to pests			\$200	\$200	
08A	NYCHC 81.23(b)	GENERAL	Prevention and control measures not used for pest management			\$200	\$200	

**CHAPTER 23 - APPENDIX [C] 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**SCORED VIOLATIONS**

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
08A	NYCHC 81.23(b)(3)	GENERAL	Door openings into the establishment from the outside not properly equipped			\$200	\$200	
08A	NYCHC 81.23(b)(4)	GENERAL	Pest monitors incorrectly used			\$200	\$200	
08A	NYCHC 81.23(b)(2)	GENERAL	Contract with pest exterminator or record of pest extermination activities not kept on premises			\$200	\$200	
08B	NYCHC 81.24(a)(1)	GENERAL	Garbage not properly removed or stored	\$200	\$200	\$200	\$200	
08B	NYCHC 81.24(b)(c)	GENERAL	Garbage receptacles and covers not cleaned after emptying and prior to reuse	\$200	\$200	\$200	\$200	
08C	NYCHC 81.23(d)	GENERAL	Pesticides not properly labeled, not authorized for use, or improperly used	\$200	\$200	\$200	\$200	\$200
08C	[SSC 14-1.60(e) NYCHC 81.23(d)(4)]	GENERAL	Open bait station observed	\$200	\$200	\$200	\$200	\$200
08C	NYCHC [81.23(e) 81.17(g)]	GENERAL	Toxic materials not properly stored	\$200	\$200	\$200	\$200	\$200
09A	NYCHC 81.07(b)	GENERAL	Canned food observed dented and not segregated from other consumable foods	\$200	\$200	\$200	\$200	
09B	NYCHC 81.09(g)(f)	GENERAL	Thawing procedures improper	\$200	\$200	\$200	\$200	
09C	NYCHC 81.17(d)(1)	GENERAL	Food contact surface improperly constructed and maintained; not easily cleanable	\$200	\$200	\$200	\$200	
10A	NYCHC 81.22(c)	GENERAL	Toilet facility not properly maintained	\$200	\$200	\$200	\$200	
10A	NYCHC 81.22(c)	GENERAL	Toilet facility not properly supplied	\$200	\$200	\$200	\$200	
10A	SSC 14-1.142(a)	GENERAL	Toilet room not completely enclosed with self-closing door	\$200	\$200	\$200	\$200	
10B	NYCHC 81.20(a)	GENERAL	Potable water not protected from backflow, back siphonage or cross-connection	\$200	\$200	\$200	\$200	\$200
10B	NYCHC 81.20(b)	GENERAL	Improper disposal of sewage or liquid waste	\$200	\$200	\$200	\$200	\$200
10B	NYCHC 81.20(c)(b)	GENERAL	Condensation pipes not properly installed or [maintain] maintained	\$200	\$200	\$200	\$200	\$200
10C	NYCHC 81.19(a)	GENERAL	Lighting insufficient; inadequate	\$200	\$200	\$200	\$200	
10D	NYCHC 81.19(c)	GENERAL	Ventilation (mechanical or natural) not provided or inadequate	\$200	\$200	\$200	\$200	
10E	[SSC 14-1.44 NYCHC 81.18(a)(3)]	GENERAL	Thermometers not provided in cold storage and/or refrigerator	\$200	\$200	\$200	\$200	
10E	NYCHC 81.18(b)(1)	GENERAL	Thermometers not provided in hot storage or holding units	\$200	\$200	\$200	\$200	

**CHAPTER 23 – APPENDIX [C] 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**SCORED VIOLATIONS**

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
10F	NYCHC 81.17(e)(1)	GENERAL	Flooring improperly constructed and/or maintained	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17(e)(2)	GENERAL	Non-food contact surfaces (wall, ceiling, floors) improperly constructed/ maintained	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17 (e) (3)	GENERAL	Non-food contact surface (fixtures, decorative material, fans, etc.) not properly maintained or equipment not properly maintained	\$200	\$200	\$200	\$200	
10G	NYCHC 81.17(a)(2)	GENERAL	Food being processed, prepared, packed, or stored in a private home or apartment.	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)(1)	GENERAL	Hot water manual ware washing inadequate	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)(2)	GENERAL	Manual chemical sanitizing procedure inadequate	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)(3) (b)(1)	GENERAL	High temperature mechanical ware washing inadequate	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)(4) (b)(2)	GENERAL	Mechanical chemical sanitizing procedure inadequate	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)(2)	GENERAL	Test kit not accurate or used for manual dishwashing	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)(4) (b)(2)	GENERAL	Test kit not accurate or used for mechanical dishwashing	\$200	\$200	\$200	\$200	
10I	[SSC 14-1.110 (e) NYCHC 81.07(o)]	GENERAL	Single service items improperly stored or reused	\$200	\$200	\$200	\$200	
10I	NYCHC 81.07(o)	GENERAL	Drinking straws improperly dispensed	\$200	\$200	\$200	\$200	
10J	NYCHC 81.21(c)	GENERAL	Wash hands sign not posted	\$200				
99B	Miscellaneous	GENERAL		\$200	\$200	\$200	\$200	\$200

