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## TABLE OF CONTENTS

### PUBLIC HEARINGS & MEETINGS

Brooklyn Borough President . . . . .1329  
Bronx Borough President . . . . .1329  
City Council . . . . .1329  
City Planning Commission . . . . .1332  
Community Boards . . . . .1332  
Consumer Affairs . . . . .1333  
Board of Education Retirement System .1334  
Employees Retirement System . . . . .1334  
Equal Employment Practices  
Commission . . . . .1334  
Information Technology and  
Telecommunications . . . . .1334

Landmarks Preservation Commission . .1334  
Board of Standards and Appeals . . . . .1335  
Transportation . . . . .1335

### PROPERTY DISPOSITION

Police . . . . .1336

### PROCUREMENT

Administration for Children's Services .1336  
Citywide Administrative Services . . . . .1336  
Municipal Supply Services . . . . .1336  
Vendor Lists . . . . .1337  
Correction . . . . .1337  
Central Office of Procurement . . . . .1337

Environmental Protection . . . . .1337  
Agency Chief Contracting Officer . . . .1337  
Health and Hospitals Corporation . . . .1337  
Health and Mental Hygiene . . . . .1337  
Agency Chief Contracting Officer . . . .1337  
Human Resources Administration . . . .1337  
Contract Management . . . . .1337  
Parks and Recreation . . . . .1337  
Capital Projects . . . . .1337  
Contract Administration . . . . .1337  
Revenue and Concessions . . . . .1337  
Police . . . . .1337  
Contract Administration Unit . . . . .1337

School Construction Authority . . . . .1338  
Contract Administration . . . . .1338  
Transportation . . . . .1338  
Administration . . . . .1338  
**AGENCY RULES**  
Mayor's Office of Contract Services . . .1338  
Mayor's Office of Environmental  
Remediation . . . . .1340  
Taxi and Limousine Commission . . . . .1344  
**SPECIAL MATERIALS**  
Citywide Administrative Services . . . .1350  
City Planning Commission . . . . .1351  
Changes in Personnel . . . . .1352

## THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services.  
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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## BROOKLYN BOROUGH PRESIDENT

### ■ PUBLIC HEARINGS

#### UNIFORM LAND USE REVIEW PROCEDURE

NOTICE IS HEREBY GIVEN that, pursuant to Sections 82 and 197-C of the New York City Charter, the Brooklyn Borough President will hold a public hearing on the following matters in the Borough President's Conference Room, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 6:00 P.M. on Monday May 21, 2012.

CALENDAR ITEM 1 74 WALLABOUT STREET REZONING ZONING MAP AMENDMENT COMMUNITY DISTRICT 1 110390 ZMK

In the matter of an application submitted by 74 Wallabout LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M1-2 District to an R7-1 District and establishing within the proposed R7-1 District a C1-5 District property bounded by Wallabout Street, Franklin Avenue, Flushing Avenue, and Kent Avenue. This action would facilitate the development of 120 housing units, 28,439 square feet ground floor retail, 17,640 square feet for a school expansion and 60 accessory parking spaces.

CALENDAR ITEM 2 59 WALTON STREET REZONING ZONING MAP/TEXT AMENDMENT COMMUNITY DISTRICT 1 100041 ZMK - 100042 ZRY

In the matter of applications submitted by the Walton Realty Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-2 District to an R6A District property bounded by Middleton Street, Union Avenue, Lorimer Street, and Marcy Avenue; changing from an M3-1 District to an R7A District property bounded by Lorimer Street, Union Avenue, Wallabout Street, and Marcy Avenue; and, establishing within a proposed R7A District a C2-4 District bounded by Lorimer Street, a line 150 feet northeasterly of Marcy Avenue, Walton Street, and Marcy Avenue. These actions would facilitate the development of 69 units in two adjacent buildings and reflect the existing land use and density on the adjacent blocks.

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

m14-18

## BRONX BOROUGH PRESIDENT

### ■ PUBLIC HEARINGS

A PUBLIC HEARING IS BEING called by the President of the Borough of The Bronx, Honorable Ruben Diaz Jr.,

Thursday, May 24, 2012, commencing at 2:00 P.M. The hearing will be held in the office of the Borough President, 851 Grand Concourse, Room 206, The Bronx, NY 10451 on the following item:

CD 4-ULURP APPLICATION NO: C 120140 PQX - IN THE MATTER OF an application submitted by the Administration for Children's Services, the Department of Aging 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 1181 Nelson Avenue (Block 2516, Lot 51), Borough of The Bronx, Community District 4, for continued use as a child care center and senior center.

ANYONE WISHING TO SPEAK MAY REGISTER AT THE HEARING. PLEASE DIRECT ANY QUESTIONS TO THE OFFICE OF THE BOROUGH PRESIDENT, (718) 590-6124.

m17-23

## CITY COUNCIL

### ■ PUBLIC HEARINGS

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

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, May 22, 2012:

#### SPECIAL TRIBECA TEXT AMENDMENT

MANHATTAN CB - 1 N 120166 ZRM  
Application submitted by Laight Street Project Owner, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to the extension of a variance approved by the Board of Standards and Appeals concerning the modification of bulk regulations in the Special Tribeca Mixed Use District.

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

#### Article XI: Special Purpose Districts

##### Chapter 1: Special Tribeca Mixed Use District

111-20  
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

(d) Area A4, A5, A6 and A7  
Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

(6) Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to a variance granted by the Board of Standards and Appeals under Calendar No. 231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within ~~two~~ six

years of the original granting of ~~grant~~ of said variance.

\* \* \*

#### HIGH LINE TEXT AMENDMENT

MANHATTAN CB - 4 N 120171 ZRM  
Application submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).

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

#### Article IX - Special Purpose Districts

##### Chapter 3 Special Hudson Yards District

\* \* \*

##### 93-01 DEFINITIONS

**High Line**  
For the purpose of this Chapter, the "High Line" shall refer to the elevated rail line structure, including without limitation sidetracks and spurs, located between Gansevoort Street and West 34th Street in the north-south direction, and between Washington Street/Tenth Avenue and Twelfth Avenue in the east-west direction.

**ERY High Line**  
For the purpose of this Chapter, the #ERY High Line# shall refer to the portion of the #High Line# between the western #street line# of Tenth Avenue and the western #street line# of Eleventh Avenue north of West 30th Street.

**Tenth Avenue Spur**  
For the purpose of this Chapter, the #Tenth Avenue Spur # shall refer to the portion of the #High Line# above the intersection of Tenth Avenue and West 30th Street.

**High Line Rehabilitation Deposit**  
For the purpose of this Chapter, the #High Line Rehabilitation Deposit# shall be in the amount of \$9,580,763 for the #ERY High Line#, and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of \$12,203,234, as adjusted by changes in the construction cost index published by ENR for New York City commencing as of January, 2012. Payment of the #High Line Rehabilitation Deposit# shall be in the form of cash or other form of immediately available funds if plans and specifications for rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed as of the time of the #High Line Rehabilitation Deposit# is required, and if such plans and specifications have not been substantially completed at the time the #High Line Rehabilitation Deposit# is required, in the form of cash or a cash equivalent, such as letter of credit, in a form acceptable to the City. The #High Line Rehabilitation Deposit# shall be held by the City or an instrumentality of the City as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

**High Line Landscape Improvement Deposit**  
For the purpose of this Chapter, the # High Line Landscape Improvement Deposit# shall be in the amount of \$18,214,507 for the #ERY High Line#, and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of \$23,200,228, as adjusted by changes in the construction cost index published by ENR for New York City commencing as of January 2012. Payment of the #High Line Landscape Improvement Deposit# shall be in the form of cash or other form of immediately available funds. The #High Line Landscape Improvement Deposit# shall be held by the City or an instrumentality of the City as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the to the improvement for public use of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

**High Line Maintenance Funding**

For the purpose of this Chapter, #High Line Maintenance Funding# shall mean funding sufficient for the maintenance and ordinary repair of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# in an amount acceptable to the city, as adjusted on an annual basis.

**93-10 USE REGULATIONS**

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

The only permitted change of #use# for the #High Line# shall be to provide publicly accessible open space in accordance with the provisions of Section 93-71 (Public Access Areas in the Eastern Rail Yards Subarea A1) and Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

**93-51 Special Height and Setback Regulations in the Large-Scale Plan Subdistrict A**

**93-514 Eastern Rail Yards Subarea A1**

(a) Location of #buildings#

#Buildings# shall be located only in the following areas:

- (1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and
- (3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:
  - (i) such area contains only #uses# in Use Groups 3 and 4; or
  - (ii) where such area includes #residential use#:
    - (a) such #residential use# is permitted only in a #building# located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include #uses# in Use Groups 3, 4, 6A and 6C; and
    - (b) a #building# containing only #uses# in Use Groups 3 or 4 may be located not closer than 50 feet east of such prolongation.

(4) for any #building# located at or above the elevation of the #High Line bed# which faces the #ERY High Line#, the #street wall# shall not be located closer than five feet to the edge of the #ERY High Line# and such five foot separation shall remain unobstructed, from the level of the #High Line bed# adjacent to such #building# to the sky. Notwithstanding the foregoing, for any #building# located partly within 335 feet of the Tenth Avenue #street line#, any portion thereof of up to 280 feet in width, as measured parallel to West 30th Street, may be located above the #High Line bed# at a height of 60 feet or more measured from the #High Line bed# provided such portion has a maximum width of 200 feet along the West 30th Street #street line# and a maximum average width of 240 feet. Structural columns and related architectural features placed within the maximum width of 200 feet along the West 30th Street #street line# supporting such portion of the #building# may be located within five feet of the southern edge of the #ERY High Line#, and such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 50 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the mean level of the adjoining public sidewalk to a height of 60 feet above the level of the #High Line bed#. A maximum of thirty percent of such measured area may be constructed of opaque materials. Additionally, such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 45 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the level of the #High Line bed# to a height of 25 feet above the level of the #High Line bed#.

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**93-70 PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES**

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as set forth in 93-71(h), the requirements set forth in such section shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in 93-71(h).

**93-71 Public Access Areas in the Eastern Rail Yards Subarea A1**

Any #development# in the Eastern Rail Yards Subarea A1 shall provide public access areas in accordance with the following requirements:

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and (h), of this Section. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61 and, at the option of the owner, the Tenth Avenue Spur.

(b) ERY High Line and Tenth Avenue Spur

The #ERY High Line# shall be provided as a publicly accessible open area. The #Tenth Avenue Spur# may, at the option of the owner, also be provided as a publicly-accessible open area.

In order to meet the public access area requirements of 93-71(a) and this paragraph (h), the following shall be provided for the #ERY High Line#, and shall, if owner has elected to include the #Tenth Avenue Spur# as a public access area, be further provided for the #Tenth Avenue Spur#:

- (i) (aa) Payment of the #High Line Rehabilitation Deposit# or (bb) subject to entry into construction-related agreements with the city or its designee, completion of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, not later than March 31, 2013, subject to a determination of force majeure by the city in accordance with the terms thereof. If owner has elected to perform the rehabilitation work set forth in clause (bb), then all such work shall be

completed in accordance with plans and specifications prepared by or on behalf of the city.

(ii) Payment of the #High Line Landscape Improvement Deposit#.

(iii) Provision of #High Line Maintenance Funding#.

(iv) An easement agreement allowing use of the #ERY High Line# for public space in accordance with the requirements of this paragraph (h), as well as for use and access for rehabilitation, improvement, maintenance and repair purposes, acceptable to the city.

Such requirements, shall be set forth in agreements or instruments in a form acceptable to the city, including such provisions as are necessary to ensure compliance with the provisions of this Section. The execution of such agreements by owner, and mortgagees and parties in interest of owner, and, where appropriate, the filing and recordation of such instruments in the Borough Office of the City Register of the City New York, indexed against the property, shall be a precondition to the Chairperson's certification to the Department of Buildings for a building permit under Section 93-70. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 shall be permitted unless the #ERY High Line# is included as a public access area for the initial phase in accordance with the provisions of this paragraph (h).

No crane permit shall be granted for construction of a #development# or #enlargement# in such initial phase until the Chairperson certifies to the Department of Buildings that: (a) either the #High Line Rehabilitation Deposit# has been made or all construction documents and instruments necessary for accomplishment of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in accordance with (i)(bb) above in this paragraph (h) have been executed and delivered; and (b) the #High Line Landscape Improvement Deposit# has been made.

No temporary or permanent certificate of occupancy for a #development# or #enlargement# in such initial phase shall be granted unless the Chairperson certifies to the Department of Buildings that (a) either the #High Line Rehabilitation Deposit# has been previously furnished or the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been completed in accordance with the construction documents and instruments; (b) the initial installment of #High Line Maintenance Funding# has been delivered, provided and to the extent that the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed and are open for use by the public, and (c) the easement agreement described in (iv) above is in effect for the #ERY High Line#. The requirement for a certification of substantial completion of public access areas before the granting of a temporary certificate of occupancy for the #development# or #enlargement# within such phase pursuant to Section 93-70 shall not apply with respect to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

Nothing herein shall be construed to affect any obligation of owner to make the # High Line Rehabilitation Deposit# at an earlier date, in accordance with the terms of agreements or instruments entered into by the parties, or to complete rehabilitation work for the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# by March 31, 2013, subject to a determination of force majeure by the city in accordance with the terms of such agreements.

Use by the city of the #High Line Landscape Improvement Deposit# for improvement of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, shall be subject to approval by the Chairperson, based upon a determination that the design and location of access points to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been arranged such that public use thereof will not result in any significant adverse impacts with respect to transit or pedestrians.

(i) Certifications for Phased Development Pursuant to Section 93-70 Granted Before [insert the effective date of this amendment]:

If a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before [insert the effective date of this amendment], such certification shall expire 45 days following such date and shall thereupon no longer be in force and effect. Within said 45 day period, a new application for certification pursuant to Section 93-70 and 93-71(h) shall be filed by the owner which shall include the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# as public access areas associated

with the initial phase, in addition to any other public access areas previously so certified. The expiration of any certification under Section 93-70 granted before the [insert the effective date of amendment], shall not affect the validity of any permit issued by the Department of Buildings prior to the expiration of such 45 day period, provided the new application under 93-70 and 93-71(h) is made within such 45 day period.

In the event that a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before [insert the effective date of amendment], and a crane permit for the construction of a #development# or #enlargement# within such initial phase was granted prior to 45 days after [insert the effective date of this amendment], the preconditions to issuance of a crane permit set forth in 93-71(h) shall be prerequisites for the grant of any new certification for phased development made under this paragraph (i).

\*\*\*

**EASTERN RAIL YARD TEXT AMENDMENT**

**MANHATTAN CB - 4 N 120176 ZRM**  
Application submitted by ERY Tenant LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).

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

**Article IX – Special Purpose Districts**

**Chapter 3  
Special Hudson Yards District**

\*\*\*

**93-14  
Ground Floor Level Requirements**

\*\*\*

(a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

\*\*\*

A #building’s street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, or other subway-related #uses# as described in Section 93-65 (Transit Facilities) or as follows within the Eastern Rail Yards Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas described in Section 93-71:

- (1) for #building# walls facing the outdoor plaza described in Section 93-71(b); the through block connection described in Section 93-71(d) and the connection to the public plaza described in Section 93-71(e);
- (2) for #building# walls facing the through block connection described in Section 93-71(d), the outdoor plaza described in Section 93-71(b);
- (3) for #building# walls facing the connection to the public plaza described in Section 93-71(e), the outdoor plaza described in Section 93-71(b) and the public plaza described in Section 93-71(c); or
- (4) a combination of retail #uses# and public access areas so as to satisfy the 50 foot depth requirement for retail continuity.

In no event shall the length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the #building’s# total #street# frontage, whichever is less, except that (1) the width of a lobby need not be less than 20 feet, and (2) within the Eastern Rail Yards Subarea A1, the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less.

\*\*\*

**93-17  
Modification of Sign Regulations**

(a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Furthermore, The following additional modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

- (1) #flashing #Flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yard Subarea A1, pursuant to Section 93-71.
- (2) For #signs# facing Tenth Avenue or on a portion of a #building# within 100 feet of Tenth Avenue, in addition to #signs# permitted under the underlying #sign# regulations, (i) up to four #signs# may exceed the maximum height limitations of the underlying #sign# regulations, provided that no such #sign# exceeds 95 feet in height and (ii) up to five #signs# may be located without regard to the maximum #surface area# limitations of the underlying #sign# regulations, provided that (a) the aggregate #surface area# of such #signs# does not

exceed 4,400 square feet; and (b) each such #sign# shall have a maximum #surface area# of 650 square feet except for one #sign# that may have a maximum #surface area# of 1,800 square feet. Any #sign # which exceeds the maximum height permitted by the underlying sign regulations shall direct attention to no more than one business conducted on the #zoning lot# and no such #signs# shall be #flashing signs#. Additionally, no more than two of the additional #signs# permitted under this paragraph (a)(2), if located below the maximum height permitted by the underlying #sign# regulations, shall be #flashing signs#.

Erection of one or both of the additional #flashing signs# permitted under this paragraph shall be conditioned upon and subject to additional limitations upon flashing effects for all #flashing signs# located on a #building# wall facing Tenth Avenue or on a #building# wall within 100 feet of Tenth Avenue, as prescribed by the Commission pursuant to a restrictive declaration. Recordation of such restrictive declaration in the Office of the Register and compliance with the terms thereof with respect to any previously erected #flashing signs# permitted under the underlying #sign# regulations shall be a precondition to the issuance of permits by the Commissioner of Buildings for an additional #flashing sign# permitted under this paragraph.

- (3) Along the #ERY High Line#, the #sign# regulations as set forth in Section 93-17(b)(1) shall apply. In addition, no #flashing signs# above the level of the #High Line bed# shall be located within 150 feet of and facing the #ERY High Line#.

\*\*\*

**93-70  
PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES**

\*\*\*

The Chairperson shall allow for the phased #development# of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Such plan may provide for the outdoor plaza described in Section 93-71(b) to be constructed in phases. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future #development# of such public access area at the time that the adjacent #zoning lot# is #developed#.

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**93-71  
Public Access Areas in the Eastern Rail Yards Subarea A1**

\*\*\*

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f) of this Section. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61.

All public access areas listed in this Section, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall be accessible to the public as follows: (i) unenclosed public access areas shall be accessible between the hours of 6:00 and 1:00 am, except that any portions of the outdoor plaza described in paragraph (b) designed and constructed for purposes of vehicular use shall be accessible at all times except as necessary to perform maintenance and repairs or address hazardous or emergency conditions; (ii) enclosed portions of the through block connection and connection to the public plaza described in paragraphs (d) and (e) shall be accessible to the public between the hours of 8:00 A.M. and 10:00 P.M.; and (iii) upon completion of the Tenth Avenue bridge described in paragraph (g), access between the bridge and the outdoor plaza shall be provided through the through block connection between the hours of 6:00 A.M. to 1:00 A.M.

All public access areas, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall include public space signage at erected at conspicuous locations. Such signs shall include the statement “Open to the Public”, followed by the hours of operation specified under this subsection.

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(b) Outdoor plaza

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Such open area may extend beyond such boundaries and have necessary grade changes, and up to ten percent of the area of such outdoor plaza may be covered by a #building or other structure#.

In addition, a #building# containing eating or drinking places and #uses# listed in Use Groups 6A and 6C may be located within the outdoor plaza (but shall not be included as public access area pursuant to Section 93-71(a)), provided that any such #building#:

- (i) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30th Street;
- (ii) covers no more than 3,600 square feet of the lot at the level of the outdoor plaza and above;
- (iii) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;

- (iv) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;
- (v) is located such that the maximum east/west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east/west dimension shall increase at a rate of 1 foot in the east/west dimension for every 4 feet in the north/south dimension from such line, up to a maximum east/west dimension of 60 feet; and
- (vi) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a #building# may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

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(c) Public plaza

A publicly accessible space, (hereinafter referred to as a “public plaza”), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 200 180 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street, and be provided in accordance with the standards for #public plazas# set forth in Section 37-70 (PUBLIC PLAZAS). Such public plaza shall be open to the sky except that such space may be covered by the existing or reconstructed #ERY High Line# structure, including any connections to the #ERY High Line# or other design features, as well as a #building# or portion of a #building# as allowed pursuant to Section 93-514(a)(4), except that no #building# or portion of a #building# may encroach within the area that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street. In addition, no more than 50 percent of the public plaza shall be covered by the permitted obstructions described in Section 37-726(a) as well as any vents or shafts that are placed by the Department of Environmental Protection within the portion of the public plaza that is subject to an access easement.

Such public plaza shall contain the following amenities: (i) no less than 120 linear feet of fixed seating; (ii) no less than 12 moveable tables and 48 moveable chairs; and (iii) no less than four trees or multi-stemmed equivalents measuring at least 4 inches in caliper at the time of planting, which trees or multi-stemmed equivalents may be planted in a planting bed. In addition, such public plaza shall contain at least two of the following additional amenities: (i) artwork; (ii) water features; or (iii) food service located in a retail space directly accessible from the public plaza.

The retail and glazing requirements of Section 93-14(c) shall apply to at least 70 percent of the length of all building walls, other than the building walls of any facility operated by the Long Island Rail Road or its successor, facing each side of the urban public plaza. In addition, 25 percent of the frontage of all #building# walls facing the portion of the public plaza that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street shall be occupied by #uses# listed in Use Groups 6A and 6C or the connection to the public plaza described in paragraph (e).

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(d) Through block connection

A publicly accessible through block connection shall be provided connecting the outdoor plaza with the Tenth Avenue bridge required pursuant to paragraph (g) of this Section, with the Tenth Avenue sidewalk within 50 feet or anywhere north of the center line of West 32nd Street. Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk within 50 feet of the center line of West 32nd Street, and the Tenth Avenue bridge at the time such bridge is constructed pursuant to paragraph (g) of this Section, and may connect to other public access areas or sidewalks. Such through block connection may be open to the sky or enclosed, need not be linear, and may have necessary grade changes.

Such through block connection shall have a minimum width of 30 feet. If such through block connection is and any enclosed portion, it shall have a minimum height of 30 feet. As an alternative, if an enclosed atrium space adjacent to the outdoor plaza is provided as part of the through block connection that meets all the following dimensional requirements: (1) comprises no less than 4,000 square feet with a minimum height of 60 feet and a minimum depth of 50 feet as measured by a line parallel from the #building# wall facing the outdoor plaza; (2) is free of #building# structural obstructions other than vertical circulation and other elements occupying no more than 500 square feet in the aggregate; and (3) contains interior walls facing such area that comply with the ground floor retail #use# requirements of Section 93-14(a), then such through block connection may (i) have a minimum width of 24 feet and (ii) have a minimum height of 34 feet for at least 70 percent of the aggregate enclosed area of the through block connection (including the atrium), provided that no portion of the through block connection shall have a minimum height less than 17 feet.

The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of the through block connection (or, if enclosed, the interior walls facing the through block connection). The through block connection may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that (i) such permitted obstructions shall not occupy more than 20 percent of the through block connection and (ii) a single path of travel no less than 24 feet in width is maintained. Vertical circulation elements traversing the grade changes of the through block connection shall be considered a part of the through block

connection and not an obstruction.

- (e) Connection to public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the public plaza. Such connection need not be linear and may have necessary grade changes. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection (or, if enclosed, the interior walls facing the connection). The minimum clear width of such public way shall be 20 feet. ~~For any portions that are enclosed, the minimum clear height shall be 30 feet within at least 50 percent of the enclosed area of the connection to the public plaza, provided that no portion of the connection to public plaza shall have a minimum height less than 17 feet.~~ The connection to the public plaza may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that (i) such permitted obstructions shall not occupy more than 20 percent of the connection to the public plaza and (ii) a single path of travel no less than 20 feet in width is maintained. Vertical circulation elements traversing the grade changes of the connection to the public plaza shall be considered a part of the connection to the public plaza and not an obstruction.

- (f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza shall be provided that has a minimum width, measured parallel to the High Line, of 80 feet. If any portion is covered, the average clear height of such connection shall be at least 60 feet. The ~~retail and~~ glazing requirements of Section 93-14(c) shall apply to at least 50 percent of the length of all building walls facing such connection., ~~except that such retail requirements shall not apply to any building containing only uses in Use Group 2 or 4 located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.~~

- (g) Tenth Avenue Bridge

A publicly-accessible pedestrian bridge shall be provided over Tenth Avenue linking the through block connections required pursuant to paragraph (d) of this Section and paragraph (a) of Section 93-72 (Public Access Areas at 450 West 33rd Street). Such bridge need not be constructed until the 450 West 33rd Street through block connection has been completed.

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**The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, May 22, 2012.**

**The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, May 22, 2012:**

**CROSSROADS PLAZA**

**BRONX CB - 1 C 120164 HAX**  
Application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 500/539 Union Avenue (Block 2582, Lots 47, 64 and 65) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of an eight-story building, a thirteen-story building and a fifteen-story building with a total of approximately 428 dwelling units, 20,910 square feet of community facility space, 36,770 square feet of commercial space and 155 accessory parking spaces.

**CROSSROADS PLAZA**

**BRONX CB - 1 C 120165 ZMX**

Application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, changing from an R7-2 District to an R8X District property bounded by East 149th Street, Prospect Avenue, Southern Boulevard, East 147th Street, and Union Avenue and its southerly centerline prolongation, as shown on a diagram (for illustrative purposes only) dated January 23, 2012.

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

1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law for Non-ULURP No. 20125592 HAM.

NO.	ADDRESS	LOT	BORO	PROGRAM	COMMUNITY BOARD
20125592	HAM 63-65 W. 137th Street	1735/8	Manhattan	Multifamily	10
	132 W. 133rd Street	1917/45		Preservation	
	119, 123, 125 W. 133rd St.	1918/23,21,20		Loan	
	235-37 W. 116th Street	1922/13			
	231, 229 W. 121st Street	1927/15,16			

m16-22

**CITY PLANNING COMMISSION****PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, May 23rd, 2012 at 10:00 A.M.**

**BOROUGH OF BROOKLYN****No. 1****PARK SLOPE HISTORIC DISTRICT EXTENSION CD 6, 7 N120297HKK**

**IN THE MATTER OF** a communication dated April 26, 2012, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Park Slope Historic District Extension, designated by the Landmarks Preservation Commission on April 17, 2012 (Designation List No. 454, LP No. 2443). Borough of Brooklyn, Community Districts 6 & 7. The district boundaries for section one are: a line beginning at northwest corner of Prospect Park West and 16th Street, then proceeding westerly along the northern curblin to a point extending southerly from the eastern property line of 455 16th Street, then northerly along said property line to the southern property line of 474 15th Street, then westerly along said property line to the northwest corner of 424 15th Street, then northerly along the western property line of 424 15th Street to the southeast corner of 422 15th Street, then westerly along the southern property line of 422 15th Street to the eastern curblin line of Eighth Avenue, northerly along the eastern curblin of Eighth Avenue to the northern curblin of 14th Street, then easterly to the center of Eighth Avenue, northerly along the center of Eighth Avenue to a point on a line extending easterly along the northern curblin of 14th Street, then westerly along said curblin to a point on a line extending northerly along the eastern property line of 388 14th Street, then southerly across 14th Street and along the eastern property lines 388 14th Street to 439 Seventh Avenue to the north curblin of 15th Street, then westerly along said line to a point on a line extending southerly from the western property line of 341 15th Street, then northerly along the western property lines of 440 to 432 Seventh Avenue, then westerly along a portion of the southern property line of 430 Seventh Avenue, then northerly along the western property lines of 430 to 424 Seventh Avenue, then across 14th Street along the western property lines of 422 to 414 Seventh Avenue, westerly along the southern property lines of 412 Seventh Avenue, northerly along the western property line of 412 and 410 Seventh Avenue, then easterly along the northern property line of 410 Seventh Avenue, northerly along the western property line of 408 Seventh Avenue, northerly across 13th Street and then easterly along said curblin to a point on a line formed by extending a line from the western property line of 406 Seventh Avenue, then northerly across 13th Street and along the western property lines of 406 and 404 Seventh Avenue, westerly along the southern property line of 402 Seventh Avenue, and northerly along the western property lines of 402 to 398 Seventh Avenue, easterly along the northern property line of 398 Seventh Avenue and then northerly along the western property line of 392 Seventh Avenue to the northern curblin of 12th Street, then westerly along said curblin to a point on a line extending south from the western property line of 390 to 370 Seventh Avenue, northerly along said line across 11th Street to the northern curblin of 11th Street, westerly along said curblin to a point on a line extending southerly from the western property line of 368 Seventh Avenue, northerly along said line to the southern property line of 362 Seventh Avenue, westerly along said property line, northerly along the western property lines of 362 and 360 Seventh Avenue, easterly along the northern property line of 360 Seventh Avenue, then northerly along the western property lines of 358 to 350 Seventh Avenue and across 10th Street, northerly along the western property lines of 348 to 340 Seventh Avenue, easterly along the northern property line of 340 Seventh Avenue, northerly along the western property line of 332-36 Seventh Avenue, northerly and across 9th Street to the northern curblin of 9th Street, westerly along said curblin to a line extending south along the western property line of 326 Seventh Avenue, then northerly along the western property lines of 326 and 324 Seventh Avenue, westerly along the southern property line of 322 Seventh Avenue, then northerly along 322 to 314 Seventh Avenue to the northern curblin of 8th Street, then westerly along said curblin to a point extending southerly from the western property line of 312 Seventh Avenue, then northerly along the western property lines of 312 to 304 Seventh Avenue, then easterly along the northern property line of 304 Seventh Avenue, then northerly along the western property lines of 302 to 294 Seventh Avenue to the south curblin of 7th Street, then easterly along said curblin to a point on a line extending from the eastern property line of 701 Eighth Avenue, then southerly along said line to the

north curblin of 8th Street, then westerly to a point extending northerly from the eastern property line of 801 Eighth Avenue, then southerly along said line to southern curb line of 9th Street, then east to a point from a line extending north from the eastern property line of 524 9th Street, southerly along the eastern property lines of 524 9th Street and 911 Eighth Avenue, westerly along the southern property line of 911 8th avenue to the middle of Eighth Avenue, southerly along a line in the middle of Eighth Avenue to a point on a line extending along the middle of 10th Street, easterly along said line to a point extending northerly from the eastern property line of 640 10th Street, then southerly along said line to the northern property line of 1013 Eighth Avenue, easterly along the northern property line of 1013 Eighth Avenue, then southerly along the eastern property line of 1013 to 1023 Eighth Avenue to a point in the middle of 11th Street, then easterly along a line in the middle of 11th Street to a point extending northerly from the eastern property line of 582 11th Street, then southerly along said line, westerly along the southern property lines of 582 11th Street and 1111 Eighth Avenue to a point in the middle of Eighth Avenue, then southerly along a line in the middle of Eighth Avenue to a point in the middle of 14th Street, easterly along a line in the middle of 14th Street to a point extending northerly from the eastern property line of 442 14th Street, then southerly along said line to southwest corner of 442 14th Street, then easterly along the northern property lines of 448 to 486 14th Street, northerly along the western property line of 496 14th Street to a point in the middle of 14th Street, then easterly along a line in the middle of 14th Street to a point in the middle of Prospect Park West, then southerly along said line to a point extending easterly from the northwest corner of Prospect Park West and Bartell Pritchard Square, then westerly to the western curblin, and then southerly along the curving west curblin of Prospect Park West and Bartell Pritchard Square to the point of beginning. The district boundaries for section two are a line beginning at the southwest corner of 145 Prospect Park West, then extending northerly along the western property lines of 145 Prospect Park West and 574 9th Street to the middle of 9th Street, then easterly along the line in the middle of Prospect Park West, then southerly along the line in the middle of Prospect Park West to a point on a line extending from the middle of 10th Street, then westerly along said line to a point extending southerly from the western property line of 151 Prospect Park West, then northerly along said line to the southern property line of 145 Prospect Park West, then westerly to the point of beginning.

**BOROUGH OF THE BRONX****No. 2****BROOK AVENUE****CD 1 C 120161 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 493 Brook Avenue and 457/467 East 147th Street (Block 2292, Lots 49 and 50) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a five-story building and a seven story building with a total of approximately 66 dwelling units and 1,710 square feet of commercial space, to be developed under the Department of Housing Preservation and Development's Low-Income Rental Program.

**Resolution for adoption scheduling May 23, 2012 for a public hearing.**

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

m9-23

**COMMUNITY BOARDS****PUBLIC HEARINGS**

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

**BOROUGH OF QUEENS**

COMMUNITY BOARD NO. 08 - Wednesday, May 23, 2012 at 7:30 P.M., Hillside Manor Comprehensive Care Center, 188-11 Hillside Avenue, Hollis, NY

**BSA# 104-12-BZ**

179-19 Hillside Avenue

This application filed is seeking to reinstate and extend the term of the variance that permits accessory retail parking on the R5 portion of a zoning lot that is split by district boundaries. The application also requests an extension of time to obtain a Certificate of Occupancy and a waiver of the Board's Rules of Practice and Procedure.

**BSA# 51-06-BZ**

188-02/22 Union Turnpike - Push Fitness Club

This application requests an amendment of the previously granted BSA variance to permit the extension of the physical culture establishment use on the ground floor of the building at the premises.

m17-23

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

#### BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 03 - Tuesday, May 22, 2012, 6:00 P.M., Henry Street Settlement Youth Services Gym, 301 Henry Street (btw Jackson & Montgomery), New York, NY

##### #C 120156MMM

Seward Park City Map  
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 of the New York City Administrative Code, for an amendment of the City Map involving the establishment of Broome Street between Norfolk and Clinton Sts.

##### #C 120226ZMM

Seward Park Mixed-Use Development  
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, establishing within an existing R8 district a C2-5 district.

##### #C 120228ZSM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits, pursuant to the Zoning Resolution.

##### #C 120229ZSM

Seward Park Mixed-Use Development  
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits, pursuant to sections of the Zoning Resolution.

##### #C 120231ZSM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit to allow a public parking garage with a maximum capacity of 168 spaces on portions of the ground floor, and cellar levels of a proposed development.

##### #C 120233ZSM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit to allow a public parking garage with a maximum capacity of 250 spaces on portions of ground floor and cellar level.

##### #C 120234ZSM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit to allow a public parking garage with a maximum capacity of 250 spaces on property bounded by Delancey, Clinton, Broome and Suffolk streets.

##### #C 120237PQM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter of the acquisition of property bounded by Essex, Delancey, Norfolk, and Broome streets.

##### #C 120245PPM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) and the Department of Citywide Administrative Services (DCAS) pursuant to Section 197-c of the New York City Charter, for disposition of city-owned property.

**m16-22**

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

#### BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 05 - Friday, May 18, 2012 at 2:00 P.M., 200 West Tremont Ave., 5th Floor, Bronx, NY

A Public Hearing on the Rivers Childcare/Senior Center lease renewal project.

**m14-18**

## CONSUMER AFFAIRS

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, PURSUANT TO LAW, that the New York City Department of Consumer Affairs will hold a Public Hearing on Wednesday, May 23rd, 2012, at 2:00 P.M., at 66 John Street, 11th floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

- 1) 135 West B Food & Drink LLC  
135 West Broadway, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 2) 211 Ave. A Restaurant Inc.  
197 Second Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 3) 2850 Broadway Rest Associates LLC  
2850 Broadway, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 4) 301 E. 47th St. Rest. Corp.  
888-890 Second Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 5) 345 Court St. Corp.  
345 Court Street, in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 6) 4 Runners, Inc.  
310 West 14th Street, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 7) 715 Lorimer Restaurant LLC  
715 Lorimer Street, in the Borough of Brooklyn  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 8) 72nd & Columbus Restaurant LLC  
269 Columbus Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 9) 78 Second Ave. Sandwich Shop, Inc.  
78 Second Ave., in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 10) 94 Corner Café Corp.  
2518 Broadway, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 11) 99 South Rest. Corp.  
97-99 Seventh Avenue South, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 12) A & D Wine Corp.  
65 Second Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 13) A.O. Café And Restaurant LLC  
17 Avenue B, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 14) ABA Turkish Restaurant LLC  
325 West 57th Street, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 15) Astoria Restaurant Group, Inc.  
36-10 30th Avenue, in the Borough of Queens  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 16) B5 LLC  
23-01 31st Street, in the Borough of Queens  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 17) Bar Giacosa Corp.  
268 Sixth Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 18) Bonarue Blue Industries Inc.  
185 Sullivan Street, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 19) Burkinabe Entertainment LLC  
2271 Seventh Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 20) Burkinabe Entertainment LLC  
2269 Adam Clayton Pwel Blvd, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 21) Burrito Junction, Inc.  
241 Columbus Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 22) Candle West LLC  
2427 Broadway, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 23) CCH Restaurant Management Inc.  
663 Ninth Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 24) CLGM, Inc.  
1481 York Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 25) D & D Thai Restaurant Corp.  
450 Amsterdam Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 26) EP Propertiers LTD  
1347 Second Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 27) Fig & Olive Thirteen Street LLC  
420 West 13th Street, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 28) Phillip's Catering, Inc.  
200 Seventh Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 29) Five Lamps Corp.  
2756 Broadway, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 30) Friendly Foods LLC  
282 Bowery, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 31) G.V.S Bakery, Inc.  
36-21 Ditmars Blvd., in the Borough of Queens  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 32) Gus 927 Inc.  
4725 Vernon Blvd., in the Borough of Queens  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 33) Hailey Grace Corp.  
1708 Second Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 34) Hakubai Inc.  
66 Park Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 35) Huitres NYC Inc.  
320 Court Street, in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 36) Il Baretto LLC  
750 11th Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 37) Krinis Rest. Corp.  
283 Third Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 38) Leahlala, LLC  
442 Court Street, in the Borough of Brooklyn  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 39) Little Cupcake Corp.  
9102 Third Avenue, in the Borough of Brooklyn  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 40) Madiba Corporation  
195 Dekalb Avenue, in the Borough of Brooklyn  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 41) Marolles LLC  
210 East 51st Street, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 42) Merlagre, Inc.  
123 East 18th Street, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 43) Mouquinho Enterprises, Inc.  
549 Greenwich Street, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 44) NYS LEE Incorporated  
47-05 Center Blvd, in the Borough of Queens  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 45) Palombo, Inc.  
2400 Arthur Avenue, in the Borough of Bronx  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 46) Phillies Pizzeria II Inc.  
74-02 Eliot Avenue, in the Borough of Queens  
(To continue to, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 47) Picante Inc.  
3424 Broadway, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 48) Piccolion6th Corp.  
522 Sixth Avenue, in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 49) Porto Restaurant, Inc.  
574 Sixth Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 50) Poupetto Inc.  
25 East 63rd Street, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 51) Prishtina Rest. Corp.  
2325 Arthur Avenue, in the Borough of Bronx  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 52) Rana USA LLC  
75 Ninth Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 53) Raynic Corp.  
205 Allen Street, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 54) Rigoletto, LLC  
3501 36th Street, in the Borough of Queens  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 55) Salvatore's Corp.  
378 Third Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 56) Seventh Avenue Tomato, Inc.  
209 Seventh Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 57) Shalizar, LLC  
1407 Second Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 58) SL & H Bagel Inc.  
1228 Second Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 59) Smorgas Chef Wes Village LLC  
283 West 12th Street, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 60) South Elliott BK LLC  
25 Lafayette Avenue, in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 61) STS Restaurant Corp.  
505 Third Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 62) Tajin Restaurant Corp.  
83-85 Greenwich Street, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 63) Tessa & Lucho, Inc.  
520 Henry Street, in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 64) Three Beans Inc.  
93 Avenue A, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 65) TS3 Hospitality LLC  
1900 Broadway, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 66) Wow Brigde Café LLC  
168 Borinquen Place, in the Borough of Brooklyn  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 67) Yunhua on Columbus Inc.  
193 Columbus Avenue, in the Borough of Manhattan  
(To continue to, maintain, and operate an unenclosed sidewalk café for a term of two years.)

Individuals requesting Sign Language Interpreters should contact the Department of Consumer Affairs, Licensing division, 42 Broadway, 5th Floor, New York, NY 10004, (212) 487-4379, no later than five (5) business days before the hearing.

☛ m18

## BOARD OF EDUCATION RETIREMENT SYSTEM

### MEETING

The next regular meeting of the Board of Education Retirement System (BERS) of the City of New York Trustees will meet on Wednesday, May 23, 2012. This meeting will be held at Bronx High School of Business (formerly Taft High School), located at 240 East 172nd Street, Room 141, Bronx, New York 10457.

The meeting will convene at 4:30 P.M. An agenda will be distributed to BERS Trustees prior to the meeting.

If you need more information, please contact Noro Healy at (718) 935-4529 or email: nhealy@bers.nyc.gov

m16-22

## EMPLOYEES RETIREMENT SYSTEM

### INVESTMENT MEETING

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Tuesday, May 22, 2012 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

m15-21

## EQUAL EMPLOYMENT PRACTICES COMMISSION

### MEETING

The next meeting of the Equal Employment Practices Commission will be held in the Commission's Conference Room/Library at 253 Broadway (Suite 602) on Thursday, May 24, 2012 at 9:15 A.M.

m17-23

## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### FRANCHISE ADMINISTRATION

#### PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, June 11, 2012 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan in the matter of a request for approval of a change of control of AboveNet Communications, Inc. ("ACI") from AboveNet, Inc. to Zayo Group, LLC. ACI is the successor of Metromedia Fiber Network NYC, Inc., which was granted a franchise by the City of New York ("the City"), expressed in an amended and restated franchise agreement (the "Franchise Agreement") dated February 28, 2000, to install, operate and maintain telecommunications services equipment and facilities in the inalienable property of the City.

Copies of organizational charts reflecting the current controlling ownership of ACI and the proposed new controlling ownership thereof, and a copy of the Franchise Agreement, may be viewed at the Department of Information Technology and Telecommunications, 2 Metrotech Center, 4th Floor, Brooklyn, New York 11201, from May 17, 2012 through June 11, 2012, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of such organizational charts and of the Franchise Agreement may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. A copy of such organizational charts and of the Franchise Agreement may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

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

The Hearing may be cablecast on NYC Media Group channels.

m17-j11

## LANDMARKS PRESERVATION COMMISSION

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **May 22, 2012 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF QUEENS 13-0953- Block 10311, lot 46-114-45 179th Street - Addisleigh Park Historic District  
A free-standing Colonial Revival style house designed by Gustave B. Miller and built in 1922. Application it to replace a door. Community District 12.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 13-1248 - Block 20, lot 12-185 Plymouth Street, aka 60 John Street - DUMBO Historic District  
A stable and storage building built c. 1900. Application is to construct additions, modify window and ground floor openings, alter sidewalk, install storefront infill, a canopy, and signage. Zoned M1-4/R7A. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 13-0374 - Block 276, lot 31-174 State Street - Brooklyn Heights Historic District  
A Greek Revival style frame house built in 1839 and later altered with the removal of its stoop. Application is to construct a stoop and entrance portico. Zoned R6/C2-3. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 12-2814 - Block 267, lot 18-31 Sidney Place - Brooklyn Heights Historic District  
A Greek Revival style rowhouse built in 1846. Application is to construct a stoop and barrier-free access ramp. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 13-1269 - Block 267, lot 19-21-29 Sidney Place - Brooklyn Heights Historic District

A brick rectory for St. Charles Rorromeo R.C. Church, built 1916, and a Parochial school building built 1929 by Louis Giele. Application is to construct a connector building between the school and the rectory. Zoning R-6 . Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 12-6015 - Block 2099, lot 48-12 South Portland Avenue - Fort Greene Historic District  
An Italianate style rowhouse built c. 1868. Application is to alter the roof. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 13-1208 - Block 954, lot 17-110 Berkeley Place - Park Slope Historic District  
A neo-Grec style rowhouse built circa 1883. Application is to install a gas lamp post in the areaway and to install a new stoop railing and areaway fence. Zoned R6B/C3. Community District 6.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 13-1218 - Block 323, lot 12-471 Henry Street - Cobble Hill Historic District  
An Italianate style rowhouse built in the early 1850's. Application is to alter the facade and stoop. Community District 6.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 12-6956 - Block 46, lot 3-100 Broadway - American Surety Company Building - Individual Landmark  
A neo-Renaissance style office building designed by Bruce Price and built in 1894-96, and enlarged in the 1920s with additions designed by Herman Lee Meader. Application is to install signage. Zoned C5-5. Community District 1.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 12-9242 - Block 219, lot 7504-169 Hudson Street - Tribeca North Historic District  
A Renaissance Revival style warehouse designed by James E. Ware built in 1893-94. Application is to construct a rooftop addition. Zoned M1-5. Community District 1.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 12-5412 - Block 220, lot 35-46 Laight Street - Tribeca North Historic District  
An Italianate style tenement building designed by William H. Waring and built in 1874. Application is to replace ground floor infill installed in non-compliance with Landmarks Preservation Commission permits, perform alterations at the roof level, and legalize the installation of air-conditioning equipment without Landmarks Preservation Commission permits. Zoned M1-5.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 12-8461 - Block 619, lot 1-125 Christopher Street - Greenwich Village Historic District  
An apartment building designed by H.I. Feldman and built in 1944. Application is to construct a barrier-free access ramp. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 13-0818 - Block 588, lot 25-304 Bleecker Street - Greenwich Village Historic District  
A dwelling originally built in 1829, converted to commercial use, with a fourth floor added in the early 20th century. Application is to replace storefront infill and install lighting and signage. Zoned C2-6. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 12-9375 - Block 623, lot 35-58 Bank Street - Greenwich Village Historic District  
A Greek Revival style house built in the mid 1840s and later altered with a fourth floor and an Italianate style cornice. Application is to alter the rear facade. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 13-0305 - Block 574, lot 34-20 West 11th Street - Greenwich Village Historic District  
A Greek Revival style rowhouse built in 1844-45. Application is to replace windows. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 12-8093 - Block 487, lot 24-154 Spring Street - SoHo-Cast Iron Historic District  
A store and loft building designed by Louis Sheinart and built in 1911. Application is to replace storefront infill and install rooftop mechanicals. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 12-8642 - Block 474, lot 26-38 Greene Street, aka 90-94 Grand Street - SoHo-Cast Iron Historic District  
A transitional style store and warehouse building incorporating Italianate and French style details designed by Griffith Thomas and built in 1867. Application is to install storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 12-8642 - Block 474, lot 1-42-50 Greene Street - SoHo-Cast Iron Historic District  
A French Renaissance style store and warehouse building designed by Griffith Thomas and built in 1869; and a neo-Grec style store and warehouse building constructed in 1860. Application is to establish a Master Plan governing the future installation of storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 12-9223 - Block 545, lot 8-714 Broadway - NoHo Historic District  
A neo-Classical style store building designed by Buchman and Deisler and built in 1896-97. Application is to install wall-hung JHVAC units on a secondary facade. Community District 2.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 12-9288 - Block 643, lot 1-

95 Horatio Street, 521-531 and 533-535 West Street, 84-88, 90-92 and 94-98 Gansevoort Street, and 802-816 Washington Street - Gansevoort Market Historic District  
Two Classical Revival style warehouses designed by Lansing C. Holden and built in 1897-98; a neo-Classical style warehouse/office building designed by John B. Snook Sons and built in 1932; three neo-Classical style warehouses designed by J. Graham Glover and built in 1910-12, 1911-12 and 1923-26; and a neo-Classical style warehouse building designed by John B. Snook Sons and built in 1931-35.  
Application is to establish a Master Plan governing the installation of signage. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 13-1191 - Block 897, lot 16-15 Rutherford Place, aka 216 East 16th Street - Individual Landmark - Stuyvesant Square Historic District  
A Greek Revival style Meeting House and seminary building designed by Charles Bunting and built in 1861. Application is to alter the areaway, install gates, deck, and a storage shed. Community District 3.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 13-0774 - Block 848, lot 4-125 Fifth Avenue - Ladies' Mile Historic District  
A neo-Gothic style dwelling built c. 1850-51, and altered c.1921-23 by Irving Margon. Application is to install signage. Zoned C6-4M. Community District 4.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 11-9184 - Block 997, lot 19-123 West 44th Street - Hotel Gerard - Individual Landmark  
An apartment hotel designed in a combination of Romanesque, German Gothic, and Renaissance styles by George Keister, built in 1893 and altered in 1917-1920. Application is to install a painted wall sign, and illuminated signage. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 12-9365 - Block 1300, lot 1-230 Park Avenue - New York Central Building/Helmsley Building - Individual Landmark - Interior Landmark  
A Beaux-Arts style office building designed by Warren & Wetmore, and built in 1927-29. Application is to reconstruct elevator cabs and install integrated video screens. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 13-1001 - Block 999, lot 1-1552 Broadway, aka 167 West 46th Street - I. Miller Building - Individual Landmark  
A commercial building altered by Louis H. Friedland in 1926. Application is to install new storefront infill, signage, awnings, and lighting. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 12-7548 - Block 1168, lot 56-250 West 77th Street - Hotel Belleclaire - Individual Landmark  
An Art Nouveau/Secessionist style hotel designed by Emery Roth and built in 1901-03. Application is to install a canopy and skylight. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 12-8912 - Block 1123, lot 111-47 West 70th Street - Upper West Side/Central Park West Historic District  
A Renaissance Revival style rowhouse with Romanesque Revival elements built in 1890-91. Application is to excavate the rear yard and construct rooftop and rear yard additions. Zoned R8B. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 12-9373 - Block 1202, lot 22-25 West 88th Street - Upper West Side/Central Park West Historic District  
A Renaissance Revival style row house with neo-Grec elements designed by Thom & Wilson and built in 1888-89. Application is to construct rooftop and rear yard additions, alter rear facades, and replace windows. Zoned R7-2. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 13-0643 - Block 1408, lot 28-171 East 73rd Street - 171 East 73rd Street Building - Individual Landmark  
An Italianate style rowhouse built in 1860 and altered in 1924 by Electus D. Litchfield. Application is to demolish a rear extension, construct additions, and alter the ground floor and areaway. Zoned R8B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 12-8516 - Block 1392, lot 109-11 East 77th Street - Upper East Side Historic District  
A rowhouse with neo-Grec style elements, designed by Robert Hanby and built in 1879, and altered in 1936 by Morris B. Sanders. Application is to demolish a rear yard extension and construct a rear yard addition. Zoned R8B LH-1A. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 13-1273 - Block 1383, lot 13-814 Madison Avenue - Upper East Side Historic District  
A neo-Renaissance style apartment building designed by Herbert Lucas and built in 1912-13. Application is to alter storefront infill and install signage. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 13-0486 - Block 1404, lot 13-127 East 69th Street - Upper East Side Historic District  
A townhouse originally built in 1872-1873 and altered in the Adamesque style by S. Edson Gage in 1919. Application is to construct a rear addition. Zoned R9X. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 12-0639 - Block 1398, lot 65-120 East 64th Street - Upper East Side Historic District  
A rowhouse originally designed by D. & J. Jardine, built in

1870-77, and altered by Simeon B. Eisendrath in 1931. Application is to construct a rear yard addition. Zoned R8B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 12-7436 - Block 1396, lot 62-126 East 62nd Street - Upper East Side Historic District  
An Italianate style rowhouse built in 1871. Application is to construct a rear yard addition and modify a window opening. Zoned R8B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 13-0066 - Block 1378, lot 70-825 Fifth Avenue - Upper East Side Historic District  
A neo-Classical style apartment building designed by J.E.R. Carpenter and built in 1926. Application is to reconstruct balconies and railings. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
**BOROUGH OF MANHATTAN** 12-8722 - Block 1504, lot 29-63 East 92nd Street - Carnegie Hill Historic District  
A rowhouse built in 1886 and altered in the neo-Colonial style by Edward Webber in 1928. Application is to construct rooftop and rear yard additions and alter front and rear facades. Zoned R8B. Community District 8.

m9-22

## BOARD OF STANDARDS AND APPEALS

### ■ PUBLIC HEARINGS

**JUNE 12, 2012, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, **June 12, 2012, 10:00 A.M.**, at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

### SPECIAL ORDER CALENDAR

**292-55-BZ**  
APPLICANT – Alfonso Duarte, for Narkeet Property Inc., owner.  
SUBJECT – Application April 2, 2012 – Application to extend term of variance and to waive the Rules of Practice and Procedure. R3-2 zoning district.  
PREMISES AFFECTED – 239-15 Jamaica Avenue, northwest corner of 240th Street, Block 8001, Lot 1, Borough of Queens.  
**COMMUNITY BOARD #13Q**

**313-77-BZ**  
APPLICANT – Goldman Harris LLC, for Gilsey House, owner.  
SUBJECT – Application April 13, 2012 – Amendment to a previously granted Variance (72-21) for the conversion of a manufacturing building to residential occupancy with a duplex penthouse structure which was never built. The proposal is to construct a substantially smaller, one-story penthouse with a roof top deck enlargement that is entirely within the approved envelope. M1-6 zoning district.  
PREMISES AFFECTED – 1200 Broadway, southeast corner of West 29th Street and Broadway, Block 831, Lot 20, Borough of Manhattan.  
**COMMUNITY BOARD #5M**

**163-04-BZ**  
APPLICANT – Rothkrug Rothkrug & Spector LLP, for Mylaw Realty Corporation, owner; Crunch Fitness, lessee.  
SUBJECT – Application April 30, 2012 – Extension of Time to obtain a Certificate of Occupancy of a previously approved Special Permit (73-63) for the operation of a Physical Culture Establishment (*Crunch Fitness*) which expired on April 24, 2011; Waiver of the Rules. R7A (C2-4) zoning district.  
PREMISES AFFECTED – 671/99 Fulton Street, northwest corner of intersection of Fulton Street and St. Felix Street, Block 2096, Lot 66, 69, Borough of Brooklyn.  
**COMMUNITY BOARD #2BK**

### APPEALS CALENDAR

**15-12-A**  
APPLICANT – Richard G. Leland, Esq./Fried Frank, for 29-01 Borden Realty Co., LLC, owner; Van Wagner Communications, LLC, lessee.  
SUBJECT – Application January 23, 2012 – Appeal challenging the Department of Buildings' determination that an outdoor accessory sign and structure is not a legal non-conforming accessory use pursuant to ZR Section 52-00. M3-1 Zoning District.  
PREMISES AFFECTED – 29-01 Borden Avenue, bounded by Newton Creek, Borden Avenue, Hunters Point Avenue and 30th Avenue, Block 292, Lot 1, Borough of Queens.  
**COMMUNITY BOARD #4Q**

**24-12-A & 147-12-A**  
APPLICANT – Richard G. Leland, Esq./Fried Frank, for 12th Avenue Realty Holding Corp., owner; Mizzy Realty Co., Inc., lessee.  
SUBJECT – Application February 2, 2012 & May 8, 2012 – Appeal challenging the Department of Buildings' determination that an outdoor accessory sign and structure is not a legal non-conforming use pursuant to ZR Section 52-00. M1-2 Zoning district.  
PREMISES AFFECTED – 2368 12th Avenue, bounded by Henry Hudson Parkway, West 134th Street, 12th Avenue and 135th Street, Block 2005, Lot 32, Borough of Manhattan.  
**COMMUNITY BOARD #9M**

**JUNE 12, 2012, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, **June 12, 2012, at 1:30 P.M.**, at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

### ZONING CALENDAR

**168-11-BZ**  
APPLICANT – Sheldon Lobel, P.C., for Congregation Bet Yaakob, Inc., owner.

SUBJECT – Application October 27, 2011 – Pursuant to Z.R.§ 72-21, as amended, to request a variance of floor area, open space ratio, lot coverage, side yards, rear yard, height, setback, planting, landscaping and parking regulations in order to permit the construction of a Use Group 4A house of worship (*Congregation Bet Yaakob, Inc.*). R5(OP), R6A(OP) and R5(OP subdistrict) zoning district.  
PREMISES AFFECTED – 2085 Ocean Parkway, L-shaped lot on the corner of Ocean Parkway and Avenue U, Block 7109, Lot 50 (tentative), Borough of Brooklyn.  
**COMMUNITY BOARD #15BK**

**191-11-BZ**  
APPLICANT – Sheldon Lobel, P.C., for Zerillo Family Trust, owner.  
SUBJECT – Application December 19, 2011 – Special Permit (73-622) for the In-Part Legalization and an Enlargement to an existing single family home contrary to ZR 23-141(b) for maximum allowable floor area. R 4-1 zoning district.  
PREMISES AFFECTED – 1246 77th Street, between 12th and 13th Avenues, Block 6243, Lot 24, Borough of Brooklyn.  
**COMMUNITY BOARD #10BK**

**48-12-BZ**  
APPLICANT – Law Office of Marvin B. Mitzner, LLC, for IGS Realty Co., owner.  
SUBJECT – Application March 5, 2012 – Variance (§72-21) to permit the legalization of an existing 14-story commercial building for use as offices, contrary to Special Garment Center regulations ZR 121-11. C6-4 (GC, P2) zoning district.  
PREMISES AFFECTED – 336 West 37th Street, between Eighth and Ninth Avenues, Block 760, Lot 63, Borough of Manhattan.  
**COMMUNITY BOARD #4M**

**78-12-BZ**  
APPLICANT – Francis R. Angelino, Esq., for Jonathan P. Rosen, owner; End 2 End Game Training LLC, lessee.  
SUBJECT – Application April 4, 2012 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*End 2 End*). C6-4A zoning district.  
PREMISES AFFECTED – 443 Park Avenue South, northeast corner of East 30th Street, Block 886, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #5M**  
**91-12-BZ**  
APPLICANT – Jorge Lee, for Juan Noboa, owner.  
SUBJECT – Application April 11, 2012 – Re-instatement (§11-411) of a previously approved variance granted under BSA Cal. No. 1003-48-BZ permitting commercial retail (UG 6) in a residential district, which expired on March 29, 1998. R8 zoning district.  
PREMISES AFFECTED – 846 Gerard Avenue, east side of Gerard Avenue, 132.37' south of East 161st Street, Block 2474, Lot 35, Borough of Bronx.  
**COMMUNITY BOARD #4BX**

**111-12-BZ**  
APPLICANT – Eric Palatnik, P.C., for Wells 60 Broad Street, LLC, owner; Bree and Oliver NYC Inc., lessee.  
SUBJECT – Application April 19, 2012 – Special Permit application pursuant to Z.R.§73-36 to permit the proposed physical culture establishment (*Cross Fit Wall Street*) at a portion of the ground floor of the premises which is located within a C5-5(LM) zoning district.  
PREMISES AFFECTED – 60 New Street, 54-68 Broad Street; 52-66 New Street, north of Beaver Street, Block 24, Lot 1, Borough of Manhattan.  
**COMMUNITY BOARD #1M**

*Jeff Mulligan, Executive Director*

m17-18

## TRANSPORTATION

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, June 6, 2012. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

**#1** In the matter of a proposed revocable consent authorizing 1 Montgomery Place Condominium to maintain and use an existing fenced-in area, together with stairs, on the east sidewalk of 8th Avenue, north of Montgomery Place, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$7,000 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 121 FGP LLC to construct, maintain and use stoops, stairs and fenced-in planted area on the east sidewalk of Ft. Greene Place, south of Lafayette Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$5,000 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.