**CHAPTER 23 – APPENDIX [C] 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**UNSCORED VIOLATIONS**

VIOLATION CODE	CITATION	VIOLATION DESCRIPTION	VIOLATION PENALTY*
15A	Admin. Code 17-177(b)	Tobacco vending machine present in a facility other than tavern; initial (#1) and repeat violations (#2, 3 or more)**	\$300 (#1); \$500 (#2) \$1,000 (#3 or more)
15B	Admin. Code 17-177(c)(1)	Tobacco vending machine not 25 feet from door; initial (#1) and repeat violations (#2, 3 or more)**	\$300 (#1); \$500 (#2); \$1,000 (#3 or more)
15C	Admin. Code 17-177(c)(1)	Tobacco vending machine not visible by owner; initial (#1); repeat violations (#2, 3 or more)**	\$300 (#1); \$500 (#2); \$1,000 (#3 or more)
15D	Admin. Code 17-177(d)	Sign not durable and lacks required information; initial (#1) and repeat violations (#2, 3 or more)**	\$300 (#1); \$1,000 (#2 or more)
15D	Admin. Code 17-177(d)	Sign not posted on machine and not visible to the public; initial (#1) and repeat violations (#2 or more)**	\$300 (#1); \$1,000 (#2 or more)
15E	Admin. Code 17-704	Out-of-package sale of tobacco products; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$1,000 (#1); \$2,000 (#2 or more in 36 months)

**CHAPTER 23 – APPENDIX [C] 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**UNSCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY*</b>
15F	Admin. Code 17-705	Employee under 18 years of age selling tobacco products without direct supervision of an adult retailer; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$1,000 (#1); \$2,000 (#2 or more in 36 months)
15G	Admin. Code 17-706	Sale to persons under 21 observed; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$1,000 (#1); \$2,000 (#2 or more in 36 months)
15H	Admin. Code 17-706	Sign prohibiting sale of tobacco products to persons under 21 not conspicuously posted; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$1,000 (#1); \$2,000 (#2 or more in 36 months)
15I	Admin. Code 17-506(a)	Sign prohibiting smoking or using electronic cigarettes not conspicuously posted; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)**	\$400 (#1); \$500 (#2 in 12 months); \$1,000 (#3 or more in 12 months)
15I	Admin. Code 17-506(a)	Sign permitting smoking or using electronic cigarettes not conspicuously posted; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)**	\$400 (#1); \$500 (#2 within 12 months); \$1,000 (#3 or more in 12 months)
15I	24 RCNY 10-11(b)	"No smoking or using electronic cigarettes" sign not posted with ashtrays in hotels, or at hotel entrances*	\$500
15I	24 RCNY 10-12(c)	Sign lettering and color does not meet specifications*	\$500
15J	Admin. Code 17-506(d)	Ashtrays in smoke-free area; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)*	\$400 (#1); \$500 (#2 within 12 months); \$1,000 (#3 or more in 12 months)
15K	Admin. Code 17-508(b)	Operator failed to make a good faith effort to inform smokers or users of electronic cigarettes of the Smoke-Free Air Act; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1) violations*	\$400 (#1); \$800 (#2 within 12 months); \$1,600 (#3 within 12 months)
15K	NYSPHL 1399-0	No smoking permitted*	\$1,000
15L	Admin. Code 17-504(f)	Workplace SFAA policy not prominently posted in workplace; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)*	\$400 (#1); \$500 (#2 within 12 months); \$1,000 (#3 or more in 12 months)
15M	Admin. Code 17-708	Use of tobacco on school premises*	\$50
15N	Admin. Code 17-176.1	Selling cigarettes, tobacco products, little cigars for less than listed price or price floor; initial (#1) and repeat violations (#2 or #3 within 60 months of #1)	\$1,000 (#1); \$2,000 (#2 within 60 months); \$5,000 (#3 within 60 months)
15N	Admin. Code 17-176(b)	Distributing tobacco products at less than basic cost; initial (#1) and repeat violations (#2 or more)*	\$500 (#1); \$1,000 (#2 or more)
15O	Admin. Code 17-714	Sale of herbal cigarettes to minors*	\$2,000
15S	24 RCNY 28-02(a)	Flavored tobacco products sold or offered for sale*	\$500
15T	24 RCNY 28-06	Original label for tobacco products sold or offered for sale*	\$500
16A	NYCHC 81.08(a)	Cooking oil, shortening, margarine contains 0.5 grams or more of artificial trans fat.	\$200
16B	NYCHC 81.08(c)	Nutritional fact labels and/or ingredient label is not maintained on site.	\$200
16C	NYCHC 81.50(c)	Calorie information is not posted on menu and menu board	\$200
16E	NYCHC 81.50(c)	Calorie range of food item(s) that come in different flavors and varieties not provided.	\$200
16F	NYCHC 81.50(c)	Calorie range of food item(s) that comes in different combinations not provided	\$200
18A	NYCHC 81.05(c)	No currently valid permit, registration or other authorization to operate food service establishment	\$1,000
18A	NYCHC 88.05(c)	No currently valid permit, registration or other authorization to operate a temporary food service establishment	\$1,000
18B	NYCHC 3.19	Submitting false, misleading statements, documents; documents unlawfully reproduced or altered.	\$1,000
18C	NYCHC 3.17	Notice of the Department mutilated, obstructed, or removed	\$1,000
18D	NYCHC 3.05(a)	Failure to comply with an Order of the Board of Health, Commissioner, or Department	\$1,000
18E	NYCHC 81.43(a)	Failure to report occurrences of suspected food borne illness to the Department	\$200
18F	NYCHC 81.15(b)	Food Protection Certificate not available for Department inspection	\$200