**#3** In the matter of a proposed revocable consent authorizing 231 Carlton Avenue LLC to construct, maintain and use a stoop, steps and a fenced-in area on the east sidewalk of Carlton Avenue, between Willoughby Avenue and Dekalb Avenue, at 225 Carlton Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

From the Approval Date to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$7,500 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.

**#4** In the matter of a proposed revocable consent authorizing 231 Carlton Avenue LLC to construct, maintain and use a stoop, steps and a fenced-in area on the east sidewalk of Carlton Avenue, between Willoughby Avenue and Dekalb Avenue, at 227 Carlton Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among others terms and condition for compensation payable to the city according to the following schedule:

From the Approval Date to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$7,500 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.

**#5** In the matter of a proposed revocable consent authorizing 231 Carlton Avenue LLC to construct, maintain and use a stoop, steps and a fenced-in area on the east sidewalk of Carlton Avenue, between Willoughby Avenue and Dekalb Avenue at 229 Carlton Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City:

From the Approval Date to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$7,500 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.

**#6** In the matter of a proposed revocable consent authorizing 231 Carlton Avenue LLC to construct, maintain and use a stoop, steps and a fenced-in area on the east sidewalk of Carlton Avenue, between Willoughby Avenue and Dekalb Avenue at 231 Carlton Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City:

From the Approval Date to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$7,500 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.

**#7** In the matter of a proposed revocable consent authorizing 231 Carlton Avenue LLC to construct, maintain and use a stoop, steps and a fenced-in area on the east sidewalk of Carlton Avenue, between Willoughby Avenue and Dekalb Avenue, at 233 Carlton Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City:

From the Approval Date to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$7,500 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.

**#8** In the matter of a proposed revocable consent authorizing Lenox Hill Hospital to continue to maintain and use a conduit under and across East 76th Street, east of Park Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2005 to June 30, 2015 and provides among other terms and conditions for compensation payable to the City:

For the period July 1, 2005 to June 30, 2006 - \$12,910  
For the period July 1, 2006 to June 30, 2007 - \$13,271  
For the period July 1, 2007 to June 30, 2008 - \$13,632  
For the period July 1, 2008 to June 30, 2009 - \$14,041  
For the period July 1, 2009 to June 30, 2010 - \$14,462  
For the period July 1, 2010 to June 30, 2011 - \$14,905  
For the period July 1, 2011 to June 30, 2012 - \$15,338  
For the period July 1, 2012 to June 30, 2013 - \$15,784  
For the period July 1, 2013 to June 30, 2014 - \$16,230  
For the period July 1, 2014 to June 30, 2015 - \$16,676

the maintenance of a security deposit in the sum of \$16,700 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#9** In the matter of a proposed revocable consent authorizing Lenox Hill Hospital to continue to maintain and use six conduits under and across East 77th Street, west of Lexington Avenue, in the Borough of Manhattan. The

proposed revocable consent is for a term of ten years from July 1, 2005 to June 30, 2015 and provides among other terms and conditions for compensation payable to the City:

For the period July 1, 2005 to June 30, 2006 - \$12,103  
For the period July 1, 2006 to June 30, 2007 - \$12,442  
For the period July 1, 2007 to June 30, 2008 - \$12,781  
For the period July 1, 2008 to June 30, 2009 - \$13,164  
For the period July 1, 2009 to June 30, 2010 - \$13,559  
For the period July 1, 2010 to June 30, 2011 - \$13,974  
For the period July 1, 2011 to June 30, 2012 - \$14,381  
For the period July 1, 2012 to June 30, 2013 - \$14,799  
For the period July 1, 2013 to June 30, 2014 - \$15,217  
For the period July 1, 2014 to June 30, 2015 - \$15,635

the maintenance of a security deposit in the sum of \$15,700 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#10** In the matter of a proposed revocable consent authorizing The Conselyea to maintain and use an existing fenced-in area on the north sidewalk of Conselyea Street, east of Manhattan Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City:

From the Approval Date to June 30, 2023 - \$152/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.

**#11** In the matter of a proposed revocable consent authorizing Red Herring Film Trust to construct, maintain and use a snowmelt system in the north sidewalk of West 12th Street, west of Greenwich Street, and in the west sidewalk of Greenwich Street, north of West 12th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City:

From Date of approval to June 30, 2013 - \$6,062/annum.

For the period July 1, 2013 to June 30, 2014 - \$6,238  
For the period July 1, 2014 to June 30, 2015 - \$6,414  
For the period July 1, 2015 to June 30, 2016 - \$6,590  
For the period July 1, 2016 to June 30, 2017 - \$6,766  
For the period July 1, 2017 to June 30, 2018 - \$6,942  
For the period July 1, 2018 to June 30, 2019 - \$7,118  
For the period July 1, 2019 to June 30, 2020 - \$7,294  
For the period July 1, 2020 to June 30, 2021 - \$7,470  
For the period July 1, 2021 to June 30, 2022 - \$7,646  
For the period July 1, 2022 to June 30, 2023 - \$7,822

the maintenance of a security deposit in the sum of \$8,000 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.

m16-j6

## PROPERTY DISPOSITION

### POLICE

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

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

**Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.**

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

#### INQUIRIES

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

#### FOR MOTOR VEHICLES

(All Boroughs):

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

#### FOR ALL OTHER PROPERTY

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

j1-d31

## PROCUREMENT

**“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.”**

## ADMINISTRATION FOR CHILDREN’S SERVICES

### ■ SOLICITATIONS

*Human / Client Services*

**NON-SECURE DETENTION GROUP HOMES –** Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06811N0004 – DUE 05-31-13 AT 2:00 P.M. – The Administration for Children’s Services, Division of Youth and Family Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 5/31/13.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Administration for Children’s Services, 150 William Street, 9th Floor, New York, NY 10038. Patricia Chabla (212) 341-3505; Fax: (212) 341-3625; patricia.chabla@dfa.state.ny.us*

j1-n14

**SPECIALIZED TEEN PREVENTIVE SERVICES –** Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 06812P0002 – DUE 07-16-12 AT 2:00 P.M. – Pre-proposal conference will be held Friday, June 1, 2012 at 10:00 A.M. at The Children’s Center located at 492 First Avenue, New York, NY 10016.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Administration for Children’s Services, 150 William Street, 9th Floor, NY, NY 10038. Rafael Asusta (212) 341-3511; rafael.asusta@acs.nyc.gov*

m18

## CITYWIDE ADMINISTRATIVE SERVICES

### ■ SOLICITATIONS

*Goods*

**PRE-SOLICITATION CONFERENCE: SCOOTER, THREE WHEEL - NYPD –** Other – PIN# 857PS1200601 – DUE 06-05-12 AT 1:00 P.M. – Pre-solicitation conference for the above-listed commodity will be held on June 5, 2012 at 1:00 P.M. at DCAS/OCP, 1 Centre Street, 18th Floor South, Pre-Bid Conference Room, New York, NY 10007. Please review the attached specification before you attend the conference.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10028. Joseph Vacirca (212) 669-8616; Fax: (212) 669-7581; jvacirca@dcas.nyc.gov*

m18

## MUNICIPAL SUPPLY SERVICES

### ■ SOLICITATIONS

*Goods*

**FRESH, FROZEN MEATS, POULTRY AND FISH - DYFJ –** Competitive Sealed Bids – PIN# 8571200589 – DUE 06-04-12 AT 10:00 A.M. – A copy of the bid can be downloaded from the City Record Online at <http://a856-internet.nyc.gov/nycvendronline/home.asp> Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov), by telephone at (212) 669-8610 or by fax at (212) 669-7603.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Edith Fezzuoglio (212) 669-8589; Fax: (212) 313-3164; efezzuo@dcas.nyc.gov*

m18

## AWARDS

Goods

**SWINGS, PLAYGROUND AND ACCESSORIES** – Competitive Sealed Bids – PIN# 8571200175 – AMT: \$215,730.00 – TO: Alter Lev Inc., 1004 Cortelyou Road, Brooklyn, NY 11218.

m18

## VENDOR LISTS

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.

j5-d31

## CORRECTION

## CENTRAL OFFICE OF PROCUREMENT

## AWARDS

Services (Other Than Human Services)

**NEGOTIATED ACQUISITION EXTENSION TO THE EXISTING CONTRACT TO PROVIDE MEPE ENGINEERING CONSULTING SERVICES FOR VARIOUS DOC FACILITIES** – Negotiated Acquisition – Available only from a single source - PIN# 072201246CPD – AMT: \$1,333,000.00 – TO: Louis Berger and Associates, P.C., 48 Wall Street, 16th Floor, New York, NY 10005.  
**● PROVIDE MEPE ENGINEERING CONSULTING SERVICES FOR VARIOUS DOC FACILITIES** – Negotiated Acquisition – Available only from a single source - PIN# 072201247CPD – AMT: \$1,500,000.00 – TO: Greenman-Pedersen, Inc., 400 Rella Blvd., Suite 207, Montebello, NY 10901.

m18

## ENVIRONMENTAL PROTECTION

## AGENCY CHIEF CONTRACTING OFFICER

## SOLICITATIONS

Services (Other Than Human Services)

**NEGOTIATED ACQUISITION - NYC CLEAN HEAT PROGRAM** – Negotiated Acquisition – PIN# 82612N0008 – DUE 05-24-12 AT 4:00 P.M. – The Department of Environmental Protection intends to enter into a Negotiated Acquisition with Environmental Defense Fund (EDF) for technical assistance for building owners and managers to aid in their conversion from No. 6 and No. 4 heating oil to a cleaner burning fuel as part of the NYC Clean Heat Program. Any firm that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing to the address listed here and received by May 25, 2012. You may join the City Bidders list by filling out the “NYC-FMS Vendor Enrollment Application” available on-line at “NYC.gov/selltonyc” and in hard copy by calling the Vendor Enrollment Center (212) 857-1680.

Time sensitive Procurement - Expected Contract Start Date: 7/1/2012.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Department of Environmental Protection,  
 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373.  
 Glorivee Roman (718) 595-3226; Fax: (718) 595-3208;  
 glroman@dep.nyc.gov

m17-23

## 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.

j1-d31

## SOLICITATIONS

Goods &amp; Services

**ADDITIONAL EXTERIOR WAYFINDING SIGNAGE AT KINGS COUNTY HOSPITAL CENTER** – Competitive Sealed Bids – KCB# 11/12 – DUE 06-06-12 AT 3:00 P.M. – Contractor to furnish all labor, materials and equipment necessary and required to provide Additional Exterior Wayfinding Signage at Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203.

Estimated cost for this project is \$60K to 80K.

There will be one (1) non-mandatory pre-bid meeting followed by walk thru on Thursday, May 24, 2012 at 10:30 A.M. at “E” Building, Conference Room, 2nd Floor, Room #2236. Prospective bidders are advised that information from the New York City Record should be followed.

Request for Bid package should be e-mailed to: Rup.bhowmick@nychhc.org or by calling at (718) 245-2122. Upon pre-arrangement bid packages will be available at: Purchasing Dept., Support Office Building, 2nd Floor, Room #251, 591 Kingston Avenue, Brooklyn, NY 11203.

A fee of \$25.00 (non-refundable) shall be required to secure a complete set of bid documents. Payment shall be in the form of cashier's check or money order payable to: KCHC Comptroller's Office.

Prospective bidders are strongly advised to purchase bid documents prior to attending walk thru. Bid security in the form of Bid Bond in the amount of 10 percent of the bid price shall require.

The required bid documents must be completed and returned to KCHC, Purchasing Department.

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.  
 Kings County Hospital Center, Purchasing Department,  
 451 Clarkson Avenue, S.O.B, Room #S251, Brooklyn, NY 11203. Rup Bhowmick (718) 245-2122; Fax: (718) 245-5459;  
 Rup.Bhowmick@nychhc.org

m18

**DIRECT DEPOSIT VIA EFT** – Request for Proposals – PIN# HHC1996 – DUE 06-15-12 AT 5:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Health and Hospitals Corporation, 160 Water Street,  
 6th Floor, Room 642, NYC, NY 10038.  
 Martin Genee (646) 458-2026; Fax: (646) 458-2005;  
 Martin.Genee@nychhc.org

m18

## HEALTH AND MENTAL HYGIENE

## AGENCY CHIEF CONTRACTING OFFICER

## SOLICITATIONS

Human / Client Services

**NEW YORK/NY III SUPPORTED HOUSING CONGREGATE** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 81608PO076300ROX00-R – DUE 09-18-12 AT 4:00 P.M. – The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York III Supported Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. The RFP is available on-line at <http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynycongregate-20070117-form.shtml>. A pre-proposal conference was held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, N.Y. Any questions regarding this RFP must be sent in writing in advance to Contracting Officer at the above address or e-mailed to the above address. All proposals must be hand delivered at the Agency Chief Contracting Officer, Gotham Center, CN#30A, 42-09 28th Street, 17th Floor, Queens, NY 11101-4132, no later than September 18, 2012.

As a minimum qualification requirement for (1) the serious and persistent mentally ill populations, the proposer must be incorporated as a not-for-profit organization, and (2) for the young adult populations, the proposer must document site control and identify the source of the capital funding and being used to construct or renovate the building.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Health and Mental Hygiene, ACCO, Gotham Center, CN#30A,  
 42-09 28th Street, 17th Floor, Queens, NY 11101-4132.  
 Huguette Beauport (347) 396-6633; hbeaupor@health.nyc.gov

a6-s17

## HUMAN RESOURCES ADMINISTRATION

## CONTRACT MANAGEMENT

## AWARDS

Services (Other Than Human Services)

**UNARMED TRAINED SECURITY GUARD SERVICES, CITYWIDE** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06906B0007CNVN003 – AMT: \$34,009,808.00 – TO: FJC Security Services, Inc., 275 Jericho Turnpike, Floral Park, NY 11001. The contract term is 5/1/12 - 4/30/13 and the internal PIN number is 069-12-110-0022.

m18

## PARKS AND RECREATION

## CAPITAL PROJECTS

## INTENT TO AWARD

Construction Related Services

**DESIGN AND CONSTRUCTION MANAGEMENT SERVICES** – Negotiated Acquisition – Available only from a single source - PIN# 8462012X126S01 – DUE 05-21-12 AT 4:30 P.M. – Department of Parks and Recreation, Capital Projects Division, intends to enter into a Negotiated Acquisition with Sanford Golf Design for Extended Design and Construction Management Services for the Construction of a Tournament-Quality Golf Course at Ferry Point Park, located in The Bronx.

Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing to the address listed here and received by May 21st, 2012. You may join the City Bidders list by filling out the “NYC-FMS Vendor Enrollment Application” available on-line at “NYC.gov/selltonyc” and in hard copy by calling the Vendor Enrollment Center (212) 857-1680.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Parks and Recreation, Olmsted Center, Room 60,  
 Flushing Meadows-Corona Park, Flushing, NY 11368.  
 Grace Fields-Mitchell (718) 760-6687; Fax: (718) 760-6885;  
 grace.fields-mitchell@parks.nyc.gov

m14-18

**RECONSTRUCTION OF A SOCCER FIELD IN STARLIGHT PARK** – Contract with another Government – PIN# 84610028909C1 – DUE 05-25-12 AT 4:30 P.M. – Department of Parks and Recreation, Capital Projects Division, intends to enter into a Betterment Project Agreement with the New York State Department of Transportation, to provide services for the Reconstruction of a soccer field with synthetic turf in Starlight Park, The Bronx.

Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing to the address listed here and received by May 25th, 2012. You may join the City Bidders list by filling out the “NYC-FMS Vendor Enrollment Application” available on-line at “NYC.gov/selltonyc” and in hard copy by calling the Vendor Enrollment Center (212) 857-1680.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Parks and Recreation, Olmsted Center, Room 60,  
 Flushing Meadows-Corona Park, Flushing, NY 11368.  
 Grace Fields-Mitchell (718) 760-6687; Fax: (718) 760-6885;  
 grace.fields-mitchell@parks.nyc.gov

m14-18

## CONTRACT ADMINISTRATION

## SOLICITATIONS

Construction / Construction Services

**PLANTING OF NEW AND REPLACEMENT STREET TREES** – Competitive Sealed Bids – PIN# 8462012B000C10 – DUE 06-11-12 AT 10:30 A.M. – In Community Boards 1-4, 6, 8, and 9, Brooklyn, known as Contract #BG-312M PLaNYC. E-PIN: 84612B0112.

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

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

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## REVENUE AND CONCESSIONS

## SOLICITATIONS

Services (Other Than Human Services)

**TENNIS PROFESSIONAL CONCESSIONS AT VARIOUS LOCATIONS, CITYWIDE** – Competitive Sealed Bids – PIN# CWTP2012 – DUE 05-25-12 AT 3:00 P.M. – The New York City Department of Parks and Recreation (“Parks”) is issuing, as of the date of this notice, a Request for Bids (“RFB”) for the operation of tennis professional concessions at various locations, Citywide. All bids for this RFB must be submitted no later than Friday, May 25, 2015 at 3:00 P.M.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Parks and Recreation, The Arsenal-Central Park,  
 830 Fifth Avenue, Room 407, New York, NY 10021.  
 Evan George (212) 360-3495; Fax: (917) 849-6623;  
 evan.george@parks.nyc.gov

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## POLICE

## CONTRACT ADMINISTRATION UNIT

## SOLICITATIONS

Construction Related Services

**BID EXTENSION; REBID; UPGRADE/RENOVATE BATHROOMS/TOILETS** – Competitive Sealed Bids – PIN# 05612B0003 – DUE 06-13-12 AT 11:00 A.M. – REBID: At the 123rd Precinct Station House - EPIN 05612B0003 - Agency PIN 056120000777. A mandatory pre-bid conference is scheduled to be held 10:00 A.M., Wednesday, May 30, 2012 at the 123rd PSH located at 116 Main Street, Staten Island, New York. This procurement is subject to the Project Labor Agreement (“PLA”) entered into between the City and the Building and Construction Trades Council of Greater New York (“BCTC”) affiliated Local Unions. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

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.  
 Police Department, 51 Chambers Street, Room 310, New York, NY 10007. Stephanie Gallop (646) 610-5225;  
 stephanie.gallop@nypd.org

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## SCHOOL CONSTRUCTION AUTHORITY

### CONTRACT ADMINISTRATION

#### SOLICITATIONS

*Construction / Construction Services*

**NEW ELEVATOR/FIRE ALARM** – Competitive Sealed Bids – PIN# SCA12-13884D-1 – DUE 06-08-12 AT 10:30 A.M. – Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA. Range: \$3,370,000.00 to \$3,550,000.00.

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

School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Stacia Edwards (718) 752-5849; sedwards@nycsca.org

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## TRANSPORTATION

### ADMINISTRATION

#### SOLICITATIONS

*Services (Other Than Human Services)*

**ADVERTISING AND MEDIA SERVICES, CITYWIDE** – Request for Proposals – PIN# 84112MBAD645 – DUE 06-20-12 AT 2:00 P.M. – Solicitation documents will be available for download free of charge from the City Record Website at <http://a856-internet.nyc.gov/nycvendoronline/home.asp>

A printed copy of the solicitation can also be purchased. A deposit of \$50.00 is required for the proposal 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.

A Pre-Proposal Conference (Optional) will be held on Tuesday, June 5, 2012 at 2:00 P.M. at 55 Water Street, Ground Floor Conference Room, New York, NY 10041 (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.). For additional information, please contact Junaid Syed, P.E. (212) 839-9297.

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

Department of Transportation, Office of the Agency Chief Contracting Officer, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. 9:00 A.M. - 3:00 P.M., Monday to Friday (Holidays excluded). Bid Window (212) 839-9435.

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## AGENCY RULES

### MAYOR'S OFFICE OF CONTRACT SERVICES

#### NOTICE

#### NOTICE OF ADOPTION

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Director of Citywide Environmental Purchasing ("Director") by Chapter 3 of Title 6 of the Administrative Code of the City of New York and in accordance with the requirements of §1043 of the New York City Charter, the Director promulgates and adopts amendments to Chapter 11 of Title 43 of the Rules of the City of New York, which governs the Environmentally Preferable Purchasing Program.

The amendments were published in *The City Record* on February 27, 2012, and the required public hearing was held on March 29, 2012. These rules will take effect 30 days after publication.

#### Statement of Basis and Purpose

The purpose of the proposed rule amendments is to:

- incorporate certain terms from § 6-301 of Title 6 of the Administrative Code and Local Law 123 relating to the purchase of environmentally preferable products into the "Definitions" section (11-1) of Chapter 11 of Title 43 of the RCNY,
- reduce hazardous substances by applying the City's environmentally preferable purchasing standards (in existing sections 11-3, 11-4, and 11-5, and the proposed new sections 11-8 and 11-9) to the purchase or lease of applicable products by City agencies as well as by City contractors for construction work through an expanded applicability rule (section 11-2),
- reduce hazardous substances through the addition of an environmental purchasing standard (within section 11-6) that reduces the City's purchase and use of added urea-formaldehyde resins in composite wood or agrifiber products,
- reduce hazardous substances through the addition of an environmental purchasing standard (within section 11-7) that requires the City's purchase and use of paper products processed without any chlorine or chlorine derivatives, the combustion of which has been determined to be the largest

- contributor of dioxin into the atmosphere, conserve energy and water by expanding the types of energy- and water-using products that are required to meet the energy and water efficiency standards set forth by the U.S. Department of Energy's Federal Energy Management Program ("FEMP"), within a new subchapter (3: Energy and Efficiency) and a new section (11-8),
- increase the use of recycled and reused materials by incorporating several new products that are required to meet the minimum recycled content standards set forth by the U.S. Environmental Protection Agency's Comprehensive Procurement Guideline for Products Containing Recovered Materials ("CPG"), within a new subchapter (4: Recycled Materials) and a new section (11-9), and
- improve indoor air quality and enhance environmental health by establishing new green cleaning product purchasing standards, within a new subchapter (5: Green Cleaning) and a new section (11-10).

#### Background

In 2005, the New York City Council passed Local Laws 118, 119, 120, and 121 to establish environmentally preferable standards for products purchased by the City. The purchase of such products protects the environment by reducing the City's energy consumption, air pollution, hazardous releases, and water use. Local Law 118 also created the position of Citywide Director of Environmental Purchasing ("Director"), who is responsible for issuing rules and establishing environmental purchasing standards to:

- conserve energy and water;
- increase the use of recycled and reused materials;
- reduce hazardous substances, especially persistent, bioaccumulative and toxic chemicals;
- decrease greenhouse gas emissions;
- improve indoor air quality;
- promote end-of-life management; and
- reduce waste.

In 2005, the City Council also passed Local Law 123, which required the Director to develop and administer a green cleaning pilot program to determine the feasibility of using green cleaning products in City facilities and to assess products selected for the program based upon effectiveness, health and safety, and costs and savings. Based on the results of the pilot program, the Director developed the new green cleaning product purchasing standards in the proposed rule amendments.

#### Statutory Authority

The proposed rule amendments are being promulgated pursuant to the Director's authority as set forth in §§ 6-302, 6-304, 6-306, 6-308, 6-312, 6-313, 6-314, 6-315, and 6-316 of Title 6 of the Administrative Code to:

- develop, establish, and promulgate rules and implement environmental purchasing standards, designate any contract as being subject to Chapter 11 of Title 43 of the RCNY in whole or in part,
- promulgate rules to conserve energy and water; increase the use of recycled and reused materials; reduce hazardous substances, with an emphasis on persistent, bioaccumulative and toxic chemicals; and improve indoor air quality,
- promulgate rules to reduce the City's purchase or lease of composite wood or agrifiber products that contain added urea-formaldehyde resins,
- promulgate rules to reduce the City's purchase or lease of materials whose combustion may lead to the formation of dioxin or dioxin-like compounds, make a determination whether certain products purchased or leased by a City agency must comply with energy efficiency or flow rate standards recommended by FEMP,
- make a determination whether certain products purchased or leased by a City agency contain at least the minimum amount of recovered material and postconsumer material recommended in the most recent CPG notice,
- publish a list of green cleaning products for the City's purchase and use that have been determined to be feasible under the green cleaning pilot program or through any other testing and evaluation conducted by the Director,
- review and, if necessary, update or revise the City's environmental purchasing standards at least once every two years.

#### The Proposed Rule Amendments

New material is underlined and deletions are [bracketed].

#### Section 1. Subdivision (a) of Section 11-1 of Subchapter 1 of Chapter 11 of Title 43 of the Rules of the City of New York is amended as follows:

§ 11-1 **Definitions.** (a) For the purposes of this chapter only, the following terms shall have the following meanings:

- (1) "Added urea-formaldehyde resins" means any one of a class of substances belonging to the family of organic polymers prepared by heating urea and formaldehyde in the presence of mild alkalies, such as pyridine or ammonia.
- (2) "Air freshener" means any product including, but not limited to, sprays, wicks, powders, blocks, gels and crystals, designed for the purpose of masking odor or freshening, cleaning, scenting or deodorizing the air, but such term shall not include any product that is used on the human body or any product that functions primarily as a cleaning or disinfectant product claiming to deodorize by killing germs on surfaces.
- [(1)] (3) "Architectural coatings" means any coating to be applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. This term shall not include the following: marine-based paints and coatings;

coatings or materials to be applied to metal structures, such as bridges; or coatings or materials labeled and formulated for application in roadway maintenance activities.

(4) "Bathroom cleaner" means any product used to clean hard surfaces in a bathroom, such as counters, walls, floors, fixtures, basins, tubs and tiles. This term may include products that are required to be registered under the federal insecticide fungicide and rodenticide act, such as disinfectants and sanitizers, but shall not include products specifically intended to clean toilet bowls.

[(2)] (5) "Cadmium plating" means any deposit or coating of metallic cadmium on a metallic surface.

[(3)] (6) "Carpet" means any fabric used as a floor covering, but such term shall not include artificial turf.

[(4)] (7) "Carpet adhesive" means any substance used to adhere carpet to a floor by surface attachment, including any latex multi-purpose floor adhesive, pressure-sensitive floor adhesive, vinyl-backed floor adhesive, latex seam adhesive, vinyl-backed seam sealer, cove base adhesive, tackless cushion adhesive and contact adhesive.

[(5)] (8) "Carpet cushion" means any kind of material placed under carpet to provide softness when it is walked upon.

[(6)] (9) "Cathode ray tube" means any vacuum tube, typically found in computer monitors, televisions and oscilloscopes, in which a beam of electrons is projected on a phosphorescent screen.

(10) "City's environmental purchasing standards" or "city environmental purchasing standard" means any standard set forth in chapter 3 of title 6 of the administrative code of the city of New York, and any directives, guidelines or rules promulgated by the director of citywide environmental purchasing pursuant to chapter 3 of title 6 of such code.

[(7)] (11) "Clear brushing lacquer" means any clear wood finish, excluding any clear lacquer sanding sealer, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, that is intended exclusively for application by brush.

[(8)] (12) "Coating" means any material that is applied to a surface in order to beautify, protect, or provide a barrier to such surface.

(13) "Composite wood or agrifiber product" means any plywood, particleboard, chipboard, medium density fiberboard, standard fiberboard, orient strand board, glulam product, wheatboard or strawboard or any other particleboard made from post-agricultural resources.

(14) "Construction work" means any work or operations necessary or incidental to the erection, demolition, assembling or alteration of any building, but such term shall not include minor repairs.

(15) "Contractor" means any person or entity that enters into a contract with any agency, or any person or entity that enters into an agreement with such person or entity, to perform work or provide labor or services related to such contract.

(16) "CPG" means the Comprehensive Procurement Guideline for Products Containing Recovered Materials, as set forth in part 247 of title 40 of the United States code of federal regulations.

(17) "Degreaser" means any product designed to remove or dissolve grease, grime, oil and other oil-based contaminants from interior or exterior building surfaces.

(18) "Dioxin producing product" means any product that leads to the formation of dioxin or dioxin-like compounds upon combustion.

[(9)] (19) "Director" means the director of citywide environmental purchasing.

(20) "Disinfectant" means any United States environmental protection agency-registered agent that is used to destroy or irreversibly inactivate infectious fungi, viruses and bacteria, but not necessarily their spores. This term shall include any agent that is required to be registered under the federal insecticide, fungicide, and rodenticide act.

(21) "EcoLogo" means a Type I eco-label, as defined by the International Organization for Standardization. The EcoLogo Program compares products and/or services with others in the same category, develops rigorous and scientifically relevant criteria that reflect the entire lifecycle of the product, and awards the EcoLogo label to those that are verified by an independent third party as complying with the criteria.

[(10)] (22) "Emission factor" means the mass of a volatile organic compound emitted from a specific unit area, mass or length, as appropriate, of product surface per unit of time.

(23) "ENERGY STAR labeled" means a designation indicating that a product meets the energy efficiency standards set forth by the United States environmental protection agency and the United States department of energy for compliance with the ENERGY STAR program.

[(11)] (24) "Flat paint" means any coating that registers a gloss of less than 15 on an 85-degree meter or less than 5 on a 60-degree meter.

[(12)] (25) "Floor coating" means any opaque coating that is formulated for or applied to flooring, including but not limited to decks, porches, gymnasiums, and bowling alleys, but does not include any industrial maintenance coating.

(26) "Flow rate" means the volume, mass, or weight of water flowing past a given point per unit of time.

(27) "Fragrance" means a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components with a combined vapor pressure not in excess of 2 mm of Hg at 20°C, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

(28) "General-purpose cleaner" means any product used for routine cleaning of hard surfaces, including impervious flooring, such as concrete or tile. This term shall not include any cleaner intended primarily for the removal of rust, mineral deposits or odors; any product intended primarily to strip, polish, or wax floors; any cleaner intended primarily for cleaning toilet bowls, dishes, laundry, glass, carpets, upholstery, wood or polished surfaces; or any product required to be registered under the federal insecticide fungicide and rodenticide act, such as those making claims as sterilizers, disinfectants or sanitizers.

(29) "Glass cleaner" means any product used to clean windows, glass and polished surfaces. This term shall not include any product required to be registered under the federal insecticide fungicide and rodenticide act, such as those making claims as sterilizers, disinfectants or sanitizers.

(30) "Green Seal" means the independent, non-profit organization that sets standards for environmentally responsible products.

(13) (31) "Homogeneous" means of uniform composition throughout, such as plastics, ceramics, glass, metals, alloys, paper, board, resins and coatings.

(14) (32) "Homogeneous material" means a material that cannot be mechanically disjointed into different materials through actions such as unscrewing, cutting, crushing, grinding and abrasive processes.

(15) (33) "Lacquer" means any clear or pigmented wood finish, including clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

(16) (34) "Lamp" means any glass envelope with a gas, coating, or filament that produces visible light when electricity is applied, but such term shall not include automotive light bulbs.

(17) (35) "Lamp life" means the rated hours of output for a fluorescent tube lamp measured using instant-start ballasts at 3 hours per start, except for T5 lamps, which shall be measured using program start ballasts.

(36) "LVP-VOC" means a chemical compound or mixture that contains at least one carbon atom and meets one of the following:

(i) has a vapor pressure less than 0.1 mm Hg at 20°C, as determined by the California Air Resources Board ("ARB") Method 310; or,

(ii) is a chemical compound with more than 12 carbon atoms, or a chemical mixture comprised solely of compounds with more than 12 carbon atoms, as verified by formulation data, and the vapor pressure and boiling point are unknown; or,

(iii) is a chemical compound with a boiling point greater than 216°C, as determined by ARB Method 310; or,

(iv) is the weight percent of a chemical mixture that boils above 216°C, as determined by ARB Method 310.

For the purposes of the definition of LVP-VOC, chemical "compound" means a molecule of definite chemical formula and isomeric structure, and chemical "mixture" means a substance comprised of two or more chemical compounds.

(18) (37) "Maximum mercury" means the total weight of mercury in a lamp.

(19) (38) "Medical device" means any equipment for fertilization testing, laboratory equipment for in-vitro diagnosis, medical analyzer, medical freezer, pulmonary ventilator, cardiology, dialysis, radiotherapy or nuclear medicine equipment and any other appliance for detecting, preventing, monitoring, treating, alleviating illness, injury or disability.

(39) "Minor repairs" means the replacement of any part of a building for which a permit issued by the department of buildings is not required by law, where the purpose and effect of such work or replacement is to correct deterioration or decay of or damage to such building or any part thereof and to restore same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

(20) (40) "Monitoring and control instrument" means any heating regulator, smoke detector, thermostat, device for measuring, weighing or adjusting any device for use in a household or laboratory and any other monitoring and control instrument used in industrial installations.

(21) (41) "Multi-function device" means any physically integrated device or a combination of functionally integrated components that performs the function of a copier as well as the functions at least one of the following devices: printer, facsimile machine or scanner.

(22) (42) "Nonflat paint" means any coating that registers a gloss of 5 or greater on a 60 degree meter and a gloss of 15 or greater on an 85 degree meter.

(43) "Paper product" means any commercial/industrial sanitary tissue products, miscellaneous papers, newsprint, paperboard and packaging products, or printing and writing papers as such terms are used in the CPG.

(23) (44) "Primer" means any coating applied to a substrate to provide a firm bond between the substrate and subsequent coats.

(45) "Process-chlorine free" means a paper recycling process in which no chlorine or chlorine derivatives were used.

(24) (46) "Rust preventative/anti-corrosive paint" means any coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces.

(25) (47) "Sanding sealer" means any clear or semi-transparent wood coating formulated for or applied to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A sanding sealer that also meets the definition of a lacquer is not included in this category, but it is included in the lacquer category.

(48) "Sanitizer" means any United States environmental protection agency-registered agent that is used to reduce, but not necessarily eliminate, microorganisms to levels considered safe by public health codes or regulations. This term shall include any agent that is required to be registered under the federal insecticide fungicide and rodenticide act.

(26) (49) "Selected test method" means the American Society for Testing and Materials test method D 5116 (guide for small-scale environmental chamber determinations of organic emissions from indoor materials/products).

(27) (50) "Varnish" means any clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.

(28) (51) "Volatile organic compound" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions, as specified in part 51.100 of chapter 40 of the United States code of federal regulations.

**Section 2. Section 11-2 of Subchapter 1 of Chapter 11 of Title 43 of the Rules of the City of New York is amended as follows:**

§ 11-2 **Applicability, exemptions and waivers.** Except as provided for in sections 11-6, 11-7, and 11-10 and

notwithstanding sections 6-302(a)(3)(i)-(vi) of the administrative code of the city of New York, [T]hese rules shall apply to products purchased or leased by any agency or purchased or leased by a contractor pursuant to any contract with any agency for construction work in any building, such contracts being designated as being subject to this chapter, pursuant to section 6-302 of the administrative code of the city of New York on the applicability of the environmentally preferable purchasing program contained in chapter three of title six of such code. These rules shall be subject to any exemption or waiver contained in section 6-303 of such code or contained in any other provision of such chapter.

**Section 3. Subdivision (a) of Section 11-3 of Subchapter 2 of Chapter 11 of Title 43 of the Rules of the City of New York is amended as follows:**

§ 11-3 **Hazardous content of electronic devices.** (a) No new cathode ray tube, product containing a cathode ray tube, liquid crystal display (LCD), plasma screen or other flat panel television or computer monitor or similar video display product, desktop computer or laptop computer, computer peripheral including, but not limited to, a keyboard, mouse and other pointing device, printer, scanner, facsimile machine and card reader, copier, and multi-function device [purchased or leased by any agency] shall contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers, except that this section shall not apply to:

\*\*\*

**Section 4. Subdivisions (a)(1), (a)(2), (b)(1), and (b)(2) of Section 11-4 of Subchapter 2 of Chapter 11 of Title 43 of the Rules of the City of New York is amended as follows:**

§ 11-4 **Volatile organic compounds and other airborne hazards.** (a) (1) No carpet or carpet adhesive [purchased or leased by any agency] shall contain any volatile organic compound in any concentration exceeding that specified below, according to the selected test method.

\*\*\*

(2) No carpet cushion [purchased or leased by any agency] shall contain any volatile organic compound in any concentration exceeding that specified below, according to the selected test method.

\*\*\*

(b) (1) No architectural coating regulated under part 205 of title six of the New York codes, rules and regulations [and purchased or leased by any agency] shall contain any volatile organic compound in any concentration exceeding that permitted under such part.

\*\*\*

(2) None of the following architectural coatings [purchased or leased by any agency] shall contain any volatile organic compound in any concentration exceeding that specified below, according to the selected test method.

\*\*\*

**Section 5. Section 11-5 of Subchapter 2 of Chapter 11 of Title 43 of the Rules of the City of New York is amended as follows:**

§ 11-5 **Mercury-added lamps.** Any of the following mercury-added lamps [purchased or leased by any agency] shall comply with the standards specified below:

\*\*\*

**Section 6. Subchapter 2 of Chapter 11 of Title 43 of the Rules of the City of New York is amended by adding a new Section 11-6, Added urea-formaldehyde resins reduction, to read as follows:**

§ 11-6 **Added urea-formaldehyde resins reduction.** Any of the following composite wood or agrifiber products containing added urea-formaldehyde resins purchased or leased by any agency shall meet the standards specified below, except that this section shall not apply to any composite wood or agrifiber product containing added urea-formaldehyde resins purchased or leased by any contractor pursuant to any contract with any agency.

Product	Formaldehyde Emission Standards (ppm)*
Hardwood Plywood-Veneer Core	0.08
Hardwood Plywood-Composite Core	0.08
Particleboard	0.18
Medium Density Fiberboard	0.21
Thin Medium Density Fiberboard	0.21
Orient Strand Board	No added urea formaldehyde resins
Glulam Product	No added urea formaldehyde resins
Wheatboard	No added urea formaldehyde resins
Strawboard	No added urea formaldehyde resins

\* Based on the primary test method [ASTM E 1333-96(2002)] in parts per million (ppm).

**Section 7. Subchapter 2 of Chapter 11 of Title 43 of the Rules of the City of New York is amended by adding a new Section 11-7, Dioxin reduction, to read as follows:**

§ 11-7 **Dioxin reduction.** Any of the following dioxin producing products purchased or leased by any agency shall meet the standards specified below, except that this section shall not apply to any dioxin producing products purchased or leased by any contractor pursuant to any contract with any agency.

Product	Standard
Paper Products	Process-chlorine free

**Section 8. Chapter 11 of Title 43 of the Rules of the City of New York is amended by adding a new Subchapter 3, Energy and Efficiency, and a new Section 11-8, Energy and water efficiency standards, to read as follows:**

### SUBCHAPTER 3: ENERGY AND EFFICIENCY

#### § 11-8 Energy and water efficiency standards

§ 11-8 **Energy and water efficiency standards.** (a) Any

energy-using product for which the United States environmental protection agency and the United States department of energy have developed energy efficiency standards for compliance with the Energy Star program shall be ENERGY STAR labeled.

(b) Any faucet, showerhead, toilet, urinal, fluorescent tube lamp, fluorescent ballast, industrial HID luminaire, downlight luminaire, fluorescent luminaire, or compact fluorescent lamp for which the federal energy management program of the United States department of energy has issued product energy efficiency recommendations shall achieve no less energy efficiency or flow rate than the minimum recommended in such recommendations unless the director makes a determination otherwise for any particular contract.

(c) Any air-cooled chiller or water-cooled chiller for which the federal energy management program of the United States department of energy has issued product energy efficiency recommendations shall achieve no less energy efficiency or flow rate than the minimum recommended in such recommendations unless the director makes a determination otherwise for any particular contract.

(d) Any electric motor or microwave oven for which the federal energy management program of the United States department of energy has issued product energy efficiency recommendations shall achieve no less energy efficiency or flow rate than the minimum recommended in such recommendations unless the director makes a determination otherwise for any particular contract.

**Section 9. Chapter 11 of Title 43 of the Rules of the City of New York is amended by adding a new Subchapter 4, Recycled Materials, and a new Section 11-9, Minimum recycled material content, to read as follows:**

### SUBCHAPTER 4: RECYCLED MATERIALS

#### § 11-9 Minimum recycled material content.

§ 11-9 **Minimum recycled material content.** (a) Any of the following products listed in the CPG, that can be procured at a reasonably competitive price, and for which the United States environmental protection agency has issued a recovered materials advisory notice, shall contain no less recovered material and postconsumer material than the minimum amount recommended in the most recent such notice:

- reprographic paper,
- tablet paper,
- envelope paper,
- file folder,
- commercial/industrial sanitary tissue,
- rock wool or fiberglass building insulation,
- polyester carpet,
- flowable fill,
- steel shower or restroom divider/partition,
- traffic cone,
- plastic fencing,
- plastic park bench,
- hydraulic mulch,
- garden or soaker hose,
- plastic trash bag,
- office recycling container,
- office waste receptacle,
- mat,
- signage or pallet.

(b) Any of the following products listed in the CPG, that can be procured at a reasonably competitive price, and for which the United States environmental protection agency has issued a recovered materials advisory notice, shall contain no less recovered material and postconsumer material than the minimum amount recommended in the most recent such notice:

- carpet,
- carpet adhesive,
- carpet cushion,
- cement and concrete,
- commercial and industrial low voltage transformer,
- foam-in-place insulation,
- glass fiber reinforced insulation,
- heavy duty/commercial use floor tile,
- laminated paperboard,
- latex paint,
- loose fill and spray-on cellulose insulation,
- modular threshold ramp,
- nonpressure pipe,
- perlite composition board insulation,
- phenolic rigid foam insulation,
- plastic non-woven batt insulation,
- plastic or aluminum sign,
- plastic or steel sign post/support,
- plastic rigid foam,
- polyisocyanurate/polyurethane-rigid foam insulation,
- residential entry or patio door,
- roof products,
- roofing material,
- steel restroom divider/partition,
- structural fiberboard,
- traffic barricade,
- traffic control device (channelizer),
- traffic control device (delineator),
- traffic control device (flexible delineator).

(c) Notwithstanding subdivisions (a) and (b) of this section, any paper product listed in subdivisions (a) or (b) of this section that can be procured at a reasonably competitive price, and for which the United States environmental protection agency has issued a recovered materials advisory notice, shall contain no less than fifty percent agricultural wastes.

**Section 10. Chapter 11 of Title 43 of the Rules of the City of New York is amended by adding a new Subchapter 5, Green Cleaning, and a new Section 11-10, Green cleaning product categories, to read as follows:**

**SUBCHAPTER 5: GREEN CLEANING****§ 11-10 Green Cleaning product categories**

§ 11-10 Green Cleaning product categories. (a) (1) No agency shall purchase and use bathroom cleaners, degreasers, general purpose cleaners, or glass cleaners, unless such cleaning products comply with the standards set forth by one of the following third-party programs:

- (i) Green Seal;
- (ii) EcoLogo;
- (iii) United States environmental protection agency's design for the environment program; and/or
- (iv) New York State office of general services green cleaning program.

(2) (i) Except as provided for in subdivisions (a)(2)(ii) and (a)(2)(iii) of this section, no agency shall purchase and use any air freshener product containing volatile organic compounds exceeding the maximum percentage specified below.

Product	Maximum Percentage (%) of Volatile Organic Compounds by Weight
Double Phase Aerosols	25
Single Phase Aerosols	30
Dual Purpose Air Fresheners/Disinfectant Aerosols	60
Liquid/Pump Sprays	18
Solids/Semi-Solid	3

(ii) The maximum percentage of volatile organic compounds contained in any air freshener product listed in subdivision (a)(2)(i) of this section shall not apply to any air freshener product:

A) identified as LVP-VOC, or

B) that is comprised entirely of fragrance and does not contain any of the following compounds:

- carbon monoxide;
- carbon dioxide;
- carbonic acid;
- metallic carbides or carbonates;
- ammonium carbonate;
- methane, including methylene chloride (dichloromethane), 1,1,1-trichloroethane (methyl chloroform), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113), 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), chlorodifluoromethane (HCFC-22), 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123), 1,1-dichloro-1-fluoroethane (HCFC-141b), 1-chloro-1,1-difluoroethane (HCFC-142b), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124), trifluoromethane (HFC-23), 1,1,2,2-tetrafluoroethane (HFC-134), 1,1,1,2-tetrafluoroethane (HFC-134a), pentafluoroethane (HFC-125), 1,1,1-trifluoroethane (HFC-143a), 1,1-difluoroethane (HFC-152a), ethoxy-nonafluorobutane (HFE 7200), cyclic, branched, or linear completely methylated siloxanes, and the following classes of perfluorocarbons:
- cyclic, branched, or linear, completely fluorinated alkanes;
- cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine;
- acetone;
- ethane;
- methyl acetate;
- parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene); and
- perchloroethylene (tetrachlorethylene).

(iii) No agency shall purchase and use any solid or semi-solid air freshener product containing para-dichlorobenzene.

(3) No agency shall purchase and use disinfectant or sanitizer unless such product is registered under the federal insecticide fungicide and rodenticide act.

(b) Agencies shall transition to the use of green cleaning products identified in subdivision (a) of this section in a manner that avoids the waste of existing inventories, enables the training of personnel in appropriate green cleaning work practices, and provides for the gradual phase-out of products and practices inconsistent with the use of environmentally preferable purchasing alternatives.

(c) This section shall not apply to products purchased or leased by any contractor pursuant to any contract with any agency.

• m18

## MAYOR'S OFFICE OF ENVIRONMENTAL REMEDIATION

### NOTICE

#### NOTICE OF ADOPTION OF AMENDMENTS TO RULES OF THE NEW YORK CITY BROWNFIELD INCENTIVE GRANT PROGRAM

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Director of Environmental Remediation by subdivision e of section 15 and section 1404 of the New York City Charter, that the Office of Environmental Remediation promulgates and adopts amendments to rules for property owners to comply with (E) Designations, in relation to potential hazardous materials,

air quality and noise impacts. The rules were proposed and published on January 25, 2012. A public hearing was held on February 27, 2012.

### STATEMENT OF BASIS AND PURPOSE

Pursuant to sections 15 (e) and 1404 of the New York City Charter, the Office of Environmental Remediation ("OER") is amending its rules for property owners to comply with (E) Designations in relation to potential hazardous materials, air quality and noise impacts. The amended (E) Designation rules implement a recent amendment to section 11-15 of Zoning Resolution of the City of New York, approved by the City Planning Commission and the City Council on February 29, 2012 and March 28, 2012 respectively, that strengthens, clarifies and increases the flexibility of the (E) Designation Program. In addition, the amended (E) Designation rules represent the first overhaul of the rules for this citywide environmental program in a decade; the proposed rules would:

- reflect OER's role of determining whether owners or developers comply with (E) Designation requirements. OER assumed this role from the Department of Environmental Protection ("DEP") through Local Law 27 of 2009.
- incorporate additional requirements for (E) Designation site investigations mandated by the CEQR Technical Manual, which was revised in May 2010. The Manual sets forth methodologies acceptable to the city for addressing potential environmental impacts from discretionary actions including (E) Designations.
- establish procedures for parties to comply with air and noise (E) Designations.
- establish new requirements for parties that seek to investigate and remediate sites with (E) Designations.

Section 1404 of the Charter provides that OER has the power and duty to administer the (E) Designation program. Section 15(e)(15) authorizes the Director of Environmental Remediation to administer the (E) Designation program. Section 15(e)(18) authorizes the Director to promulgate rules.

### (E) Designations

Under section 11-15 of the Zoning Resolution of the City of New York, a Hazardous Materials, Air Quality or Noise (E) Designation in Appendix C of the Zoning Resolution indicates that environmental requirements have been established for a tax lot. Prior to any improvement at such a lot, including the construction of a new structure or certain remodeling of an existing structure, property owners must demonstrate to OER that the improvement will satisfy the environmental requirements and will occur without potential hazardous material, air quality or noise impacts that could negatively affect construction workers, future users of the lot or those in close proximity to the lot.

### Rule Amendments

Together the amendments to section 11-15 of the Zoning Resolution and the amended (E) Designation rules streamline existing regulations, clarify applicability, strengthen enforcement mechanisms, and create more flexibility in the administration of the (E) Designation program. The amended (E) Designation rules authorize (E) Designations to be placed on properties owned or controlled by private applicants that seek to rezone or modify the use and bulk requirements that apply to their property. Until now, property owned by applicants received an Environmental Restrictive Declaration, primarily addressing hazardous materials conditions on real property, which has proven cumbersome to implement because all parties with a property interest in such a parcel including lenders must execute a restrictive declaration for it to take effect. DEP and the Lead Agency (a government agency proposing a discretionary action that may have a significant impact on the environment) also had to expend resources reviewing the Environmental Restrictive Declarations. The amendment streamlines the process by consolidating these separate mechanisms to address potential hazardous materials contamination and by allowing the placement of (E) Designations instead of Environmental Restrictive Declarations. Related to this rule amendment, the Zoning Resolution text amendment allows a Lead Agency to place (E) Designations on properties that are subject of site-specific actions such as special permits or authorizations, discretionary actions that allow for modifications to use, bulk, or parking regulations or to zoning requirements if certain findings in the Zoning Resolution are met. Until now, (E) designations were placed only on properties that were to be rezoned, typically by the City but also by private applicants where the rezoning included properties that the applicants did not own.

The Zoning Resolution amendment and the amended rules grant OER additional flexibility in managing the (E) Designation program. OER, with the Lead Agency's consent, could modify (E) Designations if a property owner demonstrated that a modification to the (E) Designation was equally protective of human health. The Zoning Resolution amendment also strengthens enforcement of ongoing monitoring of hazardous materials remediation measures by providing that any OER-required ongoing monitoring of properties with hazardous materials (E) Designations (after a property has been remediated and received a notice of satisfaction yet residual contamination remains and requires monitoring of the continued effectiveness of environmental management systems) must be noted on the subject building's certificate of occupancy. As reflected in these rules, the Zoning Resolution amendment authorizes OER to require the property owner to execute and place a Declaration of Covenants and Restrictions on tax lots that require ongoing monitoring. The Zoning Resolution and rules amendments create a clear mechanism for property owners to remove (E) Designations from their parcels. If the owner or developer

achieves a complete cleanup of a tax lot with a hazardous material (E) Designation, or if the source of the noise or air quality (E) Designation is permanently eliminated, OER will issue a final notice of satisfaction which will prompt the Department of City Planning to remove the (E) Designation for the affected lots from the Zoning Resolution.

In addition, the (E) rules describe requirements for property owners who seek to satisfy (E) Designations for hazardous materials, air quality and noise. Specifically, the rule does the following:

- Amends requirements for submitting investigation work plans, Phase II Environmental Site Assessment reports and Remedial Action Plans to the Office of Environmental Remediation;
- Authorizes OER's nullification of a notice to proceed, which is the approval for a property owner to obtain building department permits allowing construction to begin, if the property owner failed to implement an approved Remedial Action Plan within one year of its issuance; and
- Increases (E) program fees that applicants pay for OER's review and approval of projects so OER can increase its staff in order to continue to deliver timely reviews.

### Process to Submit Remedial Action Plan for Air and Noise (E) Designations

In order to satisfy Air Quality or Noise (E) Designations, the rules require property owners to submit a Remedial Action Plan to OER detailing how their proposed development will meet the environmental requirements of their lot's (E) Designation. The rules provide procedures for an applicant to seek OER approval of a modification for certain types of (E) Designation requirements. If OER determines that the Remedial Action Plan meets the requirements of the (E) Designation, OER will recommend that DOB issue the relevant permit. Finally, upon completion of the project, property owners must submit an Installation Report to OER documenting that the Remedial Action Plan was properly implemented. If OER approves the Installation Report, OER will notify DOB that it may issue a temporary certificate of occupancy or a certificate of occupancy.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this office, unless otherwise specified or unless the context clearly indicates otherwise. New text is underlined; deleted material is in [brackets].

### Section 1. Sections 24-01 through 24-10 of Chapter 24 of Title 15 of the Rules of the City of New York are amended to read as follows:

#### § 24-01 Authority.

[These rules are] This chapter is promulgated pursuant to §§ 15 (e), 1403 and 1404 of the Charter of the City of New York and in accordance with § 11-15[(c),] of the Zoning Resolution of the City of New York.

#### §24-02 Applicability.

[These rules] This chapter shall apply in connection with the environmental review pursuant to City Environmental Quality Review (CEQR) of any Zoning [Map] Amendment or Zoning Action subject to review and approval pursuant to §§ 197-c and 197-d of the New York City Charter where one or more tax lots in the area subject to the Zoning [Map] Amendment [, and not under the control or ownership of the person seeking such Zoning Map Amendment,] or Zoning Action have been identified by the Lead Agency as likely to be developed as a direct consequence of the action. [These rules shall not apply to the environmental review by the City of a Zoning Map Amendment as it affects property under the control or ownership of such person, which shall be conducted in accordance with CEQR requirements governing the review of potential hazardous material contamination or noise or air quality impacts for such property.]

#### § 24-03 Definitions.

The following definitions shall apply to this [rule] chapter, § 24-01 et seq., unless the text specifically indicates otherwise:

**Alternate Means of Ventilation.** "Alternate Means of Ventilation" means a device that introduces fresh air into a building and thereby allows operable windows to be closed at all times.

**CEQR.** "CEQR" shall mean the City Environmental Quality Review, Chapter 5 of Title 62 of the Rules of the City of New York.

**CEQR Determination.** "CEQR Determination" means any of the following, issued by the Lead Agency pursuant to CEQR: a determination that a proposed action is Type II, as defined under the State Environmental Quality Review Act (NYCRR Part 617); a negative declaration or conditional negative declaration for an Environmental Assessment Statement; or a final Environmental Impact Statement with respect to which findings are made, including any technical memoranda with respect to such final Environmental Impact Statement.

**CEQR Technical Manual.** "CEQR Technical Manual" shall mean the City Environmental Quality Review Technical Manual issued by OEC in [December 1993] May 2010 together with any updates, supplements and revisions thereto.

**CHASP.** "CHASP" means a site-specific construction health and safety plan developed for remediation and construction phases of a project that is designed to protect on-site workers

from exposure to known site contaminants.

**City.** "City" shall mean the City of New York.

**Contamination.** "Contamination," "Contaminated," or "to Contaminate" shall mean the effect(s) on a tax lot(s) from hazardous materials, hazardous substances, hazardous wastes and/or petroleum.

**Day.** "Day" shall mean a business day.

**dba.** "dba" means a measure of sound as experienced by the human ear.

**DCP.** "DCP" shall mean the New York City Department of City Planning.

**DEC.** "DEC" shall mean the New York State Department of Environmental Conservation.

**Decibel.** "Decibel" or "dB" means the practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure to the pressure of a reference sound.

**Department.** "Department" shall mean the New York City Department of Environmental Protection.

**Development.** "Development", or "Develop" shall mean [a];

- with respect to hazardous materials, the development of a new structure, an enlargement, extension or change of use with respect to an existing structure involving a residential or community facility use, and/or any work on a tax lot(s) that involves soil disturbance, including, but not limited to [demolition,] grading[,], or excavation related to the construction[, enlargement, and/] or [extension] alteration of a new or existing structure(s) on a tax lot(s), and
- with respect to air quality and noise, development of a new structure, or a change of use, enlargement, extension or alteration of an existing structure(s) on a tax lot(s).

**Development Site.** "Development Site" shall mean a tax lot(s) located within the area of a proposed Zoning [Map] Amendment [which is not under the control or ownership of the applicant for such Zoning Map Amendment] or Zoning Action and which is proposed to be developed by the applicant for such Zoning Amendment or Zoning Action or which the Lead Agency has identified pursuant to CEQR as likely to be developed as a direct consequence of the Zoning [Map] Amendment or Zoning Action.

**DOB.** "DOB" shall mean the New York City Department of Buildings.

**(E) Designation.** "(E) Designation" shall mean the designation of an "E" [on the Zoning Map] pursuant to § 11-15 of the Zoning Resolution [of the City of New York].

**Equivalent Sound Level.** "Equivalent Sound Level" or "Leq" means a quantification of noise level as a single value for a given period of time.