**CHAPTER 23 – APPENDIX [C] 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**UNSCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY*</b>
18F	NYCHC 5.15	Permit not conspicuously displayed or posted	\$200
18G	SSC 14-1.190(a)	Manufacture and sell frozen dessert at retail not authorized on permit	\$200
18H	NYCHC 81.05(g)	Operator of shared kitchen allowing user without currently valid permit	\$500
18H	NYCHC 88.05(a)	Failure of temporary event sponsor to exclude vendor without a currently valid permit	\$500
20A	24 RCNY 27.03(c)	Allergy poster not posted or not in correct location; penalty may not be doubled on default	\$100
20B	24 RCNY 27.03(b)	Allergy poster not in languages; penalty may not be doubled on default	\$100
20C	24 RCNY 27.03(b)	Allergy poster is not approved by the Department, and it does not contain the required text; penalty may not be doubled on default	\$100
20D	Admin. Code 17-172(a)	Choking first aid poster not posted	\$200
20D	Admin. Code 17-173(2)(b)	Alcohol/pregnancy sign not posted	\$100
20D	24 RCNY 18-02	Resuscitation equipment not available	\$200
20D	24 RCNY 18-04	Resuscitation equipment required notice to all patrons not posted	\$200
20E	NYCHC 81.51	Current letter grade or "Grade Pending" card not conspicuously posted and/or visible to passersby	\$500
20F	NYCHC 81.51	Current letter grade or "Grade Pending" card not posted	\$1,000
22A	NYCHC 3.07	Failure to take reasonable precautions to protect health and safety, e.g., by not securing CO2 cylinders	\$1,000
22A	NYCHC 3.09	Failing to abate or remediate nuisance	\$1,000
22A	NYCHC 131.07(c)(2)	Insufficient heat in commercial premises	\$300
22B	SSC 14-1.142(b)	No covered waste receptacle in women's toilets	\$200
22C	NYCHC 81.19(b)	Light fixtures not shielded, shatterproofed, or otherwise protected from accidental breakage	\$200
22E	NYCHC 81.12(g)	Equipment used for ROP not approved by the Department	\$200
22F	NYCHC 71.05(a) and 71.05(d)	Misbranded; mislabeled packaged food products	\$200
22G	<u>Admin. Code 16-329(c)</u>	<u>Possess, sell expanded polystyrene single service articles</u>	<u>\$250 (#1); \$500 (#2) \$1,000 (#3 or more in 12 months)</u>
99A	NYCHC miscellaneous	Other Health Code unscored violations	\$200

\*Default Penalties. When a respondent [if] is found in default, the penalty for each violation of the Health Code or the State Public Health Law must be doubled, except that in no case may the penalty imposed exceed \$2000.

Except as indicated in this Appendix, when a respondent is found in default for any violation of the rules of the Department found in 24 RCNY, the penalty must be doubled, except that in no case may the penalty imposed exceed \$1,000.

When a respondent is found in default for any violation of the New York City Administrative Code or the New York State Sanitary Code, the penalty shall remain the same as that set forth herein.

\*\*Pursuant to applicable provisions of the New York City Administrative Code, the repeat violation penalty listed in this penalty schedule applies if, within the time period noted in this schedule, a prior violation of the same section of law occurred at the same location and was sustained against the same respondent at the Health Tribunal.

The penalties listed in this Appendix for violations of NYCHC sections 3.05(a), 3.07, 3.09, 3.15, 3.17 and 3.19 shall apply to any notice of violation citing these provisions, regardless of whether the respondent is operating a food service establishment.

**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

■ NOTICE

**NOTICE OF ADOPTION OF RULE**

Pursuant to the authority vested in the Commissioner of the Department of Information Technology and Telecommunications by section 1043 of the Charter, the Department of Information Technology and Telecommunications has adopted this amendment of Title 67 of the Rules of the City of New York regarding revisions to microtrenching and public pay telephone rules.

This rule was first published on May 26, 2015 and a public hearing was held on June 26, 2015. These rules will take effect 30 days after publication.

**STATEMENT OF BASIS AND PURPOSE OF ADOPTED RULES**

These rules amend the rules of the Department of Information Technology and Telecommunications (DoITT) in three respects.

First, these rules change the procedure for obtaining City approval to perform microtrenching. The existing rules require a telecommunications franchisee to file certain documents with DoITT

after obtaining a microtrenching permit from the Department of Transportation. The process of obtaining a permit from DOT before DoITT has completed its review has prevented DoITT from sufficiently reviewing certain documents prior to commencement of construction. To address this problem, these rules as revised require the telecommunications franchisee to file those documents with DoITT before obtaining a microtrenching permit.

Second, these rules expand the permissible use of microtrenching. The existing rules permit microtrenching in enumerated zoning districts. These rules also allow microtrenching, regardless of zoning district, to provide fiber-optic service to telecommunications structures within the City streets, such as, for example, fixtures on street light poles and sidewalk public communications structures.

Third, these rules repeal outdated portions of DoITT's current rules governing public pay telephones. The former public pay telephone franchises were replaced by a new franchise for public communications structures that can include both public pay telephone and mobile telecommunications functionality. These rules revise the existing public pay telephone rules to accommodate the new franchise.

These rules are promulgated pursuant to DoITT's rulemaking authority under section 1043 of the Charter of the City of New York and Chapter 4 of Title 23 of the New York City Administrative Code.

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

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

**Section 1.** Section 1-02 of Title 67 of the Rules of the City of New York is amended to read as follows:

Section 1-02 Microtrenching permitted: notifications to the Department

- (a) An owner may perform microtrenching to the extent allowed by a permit issued by the Department of Transportation. New microtrenching will not be permitted where sufficient excess capacity is available in existing microtrenching. Before applying to the Department of Transportation for such a permit, the owner must obtain a certification from the Department that no excess capacity is available in the location the owner proposes for microtrenching. The owner must submit that certification to the Department of Transportation as part of the owner's application for a permit.
- (b) An owner must install conduit in a way that will readily permit another owner to add length to the microtrenching by connecting its own conduit to the first owner's conduit. Where an owner connects its own conduit to another owner's previously installed conduit, the owner must install conduit that has the same number of pathways or pipes as the previous owner's conduit.
- (c) Microtrenching will be permitted only for:
  - a. fiber-optic service to properties within the following zoning districts as defined pursuant to the New York City Zoning Resolution: R1, R2, R2A, R2X, R3, R3-1, R3-2, R3-A, R3-X, R4, R4-1, R4A, R4B, R5, R5-A, R5-B, R5-D, C1-1, C1-2, C1-4, C1-5, C2-1, C2-2, C2-3, C2-4, C2-5, C-3, C4 (but only to premises with a commercial floor area ratio of 2.0 or less), M-1 (but only to premises with a manufacturing floor area ratio of 2.0 or less), M-2, M-3, and special purpose districts (but only to premises with a floor area ratio of 2.0 or less); and
  - b. fiber-optic service to telecommunications structures or equipment within the boundaries of streets regardless of zoning.
- (d) [After obtaining] Before applying for a permit for microtrenching from the Department of Transportation, [but before beginning microtrenching construction, an owner must notify the Department of the intended dates of the start and completion of microtrenching construction. Notification must be made on a form and in a format prescribed by the Department. The] the owner must submit the following documents [with the notification] to the Department:
  - a. *Proof of security.* "Proof of security" means proof that the issuer of any bond, insurance, letter of credit or other security issued in connection with the owner's telecommunications franchise agreements has agreed to extend the coverage of such security to the owner's microtrenching, without change to any other terms and conditions of such security that are for the benefit of the Department or the City. The Department will have the right to draw on the security to cover any unpaid fines assessed pursuant to section 1-07(c) of this chapter, or to

cover any unmet obligation to remove conduit pursuant to section 1-06 of this chapter.

- b. *Indemnification.* The owner shall execute an indemnification agreement prepared by the Department.
- (e) After obtaining a permit for microtrenching from the Department of Transportation, but before beginning microtrenching construction, the owner must notify the Department of the intended dates of the start and completion of microtrenching construction. Notification must be made on a form and in a format prescribed by the Department.
- (f) Promptly after completion of microtrenching construction, and at most within 40 calendar days after the Department of Transportation issued the permit for microtrenching, the owner must file a document with the Department, in a format to be prescribed by the Department, containing the following information:
  - a. An "as-built" drawing of the conduit installed. The "as-built" drawing will be treated as proprietary and confidential, to the extent permitted by law.
  - b. A map showing the street location of the conduit including the side of the street the conduit is on, the beginning and ending points of the conduit, the number of ducts in the conduit, and the number of ducts of excess capacity in the conduit. The map must accurately reflect the addresses of buildings that are passed by the conduit. The map may be made public, by itself or in aggregation with other maps, at the discretion of the Department.

**Section 2.** Subparagraphs (iii) and (iv) of paragraph c of subdivision (c) of section 1-07 of Title 67 of the Rules of the City of New York is amended to read as follows:

- iii. Section 1-02([d]e): Failure to notify the Department, or to timely notify the Department, of the intended dates of microtrenching construction.
- iv. Section 1-02([e]f): Failure to file, or to timely file, drawings as required after conclusion of microtrenching construction.

**Section 3.** Section 6-01 of Title 67 of the Rules of the City of New York is amended by deleting the definitions of "Interim Eligible Public Pay Telephone" and "Registry."

**Section 4.** Subdivisions (a), (b) and (c) of section 6-02 of Title 67 of the Rules of the City of New York is amended to read as follows:

§6-02 Penalties.

- (a) In addition to the civil penalties provided in subdivisions (c) and (d) of this section, an owner who maintains or operates a public pay telephone without a permit issued pursuant to this chapter[, except for an owner all of whose public pay telephones are eligible for, and are in the process of, conversion to permit status under §6-38.1 of this chapter] shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars (\$10,000) and imprisonment of not more than thirty days, or both such fine and imprisonment.
- (b) Notwithstanding any other provision of this section:
  - (1) an owner who fails on two occasions within any three month period to provide phone service from a public pay telephone for any period of time exceeding twenty-four continuous hours or who fails to provide coinless twenty-four hour 911 service from such public pay telephone in compliance with the provisions of subdivision (a) or subdivision (b) of §6-05 of this chapter, as the case may be, shall be in violation of such subdivision(s) and shall be liable for a civil penalty of not more than two thousand five hundred dollars (\$2,500) for each violation which may be recovered in a civil action or in a proceeding before the Environmental Control Board. In the case of a violation exceeding twenty-four hours, each day's continuance shall be a separate and distinct occasion in which an offense has occurred. An owner of a public pay telephone shall not be considered to have failed to provide the service required in this subdivision where such owner has posted and maintained a written notification on the public pay telephone within seventy-two hours of the occurrence and provided written notification to the Department, within twenty-four hours, of the occurrence of an event or a condition beyond his or her control, such as a power failure or an inability of the telephone company to provide access to the switched telephone network, that has rendered such telephone unable to provide such service. [However, in the event that service is not restored to the public pay telephone within ninety (90) days of the date the loss of



service began, the owner of the public pay telephone shall again be considered to have failed to provide the service required in this subchapter unless the owner temporarily removes the public pay telephone installation and informs the Department of such temporary removal, which may not exceed six (6) months. If the temporary removal exceeds 6 months, the permit or other authorization for the public pay telephone shall be revoked and the public pay telephone must be removed. Notwithstanding the above, if the temporary removal exceeds six (6) months and either: (i) the public pay telephone site is inaccessible to the public; or, (ii) there is litigation pending concerning the failure of the provider to provide service to the subject public pay telephone, the six (6) month period may be extended in three (3) month intervals, subject to approval by the Department, for each three (3) month extension.]