**Environmental Assessment Statement.** "Environmental Assessment Statement" means a report that describes a proposed development, its location, and a first level analysis of environmental impact areas. Its purpose is to determine a project's potential effects on the environment.

**Environmental Impact Statement.** "Environmental Impact Statement" means a report that provides a complete analysis of all appropriate environmental impact areas and provides a means for agencies, project sponsors, and the public to consider a project's significant adverse environmental impacts, alternatives, and mitigations.

**Environmental Restrictive Declaration.** "Environmental Restrictive Declaration" means a document recorded against a tax lot(s) in the county office of land records and executed by all Parties-in-Interest to such tax lot(s), setting forth restrictions and enforcement provisions with respect to implementation of environmental requirements regarding hazardous materials, air quality and/or noise arising from the environmental review of zoning actions.

**EPA.** "EPA" shall mean the United States Environmental Protection Agency.

**Full Build Year.** "Full Build Year" means the year of completion for the proposed action as indicated in the EAS or EIS.

**Hazardous Material.** "Hazardous Material" shall mean any material, substance, chemical, element, compound, mixture, solution, product, solid, gas, liquid, waste, byproduct, pollutant, or contaminant which when released into the environment may present a substantial danger to the public health or welfare or the environment, including, but not limited to those classified or regulated as "hazardous" or "toxic" pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C.A. § 9601 (1995) et seq., the Resource Conservation and Recovery Act (RCRA) 42 U.S.C.A. § 6901 (1995) et seq., the Clean Water Act (CWA), 33 U.S.C.A. § 1251 (1986) et seq., the Clean Air Act (CAA) 42 U.S.C.A. § 7401 (1995) et seq., Toxic Substances Control Act (TSCA), 15 U.S.C.A. § 2601 (1998) et seq., Transportation of Hazardous Materials Act, 49 U.S.C.A. § 5101 (1997) et seq., the Hazardous Substances Emergency Response Regulations, 15 RCNY Chap. 11, and/or the List of Hazardous Substances, 6 NYCRR Part 597.

**Hazardous Waste.** "Hazardous Waste" shall mean any

waste, solid waste or combination of waste and solid waste listed or regulated as a hazardous waste or characteristic hazardous waste pursuant to RCRA, 42 U.S.C.A. § 6901 (1995), et seq. and/or Identification and Listing of Hazardous Wastes, 6 NYCRR Part 371, et seq.

**HVAC.** "HVAC" means Heating, Ventilation, and Air Conditioning System.

**Installation Report.** "Installation Report" means the report that the applicant submits to OER to demonstrate that the Window/Wall Attenuation, Alternate Means of Ventilation, fuel type and stack location approved in the notice to proceed and installed at the site satisfy the Noise and/or Air Quality (E) Designation.

**Lead Agency.** "Lead Agency" shall mean the agency responsible under CEQR for the conduct of environmental review in connection with a Zoning [Map] Amendment or Zoning Action.

**Ldn.** "Ldn" means the equivalent sound level for a 24-hour period with an additional 10 dB imposed on the equivalent sound levels for night time hours between 10:00 P.M. and 7:00 A.M.

**Leq(1).** "Leq(1)" means the equivalent continuous sound level that over a 1-hour period of time has the same total energy as the actual fluctuating sound level over a 1-hour period.

**L10(1).** "L10(1)" means the stated sound level that is exceeded 10 percent of the time during a 1 hour period. It is derived from Lx(t), where "x" is the percentage of time that the sound level has been exceeded and "t" is the total period of time that the sound has been recorded.

**Noise Descriptor.** "Noise Descriptor" means a continuous sound level measured during a noise monitoring test according to an approved Noise Monitoring Protocol. Leq(1), L10(1) and Ldn are Noise Descriptors.

**Noise Monitoring Protocol.** "Noise Monitoring Protocol" means a document prepared by an acoustical specialist describing the conditions, locations, and Noise Descriptors to be used in assessing existing noise levels during a continuous 24-hour period.

**[Notice of Satisfaction.** Notice of Satisfaction" shall mean a written notice issued by the Department pursuant to § 24-07 of this rule documenting completion of all applicable (E) Designation requirements under this rule.]

**OEC.** "OEC" shall mean the New York City Mayor's Office of Environmental Coordination.

**OER.** "OER" or "Office" means the New York City Mayor's Office of Environmental Remediation.

**Owner.** "Owner" shall mean the person, including his or her successors or assigns, who is the recorded title holder of a tax lot(s).

**Parties-in-Interest.** "Parties-in-Interest" shall mean any person with an enforceable property interest in a tax lot(s).

**[PE Completion Confirmation.** "PE Completion Confirmation" shall mean a written notice of completion of a Department approved remediation plan from a Professional Engineer, in a form acceptable to the Department.]

**Person.** "Person" shall mean any individual, trust, firm, corporation, joint stock company, association, partnership, consortium, joint venture, commercial entity or governmental entity.

**Petroleum.** "Petroleum" shall mean oil or petroleum of any kind and in any form, including, but not limited to oil, petroleum, fuel oil, oil sludge, oil refuse, oil mixed with other waste, crude oil, gasoline and kerosene.

**Project Site.** "Project Site" shall mean a tax lot(s) that is under the control or ownership of the applicant for the satisfaction and removal of an (E) Designation from the [Zoning Map] lot(s) and is subject to the proposed [development] Development by such applicant.

**Qualified Environmental Professional (QEP).** "Qualified environmental professional" (QEP) means a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding the presence of releases or threatened releases to the surface or subsurface of a property or off-site areas, sufficient to meet the objectives and performance factors for the areas of practice identified by this chapter. Such a person must:

- Hold a current professional engineer's or a professional geologist's license or registration issued by any state, or hold a baccalaureate degree or higher in engineering or geology and have the equivalent of three years of full-time relevant experience in site investigation and remediation of the type detailed in this chapter; or
- Be a site remediation professional licensed or certified by the federal government, any state or a recognized accrediting agency, to perform investigation or remediation tasks consistent with office guidance, and have the equivalent of three years of full-time relevant experience.

**[Restrictive Declaration.** "Restrictive Declaration" shall mean an instrument recorded against a tax lot(s) in the county office of land records and executed by all Parties-in-

Interest to such tax lot(s), setting forth restrictions and enforcement provisions with respect to implementation of a Remediation Plan pursuant to § 24-07 of these rules.]

**Tax Lot.** "Tax Lot" shall mean a tax lot identified by parcel number on the official tax maps of the City of New York.

**Window/Wall Attenuation.** "Window/Wall Attenuation" means the sound reduction mandated by the Noise (E) Designation, expressed in dBA and based upon the American Society of Testing and Materials (E-1332.90) Outdoor Indoor Transmission Class (OITC) values of individual components of a building's façade.

**Zoning Action.** "Zoning Action" means an action, such as a special permit, authorization, certification, or variance, pursuant to the provisions of the Zoning Resolution.

**Zoning Amendment.** "Zoning Amendment" means a proposed amendment to the text or maps of the Zoning Resolution, subject to review and approval pursuant to §§ 197-c, 197-d and 200 of the New York City Charter.

**[Zoning Map.** "Zoning Map" shall have the meaning set forth in § 12-10 of the Zoning Resolution of the City of New York.]

**[Zoning Map Amendment.** "Zoning Map Amendment" shall mean a proposed amendment to the Zoning Map subject to review and approval pursuant to §§ 197-c, 197-d and 200 of the New York City Charter.]

**Zoning Resolution.** "Zoning Resolution" shall mean the Zoning Resolution of the City of New York, effective December 15, 1961, as amended from time to time.

#### § 24-04 Preliminary Screening.

a. The Lead Agency may prepare or may cause to be prepared a preliminary screening assessment consisting of visual or historical documentation of any of the following past or current uses at a Development Site, and/or other tax lot(s) that might have affected or be affecting a Development Site.

- Incinerators;
- Underground and/or above ground storage tanks;
- Active solid waste landfills;
- Permitted hazardous waste management facilities;
- Inactive hazardous waste facilities;
- Suspected hazardous waste sites;
- Hazardous substance spill locations;
- Areas known to contain fill material;
- Petroleum spill locations;
- Any past use identified in Appendix A to the CEQR Technical Manual.

b. Based on the visual or historical documentation prepared under [subsection] subdivision (a) with respect to lots not under the ownership or control of the person seeking the Zoning Amendment or Zoning Action, the Lead Agency may determine that an (E) Designation should be placed on [the Zoning Map for] the tax lot(s) identified under [subsection] subdivision (a) in connection with [adoption] the approval of the Zoning [Map] Amendment or Zoning Action. In making such determination, the Lead Agency may consult with the Department, and the Lead Agency will inform the Department and OER of such determination.

c. A Phase I Environmental Site Assessment pursuant to § 24-05 shall not be required prior to placement of an (E) Designation on [the Zoning Map] a lot pursuant to this Section unless the lot is under the ownership or control of the applicant for the Zoning Amendment or Zoning Action.

#### § 24-05 Phase I Environmental Site Assessment.

a. For any Development Site that [has not received an (E) Designation] is under the control or ownership of the applicant and that, following review of visual or historical documentation pursuant to § 24-04., warrants a hazardous materials assessment, the Lead Agency shall conduct, or shall cause to be conducted, a Phase I Environmental Site Assessment (Phase I ESA) consistent with the current American Society of Testing and Materials (ASTM) Phase I ESA standard.

b. The Phase I ESA may be limited to:

- Historical land use review;
- Regulatory agency list review; and
- Site and surrounding area reconnaissance visit.

c. A report entitled "Phase I ESA Report" and any supplements thereto, summarizing the Phase I ESA shall be prepared by or for the Lead Agency and a copy of such report shall be provided to the Department. The Phase I ESA Report shall include any information discovered in the Phase I ESA. The Department may provide the Lead Agency with any additional information it deems relevant together with any comments regarding the contents of the Phase I ESA and any supplements thereto within twenty (20) days of receipt of the Phase I ESA Report.

d. The Lead Agency [shall] may respond to the Department's comments and any additional information either by placing or causing DCP to place an (E) on the [Zoning Map for the] relevant tax lot(s) or by issuing a Final Phase I ESA Report that addresses any such comments and/or additional information. The Lead Agency shall inform the Department and OER of such determination.

e. If a Phase II Environmental Site Assessment or a remedial plan is expected to be conducted during the environmental review, the Lead Agency must coordinate with the

Department to ensure that the testing and/or remedial plans are acceptable and protective of public health.

**§ 24-06 Phase II Environmental Site Assessment.**

a. Before an applicant may [seek any] receive a building permit [for development] from DOB for any Development with respect to a tax lot(s) subject to an (E) Designation or an Environmental Restrictive Declaration, the applicant shall:

(1) Complete a Phase II Environmental Site Assessment (Phase II ESA) in accordance with this section to determine the level and extent of contamination at the proposed Project Site; or

(2) Submit to [the Department] OER historical, regulatory or other evidence that a Phase II ESA is not required for the proposed [Project Site] Development, which [the Department] OER shall review in accordance with § 24-09.

b. The applicant shall prepare and submit to [the Department] OER a Phase II Investigative Work Plan to [the] implement an ASTM compliant or otherwise OER-approvable Phase II ESA, prepared in accordance with the CEQR Technical Manual. Such Work Plan shall be prepared using an OER-approved format and must also include:

(1) A detailed description of the [proposed] previous and current uses of the Project Site;

(2) A detailed description of the proposed development at the Project Site [; certified by the registered architect (RA) or professional engineer (PE) of record including:

i. Supporting registered architect or professional engineer certified plans depicting foundation and subsurface utility layouts and depths, grade-level courtyards, landscaped open areas, and other grade-level areas not covered by structures; and

ii. all corresponding DOB permit application numbers.

(3) A description of the [projected time frame for development at] development schedule for the Project Site;

(4) [A description of the proposed use of the Project Site;

(5)] Copies of reports of [any] all previous investigations related to the presence or suspected presence of contamination on the Project Site[.];

(5) A site-specific investigation health and safety plan (HASP), consistent with applicable U.S. Occupational Health and Safety Administration requirements found at 29 CFR 1910.120, to protect the health and safety of on-site personnel and the surrounding community. The HASP will identify all potential chemicals of concern at the Project Site and include material safety data sheets for each chemical compound group or chemical of concern. As a default, all chemical groups such as volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, polychlorinated biphenyls (PCBs), and target analyte list (TAL) metals will be included in the investigation HASP;

(6) The location of all proposed sampling points and sampling depths where applicable for soil, groundwater and soil vapor;

(7) A description of the sampling and analytical methods and other investigative field work that complies with ASTM Phase II reporting requirements or other requirements of OER.

c. OER may allow an alternate process to a Phase II Investigation Work Plan if such process is established under a remedial program operated by OER or DEC.

d. Where applicable and at a minimum, the following procedures or requirements shall be implemented in the Phase II ESA for all sampling techniques and methods:

(1) All samples shall be analyzed by a laboratory accredited by the New York State Department of Health Environmental Laboratory Approval Program (ELAP);

(2) [Samples from sites on the DEC Registry of Inactive Hazardous Waste Sites shall use a laboratory certified under EPA's Contract Laboratory Program or DEC's Analytical Services Program (ASP);

(3) EPA SW-846, 40 C.F.R. 261, which delineates the EPA Target Compound List/Target Analyte List, or an EPA approved successor method shall be used;]

Soil and ground water samples must be analyzed for full list VOCs with methyl tertiary butyl ether (MTBE) analyzed by EPA Method 8260B, sSVOCs by EPA Method 8270C, PCBs by EPA Method 8081A, pesticides by EPA method 8082, and TAL metals by EPA Method 6020 at an ELAP-certified laboratory.

(3) Soil gas, sub-slab soil gas, and indoor air samples should be analyzed for VOCs by EPA Method TO-15 at an ELAP-certified laboratory. If ELAP certification is not available, certification by other agencies and/or organizations is recommended. Additional analyses may be warranted if the type of contamination suspected cannot be adequately characterized by these analyses. New York State Department of Health Category B Deliverables are not required to satisfy an (E) Designation.

(4) Toxicity Characteristic Leaching Procedure, Method

1311, as delineated in EPA SW-846, 40 C.F.R. 261 and required by OER, or an EPA approved successor method shall be used where appropriate.

(5) Samples from sites on the DEC Registry of Inactive Hazardous Waste Sites shall use a laboratory certified under EPA's Contract Laboratory Program or DEC's Analytical Services Program (ASP).

[d The Department] e. OER will review the Work Plan submitted pursuant to subdivisions (b) and (c) of this section in accordance with § 24-09.

[e] f. The applicant shall [undertake] implement the Work Plan as approved by [the Department] OER.

[f] g. Upon completion of the Phase II ESA, a report entitled "Phase II ESA Report" summarizing the Phase II ESA shall be submitted to [the Department] OER. The Phase II ESA Report shall include:

(1) A summary of the findings of all the studies and/or investigations performed;

(2) A description of a site inspection performed by a QEP;

(3) A description of all assessment [reconnaissance] and investigation techniques in accordance with applicable Federal and State [laws] standards, criteria, and guidance and [Department guidelines] OER templates;

[(3)] (4) Sampling Results, which shall be presented in summary tables and compared to all relevant State and Federal [guidance values, standards and regulations] standards, criteria, and guidance;

[(4)] (5) Maps of the tax lots (1"=50') including but not limited to: USGS quadrangle map, name of quad and [North] north arrow, on which the following is clearly indicated:

(i) All physical site characteristics with location of all [location of all soil borings, soil gas points, groundwater monitoring wells, USTs, vent lines, fill lines,] historical features of environmental significance and recognized environmental conditions, including underground storage tanks, vent lines, fill lines, interior floor drains, exterior drywells and other pertinent information; maps of sampling locations and depths for soil, groundwater and soil vapor samples showing chemical analytical results that highlight exceedances of applicable standards, criteria, and guidance; and other pertinent information;

(ii) [Where relevant based on the conditions of the Project Site, a depiction of groundwater] Groundwater elevation and flow direction of the uppermost aquifer; and

(iii) [Where relevant based on the conditions of the Project Site, a soil-gas concentration map with contours; and

(iv)] All identified [sources] contamination source [of releases and the extent and concentrations of contaminant plumes in all media] areas.

[(5)] (6) Appendices, which shall include:

(i) All raw data,

(ii) Laboratory methods,

(iii) Chain-of-custody forms,

(iv) A quality assurance/quality control [QA/QC ] plan, including provisions for blank and duplicate samples and other quality assurance and quality control information as appropriate,

(v) Field notes,

(vi) Soil boring/monitoring well logs prepared under the guidance of a QEP,

(vii) As-built well construction details,

(viii) Modeling programs used,

(ix) Calculations and formulas, and

(x) Physical/chemical properties of chemical compounds of concern.

[(6)] (7) An assessment, based on findings of the Phase II ESA, of whether or not a [Remediation] Remedial Action Plan is required for the Project Site.

[g] h. The applicant may submit a [Remediation] Remedial Action Plan with the Phase II ESA Report.

[h The Department] i. OER will review the Phase II ESA Report in accordance with § 24-09.

[i] j. Upon completion of its review of the Phase II ESA Report, [the Department] OER will determine whether a [Remediation] Remedial Action Plan and site-specific Construction HASP (CHASP) is required.

(1) If [the Department] OER determines that a

[Remediation] Remedial Action Plan is not required, [the Department] OER will issue a notice of [Satisfaction letter] no objection to DOB;

(2) If a [Remediation] Remedial Action Plan and CHASP [has] have been submitted, [the Department] OER will review it in accordance with §§ 24-07 and 24-09;

(3) If [the Department] OER determines that a [Remediation] Remedial Action Plan [is] and CHASP are required and a [Remediation] Remedial Action Plan and CHASP has not already been submitted by the applicant, the applicant shall submit a [Remediation] Remedial Action Plan and CHASP for review by [the Department] OER in accordance with §§ 24-07 and 24-09.

**§ 24-07 [Remediation] Remedial Action Plan.**

a. Preparation of the [Remediation] Remedial Action Plan.

(1) Before an applicant may [seek any] receive a building [permits] permit from DOB [with respect to] for any Development on a tax lot(s) subject to an (E) Designation or an Environmental Restrictive Declaration, where [the Department] OER has determined that [Remediation] a Remedial Action Plan is required pursuant to § 24-06, the applicant shall prepare a [Remediation] Remedial Action Plan and CHASP. The [Remediation] Remedial Action Plan shall address [all aspects of] contamination [, actual and/or potential,] identified in the Phase II ESA Report to the satisfaction of OER, including, but not limited to:

(i) Elevated levels of contaminants pursuant to applicable [law and/or DEC guidelines] DEC standards, criteria, and guidance;

(ii) [The sources of contamination] Contaminant source areas;

(iii) The exposure pathways for contamination;

(iv) Environmental exposure to contamination;

(v) [Human health] Public exposure to contamination;

(vi) Proposed cleanup criteria; and

(vii) Health and Safety of construction workers and the general public during remedial action on the tax lot(s). [; and

(viii) Health and Safety of the public and future users of the tax lot(s) within the constraints of technical feasibility, remedial technology, and monitoring requirements.]

(2) In preparing a [Remediation] Remedial Action Plan, the applicant shall use templates provided by OER and consider [all applicable] appropriate remediation techniques, including, but not limited to, those set forth in the CEQR Technical Manual. The [Remediation] Remedial Action Plan shall include a list of all [techniques considered and an explanation for the acceptance or rejection of those techniques] remedial action objectives and explain how the proposed remedial action achieves these objectives.

(3) [The Department] OER shall review the [Remediation] Remedial Action Plan in accordance with § 24-09.

(4) In conjunction with its review of the [Remediation] Remedial Action Plan, [the Department] OER may require the execution of a [Restrictive Declaration] Declaration of Covenants and Restrictions by the [owner, or the owner's designee approved by the Department,] title holder for the tax lot(s) subject to the (E) Designation or the Environmental Restrictive Declaration, which shall be recorded against the property prior to the issuance of a notice of satisfaction.

(i) The [Restrictive Declaration] Declaration of Covenants and Restrictions shall bind the [owner] title holder, or [the owner's] a designee approved by [the Department,] OER to [performance of] perform the [Remediation] Remedial Action Plan in accordance with its terms, and [shall] may include [restrictions upon development of the subject tax lot(s)] institutional controls, including restrictions on use of the property, and the maintenance of engineering controls, including the implementation of a site management plan for the operation, maintenance, monitoring, inspection, certification, and reporting of engineering controls as required by OER;

(ii) In accordance with the [Remediation] Remedial Action Plan, the [Restrictive Declaration] Declaration of Covenants and Restrictions may require [monitoring or other measures] controls that extend beyond the date of issuance of a [Temporary Certificate of Occupancy] temporary

certificate of occupancy or a certificate of occupancy for the Project Site;

(iii) The [Restrictive Declaration] Declaration of Covenants and Restrictions [shall] may include a procedure for [Department review of satisfaction of any] the periodic reporting to OER of the attainment and maintenance of any requirements contained in the [Restrictive Declaration] Declaration of Covenants and Restrictions pursuant to this subsection [and release therefrom]; [and]

(iv) The [Restrictive Declaration] Declaration of Covenants and Restrictions shall be executed by [all Parties-in-Interest to] the title holder of [to] such tax lot(s) and shall be recorded against such tax lot(s) in the applicable county office of land records[.]; and

(v) The Remedial Action Plan must be certified by a QEP or professional engineer, and all engineering controls must be certified by a professional engineer.

b. Implementation of the [Remediation] Remedial Action Plan.

(1) Prior to implementation of the [Remediation] Remedial Action Plan, the applicant shall [:

(i) the Department] provide OER with ten (10) days written notice of such planned implementation.]; and

(ii) A copy of the recorded Restrictive Declaration, if such was required by the Department[.]

(2) The applicant shall ensure that field oversight of the remedial action is performed by a professional engineer, a QEP, or a trained associate under the direct supervision of a professional engineer or QEP, and that the field oversight of engineering controls is performed by a professional engineer or a trained associate under the direct supervision of a professional engineer.

(3) After [the Department] OER has reviewed and approved the [Remediation] Remedial Action Plan in accordance with § 24-09 [and a Restrictive Declaration, if required by the Department, has been completed in accordance with paragraph (4) of subsection a. of this section, the Department may recommend to], OER will issue a notice to proceed which authorizes DOB [issuance of] to issue such building permit or permits as are necessary to [undertake] implement the approved [Remediation] remedial action. In no event, however, shall the applicant [seek or accept] receive from DOB a [Temporary Certificate of Occupancy] temporary certificate of occupancy or a certificate of occupancy until [the Department] OER issues a notice of satisfaction pursuant to paragraph (2) of subsection (c) of this section.

(i) If the proposed Development of the tax lot is altered in any way after the Remedial Action Plan is approved and before the remedial action is completed and prior to any Development, OER's approval of the Remedial Action Plan is invalidated, and the applicant must submit a new or amended Remedial Action Plan for approval or demonstrate to OER that the previously approved Remedial Action Plan is appropriate.

(ii) For a tax lot with a Development that has been altered after the Remedial Action Plan is approved, OER may review the effectiveness of the site's completed remedial action.

[(3)] (4) If implementation of [a Department] an OER-approved [Remediation] Remedial Action Plan does not commence within one year of the date of [the Department's] OER's approval thereof, such approval and any notice to proceed shall expire.

(i) The applicant may request in writing to extend [a Department] an OER approval for a [Remediation] Remedial Action Plan not less than thirty (30) days prior to the expiration of such [Department] OER approval.

(a) Any written request for an extension shall explain the circumstances for the delay in implementation of the [Remediation] Remedial Action Plan [and document that the Remediation Plan remains valid].

(b) [The Department] OER shall review a written request for an extension by the applicant in accordance with § 24-09.

(ii) If an approval for a [Remediation] Remedial Action Plan expires, the Applicant shall:

(a) Submit a new [Remediation] Remedial Action Plan for [Department] OER review in accordance with § 24-09; or

(b) Submit a written request for a renewed approval of the expired [Remediation] Remedial Action Plan.

(1) [Any written request for a renewed approval shall explain the circumstances for the delay in implementation of the Remediation Plan and document that the Remediation Plan remains valid.

(2) The Department] OER will review a [written request for an extension by the Applicant] new Remedial Action Plan or a request for a renewed approval in accordance with § 24-09.

[(3) The Department] (2) OER shall have the right to inspect any tax lot(s) subject to remediation pursuant to this [rule with respect to the remediation,] chapter consistent with applicable health and safety regulations, and the applicant shall allow any such inspection by [the Department] OER.

(3) If DEC approves a remedial action at a tax lot, OER may apply DEC's approval to satisfy one or more or all of the requirements of this section for approval of a Remedial Action Plan.

c. Completion of the [Remediation] Remedial Action Plan.

(1) Upon the completion of [the Department-approved Remediation] a Remedial Action Plan or written confirmation of completion of a substantially equivalent remediation from New York State, the applicant shall deliver to [the Department] OER, a [PE Completion Confirmation] Remedial Closure Report in a form satisfactory to [the Department] OER. If required by OER, a site management plan and proof of recording of a Declaration of Covenants and Restrictions must be included in the Remedial Closure Report.

(i) The Remedial Closure Report must be certified by a QEP or professional engineer.

(ii) All engineering controls employed at a Development Site must be certified by a professional engineer.

(iii) Requirements for monitoring or other measures in the [Remediation] Remedial Action Plan that extend beyond the issuance of a [Temporary Certificate of Occupancy] temporary certificate of occupancy or a certificate of occupancy for the Project Site and are included in a [Restrictive Declaration] Declaration of Covenants and Restrictions in accordance with paragraph (4) of [subsection] subdivision a of this section, shall not preclude the issuance of a [PE Completion Confirmation] Remedial Closure Report.

(2) Upon [the Department's] OER's review and approval of the [PE Completion Confirmation] Remedial Closure Report, [the Department] OER shall issue a notice of satisfaction to the applicant, [OEC,] DOB and DCP within ten (10) days, authorizing DOB to issue a temporary certificate of occupancy or a certificate of occupancy.

(i) The notice of satisfaction shall specify that the environmental requirements relating to the (E) Designation have been satisfied and if applicable, a summary of any requirements for [monitoring] site management or other measures in the [Remediation] Remedial Action Plan that extend beyond the issuance of a [Temporary Certificate of Occupancy] temporary certificate of occupancy or a certificate of occupancy for the Project Site [that] have been included in a [Restrictive Declaration] Declaration of Covenants and Restrictions in accordance with paragraph (4) of [subsection] subdivision a of this section.

§ 24-08 [Satisfaction] Removal of (E) Designation Requirements.

a. [Issuance of the] OER will issue a final notice of satisfaction [by the Department constitutes the Department's report specifying] when OER determines that the environmental requirements relating to the (E) Designation or the Environmental Restrictive Declaration have been completely satisfied for a specific block and lot(s). A tax lot with an (E) Designation for hazardous materials or an Environmental Restrictive Declaration that achieves a DEC Track 1 cleanup qualifies for a final notice of satisfaction. A tax lot with an (E) Designation for air quality or noise may also qualify for a final notice of satisfaction if OER determines that the source of air emissions or noise which resulted in the (E) Designation has been permanently eliminated. OER will send the final notice of satisfaction to both DOB and DCP within ten (10) days.

b. [The owner of any tax lot(s) subject to an (E) Designation may file a copy of a Notice of Satisfaction with the Department of City Planning.] Upon receipt of [such Notice of Satisfaction] a final notice of satisfaction, DCP shall [indicate such satisfaction as to] remove the affected tax lot(s) [on the listing of (E) Designations appended to the Zoning Map] from the list appended to the Zoning Resolution.

c. When DCP has received [Notices of Satisfaction] final notices of satisfaction for all tax lot(s) specified in the CEQR

[declaration] Determination with respect to [the placement of] an (E) Designation [on the Zoning Map], it shall administratively remove such (E) Designation from [the Zoning Map] the list appended to the Zoning Resolution.

d. DCP shall notify DOB[, OEC] and [DEP] OER [in writing of the satisfaction of (E) Designation requirements for a tax lot(s) or] of the removal of [an (E) Designation] tax lots and (E) Designations from [a] the list appended to the Zoning [Map] Resolution.

§ 24-09 [Department] Fees and OER Review and Approval [Fee and] Procedure.

a. OER will conduct an initial review of an application to determine the extent of review required for approval of the application. OER shall inform the applicant of the fee amount.

b. An applicant who seeks [Department] OER approval of a minor alteration(s) and/or other action on a tax lot subject to an (E) [designation] Designation or [a restrictive declaration that does not require a full technical review by the Department] an Environmental Restrictive Declaration resulting in the issuance of a notice of no objection shall pay a fee of \$[250] 375.

[b] c. An applicant for a new development or for alterations on a tax lot subject to an (E) [designation] Designation or [a restrictive declaration] an Environmental Restrictive Declaration that requires a detailed review by [the Department] OER involving a phased approval and sign-off procedure (e.g., [monitoring, modeling, testing, remediation] investigation, remedial action plan or remedial action report) shall pay a fee of \$[750] 1050.