- (2) an owner who fails on at least two occasions, each such occasion lasting for a duration of forty-eight (48) hours, or on one occasion that lasts for a duration of seventy-two (72) hours to maintain a public pay telephone in compliance with the provisions of subdivision (c) of §6-05 of this chapter shall be in violation of such subdivision and shall be liable for a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
- (c) Notwithstanding any other provision of §6-02, violation of any provision of this chapter I, including failure to comply with the requirements of subchapter B of this chapter with regard to an interim eligible public pay telephone, shall be punishable by a civil penalty of not more than one thousand dollars (\$1,000) for each such violation, recoverable in a civil action or in a proceeding before the Environmental Control Board. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense.

**Section 5.** Subdivision (b) of section 6-05 of Title 67 of the Rules of the City of New York is amended by adding a new paragraph (4), to read as follows:

- (4) A public pay telephone that is incorporated into a structure that provides free wifi service must provide free domestic telephone service pursuant to the provider's franchise contract and remain in working order.

**Section 6.** Section 6-06 of Title 67 of the Rules of the City of New York is amended as follows:

§6-06 Advertisements.

- [(a)] A public pay telephone shall not display advertising material, unless in accordance with the provisions of a franchise. [In no event shall advertising material be displayed on a newly erected public pay telephone installation until dial tone service from all public pay telephones installed within such installation has commenced. However, if:
- (1) dial tone has not been established by a provider of same within thirty (30) days after the erection of the installation and the emplacement of all public pay telephones to be installed within such installation, and the request of the franchisee to the provider to establish such service; and
  - (2) said franchisee has provided the Department with (i) proof in a form acceptable to the Commissioner that said franchisee has installed the necessary conduit or duct and completed all necessary steps for ordering dial tone service, (ii) a copy of the Department of Transportation street opening permit for the installation, and (iii) proof in a form acceptable to the Commissioner that the conduit or duct has been properly installed; and
  - (3) said franchisee has placed and maintained a clear, legible and visible sign, placard or other form of announcement on the enclosure explaining the cause(s) of the failure after thirty (30) days to provide dial tone on any and all pay telephone(s) without dial tone; then
  - (4) said franchisee may display advertising at such installation unless the Department determines that the franchisee has acted in bad faith regarding establishing dial tone at the pay telephones in such installation.
- (b) Except as otherwise provided in subdivision (a) of this §6-06, in no event shall advertising material be displayed on any public pay telephone installation during any period in excess of the longer of either forty-eight (48) hours or two (2) business days, that a telephone has been removed from within such installation and not replaced by a functioning telephone, or any or all of the telephones with such installation are unable to provide dial tone, unless the

franchisee has provided notice to the Department with respect to the circumstances underlying the loss of dial tone such as power failure or the inability of the dial tone provider to provide access to the public switched telephone network. The Department may require advertising material to be removed from said installation if the Commissioner determines that said franchisee could have avoided interruption of dial tone or re-established service within forty-eight (48) hours or two (2) business days.

- (c) The display of advertising on any enclosure installed pursuant to a notice to proceed issued after December 4, 2004 shall be prohibited in the following Community Districts of Manhattan: 1, 2, 3, 4, 5, 6, 7, and 8.
- (d) In locations where these Rules prohibit the display of advertising, the public pay telephone installation shall be the smallest design currently approved by the Art Commission.]

**Section 7.** Subchapter B of chapter 6 of Title 6 of the Rules of the City of New York, consisting of sections 6-21 through 6-27, relating to the interim registry of pay telephones, is repealed.

**Section 8.** Subdivision (a) of section 6-30 of Title 67 of the Rules of the City of New York is amended to read as follows:

§6-30 Permit Required.

- (a) [Except as provided in subchapter B of this chapter in regard to interim eligible public pay telephones and subdivision (a) of §5 of Local Law No. 68 for the Year 1995 in regard to telephones licensed pursuant to former §§19-131 or 19-128 of the Code, no] No public pay telephone shall be installed, operated or maintained on, over or under any street or other inalienable property of the City, or installed such that a user of such public pay telephone can only use such telephone while [standing] occupying, in whole or in part, [on] the inalienable property of the City, unless the owner of the public pay telephone has received a permit for [such] the public pay telephone from the Commissioner pursuant to the provisions of this subchapter. [Pursuant to §7 of Local Law No. 68 for the Year 1995, the period of three years following the effective date of Local Law No. 68 for the Year 1995, provided for in subdivision (a) of §5 of such local law regarding the continuation in effect of the licenses previously issued to the telephone company, and the period of three years provided for in subdivision (c) of such section regarding the obligation of the telephone company to pay commissions, are extended until September 4, 1999, or until ninety days following such date as the telephone company may be granted a franchise to install, operate and maintain public pay telephones, whichever is earlier.]

**Section 9.** Subdivision (c) of section 6-31 of Title 67 of the Rules of the City of New York, relating to the non-issuance of permits to owners of public pay telephones listed in the interim registry, is repealed, and subdivision (d) is relettered as subdivision (c).

**Section 10.** Section 6-32 of Title 67 of the Rules of the City of New York is amended to read as follows:

§6-32 Application and Fee for Permit.

- (a) [An application for a permit to install, operate and maintain a public pay telephone shall be in a form prescribed by the Commissioner and shall be accompanied by] Prior to the issuance of a permit for a new installation, franchisee must submit the permit fee of three hundred ninety-five dollars (\$395).
- (b) [An application for a permit shall be denied if the fee required by subdivision (a) of this section is not included with the application.
- (c) An application for an Extension to a Notice to Proceed shall be accompanied by a processing fee of thirty-five dollars (\$35). Applications for an Extension to a Notice to Proceed received after the effective date of this §6-32 shall be denied unless accompanied by the fee required pursuant to this §6-32.
- (d) Notwithstanding anything to the contrary in this §6-32, no permit application fee shall be required in connection with the installation of a public pay telephone at a particular location if the installing owner has been directed by the Commissioner to install such public pay telephone at such location after a determination by the Commissioner that (i) no application for such an installation at such location has been received by DoITT, and (ii) lack of a public pay telephone at such location may pose a risk to public health, safety or welfare] The Department will accept and review applications for proposed locations of installations other than those recommended by the Department.

**Section 11.** Section 6-33 of Title 67 of the Rules of the City of New York is amended to read as follows:

§6-33 Term of Permit; Termination of Permit.

(a) *Term of permit.* A permit for a public pay telephone shall continue in effect, unless earlier revoked or suspended by the Commissioner pursuant to §6-37 of this subchapter or §23-404 of the Administrative Code, for the term of the franchise held by the owner of such telephone except:

- (1) as provided in subdivision (b) of this section; or
- (2) [as provided in subdivision (b) of §6-38 of this chapter in regard to a public pay telephone the owner of which has not been awarded a franchise;] Reserved.
- (3) [as provided in §6-46 of this chapter;] Reserved.
- (4) [as provided in subdivision (c) of §6-31 of this chapter in regard to an owner of public pay telephones that has persistently failed to maintain such telephones free of graffiti or has otherwise failed to repair such telephones or maintain such telephones in a safe and clean condition; or] Reserved.
- (5) if the Commissioner determines after grant of the permit that the permitted public pay telephone was located or installed in violation of any applicable provision of subchapter D of this chapter.
- (6) Provided however that permits issued to an owner prior to the expiration of a franchise may be transferred or reallocated after such expiration to another owner whose franchise has not terminated.

(b) *Termination of permit.*

- (1) The Commissioner may terminate a permit and require the removal of a public pay phone upon a determination that (i) the public pay telephone unreasonably interferes with or, as a result of changed conditions, will unreasonably interfere with the use of a street by the public or constitutes a public nuisance; or (ii) that removal of the public pay telephone is required in connection with a street widening or other capital project.
- (2) The Commissioner shall notify the permittee of his or her intention to terminate the permit and the reason for such proposed action. No later than five business days following such notification, the permittee may submit a letter to the Commissioner setting forth any reasons why such permit should not be terminated and such telephone removed. The Commissioner shall review the reasons set forth in such letter and shall determine whether to terminate the permit and require the removal of the telephone. The Commissioner shall notify the permittee of his or her final determination and the reasons therefor and shall, where applicable, specify in such notice the date by which the telephone shall be removed. In the event that the permittee fails to remove the public pay telephone by the date specified by the Commissioner, the Commissioner may remove or cause the removal of the public pay telephones and have repair and restoration work performed at the expense of the permittee, who shall be liable in a civil action for the amount expended by the City.
- (3) (i) In the event that a public pay telephone is removed in connection with a street widening or capital project as provided in subparagraph (b)(1)(ii) or at the request of the Commissioner, the permittee may apply to the Commissioner for permission to reinstall the public pay telephone at another location (provided however that such installation shall be compliant with §6-41 of this chapter, unless such compliance is waived in writing by the Commissioner) or, following the completion of such street widening or capital project, at or near its original location. A fee will not be required.
  - (ii) Where such permission is granted, the permittee shall not be required to obtain a new permit for the public pay telephone and the permit previously issued for such public pay telephone shall continue in effect. In the event that the permittee elects not to install such public pay telephone at another location, the fee for such a permit shall be kept in reserve and may be applied to the next permit requested by the permittee.
  - (iii) If such public pay telephone is reinstalled at another location the permittee may apply to the Commissioner for a new permit to install another public pay telephone following the completion of

such street widening or capital improvement at the same address as the original public pay telephone previously removed in connection therewith. The Commissioner, acting at his or her discretion, may award or deny such application based upon a determination that such action is in the best interests of the City.

- (iv) If a pending application pursuant to paragraph (b) (2) of §6-35 would, if granted, render the location requested in the application under this subdivision (b) inconsistent with §6-41 of this chapter, then the application under this subdivision shall not be granted unless the pending application pursuant to paragraph (b)(2) of §6-35 shall be rejected. If the pending application pursuant to paragraph (b)(2) of §6-35 shall be granted, the application for relocation under this subdivision shall be denied.]

**Section 11.** Paragraph (iii) of subdivision (b) of section 6-34 of Title 67 of the Rules of the City of New York, relating to an exception from the requirements of that subdivision, is repealed.

**Section 12.** Section 6-35 of Title 67 of the Rules of the City of New York is amended to read as follows:

§6-35 Notification by Department to Agencies and Review of Application for Permits.

(a) *Notification.*

- (1) The Department shall notify the Department of Transportation or any successor of such agency, on a periodic basis of the location of public pay telephones for which permits are being sought[, except for the telephones identified in the application described in subdivision (a) of §6-38.1 of this subchapter]. The Department of Transportation may review such locations and, within thirty (30) business days of such notification, submit comments to the Commissioner in regard to any such telephone or telephones.
- (2) The Department shall also, on a periodic basis, notify the pertinent Borough Presidents, Council Members and Community Boards of the opportunity to review [permit applications that have been received from franchisees for public pay telephones] proposed locations. A Borough President, Council Member, or Community Board may review any such application and, within thirty business days of such notification, submit comments in writing to the Commissioner in regard to such application. The Commissioner may extend such review period by an additional ninety days upon determining that an additional period is necessary for a full and complete review of such [permit applications] proposed locations.
- (3) If the Department determines that a proposed public pay telephone is located in an historic district, approval of such application will be contingent upon compliance with the rules of the Landmarks Preservation Commission concerning public pay telephone installations.