[c. The Department shall conduct an initial review of the application to determine the extent of review required for approval of the application. The Department shall inform the applicant of the fee amount.]

d. Each payment shall be in the form of a personal, business or certified check or money order made payable to the New York City Department of Environmental Protection/Office of Environmental Remediation (DEP/OER) and shall be sent to:

Office of Environmental Remediation  
[Attn. Budget Manager  
253 Broadway, 14th floor]  
100 Gold Street, 2nd floor  
New York, NY [10007] 10038  
Attn. Accounts Receivable

The applicant shall include the OER project [name] number and/or [address and the Office of Environmental Remediation project number] project name on the certified check.

e. At the [written] request of the applicant, [the Department] OER will [conduct a pre-submission conference] meet with the applicant regarding (1) the required contents of any [submission] plan or report required pursuant to §§ 24-06 and 24-07 of this [rule and the schedule for proceeding with such submission] chapter, and (2) the timeline to meet program milestones to expedite such work.

f. Upon initial receipt of a submission required pursuant to this [rule] chapter, [the Department] including plans and reports, OER will review such submission and attempt to provide written comments within thirty (30) days of receipt of such initial submission.

(1) The applicant must submit all documents, plans, and reports in digital form and in a format established by OER.

g. If [the Department] OER requests additional information or a revised submission, the applicant shall resubmit [the submission] the document, plan, or report with this additional information for review.

(1) Revised submissions will be reviewed by [the Department] OER as expeditiously as possible;

(2) Upon receipt of all information requested, [the Department] OER shall approve the document, modify the document, or issue comments [in writing] with respect to the submission within thirty (30) days.

h. If the applicant disagrees with [the Department's] OER's comments, the applicant shall have the opportunity [thirty (30) days, or such time as agreed upon by the Department and the applicant,] to respond.

i. Upon receipt and review of all required submissions, [the Department] OER will issue [its] a determination [either approving or disapproving the submission] within thirty (30) days.

j. If at any point in its review of a submission by the applicant, the Department requires more than the specified time period for the review, the Department will notify the applicant in writing of the necessity of such additional time.

k. If at any time the Department fails to provide written comments within a time period specified under this section, or such time as agreed upon by the Department and the applicant, and fails to provide written notice of the necessity of additional time, the applicant may submit a written notification to the Department requesting that any comments be provided within thirty (30) days.]

§ 24-10 Notification.

a. Discovery of a petroleum spill or the discharge of other contaminants on a tax lot(s) for which reporting requirements have been established by federal, state or local law,

regulation, or rule must be reported by the applicant in accordance with such [applicable Federal, State or local law(s)], regulation, or rule.

b. Discovery of evidence of “reportable quantities” of hazardous materials or hazardous wastes by the Department and/or the applicant on a tax lot(s) that pose a potential or actual significant threat to public health or the environment under [Federal, State] federal, state, or local [guidelines] law, regulation, or rule, must be reported by the applicant in accordance with such [applicable Federal, State or local laws] law, regulation, or rule.

**§2. Chapter 24 of Title 15 of the Rules of the City of New York is amended by adding a new section 24-12 to read as follows:**

**§ 24-12 Air Quality and Noise (E) Designations.**

a. Placement of Air Quality and Noise (E) Designations. The Lead Agency may place Air Quality (E) Designations and Noise (E) Designations on real property as a result of an environmental review of a Zoning Amendment or Zoning Action.

(1) An Air Quality (E) Designation is placed on Development Sites that are not publicly owned, that have the potential to be developed as a consequence of the Zoning Amendment or Zoning Action, and that have been identified by the environmental review as having the potential to contribute to or experience a significant adverse air quality impact related to HVAC systems emissions or industrial or other source emissions.

(2) A Noise (E) Designation may be placed on tax lots that are not publicly owned, that have the potential to be developed as a consequence of the Zoning Amendment or Zoning Action, and that have been identified by the environmental review as having the potential to experience significant adverse noise impacts.

b. Remedial Action Plan for Air Quality and Noise (E) Designations.

(1) To address an Air Quality (E) Designation or a Noise (E) Designation, an applicant must submit a Remedial Action Plan to OER.

(2) The Remedial Action Plan must include a certification by a registered architect that all architectural plans and associated specifications and designs, or a certification by a professional engineer that all engineering plans and associated specifications and designs, included in the Remedial Action Plan:

(i) Have been personally developed by the registered architect or professional engineer or under the registered architect’s or professional engineer’s direct supervision; and

(ii) Achieve the requirements mandated by the (E) Designation to achieve protection of public health and the environment.

(3) The certifying professional engineer and/or registered architect must:

(i) Be licensed in the State of New York;

(ii) Affix his/her professional engineer or registered architect stamp to the certification; and

(iii) Include his/her New York State professional engineer/registered architect license number on the certification.

(4) OER will review the Remedial Action Plan to determine if it achieves the specific requirements established for the tax lot by the Lead Agency.

(5) When a Project Site encompasses more than one tax lot, and at least one, but not all, of the lots has an Air Quality or Noise (E) Designation or an Environmental Restrictive Declaration, the environmental requirements will apply to the entire Project Site, unless the applicant demonstrates to OER’s satisfaction that application of the environmental requirements to the entire Project Site is not warranted.

(6) When a Project Site encompasses a portion of a lot which has an Air Quality or Noise (E) Designation or an Environmental Restrictive Declaration, the environmental requirements will apply to all portions of the lot, unless the applicant demonstrates to OER’s satisfaction that application of the environmental requirements to a portion of the Project Site is not warranted.

(7) Modification of Environmental Requirements. When a proposed Development cannot satisfy the Air Quality or Noise (E) Designation for a tax lot(s), the owner of the tax lot(s) may apply to OER for a modification of the environmental requirements as described in a CEQR Determination based upon new information or technology, additional facts or updated standards, as applicable, provided such modifications are equally protective of public health and the environment. With the consent of the Lead Agency, OER may modify the environmental requirements described in a CEQR Determination provided that such modifications are equally protective of public health and the environment.

Specific modifications include, but are not limited to:

(i) Placement of an exhaust stack where a tax lot’s dimensions lack sufficient depth to locate the stack according to the (E) Designation requirements.

(a) The applicant must submit a study showing that the proposed stack location is as protective to public health and the environment as required by the (E) Designation. The study must be based on the same level of analysis used in the associated Environmental Assessment Statement or Environmental Impact Statement.

(ii) Modification of a Window/Wall Attenuation mandated by an Noise (E) Designation.

(a) The applicant must conduct a 24-hour noise monitoring test of the lot to record in dBA the Leq(1), L10(1), and the Ldn Noise Descriptors.

(b) The applicant must submit its Noise Monitoring Protocol to OER for review and approval before starting any testing.

(c) Where applicable, the Noise Descriptors must be projected to the Full Build Year of the relevant Zoning Amendment or Zoning Action, according to the same methodology used in the environmental review from which the (E) Designation was assigned.

(d) Following a 24-hour noise monitoring test, the applicant must submit to OER a report summarizing the results of the test and include in its Remedial Action Plan all documents generated by the 24-hour noise monitoring study.

(e) OER will evaluate the test results based on the (E) Designation requirements and the values and guidance found in the CEQR Technical Manual. If the results satisfy the CEQR Technical Manual, OER will agree to modify the Window/Wall Attenuation as described in the lot’s Noise (E) Designation.

c. Implementation of the Remedial Action Plan for Air Quality and Noise (E) Designations.

(1) After OER has reviewed and approved a Remedial Action Plan for an Air Quality or Noise (E) Designation, OER will issue a notice to proceed recommending that DOB issue the permit necessary for the applicant to carry out the approved remediation. However, the applicant must not accept a temporary certificate of occupancy or a certificate of occupancy from DOB for any Development until OER issues a notice of no objection authorizing issuance of a temporary certificate of occupancy only or a notice of satisfaction in accordance with subdivision d of this section.

(2) Once the Remedial Action Plan is approved, an applicant must carry out the remediation in its entirety without any omissions, changes, or deviations. Any changes to an approved Remedial Action Plan must be submitted with appropriate documentation to OER for its approval before an applicant implements the changes.

(3) OER has the right to inspect any tax lot(s) subject to remediation according to this section, and the applicant must allow any such inspection by OER.

d. Completion of the Remedial Action Plan.

(1) Following implementation of the OER-approved Remedial Action Plan, the applicant must submit an Installation Report certified by a professional engineer or a registered architect to OER in a form satisfactory to OER.

(2) The Installation Report must document that the remedial activities contained in the OER-approved Remedial Action Plan have been implemented in compliance with the Remedial Action Plan and satisfy the (E) Designation.

(3) Upon review and approval of the certified Installation Report, OER will issue a notice of satisfaction authorizing DOB to issue a certificate of occupancy or, where circumstances warrant, OER will issue a notice of no objection for a temporary certificate of occupancy.

**TAXI AND LIMOUSINE COMMISSION**

■ NOTICE

**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Taxi and Limousine Commission is considering changing its rules governing taxicab roof lights to eliminate the manually operated Off Duty light.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on Thursday, June 21, 2012. The hearing will be at Taxi and Limousine Commission, 33 Beaver Street – 19th Floor, New York, New York 10004.

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

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC Rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **By Speaking At the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on June 21, 2012, at 10:00 A.M. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by June 18, 2012.

**Do you need assistance to participate in the Hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by June 15, 2012.

**Can I review the comments made on the proposed rules?** A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs at 33 Beaver Street, 22nd Floor, New York, NY 10004.

**What authorizes the Commission to make this rule?** Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission’s regulatory agenda for this Fiscal Year because the need for the rule was not anticipated at the time the regulatory agenda was published.

**Where can I find the Commission’s rules?** The Commission’s rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

**STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULES**

The TLC proposes to change rules governing how a taxicab driver signals to the public whether they are on-duty and available for a hail or off-duty and unavailable for a hail. The Commission’s authority for this rules change is found in section 2303 of the New York City Charter and section 19-503 of the New York City Administrative Code.

Today, taxicab roof lights have two separate lights: (1) the medallion number light, and (2) the “off-duty” sign. The medallion number light turns on when the meter is activated and off when the meter is deactivated; the off-duty light is operated by a manual switch on the dashboard.



Depending on the taxicab’s availability, these lights are displayed in one of four combinations:

Message to Potential Passengers	Medallion Number	Off-Duty Light
On-duty and available	ON	OFF
On-duty but unavailable (already has passenger inside)	OFF	OFF
Off-duty and occupied by passenger (on a “going my way” trip)	OFF	ON
Off-duty but maybe can take you (available for “going my way” trip)	ON	ON

In a 2012 TLC survey of 7,353 taxicab passengers, 37% said that the roof light does not clearly indicate availability to them. Some passengers mistake any illumination on the roof

light as an indication that the taxi is available. Also, from a distance, passengers are unable to distinguish between the off duty light and the medallion light. What results from this visual confusion is that passengers repeatedly try to hail off duty taxis. This can make passengers feel that they are being refused by the taxi driver, when really what occurred was a misunderstanding of what the taxicab's roof light was signaling.

Drivers are permitted to go off duty for personal reasons, although they are not permitted to do so for the purpose of refusing a passenger. Some drivers cherry pick passengers by cruising with their off duty lights illuminated (even when they are in fact available for hail) to try to avoid charges of refusal, but under TLC rules, this conduct is also a refusal. A driver who is in fact on duty must take a passenger to any requested destination in the five boroughs, Nassau County or Westchester County.

The purpose of the proposed rules is to resolve the above two problems through the elimination of the manual off duty light, specifically by:

1. Converting to a single-light system thereby eliminating the off duty light. When the medallion number light is lit up the taxi is available and when it is not it is unavailable. This system works successfully in many cities with large taxi fleets, including London.
2. Requiring drivers to indicate off duty status through entering an off duty code into T-PEP or LPEP which will then automatically turn the meter and the medallion number light off.



The proposed rules would not alter the longstanding "going my way" practice. A driver who has indicated that he is off duty can ask for a passenger's destination to determine if the route aligns with his own; however, he would need to log back on-duty in the T-PEP or LPEP to be able to engage the meter. Also, the proposed rules do not interfere with the driver's ability to go on breaks as often as he or she likes.

Under the proposed rule, taxicabs would convert to the new single-light system on a rolling basis and would be required to convert by the date of their next scheduled inspection between September 1, 2012 and December 31, 2012. The costs associated with this conversion are minimal as existing rooftop lights can be converted to meet the new requirement through an inexpensive process of blacking out the off duty portion of the existing roof light, upgrading the software for the meter and T-PEP system, and cutting the wires that enable manual manipulation of the roof light.

#### New material is underlined.

[Material inside brackets indicates deleted material.]

Section 1. The definition of "Relief Time" set forth in section 51-03 of Title 35 of the Rules of the City of New York is deleted and the definition of "Personal Use-Off Duty" is amended, to read as follows:

*Personal Use—Off Duty* is the designation made when a Driver is no longer operating the Taxicab for hire [and is usually for a longer period than Relief Time].

[*Relief or Relief Time* is a limited period of time when a Driver is off duty to fulfill personal needs.]

Section 2. Subdivision 12 of section 54-03 of Title 35 of the Rules of New York is amended, subdivision 13 is deleted, and a new subdivision 13 is added, to read as follows:

(12) *Personal Use—Off Duty* is the designation made when a Driver is no longer operating the Taxicab for hire [and is usually for a longer period than Relief Time].

(13) [*Relief or Relief Time* is a limited period of time when a Driver is off duty to fulfill personal needs.] *Off Duty Change Date* — is the date by which you must eliminate the use of the off duty light. You must eliminate the use of the off duty light by the date of your next regularly scheduled inspection between September 1, 2012 and December 31, 2012

Section 3. Subdivision (m) of section 54-15 of Title 35 of the Rules of New York is amended to read as follows:

#### §54-15 Operations – General Rules During Operation of Vehicle

(m) *Off Duty Procedures for a Taxicab.*

(1)(i) Before the Off Duty Change Date. When the Taxicab is operated for personal use, "Personal Use—Off Duty" must be keyed into TPEP (or made on the written Trip Record), and the "Off Duty" light must be turned on.

(ii) After the Off Duty Change Date. When the Taxicab is operated for personal use, "Personal Use—Off Duty" must be keyed into TPEP (or made on the written Trip Record).

§54-15(m)(1) Fine: \$100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(2)(i) Before the Off Duty Change Date. A Driver must turn

on the "Off Duty" light only by use of a manually operated switch on the Taxicab dashboard.

(ii) After the Off Duty Change Date. A driver must enter the appropriate off duty code into the T-PEP system.

§54-15(m)(2) Fine: \$[75] 100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

Section 4. Subdivisions (b) and (d) of section 54-17 of Title 35 of the Rules of New York are amended to read as follows:

#### §54-17 Operations – Rates, Charges and Payment

(b) *Non-Paying Customers.* If a Passenger refuses to pay the metered fare, the Driver must place the meter in the off or "Vacant" position, [illuminate the "Off Duty" light if driving a Taxicab and, if driving a Street Hail Livery, must enter off duty into the taximeter], and:

(1) Before the Off Duty Change Date

(i) Illuminate the "off duty" light if driving a Taxicab or enter off duty into the taximeter if driving a Street Hail Livery

[(2)](ii) Record the amount of fare on the Taximeter onto the Trip Record through the Taxicab Technology System [(or LPEP [if applicable]), or onto the written Trip Record if the T-PEP [(or LPEP)] is not working, and

(iii) Proceed directly to the nearest police precinct, present the facts to the police and follow their instructions for resolving the dispute.

(2) After the Off Duty Change Date. If a Passenger refuses to pay the metered fare, the Driver must place the meter in the off or "Vacant" position and enter off duty into the taximeter, and:

(i) Record the amount of fare on the Taximeter onto the Trip Record through the Taxicab Technology System or LPEP, or onto the written Trip Record if the T-PEP or LPEP is not working, and

(ii) Proceed directly to the nearest police precinct, present the facts to the police and follow their instructions for resolving the dispute.

(d) *Making Change.*

(1) A Driver must always be capable of making change for a \$20 bill during his or her work shift.

(2) If the Driver is not able to change a \$20 bill, the Driver will, with the Passenger's consent, take the following steps:

(i) Before the Off Duty Change Date. Place the meter in an off or "Vacant" position and illuminate the "Off Duty" light, or if driving a Street Hail Livery, key the appropriate off duty code into LPEP.

(ii) After the Off Duty Change Date. Key the appropriate off duty code into T-PEP or LPEP.

Section 5. Paragraph (5) of subdivision (a) of section 54-19 of Title 35 of the Rules of New York is amended to read as follows:

#### §54-19 Operations – Passenger Solicitation and Engagement

(a) *Limits on Driver Solicitation of Passengers.*

(5) (i) Before the Off Duty Change Date. A Driver of a Taxicab who has illuminated the "Off Duty" light must not solicit or accept a Passenger unless ALL of the following are true:

[(i)](A) The Driver is returning the Taxicab to his or her garage or home.

[(ii)](B) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry "Returning to garage (or home)".

[(iii)](C) The Passenger's destination is directly on the route to the Driver's home or garage.

[(iv)](D) When the last passenger is discharged, the Driver must lock the doors and return to his garage or home.

(ii) After the Off Duty Change Date. A Driver who has entered the appropriate off duty code into T-PEP must not solicit or accept a Passenger unless ALL of the following are true:

(A) The Driver is returning the Taxicab to his or her garage or home.

(B) The Driver has transmitted the relevant information to an electronic database for entry on the electronic trip record or made a written trip record entry "Returning to garage (or home)".

(C) The Passenger's destination is directly on the route to the Driver's home or garage.

(D) When the last passenger is discharged, the Driver must lock the doors and return to his garage or home.

§54-19(a)(5) Fine: \$[75] 100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED  
Points: 1

Section 6. Paragraphs (4), (5) and (6) of subdivision (b) of section 54-20 of Title 35 of the Rules of New York are

amended to read as follows:

#### §54-20 Operations – Refusing Passengers

(b) *Justifications for Refusing Passenger.* The following are permitted reasons for refusing to transport:

(4) The Driver is discharging his last Passenger or Passengers Before going off duty, and has already:

(i) Before the Off Duty Change Date.

[(i)](A) Illuminated his "Off Duty" light if driving a Taxicab, or entered the off duty button on the taximeter if driving a Street Hail Livery, and

[(ii)](B) Transmitted or entered the appropriate data.

(ii) After the Off Duty Change Date. Entered the appropriate off duty code in T-PEP or LPEP.

(5) The Driver is ending his or her work shift, and has already:

(i) Before the Off Duty Change Date.

[(i)](A) Illuminated the "Off Duty" sign if driving a Taxicab, or entered the off duty button on the taximeter if driving a Street Hail Livery,

[(ii)](B) Locked both rear doors, and

[(iii)](C) Transmitted or entered the appropriate data.

(ii) After the Off Duty Change Date.

(A) Entered the appropriate off duty code in T-PEP or LPEP.

(B) Locked both rear doors,

(6) The Driver must take the Taxicab or Street Hail Livery out of service for required repairs to T-PEP or LPEP, and has already:

(i) Before the Off Duty Change Date

[(i)](A) Illuminated the "Off Duty" light sign (or entered the off duty button on the taximeter in a Street Hail Livery),

[(ii)](B) Locked both rear doors, and

[(iii)](C) Transmitted or entered the appropriate data.

(ii) After the Off Duty Change Date

(A) Enter the appropriate off duty code in T-PEP or LPEP,

(B) Locked both rear doors

Section 7. Subdivisions (e) and (h) of section 54-22 of Title 35 of the Rules of New York are amended to read as follows:

#### §54-22 Vehicle – Operation and Condition

(e) *Exterior Clean and Identification Visible.* During his or her work shift, a Driver must keep the Medallion number or Street Hail Livery number on the front and rear of the [r]Roof [l]Light clean and unobstructed so that it can be seen at all times.

§54-22(e) Fine: \$[50] 100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

(h) *Operation of Roof Lights and Taximeters.*

(1) While on duty, a Driver must not operate a Taxicab unless:

(i) The [r]Roof [l]Light is lit when the Taximeter is not in use, and

(ii) The [r]Roof [l]Light is off when the Taximeter is in use.

(2) While on Duty, a Driver must not operate a Street Hail Livery unless:

(i) The [r]Roof [l]Light is lit when the Taximeter is not in use;

(ii) The [r]Roof [l]Light is off when the Taximeter is in use; or

(iii) The [r]Roof [l]Light is off when the Street Hail Livery is traveling to pick up a Passenger for a Pre-Arranged Trip or has a Passenger in the Vehicle who is on a Pre-Arranged Trip or the Driver is off duty.

§54-22(h) Fine: \$50-\$250 and/or suspension up to 30 days  
Points: 1 Appearance [NOT] REQUIRED

Section 8. Paragraphs (3) and (5) of subdivision (c) of section 54-26 of Title 35 of the Rules of New York are amended to read as follows:

#### §54-26 Vehicle Equipment – Taximeters

(c) *Taximeter Tampering*

(3) *Roof Light and other Electrical Connections.*

(i) A Driver must not tamper with R[r]oof L[l]ight or any of the interior lights or connections [except to replace a defective bulb or fuse].

(ii) The R[r]oof L[l]ight of a Taxicab or Street Hail Livery must be automatically controlled only by the movement of the Taximeter button or ignition switch so that it is lighted only when the Taximeter is in an off or "Vacant" position and unlighted when the Taximeter is in a recording or "Hired" position.

(iii) The Commission will assume that a Driver who operates a Vehicle with an unauthorized installation or device controlling interior or roof lighting knew of the unauthorized installation or device and deliberately operated the Vehicle in violation of this Rule, and the Commission will take appropriate action against the Driver.

§54-26(c)(3) Fine: \$50-\$350 and/or suspension up to 30 days  
Points: 3 Appearance REQUIRED

(5) *Procedures for Terminating Use of Vehicle with Defective Taximeter.* Upon terminating a trip because of a defective Taximeter, T-PEP or LPEP, the Driver must:

(i) Before the Off Duty Change Date

[(i)](A) Illuminate the "Off Duty" light in a Taxicab and enter the off duty button on the taximeter in a Street Hail Livery

[(ii)](B) Lock the rear doors

[(iii)](C) Transmit data that the Taximeter is defective (or enter on a written Trip Record, if T-PEP system is inoperative)

[(iv)](D) Return the Vehicle immediately to the garage of record or a licensed Taximeter repair shop.

(ii) After the Off Duty Change Date

(A) Enter the appropriate off duty code in T-PEP or LPEP.

(B) Lock the rear doors

(C) Transmit data that the Taximeter is defective (or enter on a written Trip Record, if T-PEP or LPEP system is inoperative)

(D) Return the Vehicle immediately to the garage or base of record or a licensed Taximeter repair shop.

§54-26(c)(5) Fine: \$[50] 100 if plead guilty before a hearing; \$150 if found guilty following a hearing. Appearance NOT REQUIRED

Section 9. Paragraph (2) of subdivision (d) of section 58-12 of Title 35 of the Rules of New York is amended to read as follows:

§58-12 *Compliance with Law – No Unlicensed Activity*

(d) *No Unlicensed Drivers.*

(2) *Exceptions.* An Owner can permit a person who does not possess a Taxicab Driver's License to drive the vehicle only when all of the following limited circumstances are met:

(i) Before the Off Duty Change Date

[(i)](A) The vehicle is being driven to or from the Commission's centralized Taxicab inspection facility or a repair facility;

[(ii)](B) The off-duty light is illuminated;

[(iii)](C) A current Trip Record (written or electronically printed out) is in the Taxicab, indicating the vehicle is "Off-Duty" and why;

[(iv)](D) The rear doors are locked;

[(v)](E) The person driving the vehicle is licensed to drive a motor vehicle;

[(vi)](F) The person driving the vehicle is not a person whose Taxicab Driver's License is suspended or revoked.

(ii) After the Off Duty Change Date

(A) The vehicle is being driven to or from the Commission's centralized Taxicab inspection facility or a repair facility;

(B) The driver has entered the appropriate off duty code in T-PEP

(C) A current Trip Record (written or electronically printed out) is in the Taxicab, indicating the vehicle is "Off-Duty" and why;

(D) The rear doors are locked;

(E) The person driving the vehicle is licensed to drive a motor vehicle;

(F) The person driving the vehicle is not a person whose Taxicab Driver's License is suspended or revoked.

§58-12(d)(2) Fine: \$400 and/or suspension up to 30 days Appearance REQUIRED

Section 10. Subdivisions (f) and (h) of section 58-31 of Title 35 of the Rules of New York are amended to read as follows:

§58-31 *Vehicle Condition – Miscellaneous*

(f) *Medallion Number on Roof Light.* The Medallion number on the front and rear of the R[roof]L[light] must be clean and unobstructed so that the Medallion number is plainly visible.

§58-31(f) Fine: \$50 if plead guilty before a hearing; \$75 if found guilty following a hearing. Appearance NOT REQUIRED

(h) *Lighting Control.* The dashboard dimmer switch or any other device must not control the candlepower of the R[roof]L[light], Taximeter light, card frame light or interior lighting.

§58-31(h) Fine: \$50 - \$350 and/or suspension up to 30 days Appearance [N/A] REQUIRED

Section 11. Subdivision (i) of section 58-32 of Title 35 of the

Rules of New York is amended to read as follows:

§58-32 *Vehicle – Markings & Advertising*

(i) *Marking Specifications for Taxicabs*

INSCRIPTION*	LOCATION	SIZE
(c) Medallion number (required)	Front and rear of roof light.	2¾" to 3" high letters ½" thick.
[(d) "OFF DUTY" (required)]	Each end of roof light.	1¼" high letters ¼" thick. ]

Section 13. Subdivision (a) of section 58-34 of Title 35 of the Rules of New York is amended to read as follows:

§58-34 *Vehicle Equipment*

(a) *Roof Light.* A roof light is required on all Taxicabs, as required by the Hack-Up specifications in Chapter 67; the Taxicab Owner must ensure compliance with the following:

(1) *[Off-duty Sign by Manual Switch.* While a Taxicab is in operation for hire, the "Off Duty" sign must not be illuminated in any way other than by a manually operated switch on the Taxicab dashboard.

§58-34(a)(1) Fine: \$75 Appearance NOT REQUIRED

(2) *Controlled by Taximeter.* The Taxicab R[roof]L[light] must be automatically controlled by the operation of the Taximeter so that it is lighted only when the Taximeter is in an off position and unlighted when the Taximeter is in a recording position. An Owner must not tamper with the operation of the Taxicab's R[roof]L[light].

§58-34(a)(2)[1] Fine: \$50 - \$350 and/or suspension up to 30 days Appearance REQUIRED

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

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

**RULE TITLE:** Amendment of Taxicab Rooflight Rules

**REFERENCE NUMBER:** 2012 RG 042

**RULEMAKING AGENCY:** Taxi and Limousine Commission

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

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

/s/ STEVEN GOULDEN Date: May 14, 2012  
Acting Corporation Counsel

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

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

**RULE TITLE:** Amendment of Taxicab Rooflight Rules

**REFERENCE NUMBER:** TLC-31

**RULEMAKING AGENCY:** TLC

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro Date: May 15, 2012  
Mayor's Office of Operations

**Notice of Public Hearing and Opportunity to Comment  
on Proposed Rules**

**What are we proposing?** The Taxi and Limousine Commission ("TLC") is considering increasing the penalties for illegal street hails and similar unlawful activities.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rule. The public

hearing will take place at 9:00 A.M. on Thursday, June 21, 2012. The hearing will be in the Commission hearing room at 33 Beaver Street, 19th Floor, New York, NY 10004.

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

**Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10004.

**Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.

**Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).

**Website.** You can submit comments to the Taxi and Limousine Commission through the NYC Rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).

**By Speaking At the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on June 21, 2012 at 10:00 A.M. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by June 18, 2012.

**Do you need assistance to participate in the Hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, June 18, 2012.

**Can I review the comments made on the proposed rules?** A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs at 33 Beaver Street, 22nd Floor, New York, NY 10004.

**What authorizes the Commission to make this rule?** Section 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because the need for the proposed rule was not anticipated.

**Where can I find the Commission's rules?** The Commission's rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

**Statement of Basis and Purpose of Proposed Rules**

These proposed rules are authorized by Section 2303 of the Charter and Sections 19-503, 19-506 and 19-507 of the New York City Administrative Code. The proposed rules amend the Taxi and Limousine Commission's penalties for illegal street hails, unlicensed activity, and other unlawful activities. These proposed amendments to the penalties were made after considering comments from TLC Commissioners, industry representatives, and other members of the public, which called for more stringent enforcement measures.

The proposed rule changes also create consistent penalties for violations of rules committed by drivers, vehicle owners, and bases in the traditional for-hire vehicle industry and the Street Hail Livery industry.