(b) *Review of comments and application.*

- (1) [Review and conditions.
  - (i) The Commissioner shall review [the application for permits and] any comments received from agencies, Borough Presidents, Council Members, Community Boards, and other members of the public prior to making a determination regarding such permits. The Commissioner shall notify the owner of any requirement that shall be a condition of the issuance of a permit. The owner may, within five (5) business days of such notice from the Commissioner, object in writing to the Commissioner to any such condition. The Commissioner shall review such objection and notify the owner of his or her determination and the reasons therefor.
    - (ii) Applications are not transferable by the owner who submits such applications.] (2) Upon approval of [an application] a location, a [permit shall be granted only to the entity that submitted the application. If the entity that submitted the application is not eligible to receive a permit, the application will be denied] notice to proceed shall be granted to the franchisee.
  - (2) A "qualifying" application for a permit is defined as an application that would be granted under the provisions of this chapter if there were no competing application for permit.]

**Section 13.** Subdivision (b) of section 6-36 of Title 67 of the Rules of the City of New York is amended to read as follows:

- (b) *Actions by the Commissioner.* In addition to any civil or criminal penalties provided by law, the Commissioner may take one or more of the following actions upon the occurrence of an event described in subdivision (a) of this section.
- (1) *Revocation of permit and removal of telephone.* The Commissioner may revoke a permit, and upon such revocation, may further order the removal of the public pay telephone for which such permit has been issued. In the event the permittee fails to remove the public pay telephone and to perform related repair and restoration work within the time period specified by such order, the Commissioner may remove or cause the removal of the public pay telephone and have repair and restoration work performed at the expense of the former permittee, who shall be liable for the amount expended by the City.
  - (2) *[Rendering a telephone inoperable.* The Commissioner may render a public pay telephone inoperable except for the purpose of emergency telephone service through the 911 system or an operator. Such action may continue until the permittee has corrected the condition to the satisfaction of the Commissioner and payment has been made of all civil penalties imposed for the violation and any fees for any administrative expense or expense of additional inspections incurred by the City as a result of such condition. The Commissioner shall affix to any public pay telephone rendered inoperable pursuant to this paragraph a notice advising the public that the phone may be used only for emergency telephone service through the 911 system or an operator and setting forth the provisions of §23-408(i)(1)(cc) of the Code. Any device utilized by the Commissioner for the purpose of rendering a public pay telephone inoperable shall be designed so as to permit the unimpaired use of the public pay telephone upon the removal of the device.] Reserved.
  - (3) *[Suspension of review of applications.* The Commissioner may suspend review of all applications for the issuance or renewal of permits filed by such owner pursuant to this chapter. Such suspension may continue until the condition has been corrected to the satisfaction of the Commissioner and payment has been made of all fines or civil penalties imposed for the violation, any costs incurred by the City for removal and related repair or restoration work, and any fees for any administrative expense or expense of additional inspections incurred by the City as a result of such condition.] Reserved.
  - (4) *City authority to operate.* The Commissioner may invoke the Department's authority pursuant to §6-47 of this chapter.

**Section 14.** Sections 6-35.1, relating to new applications for public pay telephone permits, 6-38.1, relating to conversion of interim registry public pay telephones to permanent status, and 6-38.2, relating to moves to the curb, of Title 67 of the Rules of the City of New York are repealed.

**Section 15.** Section 6-40 of Title 67 of the Rules of the City of New York is amended to read as follows:

§6-40 Applicability.

- (a) A public pay telephone shall comply with the requirements set forth in this subchapter provided, however, that the provisions of subdivision (d), subparagraphs (i), (ii), (vii), (viii) and (x) through (xxiv) of paragraph (e)(2), and subdivisions (f) through (n) of §6-41 of subchapter D shall not apply to [the following:
- (1) a public pay telephone permitted pursuant to this chapter that was previously licensed pursuant to former §19-131 or 19-128 of the Code]; or
  - (2) a public pay telephone permitted pursuant to this chapter installed prior to March 1, 1996 that was listed on an interim registry pursuant to the provisions of subchapter B of this chapter and that has not been objected to by the Commissioner pursuant to §6-24 of this chapter.
- (b) A public pay telephone for which an interim permit has been issued pursuant to subchapter C of this chapter shall comply with the requirements set forth in this subchapter provided, however, that the provisions of paragraph (j)(2) of §6-41 shall not apply to public pay telephones issued interim permits prior to June 26, 1998.
- (c) A public pay telephone that is not in compliance with the provisions of this subchapter shall be in violation thereof and

the owner of such telephone shall be subject to the penalties set forth in §6-02 of this chapter (and the grant by the Commissioner of a permit for a public pay telephone, whether under §6-38.1, §6-31 or otherwise, shall not be deemed to be a waiver of such required compliance or to immunize an owner from such penalties)].