The proposed rule changes to title 35 of the Rules of the City of New York are as follows:

- Amendment to § 59B-23(f) to modify the penalties for Street Hail Livery Base owners who dispatch a Street Hail Livery for a pre-arranged trip originating in the Pre-arranged Exclusionary Zone.
- Amendment to § 55-19(a) to modify the penalties for drivers of traditional for-hire vehicles who commit illegal street hails.
- Amendment to § 59A-25(a) to modify the penalties for owners of traditional for-hire vehicles who allow the vehicle to be used for illegal street-hails.
- Amendments to create a fixed penalty system for Street Hail Livery Licensees (§ 82-12(c)), base owners (§ 59B-11(e)), traditional for-hire vehicle drivers (§ 55-11(h)), and for-hire vehicle owners (§ 59A-11(e)) who hold themselves out to the public as a for-hire service or as a "taxi," "Street Hail Livery," "Taxicab" or "hack" service without a current License issued by the Commission for that activity:

New material is underlined.  
[Material inside brackets indicates deleted material.]

Section 1. Section 55-11 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (e) to read as follows:

(e) Advertising of Unlicensed Service. A Driver must not operate any vehicle as a for-hire service or as a "taxi," "Street Hail Livery," "Taxicab" or "hack" service without a current License issued by the Commission for that Activity.

§55-11(e) Fine: First Violation: \$500 and when local law so authorizes, suspension; Second Violation in 24 months: \$750 and Appearance REQUIRED

when local law so authorizes, suspension;  
Third Violation within 120 months: Revocation,  
when local law so authorizes.

§2. The penalty for subdivision (a) of Section 55-19 of Title 35 of the Rules of the City of New York is amended to read as follows:

§55-19(a) Fine: First Violation: [\$350] \$500 and Appearance  
 suspension, when local law so authorizes; REQUIRED  
 Second Violation in 24 months: [\$500] \$750,  
 when local law so authorizes, and 30-day suspension;  
 Third Violation in [36] 120 months: Revocation,  
 when local law so authorizes

§3. The title of Section 59A-11 of Title 35 of the Rules of the City of New York is amended, and a new subdivision (h) is added, to read as follows:

§59A-11 Compliance with Law- [No] Unlicensed Activity Prohibited

(h) Advertising of Unlicensed Service. No vehicle will be operated for-hire or as a "taxi," "Street Hail Livery," "Taxicab" or "hack" service without a current License issued by the Commission for that Activity.

§59A-11(h) Fine: First Violation: \$500 and when local Appearance  
 law so authorizes, suspension; REQUIRED  
 Second Violation in 24 months: \$750 and  
 when local law so authorizes, suspension;  
 Third Violation within 120 months: Revocation,  
 when local law so authorizes

§4. Subdivision (a) of Section 59A-25 of Title 35 of the Rules of the City of New York is amended to read as follows:

§ 59A-25 Operations- Miscellaneous Operating Requirements

(a) Passenger Trips by Pre-Arrangement Only.  
 (1) No For-Hire Vehicle [Owner will allow Owner's Vehicle(s) to] will transport Passengers for hire other than through pre-arrangement with a Base licensed by the Commission.  
 (2) A For-Hire Vehicle Owner will be liable for penalties for any violation of this section.

§59A-25(a) [Vehicle: during any license term, Appearance  
 \$100 for the first violation during such REQUIRED  
 term, with the penalty increasing by \$100  
 for each subsequent violation up to a maximum  
 of \$10,000.]  
 Fine: First Violation: \$500 and when local law so  
 authorizes, suspension;  
 Second Violation in 24 months: \$750 and when  
 local law so authorizes, suspension;  
 Third Violation in 120 months: Revocation,  
 when local law so authorizes

§5. Subdivision (e) of Section 59B-11 of Title 35 of the Rules of the City of New York is amended to read as follows:

Advertising of Unlicensed [For-Hire] Service. A base owner must not hold him or herself out to the public as a for-hire service or as a "taxi," "Street Hail Livery," "Taxicab" or "hack" service without a current License issued by the Commission for that activity. "For-Hire" service includes Livery, Black Car, or Luxury Limousine service.

§59B-11(e) Fine: [\$350 for the first violation;] First Appearance  
 Violation: \$500 and when local law so REQUIRED  
 authorizes, suspension;  
 [\$500 for the second violation;] Second  
 Violation in 24 months: \$750 and when  
 local law so authorizes, suspension;  
 [revocation for the third violation within  
 36 months] Third Violation within 120  
 months: Revocation, when local law so authorizes

§6. The penalty for subdivision (f) of Section 59B-23 of Title 35 of the Rules of the City of New York is amended to read as follows:

§59B-23(f) Fine: [\$500] Appearance NOT REQUIRED  
 First violation: \$1000  
 Second violation in 24 months: \$2000  
 Third violation in 36 months: 30 day suspension

§7. The penalty for subdivision (c) of Section 82-12 of Title 35 of the Rules of the City of New York is amended to read as follows:

§82-12(c) [Fine: \$ 1,500 and/or suspension Appearance  
 up to 30 days] REQUIRED  
 Fine: First Violation: \$500 and when  
 local law so authorizes, suspension;  
 Second Violation in 24 months: \$750 and  
 when local law so authorizes, suspension;  
 Third Violation in 120 months: Revocation,  
 when local law so authorizes.

NEW YORK CITY LAW DEPARTMENT  
 DIVISION OF LEGAL COUNSEL  
 100 CHURCH STREET  
 NEW YORK, NY 10007  
 212-788-1087

CERTIFICATION PURSUANT TO  
 CHARTER §1043(d)

RULE TITLE: Amendment of Penalties for Illegal Street Hails

REFERENCE NUMBER: 2012 RG 043

RULEMAKING AGENCY: Taxi and Limousine Commission

I certify that this office has reviewed the above-referenced

proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

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

/s/ STEVEN GOULDEN Date: May 16, 2012  
 Acting Corporation Counsel

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

CERTIFICATION / ANALYSIS  
 PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of Penalties for Illegal Street Hails

REFERENCE NUMBER: TLC-32

RULEMAKING AGENCY: TLC

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro Date: May 16, 2012  
 Mayor's Office of Operations

Notice of Public Hearing and Opportunity to Comment  
 on Proposed Rules

**What are we proposing?** The Taxi and Limousine Commission is considering changing its rules. The change would amend the TLC's Rules as approved by the Commission on April 19, 2012, regarding Street Hail Livery service.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on Thursday, June 21, 2012. The hearing will be in the Commission hearing room at 33 Beaver Street, New York, New York, on the 19th Floor.

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

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, New York 10014.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on June 21, 2012. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by Monday, June 18, 2012.

**Do you need assistance to participate in the Hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, June 14, 2012.

**Can I review the comments made on the proposed rules?** A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

**What authorizes the Commission to make this rule?** Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code, together with the provisions of state legislative bills S5825 and A8496 signed into law on December 23, 2011 and the provisions of S6118-A and A8691-

A signed into law on February 17, 2012, authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

**Where can I find the Commission's rules?** The Commission's rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

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

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012, which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles (City subsidies for accessible vehicle purchase/upgrades will be available).

These proposed rules will implement the state legislation, which outlines the characteristics of and the services that the new Street Hail Vehicles will provide to New York City residents and visitors. The state legislation and the proposed rules aim to improve access to safe, legal and convenient street hail service for the 6.7 million New York City residents who live outside of the neighborhoods where yellow taxi service is generally available.

The proposed rule changes are organized as follows:

- Amendments to Accessible Taxicabs (Chapter 53) and Medallion Taxicab Drivers (Chapter 54) to address driver training requirements and fees.
- Amendments to prohibit the use of the Street Hail Livery Vehicle color on any For-Hire Vehicles and Commuter-Van Vehicles not licensed as a Street Hail Livery (Chapters 59A, 60A, 61A).
- Eliminate the requirement that For-Hire Vehicles identify the Base Station License number on the exterior of the Vehicle (Chapter 59A)
- Amend the items required by Black Cars and Luxury Limousines to be displayed in the Vehicle (Chapter 59A).
- Requirements for base stations to affiliate a minimum number of Accessible Street Hail Liveries (Chapter 59B).
- Amend the documents required in a Paratransit Vehicle, and amendments to provide retirement waivers for Paratransit Vehicles affiliated with Bases which have a certain number of affiliated Accessible Street Hail Livery Vehicles or upon transfer of the Base License. (Chapter 60A, B).
- Amendments to new chapter on Street Hail Livery Service (Chapter 82) regarding affiliation restrictions, vehicle marking requirements, documents required in the Vehicle and other Vehicle equipment requirements for Paratransit Vehicles which are also Street Hail Liveries.

Purpose of Proposed Rules

The legislation enacted in Albany, which these proposed rules implement, authorizes the City to implement a program to issue permits to authorize hail service by liveries in certain areas of New York City. On April 19, 2012, the Commission passed rules to implement the program and these new proposed rules are intended to implement further changes based on staff and public input received regarding the program during the initial phase of rulemaking.

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. Subdivision (a) of section 53-07 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) Reserved [Passenger Assistance Training].

- (1) Taxicab Owner Must Pay for Training. The Taxicab Owner is responsible for paying any fees required to train each of Owner's Approved Drivers under Section 54-04(n) of these Rules.

§53-07(a)(1) Fine: \$50 Appearance: NOT Required]

§2. Paragraph (1) of subdivision (n) of section 54-04 of Title 35 of the Rules of the City of New York is amended, and a new paragraph (5) is added, to read as follows:

- (1) Training Must be Approved by Commission. In order to become a driver of an Accessible Taxicab, a Driver, and on and after September 1, 2012, all new Applicants for a Taxicab Driver's License, must attend a Commission-approved training course regarding Wheelchair Passenger assistance.
- (5) Beginning September 1, 2012, a new Applicant for a Taxicab Driver's License must present a certificate of completion or other evidence that he

or she has completed the training with his or her application. Failure to provide such proof will result in denial of the application.

§3. Subdivision (d) of section 59A-29 of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) [Taxicab Yellow] Prohibited Colors for Vehicle Exteriors. No For-Hire Vehicle can be, in whole or in part, any shade of Taxicab Yellow, and no For-Hire Vehicle not licensed as a Street Hail Livery can be, in whole or in part, any shade of the Street Hail Livery color as identified in subdivision 82-33(j).

§4. The opening, unnumbered sentence of paragraph (1) of subdivision (g) of section 59A-29 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) The name of the Base Station[, its License number,] and telephone number in one of the following ways:

§5. Section 59A-30(a)(3)(ii) of Title 35 of the Rules of the City of New York is amended to read as follows:

(ii) Those items must, however, be [displayed in the Vehicle in a way so as to be clearly visible from the Passenger seat and] available for inspection by the Passenger upon request.

§6. The penalty provision of subdivision (b) of section 59B-15 of Title 35 of the Rules of the City of New York is amended, and a new paragraph (3) is added, to read as follows:

§59B-15(b)(1) Fine: Suspension until minimum Appearance: and (2) is met REQUIRED

(3) Special Requirements for Street Hail Livery Bases. Effective January 1, 2013, unless the Chairperson has suspended the requirements of this section because all Street Hail Livery Permits which are required to be used with accessible vehicles are issued and outstanding:

(i) A Street Hail Livery Base must affiliate a minimum number of Accessible Street Hail Liveries, which will depend on the number of Street Hail Liveries affiliated with the base.

(ii) For purposes of determining whether a Street Hail Livery Base has met the requirement of subparagraph (i), a Street Hail Livery Base must have and maintain affiliations with Accessible Street Hail Liveries as follows:

Table with 3 columns: Number of Street Hail Liveries affiliated with Street Hail Livery Base, Number of Accessible Street Hail Liveries that the Base is required to affiliate, Can Paratransits that are also Accessible Street Hail Liveries be used to meet this requirement?

(iii) A Street Hail Livery Base must maintain the minimum number of affiliated Accessible Street Hail Livery Vehicles at all times, and as a condition of licensure.

(iv) The Commission can review a Base's compliance with this Rule at any time.

(v) A Base must not improperly manipulate, change or misrepresent its lists of affiliated Street Hail Liveries and Accessible Street Hail Liveries in an effort to avoid compliance with this Rule. If the Commission believes that a Base has manipulated, changed, or misrepresented any or all of such lists, it can charge the Base with a violation of subdivision 59B-13(d) of these Rules

§59B-15(b)(3) Fine: Suspension if fail to comply within 30 days of notice. Appearance: REQUIRED

§ 7. Section 60A-04(i) of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) Vehicle Mileage Requirements. The Applicant for an original (new) License must submit a New York State Department of Transportation Form MC300, dated not more than one month from the application date, proving that the Vehicle meets the relevant mileage requirement:

(1) [On and after January 1, 2009, a vehicle must have fewer than 50,000 miles.

On and after January 1, 2010, a vehicle must have fewer than 25,000 miles.]

On and after January 1, 2011, a vehicle must be of the most recent model year or the immediately preceding model year and must have fewer than 500 miles.

(2) Exception. Applicants applying for a License will not be subject to this requirement if the application is:

(i) Required because of the ownership transfer of the base with which the vehicle is affiliated; or

(ii) For a vehicle which is currently Licensed as a Paratransit Vehicle.

§8. Section 60A-28 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (f) to read as follows:

(f) Prohibited Colors for Vehicle Exteriors. No Paratransit Vehicle can be, in whole or in part, any shade of the Street Hail Livery color as identified in Section 82-33(j).

§60A-28(f) Fine: \$350 for the first violation; \$500 for the second violation in 24 months; Appearance: REQUIRED revocation for the third violation in 36 months.

§9. Subdivision (a) of section 60A-29 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (10), to read as follows:

(10) If Paratransit vehicle is operating as a Street Hail Livery vehicle:

(ii) The Street Hail Livery License.

§10. Section 60A-34 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) [On and after January 1, 2009, all Paratransit Vehicles that are of model year 2000 or earlier must be retired from Paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.

(b) On and after January 1, 2010, all Paratransit Vehicles that are of model year 2002 or earlier must be retired from paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.

(c) On and after January 1, 2011, all Paratransit Vehicles that are of model year 2004 or earlier must be retired from paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.

(d) On and after January 1, 2012, all Paratransit Vehicles must be retired no later than seven years after the Vehicle was first licensed.

[(e) (b) Mandatory Retirement.

(1) A Paratransit Vehicle that cannot pass the New York State Department of Transportation inspection must be retired, regardless of whether its retirement date has been reached.

(2) A Paratransit Vehicle which has reached its retirement date must be retired, regardless of whether it may still pass the New York State Department of Transportation inspection.

(3) A Paratransit Vehicle which is beyond its retirement date because it has been in use as a Street Hail Livery (see subdivision (d) below) or because its Base had a sufficient number of affiliated Street Hail Liveries (see subdivision (e) below), must be retired immediately when it is no longer eligible for the extensions in subdivisions (d) or (e) of this section.

[(f) (c) Extension of Time for Retirement.

(1) A Vehicle Owner can request an extension of a Vehicle's retirement date.

(2) Any request for an extension of the retirement date must be made at least two months before that date.

(3) The extension request must include documentation demonstrating that:

(i) A new vehicle has been ordered.

(ii) The new vehicle will not be delivered until after the retirement date.

(iii) The new vehicle will be delivered no later than 60 days after the retirement date.

(4) If the Vehicle Owner's documentation is complete and accurate, the retirement date of the Vehicle will be extended to the projected delivery date of the new vehicle. The Chairperson may confirm the completeness and accuracy of the documentation.

(d) Exception applicable to Paratransit Vehicles which are also Street Hail Liveries. A Paratransit Vehicle that is also in use with a Street Hail Livery License is not required to meet the retirement dates in this section 60A-34 for so long as the Paratransit Vehicle continues in use with a Street Hail Livery License.

(e) Exception applicable to Paratransit Vehicles affiliated with a Base which has a minimum number of affiliated Paratransit Vehicles licensed as Street Hail Liveries. A Paratransit Vehicle affiliated with a Paratransit Base is not required to meet the retirement dates in this section 60A-34 for so long as that Paratransit Base maintains affiliations with a minimum number of Paratransit Vehicles which are licensed as Street Hail Liveries, which number is the lesser of:

(1) Ten (10), or

(2) Twenty (20) percent of the total number of Paratransit vehicles affiliated with that Base.

§11. Subdivision (c) of section 60B-08 of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) Upon approval of the transfer, the Commission will permit the entire fleet to be transferred to the new Base [as long as the Vehicles meet the age retirement requirements established in Subchapter 60A-34 of this Chapter].

§12. Subdivision (a) of section 61A-27 of Title 35 of the Rules of the City of New York is amended by adding a new paragraph (5), to read as follows:

(5) Prohibited Colors for Vehicle Exteriors. No Commuter-Van Vehicle can be, in whole or in part, any shade of the Street Hail Livery color as identified in subdivision 82-33(j).

§61A-27(a)(5) Fine: \$350 for the first violation; \$500 for the second violation in 24 months; Appearance: REQUIRED revocation for the third violation in 36 months.

§13. Subdivision (i) of section 82-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(i) Affiliation with only one Base.

(1) A Street Hail Livery License and the Vehicle with which the License is used can affiliate with only one Base at a time and that Base must be a Validly licensed Street Hail Livery Base.

(2) Exception: A Vehicle which is also a Paratransit Vehicle can be affiliated with both one Street Hail Livery Base and one Paratransit Base at the same time.

§14. Subdivision (m) of section 82-33 of Title 35 of the Rules of the City of New York is amended to read as follows:

(m) Special Exception for Accessible Street Hail Liveries that are also Paratransit Vehicles.

(1) Accessible Street Hail Liveries that are also Paratransit Vehicles must only [also] comply with NYS marking requirements and the requirements of Chapter 60 A; such vehicles are NOT required to comply with the requirements of this section.

[(2) Where such NYS requirements conflict with the requirements of this Chapter, those NYS requirements will supersede the provisions of this Chapter.

(3) Where NYS requirements supersede the requirements of this Chapter, the Licensee will work with the Chairperson to determine appropriate placement of Commission markings.]

§15. Section 82-34 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (b), to read as follows:

(b) Subdivision (a) above shall not apply to a Paratransit vehicle operating as a Street Hail Livery vehicle. Such vehicles shall comply with the requirements of Chapter 60A.

§16. Subdivisions (a) and (b) of section 82-36 of Title 35 of the Rules of the City of New York are amended to read as follows:

(a) Requirement. A Street Hail Livery that is not also a Paratransit Vehicle must be equipped with a partition that isolates the Driver from the rear seat Passengers and meets the requirements set forth in Subchapter B of these Rules.

§82-36(a) Fine: \$350 if plead guilty before a hearing and supply a condition corrected form issued by TLC's Safety and Emissions Division; \$450 if found guilty following a hearing. Appearance NOT REQUIRED Summary Suspension until the condition is corrected.

(b) Exemptions.

(1) A Street Hail Livery will be exempt from the requirements of subdivision (a) if the Vehicle is also a Paratransit Vehicle or is equipped with all of the following safety devices:

(i) An FCC-licensed commercial two-way radio with an emergency button that would notify the dispatcher that the Driver is in trouble or a cellular telephone that has an emergency dialing feature;

(ii) The distress signaling light required by § 82-35(c), above;

(iii) An approved in-vehicle camera system.

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

CERTIFICATION / ANALYSIS PURSUANT TO CHARTER SECTION 1043(d)

**RULE TITLE:** Amendment of Street Hail Livery Rules

**REFERENCE NUMBER:** TLC-33

**RULEMAKING AGENCY:** TLC

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because rule violations arise from completed events, the consequences of which are immediate, which makes a cure period impracticable under the circumstances.

/s/ Francisco Navarro May 15, 2012  
Mayor's Office of Operations Date

**NEW YORK CITY LAW DEPARTMENT**  
**100 CHURCH STREET**  
**NEW YORK, NY 10007**  
**212-788-1087**

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

**RULE TITLE:** Amendment of Street Hail Livery Rules

**REFERENCE NUMBER:** 2012 RG 044

**RULEMAKING AGENCY:** Taxi and Limousine Commission

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

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

/s/ STEVEN GOULDEN Date: May 15, 2012  
Acting Corporation Counsel

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**Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Taxi and Limousine Commission is considering changing its rules. The change would amend Chapter 83 (Licensing & Rules for Street Hail Livery Technology System Providers) to make certain technical and substantive changes that ensure the consistency and practicability of the LPEP rules.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on Thursday, June 21, 2012. The hearing will be in the hearing room at 33 Beaver Street - 22nd Floor, New York, NY 10004.

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

- **Mail.** You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street - 22nd Floor, New York, New York 10004.
- **Fax.** You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.
- **Email.** You can email written comments to [tlcrules@tlc.nyc.gov](mailto:tlcrules@tlc.nyc.gov).
- **Website.** You can submit comments to the Taxi and Limousine Commission through the NYC rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on June 21, 2012. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by June 20, 2012.

**Do you need assistance to participate in the Hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, June 14, 2012.

**Can I review the comments made on the proposed rules?** A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

**What authorizes the Commission to make this rule?** Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the

Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

**Where can I find the Commission's rules?** The Commission's rules are in title 35 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

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

On December 23, 2011 Governor Cuomo signed into law chapter 602 of the Laws of 2011, and on February 17, 2012, signed into law chapter 9 of the Laws of 2012, which amended the previous statute. This legislation allows New York City to issue up to 18,000 transferable licenses to for-hire vehicles authorizing them to pick up passengers by street hail anywhere outside Manhattan (except for the airports) and in Manhattan north of West 110th Street and north of East 96th Street. Up to 6,000 of these licenses for Street Hail Liveries can be issued in the first year of the program. Twenty percent of these licenses will be set aside for wheelchair accessible vehicles (City subsidies for accessible vehicle purchase/upgrades will be available). The rules described below implement the state legislation. They outline the characteristics of and the services that the new Street Hail Vehicles will provide to New York City residents and visitors. The state legislation and the rules aim to improve access to safe, legal and convenient street hail service for the 6.7 million New York City residents who live outside of the neighborhoods where yellow taxi service is generally available.

The implementing rules are organized as follows:

1. Amendment to *Definitions* (Chapter 51) to incorporate Street Hail Liveries
2. Amendment to *For-Hire Service* (Chapter 59B) to outline requirements for base stations authorized to affiliate Street Hail Liveries
3. New chapter on *Street Hail Livery Service* (Chapter 82) outlining licensing, service and vehicle requirements
4. Amendments to *Medallion Taxicab Drivers* (Chapter 54) to incorporate requirements for drivers of Street Hail Liveries
5. New chapter on *Technology Vendors* (Chapter 83) creating a new license type for vendors of Street Hail Livery Technology Systems for Street Hail Liveries.

On April 19, 2012, the Commission held a public hearing at the Brooklyn Borough Hall and voted to approve the rules described above. The purpose of these proposed rules is to make technical and/or clarifying changes to certain provisions in Chapter 83.

**Changes to Chapter 83**

1. The definitions of the terms "Epilogue," "Passenger Information Monitor or PIM," and "Screen" in §83-03(j), (w), and (ff), respectively, are amended to reflect that the term "Passenger Information Monitor or PIM" is defined in §51-03 of the Rules, and to clarify that a "Screen" is not a Passenger Information Monitor.
2. Section 83-29(a) is amended to make it clear that the LPEP Provider is responsible for the conduct of all of its employees, agents, contractors and subcontractors for activities performed to carry out the requirements of Chapter 83. This is consistent with the LPEP Provider's obligation under §83-12(a) to provide indemnification for third-party claims arising out of the operations of the LPEP Provider's employees, agents and subcontractors in connection with any of the activities licensed under Chapter 83.
3. Section 83-31(d)(2) is amended to modify the measurement of screens in LPEPs that do not feature a Passenger Information Monitor to be not greater than 5.5 inches measured diagonally and not less than 2.5 inches measured diagonally. The amendment to §83-31(d)(3) is a technical change that reflects that the term Passenger Information Monitor is defined in §51-03 of the Rules.
4. Section 83-31(d)(4)(i)(A), (B) and (C) are amended to provide that LPEPs with Passenger Information Monitors be required to present PSAs, Emergency PSAs, and Passenger surveys only if the PIMs display any of the following:
  - commercial advertising
  - commercial sponsorships
  - news and entertainment-based content.
5. Section 83-31(d)(4)(i)(D) is amended to provide that the requirements for Commission reserved space on LPEPs with PIMs apply only to PIMs that display any of the following:
  - commercial advertising
  - commercial sponsorships
  - news and entertainment-based content.
6. Section 83-31(d)(4)(iv) is amended to provide that only PIMs that display commercial advertising and/or sponsorships are required to display news and entertainment-based content. In addition, an LPEP Provider of LPEPs with PIMs that do not display commercial advertising and/or sponsorships would be permitted to display news and entertainment-based content, but in such case would then be required to display PSAs, Emergency PSAs, and Passenger surveys, and would be subject to the Commission reserved space requirements.

Amended PIMS Display Requirements	
PIMS that display any of the following:	PIMS that display:
<ul style="list-style-type: none"> <li>• Commercial Ads</li> <li>• Commercial Sponsorships</li> </ul>	<ul style="list-style-type: none"> <li>• News and entertainment</li> </ul>
Must also display:	But do not display:
<ul style="list-style-type: none"> <li>• News and Entertainment</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial Ads</li> <li>• Commercial Sponsorships</li> </ul>
And must also display:	Must also display:
<ul style="list-style-type: none"> <li>• PSAs</li> <li>• Emergency PSAs</li> <li>• Passenger Surveys</li> </ul>	<ul style="list-style-type: none"> <li>• PSAs</li> <li>• Emergency PSAs</li> <li>• Passenger Surveys</li> </ul>
And must also provide:	And must also provide:
<ul style="list-style-type: none"> <li>• Commission Reserved Space</li> </ul>	<ul style="list-style-type: none"> <li>• Commission Reserved Space</li> </ul>

7. Section 83-31(e)(1) is amended to insert "On-duty" preceding "Hail Exclusionary Zone Positioning" to reflect that the term "On-duty Hail Exclusionary Zone Positioning" is a term defined in §83-03(u).

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

Section 1. Subdivisions (j), (w), and (ff) of section 83-03 of chapter 83 of Title 35 of the Rules of the City of New York are amended to read respectively as follows:

**§83-03 Definitions Specific to This Chapter**

(j) *Epilogue.* The series of screens to be run on a Passenger Information Monitor [that offers advertising] at the end of each trip as described in §83-31(d)(4)(i)(A) of these Rules.

(w) *Passenger Information Monitor or PIM* [in this chapter and this chapter only shall mean the interactive screen in the rear of Street Hail Liveries that provides, among other features, fare payment screens at the end of the trip and may or may not display advertising] shall have the same meaning given such term in §51-03 of these Rules.

(jj) *Screen* [shall mean a] A display screen in a Street Hail Livery which displays at the least fare payment information at the end of a trip, but which is not a Passenger Information Monitor.

§ 2. Subdivision (a) of section 83-29 of chapter 83 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§83-29 Business Requirements - LPEP Provider Liability for Conduct of Employees**

(a) *Liability for Employee Conduct.* An LPEP Provider must supervise and be responsible for the conduct of all of its employees, contractors, and agents for activities performed to carry out the requirements of this Chapter. For clarity, this subdivision (a) and the following subdivision (b) shall not be applicable to Street Hail Livery Drivers[, and individuals or business entities employed by any LPEP Provider or its subcontractor(s) who under applicable law are deemed to be independent contractors and not employees].

§ 3. Subparagraph (iii) of paragraph (2) and the opening sentence of paragraph (3) of subdivision (d) of section 83-31 of chapter 83 of Title 35 of the Rules of the City of New York are amended to read as follows:

**§83-31 Technical Requirements - Street Hail Livery Technology System (LPEP)**

(d) *Passenger Information Monitor, Screen, or Other Credit / Debit / Prepaid Card Device.* An LPEP must have either a Passenger Information Monitor, a screen, or other device that reads credit/debit/prepaid cards as provided below. The LPEP must conform to the following specifications:

(2) An LPEP with a screen but without a Passenger Information Monitor must have the following features:

(iii) The screen measurement must not be greater than [15.5] 5.5 inches measured diagonally and not less than 2.5 inches measured diagonally;

(3) An LPEP with a Passenger Information Monitor [that provides advertising content] must have the following features:

§ 4. The introductory paragraph of subparagraph (i) of paragraph (4) and clauses (A), (B), and (C) of subparagraph (i) of paragraph (4) of subdivision (d) of section 83-31 of chapter 83 of Title 35 of the Rules of the City of New York are amended to read as follows:

(4) Required features relating to PIM content are as follows:

(i) **TLC Content.** TLC Content consists of content that is produced by the Commission and submitted to the LPEP Provider for presentation to Passengers via the PIM. The Commission has the sole discretion to select TLC Content, and to decide whether the content is presented in audio and/or video formats. TLC Content includes, but is not limited to, the Prologue and Epilogue, Public Service Announcements, and Passenger Surveys, as described [below] in clauses (A) through (C) below. TLC Content does not include the passenger route described in subparagraph (ii) below, payment processing information described in subparagraph (iii) below, news and entertainment content described in subparagraph (iv) below, commercial advertisements and sponsorships supplied by or for the LPEP Provider as described in subparagraph (v) below, and any other content not supplied by the Commission to the LPEP Provider. TLC Content shall be displayed on the PIM in accordance with the [reserved space requirements in clause (D) below and may be updated in accordance with clause (E) below] applicable provisions of this paragraph (d)(4).