**Section 16.** Paragraph (4) of subdivision (c) of section 6-41 of Title 67 of the Rules of the City of New York, prohibiting certain public pay telephones from restricting access to building entrances or cellar doors, is repealed, and subdivisions (f), (j) and (k) are amended to read as follows:

- (f) *Required distance from other public pay telephone.* A pedestal or other structure that holds a public pay telephone shall be located at least fifty (50) feet from any other such pedestal or structure on any one block face. For purposes of this subdivision "block face" shall mean that portion of the sidewalk on one side of a street which is between the building line and the curb and which is between the boundaries of the corner area at either end of the block. For purposes of this subdivision, "corner area" shall mean the area bounded by extending the intersecting building lines to the curb and the lines to the curb between the two extended building lines. [Nothing in this section shall be construed to prohibit the placement of a public pay telephone at the building line within ten (10) feet of a corner, provided however that the placement of such public pay telephone on such building line leaves an adequate unobstructed passage for pedestrians.]
- (j) *Number of public pay telephones at any location.* (1) There shall be no more than three (3) public pay telephones installed on a single pedestal or in an in-line configuration on a sidewalk between two street corners in the City. There shall be no more than one wall-mounted public pay telephone in any one location. There shall be a distance of fifty (50) feet between any two installations of public pay telephones. An in-line configuration shall not exceed a footprint of 35" x 120".
- (2) There shall be no more than the following number of public pay telephones on any sidewalk between two street corners in the City;
  - (i) on any such sidewalk that is one hundred (100) feet or less, a maximum of: one public pay telephone installation that includes no more than one public pay telephone;
  - (ii) on any such sidewalk that is more than one hundred (100) feet and less than three hundred (300) feet, a maximum of: two public pay telephone installations [that contain in the aggregate no more than four public pay telephones];
  - (iii) [on any such sidewalk that is at least three hundred (300) feet but less than six hundred (600) feet, a maximum of: two public pay telephone installations that contain in the aggregate no more than six public pay telephones;] Reserved.
  - (iv) [on any such sidewalk that is six hundred (600) feet or more, a maximum of: three public pay telephone installations that contain in the aggregate no more than nine public pay telephones] After March 21, 2015 new public pay telephone installations may not be installed closer than 170 feet to an existing public pay telephone installation.
- (3) There shall be no more than one public pay telephone installation within fifty (50) feet of any corner area of any street corner. "Corner area" shall have the same meaning as set forth thereof in paragraph (f) of this section. Notwithstanding any other provision of this paragraph, in no event shall a public pay telephone be installed where such installation would result in more than four public pay telephone installations within fifty feet of the corner area at any intersection with any number of corner areas. This paragraph shall not apply to public pay telephones installed or issued a notice to proceed by the Department prior to June 26, 1998.
- (4) Nothing in this subdivision shall be construed to require the removal of a public pay telephone that [has been registered with the Department pursuant to §6-21 of this chapter; or] has been issued a permit by the Department prior to the effective date of these rules[;] or was operational pursuant to a license issued pursuant to the provisions of former §19-128 or 19-131 of the Administrative Code of the City of New York[;]
- (5) No permit or request for relocation is to be granted under this chapter if a permit or Request for Move to Curb, notice to proceed or conditional permit has

previously been granted which would result in the installation of a public pay telephone that would render the installation sought impermissible under this subdivision (j) or subdivision (f) of this §6-41, unless a waiver is granted by the Commissioner under subdivision (n) of this §6-41 or unless such previously granted permit or Request for Move to Curb, notice to proceed or conditional permit has been terminated or revoked].

(k) [Dimensions of telephones with enclosures. (1) If mounted in an enclosure, such enclosure should, in the case of a telephone installed and activated prior to March 1, 1996, be no greater than 35" x 44", and for a public pay telephone installed and activated after March 1, 1996, such enclosure shall be no greater than 35" x 44" for one (1) telephone, no greater than 35" x 88" for an in-line installation of two (2) telephones, and no greater than 35" x 120" for an in-line installation of three (3) telephones.

(2) Except as otherwise waived in writing by the Commissioner, such enclosures shall not exceed 90" in height excluding a mast which shall not exceed 90" in height. (Unless waived in writing by the Commissioner, the total height of the combined public pay telephone and service mast shall not exceed 180"). At no time shall the overhead communications service wiring with a drip loop be less than ten (10) feet above the ground.] Reserved.

Section 17. Section 6-48 of Title 67 of the Rules of the City of New York is amended to read as follows:

§6-48 Fee Nonrefundable.

[The] A three hundred ninety five dollars (\$395) fee will be required prior to [accompany any permit application or Request for Move to Curb under this chapter and the thirty-five dollar (\$35) fee required to accompany any application for an Extension to a Notice to Proceed] the issuance of a new permit and shall be nonrefundable.

✦ jy9



CHANGES IN PERSONNEL

COMMUNITY COLLEGE (LAGUARDIA) FOR PERIOD ENDING 06/19/15

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Community College (Laguardia).

COMMUNITY COLLEGE (LAGUARDIA) FOR PERIOD ENDING 06/19/15

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Community College (Laguardia).

HUNTER COLLEGE HIGH SCHOOL FOR PERIOD ENDING 06/19/15

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Hunter College High School.

DEPARTMENT OF EDUCATION ADMIN FOR PERIOD ENDING 06/19/15

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Department of Education Admin.

DEPARTMENT OF EDUCATION ADMIN FOR PERIOD ENDING 06/19/15

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Department of Education Admin.



MAYOR'S OFFICE OF CRIMINAL JUSTICE

CONTRACTS

AWARD

Human Services/Client Services

INDIGENT CRIMINAL APPELLATE DEFENSE - Competitive Sealed Proposals/Pre-Qualified List - Judgment required in evaluating proposals - PIN#0021510001003 - AMT: \$5,231,725.00 - TO: First Department Assigned Counsel Corporation d/b/a Office of Appellate Defender, 11 Park Place, Suite 1601, New York, NY 10007

The Mayor's Office of Criminal Justice (MOCJ) has entered into a contract with First Department Assigned Counsel Corporation d/b/a Office of Appellate Defender in connection with a competitive sealed proposal for indigent criminal appellate defense in the first and second judicial departments. The vendor will provide criminal defense appellate services to indigent defendants in the First Department of the Appellate Division, Appellate Term, and the New York Court of Appeals. MOCJ will take in approximately 210 assignments annually at a value not to exceed \$2,585,550 annually.

✦ jy9