(A) **Prologue and Epilogue.** The Commission will provide the LPEP Provider with a series of screens to be run at the start (Prologue) and end (Epilogue) of each trip. The text and graphic content for the screens will be provided on a CD-Rom, by email or by other method acceptable to the Commission. The Prologue must run

for at least thirty-five (35) seconds and will contain a greeting, Passenger information, fare information, credit, debit, or prepaid card payment information, and in PIMs that display commercial advertising and/or sponsorships in accordance with subparagraph (d)(4)(v) below and/or display news and entertainment-based content in accordance with subparagraph (d)(4)(iv) below, any Public Service Announcements provided by the Commission. The Epilogue must be either displayed for ten (10) seconds (whether in audit, video, or both) alone on the PIM screen or displayed on the fare payment screen upon the initiation of the payment transaction by an action of the Passenger. Such initiation of the payment transaction includes but is not limited to, depression of a cash selection button or the swiping (or other contact) of a credit, debit or prepaid card. Except as permitted by this paragraph (d)(4), the Prologue and Epilogue must not be interrupted or interfered with by other PIM content.

(B) Public Service Announcements. [The] A PIM that displays commercial advertising and/or sponsorships in accordance with subparagraph (d)(4)(v) below and/or displays news and entertainment-based content in accordance with subparagraph (d)(4)(iv) below must present to Passengers all of the PSAs and Emergency PSAs provided by the Commission from time to time in graphic or text files or other formation in the discretion of the Commission. The PSAs and Emergency PSAs must be presented in the manner prescribed by the Commission, such as during the Prologue and/or Epilogue, at other times, and by showing certain PSAs at certain times of the day. The Commission may require that Emergency PSAs preempt all other content on the PIM. The Passenger must have the option of viewing any additional PSAs not in the Prologue or Epilogue.

(C) Passenger Surveys. [The] A PIM that displays commercial advertising and/or sponsorships in accordance with subparagraph (d)(4)(v) below and/or displays news and entertainment-based content in accordance with subparagraph (d)(4)(iv) below must permit the Passenger to take in-vehicle surveys of not more than twenty (20) questions (in yes or no, multiple choice format), the results of which are to be provided to the Commission on a weekly basis electronically, or made accessible to the Commission as described in paragraph (d)(7) below.

§ 5. Clause (D) of subparagraph (i) of paragraph (4) of subdivision (d) of section 83-31 of chapter 83 of Title 35 of the Rules of the City of New York is amended by adding an introductory sentence to read as follows:

(4) Required features relating to PIM content are as follows:

(i) TLC Content.

(D) Reserved Space Requirements.

The reserved space requirements in this clause (D) apply only to PIMs that display commercial advertising and/or sponsorships in accordance with subparagraph (d)(4)(v) below and/or display news and entertainment-based content in accordance with subparagraph (d)(4)(iv) below.

§ 6. Subparagraph (iv) of paragraph (4) of subdivision (d) of section 83-31 of chapter 83 of Title 35 of the Rules of the City of New York is amended to read as follows:

(4) Required features relating to PIM content are as follows:

(iv) News and Entertainment Content. [The] A PIM that displays commercial advertising and/or sponsorships in accordance with subparagraph (d)(4)(v) below must feature reasonably fresh and up-to-date news and entertainment-based content, including weather and sports information, in compliance with paragraphs (5) and (6) below. A PIM that does not display such commercial advertising and/or sponsorships may feature news and entertainment-based content as described in the foregoing sentence.

§ 7. The introductory sentence of paragraph (1) of subdivision (e) of section 83-31 of chapter 83 of Title 35 of the Rules of the City of New York is amended to read as follows:

(e) Automatic Vehicle Location System and Location Services. An LPEP must have an Automatic Vehicle Location System and must provide location services as provided below. The LPEP must conform to the following specifications:

(1) The LPEP must capture and transmit On-duty Location Positioning and On-duty Hail Exclusionary Zone Positioning and store and maintain the data in accordance with the requirements of [subdivision] paragraph (c)(5) of this section;

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

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

**RULE TITLE:** Amendment of LPEP Rules (Chapter 83)

**REFERENCE NUMBER:** TLC-29

**RULEMAKING AGENCY:** TLC

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

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

/s/ Francisco Navarro  
Mayor's Office of Operations

May 16, 2012  
Date

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-788-1087**

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

**RULE TITLE:** Amendment of LPEP Rules (Chapter 83)

**REFERENCE NUMBER:** 2012 RG 041

**RULEMAKING AGENCY:** Taxi and Limousine Commission

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

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

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: May 16, 2012

m18

**SPECIAL MATERIALS**

**CITYWIDE ADMINISTRATIVE SERVICES**

**MUNICIPAL SUPPLY SERVICES**

**NOTICE**

**OFFICIAL FUEL PRICE SCHEDULE NO. 6877  
FUEL OIL AND KEROSENE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 5/14/2012
3187250	5.0	#1DULS	CITY WIDE BY DELIVERY	GLOBAL MONTELLO GROUP	-.1415 GAL.	3.4780 GAL.
3187250	6.0	#1DULS	P/U	GLOBAL MONTELLO GROUP	-.1415 GAL.	3.3530 GAL.
3187251	11.0	#1DULS >=80%	CITY WIDE BY DELIVERY	SPRAGUE ENERGY Corp.	-.1415 GAL.	3.6237 GAL.
3187251	12.0	#1DULS B100 <=20%	CITY WIDE BY DELIVERY	SPRAGUE ENERGY Corp.	-.1415 GAL.	4.8895 GAL.
3187251	13.0	#1DULS	P/U	SPRAGUE ENERGY Corp.	-.1415 GAL.	3.5394 GAL.
3187251	14.0	#1DULS B100 <=20%	P/U	SPRAGUE ENERGY Corp.	-.1415 GAL.	4.8051 GAL.
3087064	1.0	#1DULSB50	CITY WIDE BY TW	METRO FUEL OIL Corp.	-.1197 GAL.	4.1433 GAL.
3187221	1.0	#2	CITY WIDE BY DELIVERY	METRO FUEL OIL Corp.	-.1429 GAL.	3.0715 GAL.
3187221	4.0	#2 >=80%	CITY WIDE BY DELIVERY	METRO FUEL OIL Corp.	-.1429 GAL.	3.1367 GAL.
3187221	5.0	#2 B100 <=20%	CITY WIDE BY DELIVERY	METRO FUEL OIL Corp.	-.1429 GAL.	3.2612 GAL.
3187249	1.0	#2DULS	CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-.1402 GAL.	3.2195 GAL.
3187249	2.0	#2DULS	P/U	CASTLE OIL CORPORATION	-.1402 GAL.	3.1780 GAL.
3187249	3.0	#2DULS	CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-.1402 GAL.	3.2350 GAL.
3187249	4.0	#2DULS	P/U	CASTLE OIL CORPORATION	-.1402 GAL.	3.1980 GAL.
3187249	7.0	#2DULS >=80%	CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-.1402 GAL.	3.2743 GAL.
3187249	8.0	#2DULS B100 <=20%	CITY WIDE BY DELIVERY	CASTLE OIL CORPORATION	-.1402 GAL.	3.3645 GAL.
3187249	9.0	#2DULS >=80%	P/U	CASTLE OIL CORPORATION	-.1402 GAL.	3.1880 GAL.
3187249	10.0	#2DULS B100 <=20%	P/U	CASTLE OIL CORPORATION	-.1402 GAL.	3.3215 GAL.
3187252	15.0	#2DULS	BARGE M.T.F. 111 & ST. GEORGE & WI	METRO FUEL OIL Corp.	-.1402 GAL.	3.2314 GAL.
3087065	2.0	#2DULSB50	CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-.1190 GAL.	3.9828 GAL.
2887274	7.0	#2DULSDISP	DISPENSED	SPRAGUE ENERGY Corp.	-.1402 GAL.	3.5559 GAL.
3187222	2.0	#4	CITY WIDE BY TW	CASTLE OIL CORPORATION	-.1581 GAL.	2.8740 GAL.
3187222	3.0	#6	CITY WIDE BY TW	CASTLE OIL CORPORATION	-.1683 GAL.	2.7714 GAL.
3187263	1.0	JETA	FLOYD BENNETT	METRO FUEL OIL Corp.	-.1576 GAL.	3.7038 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6878  
FUEL OIL, PRIME AND START**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 5/14/2012
3087154	1.0	#2	MANH	F & S PETROLEUM Corp.	-.1429 GAL.	3.1553 GAL.
3087154	79.0	#2	BRONX	F & S PETROLEUM Corp.	-.1429 GAL.	3.1553 GAL.
3087154	157.0	#2	BKLYN, QUEENS, SI	F & S PETROLEUM Corp.	-.1429 GAL.	3.2353 GAL.
3087225	1.0	#4	CITY WIDE BY TW	METRO FUEL OIL Corp.	-.1581 GAL.	3.3175 GAL.
3087225	2.0	#6	CITY WIDE BY TW	METRO FUEL OIL Corp.	-.1683 GAL.	3.1704 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6879  
FUEL OIL AND REPAIRS**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 5/14/2012
3087115	1.0	#2	MANH & BRONX	PACIFIC ENERGY	-.1429 GAL.	2.9807 GAL.
3087115	80.0	#2	BKLYN, QUEENS, SI	PACIFIC ENERGY	-.1429 GAL.	2.9859 GAL.
3087218	1.0	#4	CITY WIDE BY TW	PACIFIC ENERGY	-.1581 GAL.	3.2588 GAL.
3087218	2.0	#6	CITY WIDE BY TW	PACIFIC ENERGY	-.1683 GAL.	3.2233 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6880  
GASOLINE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 5/14/2012
3187093	6.0	E85	CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-.0564 GAL.	2.3853 GAL.
2887274	6.0	PREM	CITY WIDE BY VEHICLE	SPRAGUE ENERGY Corp.	-.0761 GAL.	3.5720 GAL.
3187093	2.0	PREM	CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-.0761 GAL.	3.2325 GAL.
3187093	4.0	PREM	P/U	SPRAGUE ENERGY Corp.	-.0761 GAL.	3.1534 GAL.
2887274	1.0	U.L.	MANH P/U BY VEHICLE	SPRAGUE ENERGY Corp.	-.0475 GAL.	3.4743 GAL.
2887274	2.0	U.L.	BX P/U BY VEHICLE	SPRAGUE ENERGY Corp.	-.0475 GAL.	3.3743 GAL.
2887274	3.0	U.L.	BR P/U BY VEHICLE	SPRAGUE ENERGY Corp.	-.0475 GAL.	3.3743 GAL.
2887274	4.0	U.L.	QNS P/U BY VEHICLE	SPRAGUE ENERGY Corp.	-.0475 GAL.	3.3743 GAL.
2887274	5.0	U.L.	S.I. P/U BY VEHICLE	SPRAGUE ENERGY Corp.	-.0475 GAL.	3.3743 GAL.
3187093	1.0	U.L.	CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-.0475 GAL.	3.0631 GAL.
3187093	3.0	U.L.	P/U	SPRAGUE ENERGY Corp.	-.0475 GAL.	2.9870 GAL.

m18

## CITY PLANNING COMMISSION

### NOTICE

#### CONDITIONAL NEGATIVE DECLARATION

##### Project Identification

CEQR No. 10DCP001K  
ULURP No. 100041ZMK  
& N100042ZRY  
SEQRA Classification: Unlisted

##### Lead Agency

City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Robert Dobruskin  
(212) 720-3423

#### Name, Description and Location of Proposal

##### 59 Walton Street Rezoning

The applicant, Walton Street Associates, is proposing zoning map and zoning text amendments to rezone an area bounded by Middleton Avenue to the north, Marcy Avenue to the west, Harrison Avenue/Union Avenue to the east, and Wallabout Street to the south in Brooklyn, Community District 1. The proposed actions would rezone Block 2241 from M1-2 to R6A, and Blocks 2245 and 2249 within the rezoning area from M3-1 to R7A with a C2-4 overlay along a portion of Marcy Avenue. The proposed actions include a zoning text amendment, modifying Appendix F of the NYC Zoning Resolution, to make the R7A district an "inclusionary housing designated area."

No development would be induced by the proposed actions on Blocks 2241 and 2249 to R6A and R7A, respectively. On Block 2245, the proposed actions would result in eleven buildings developed across eight lots. There would be two lots that would contain multiple buildings - three on Lot 8 and two on Lot 108.

The proposed actions would facilitate a proposal by the applicant to develop two eight-story residential buildings consisting of 68,256 total square feet, containing 69 dwelling units, of which 14 would be affordable (Block 2245, Lots 55 and 58). The proposed actions would also result in development of 9 additional buildings on non-applicant owned properties, comprised of 257 dwelling units (of which 51 would be affordable under the Inclusionary Housing program) and 23,625 square feet of local retail (Block 2245, Lots 1, 5, 8, 62, 108, and 154). In total, the proposed actions would result in 11 new buildings, all located on Block 2245, containing 326 dwelling units (of which 65 would be affordable under the Inclusionary Housing Program) and 23,625 square feet of local retail.

The eleven projected development sites are currently occupied by retail, warehousing, and automotive uses and are zoned M3-1, which permit Use Groups 6-14, and 16-18 at an FAR up to 2.0 FAR and certain commercial uses. The R7A district and Inclusionary Housing designated area would permit all residential housing types at a base FAR of 3.45 and a maximum FAR of 4.6 and community facility uses with an FAR of 4.0. The maximum base and building height is 65 and 80 feet, respectively. After the base height, buildings must be setback 10 feet on wide streets and 15 feet on narrow streets. Parking is required for 50% of the total dwelling units. In addition, the proposed C2-4 commercial overlay along Marcy Avenue on Block 2245 would permit regional retail commercial uses to occupy the ground floor of a mixed use building.

Block 2241 and 2249 within the rezoning area contain mainly three to seven story non-conforming residential uses and a music production studio and are zoned M1-1 and M3-1, respectively. No development sites are located on these blocks. M1-1 districts permit Use Groups 4-14, and 16-17, which include light manufacturing and industrial uses with a FAR of 1.0 and an FAR of 2.4 for community facility uses. As noted above, M3-1 districts permit Use Groups 6-14, and 16-18, which include heavy manufacturing and industrial uses at an FAR up to 2.0 FAR and certain commercial uses. The proposed rezoning would establish an R6A district on Block 2241 and an R7A district on 2249, which would make the residential buildings conforming uses. R6A districts allow all housing types and have a maximum FAR of 3.00. The maximum base and building height is 60 and 70 feet, respectively. After the base height, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height. Off-street parking is required for 50% of the total dwelling units

The language for the (E) designations is specified below. The restrictions are based on the building layout and tiers shown in Figure F-4. The (E) designations for Lot 8 and Lot 108 are based on the applicant's illustrative building design for these sites, as shown in Figure F-4, which indicates that 3 separate buildings would be constructed on Lot 8, and 2 separate buildings would be constructed on Lot 108. The (E) designations for Lots 8 and 108, below, account for multiple buildings on each lot. Any changes to the heights or configurations of the buildings or tiers may necessitate revisions to the (E) designations.

To avoid any potential significant adverse impacts, the applicant has entered into a Restrictive Declaration for hazardous materials for their properties at Block 2245, Lots 55 and 58. An (E) designation, (E-282), for hazardous materials, air quality and noise would also apply, as described below. The applicant's sites (Block 2245, Lots 55 and 58) would receive an (E) designation for air quality and noise. The non-applicant sites (Block 2245, Lots, 1, 5, 8, 62, 108, and 154) would receive an (E) designation for hazardous materials, air quality, and noise.

The (E) designation requirements related to hazardous materials would apply to the following non-applicant owned block and lots:

Block 2245, Lot 1  
Block 2245, Lot 5  
Block 2245, Lot 8  
Block 2245, Lot 62

Block 2245, Lot 108  
Block 2245, Lot 154

The text of the (E) designation for hazardous materials is as follows:

##### Task 1 – Sampling Protocol

The applicant must submit to the Mayor's Office of Environmental Remediation (OER) for review and approval, a Phase 1 of the site.

If site sampling is necessary, a soil and groundwater testing protocol including a description of methods and a site map with all sampling locations clearly and precisely represented must be submitted to OER. No sampling program should begin until written approval of a protocol is received from the OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination or non-petroleum based contamination) and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by the OER upon request.

##### Task 2 – Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to the OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such tests results, a determination will be made by the OER if the results indicate that remediation is necessary.

If the OER determines that no remediation is necessary, written notice shall be given by the OER.

If based on the test results, the OER concludes that remediation is required; a remediation plan must be prepared and submitted to the OER for review and approval. The applicant must complete such remediation when and as determined necessary by the OER. The applicant should then provide proper documentation, including an engineering certification, that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to the OER with the remediation plan for review and approval prior to implementation.

The (E) designation for air quality would preclude the potential for significant adverse air quality impacts related to heating and hot water systems (HVAC) emissions. The (E) designation for air quality would apply to the following properties:

Block 2245, Lot 1  
Block 2245, Lot 5  
Block 2245, Lot 8  
Block 2245, Lot 55  
Block 2245, Lot 58  
Block 2245, Lot 62  
Block 2245, Lot 108  
Block 2245, Lot 154

The text for the (E) designations for air quality for the above properties is as follows:

##### Block 2245, Lot 1

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the boiler stack(s) are located on a bulkhead that is at least 93 feet high and 23 feet, 2 inches from the lot line facing Marcy Avenue and 60 feet from the lot line facing Walton Street to avoid any potential significant adverse air quality impacts.

##### Block 2245, Lot 5

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the boiler stack(s) are located on a bulkhead that is at least 103 feet high and at least 25 feet, 2 inches from the lot line facing Marcy Avenue and 22 feet 6 inches from the lot line facing Lorimer Street to avoid any potential significant adverse air quality impacts.

##### Block 2245, Lot 8

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the boiler stack(s) are located on the highest tier bulkhead that is at least 103 feet high and at least 25 feet 6 inches from the lot line facing Lorimer Street to avoid any potential significant adverse air quality impacts.

##### Block 2245, Lot 55

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the boiler stack(s) are located on a bulkhead that is at least 103 feet high and 22 feet, 6 inches from the lot line facing Walton Street and 31 feet 3 inches from the lot line facing Marcy Avenue to avoid any potential significant adverse air quality impacts.

##### Block 2245, Lot 58

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the boiler stack(s) are located on a bulkhead that is at least 103 feet high and 22 feet, 6 inches from the lot line

facing Walton Street and 31 feet 3 inches from the lot line facing Marcy Avenue to avoid any potential significant adverse air quality impacts.

##### Block 2245, Lot 62

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the boiler stack(s) are located on a bulkhead that is at least 103 feet high and 22 feet, 6 inches from the lot line facing Walton Street and 31 feet 3 inches from the lot line facing Marcy Avenue to avoid any potential significant adverse air quality impacts.

##### Block 2245, Lot 108

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the boiler stack(s) are located on the highest tier bulkhead that is at least 103 feet high and 22 feet, 6 inches from the lot line facing Lorimer Street to avoid any potential significant adverse air quality impacts.

##### Block 2245, Lot 154

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems and ensure that the boiler stack(s) are located on a bulkhead that is at least 103 feet high and 72 feet 10 inches from the lot line facing Walton Street and 4 feet 5 inches from the lot line facing Marcy Avenue to avoid any potential significant adverse air quality impacts.

With the placement of the (E) designations on the above blocks and lots, no significant air quality impacts related to HVAC emissions would be expected as the result of the proposed action.

The (E) designation for noise would preclude the potential for significant adverse impacts related to high levels of ambient noise. The text of the (E) designation for certain noise attenuation requirements for the properties identified follows below.

The following properties require 28 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise:

Block 2245, Lot 1  
Block 2245, Lot 5  
Block 2245, Lot 8  
Block 2245, Lot 62

The text for the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 28 dBA window-wall attenuation in all façades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but not limited to, central air conditioning.

The following properties require 31 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise:

Block 2245, Lot 55  
Block 2245, Lot 58  
Block 2245, Lot 108  
Block 2245, Lot 154

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

With the attenuation measure specified above, the proposed action would not result in any significant adverse noise impacts, and would meet CEQR guidelines.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated March 22, 2012, prepared in connection with the ULURP Application (Nos. 100041ZMK; N100042ZRY). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

- The applicant agrees via a restrictive declaration to prepare a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. A Phase I Environmental Site Assessment (ESA) was prepared for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter dated October 14, 2011 a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plan were recommended due to the potential presence of hazardous materials on the site as a result of past on-site and/or surrounding area land uses. As such, the applicant has entered into a restrictive declaration to ensure that a detailed Phase II testing would occur, and hazardous materials sampling protocol including a health and safety plan would be prepared, and is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the subsurface soils and groundwater on the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The

restrictive declaration was executed on November 7, 2011 and submitted for recording on January 24, 2012. Pursuant to a letter from DEP dated March 22, 2012, DEP is in receipt of a signed copy of a DEP-approved restrictive declaration with proof of recording for the site. Consequently, no significant adverse impacts related to hazardous materials will occur.

2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in

accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.

Signature of Applicant or Authorized Representative \_\_\_\_\_ Date: \_\_\_\_\_

Name of Applicant or Authorized Representative \_\_\_\_\_ Date: \_\_\_\_\_

Celeste Evans, Deputy Director  
Environmental Assessment & Review Division  
Department of City Planning

Amanda M. Burden, FAICP, Chair  
City Planning Commission

CHANGES IN PERSONNEL

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 04/13/12						
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	
ALAM	JAVED	20210	\$48126.0000	APPOINTED	YES	03/25/12
ALFRED	SHINDA	G 10251	\$30683.0000	RESIGNED	NO	01/01/12
ANASAGASTI	VINCENT	90692	\$19.1700	RESIGNED	YES	04/01/12
BALDERAS	HECTOR	E 12158	\$40139.0000	APPOINTED	NO	02/29/12
BRUNY	SHAUN	F 10124	\$54463.0000	INCREASE	NO	02/29/12
CARLTON	VAN	40526	\$48380.0000	APPOINTED	NO	11/17/11
COCCHIOLA	ANTHONY	M 31626	\$54924.0000	RETIRED	NO	04/01/12
CONSALVO	RICHARD	A 92472	\$311.5200	RETIRED	NO	03/29/12
CRUPI	JAMES	R 91616	\$52.8000	APPOINTED	YES	03/18/12
D'AGOSTINO	NICOLA	R 31121	\$49528.0000	INCREASE	NO	02/26/12
D'AGOSTINO	NICOLA	R 31105	\$41652.0000	APPOINTED	NO	02/26/12
DAVIS	CHARLES	B 31626	\$54924.0000	INCREASE	NO	03/19/12
FARRAN	VINCENT	C 31626	\$54924.0000	INCREASE	NO	02/26/12
GAILLARD	DEMEI	C 31626	\$54924.0000	INCREASE	NO	03/19/12
HALL	RONALD	A 90692	\$22.0300	APPOINTED	YES	03/18/12
HUNTER	JASON	90751	\$385.9200	APPOINTED	YES	04/01/12
JACKSON	MARY	A 22315	\$55345.0000	RETIRED	NO	04/02/12
JACOBS	ELLIOT	S 12627	\$85540.0000	RETIRED	NO	04/01/12
JOHNSON	MICHAEL	10015	\$117525.0000	RETIRED	YES	10/30/12
JOHNSON	SCOTT	C 22122	\$46550.0000	APPOINTED	YES	03/25/12
LEVINE	BARRI	C 31626	\$54924.0000	INCREASE	NO	03/19/12
LIU	JERRY	K 20215	\$87321.0000	RETIRED	NO	04/01/12
LIVINGSTON	WILLIAM	10124	\$45978.0000	INCREASE	NO	02/29/12
LIVINGSTON	WILLIAM	13620	\$43055.0000	APPOINTED	NO	02/29/12
MAZZOLA	VINCENT	90692	\$22.0300	APPOINTED	YES	03/18/12
MICU	MARINEL	90692	\$19.1700	RESIGNED	YES	03/21/12
MITRA	DIPTIMAN	34205	\$65811.0000	RETIRED	NO	03/31/12
MORGAN	DENNIS	J 91616	\$52.8000	APPOINTED	YES	03/18/12
OATMAN	TAMMI	R 31626	\$54924.0000	INCREASE	NO	03/19/12
PROFFETA	SHARON	F 92406	\$315.6800	RETIRED	NO	04/02/12
QUEVEDO	FERNANDO	31626	\$54924.0000	INCREASE	NO	02/20/12
RANCOURT	KIMBERLY	22122	\$63228.0000	INCREASE	YES	03/21/12
RICHARDSON	JAMIE	M 31626	\$54924.0000	INCREASE	NO	03/19/12
ROOKWOOD	KEINO	90910	\$43456.0000	DECREASE	NO	03/25/12
ROSE-BONKOUNGOU	DOREEN	A 31626	\$54924.0000	INCREASE	NO	02/22/12
SCALICI	VICTOR	91616	\$422.4300	INCREASE	YES	03/25/12
SCROFANI	LORRAINE	R 12626	\$52791.0000	RETIRED	NO	04/01/12
SHARMOKH	SOLIMAN	S 20315	\$78463.0000	RETIRED	NO	03/31/12
SHAWINGTON	EPHRIAM	91529	\$49793.0000	DISMISSED	NO	04/02/12
WILLIAMS	ANTHONY	L 31626	\$54924.0000	INCREASE	NO	02/26/12
YAN	WOON	Y 83008	\$106862.0000	RETIRED	YES	03/01/12

DEPT. OF PARKS & RECREATION FOR PERIOD ENDING 04/13/12						
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	
AHMED	OISHI	M 12626	\$29.5500	APPOINTED	YES	03/26/12
ANDERSON	ADIB	M 90641	\$14.0200	APPOINTED	YES	03/15/12
ANDERSON	LAKESHA	L 91406	\$14.9800	RESIGNED	YES	06/19/11
ARRIOLA	STEVEN	60422	\$24.2000	INCREASE	YES	04/03/12
ASKLOF	JEFFERY	A 81111	\$69561.0000	INCREASE	NO	04/01/12
BARCLAY	KATHRYN	A 91406	\$11.1100	DECREASE	YES	04/07/12
BASS	DARRYL	L 91406	\$11.1100	APPOINTED	YES	03/26/12
BECKER	SALVATOR	81106	\$21.1000	RETIRED	NO	04/13/11
BLACK	PIA	80633	\$9.2100	APPOINTED	YES	03/15/12
BRISTOLE	LEWIS	90641	\$14.0200	APPOINTED	YES	03/27/12
BROWN	EUGENE	A 80633	\$9.2100	APPOINTED	YES	03/09/12
BRUNO	NAIM	M 90641	\$14.0200	APPOINTED	YES	03/19/12
BULLOCK	HAROLD	G 80633	\$9.2100	APPOINTED	YES	03/13/12
BUTLER	JOEY	D 80633	\$9.2100	APPOINTED	YES	03/15/12
CALZADA	VANESSA	80633	\$9.2100	APPOINTED	YES	03/22/12
CAMPANELLA	JOSEPH	91717	\$343.0000	APPOINTED	YES	03/29/12
CAMPBELL	COREY	O 90641	\$14.0200	APPOINTED	YES	03/20/12
CARR	JASMINE	D 80633	\$9.2100	APPOINTED	YES	03/16/12
CARTER	MARCUS	A 90641	\$14.0200	APPOINTED	YES	03/26/12
CHEEVES	DIANNE	80633	\$9.2100	APPOINTED	YES	03/16/12
CHERRY	DARYL	A 06664	\$13.5500	DECREASE	YES	03/16/12
CHIREN	MICHAEL	B 90641	\$14.0200	APPOINTED	YES	03/16/12
CINTRON	JUAN	M 90641	\$14.0200	APPOINTED	YES	03/26/12
COLE	MAXWELL	C 91915	\$46.0100	APPOINTED	YES	03/27/12
COLEMAN	WILLIAM	D 92005	\$291.9700	APPOINTED	YES	04/03/12
COLETTA	RAYNA	G 21310	\$55345.0000	INCREASE	NO	03/25/12
COLLINS	SHARON	J 80633	\$9.2100	APPOINTED	YES	03/23/12
COMPTON	JEANNETT	S 21310	\$55345.0000	APPOINTED	NO	03/25/12
COOK	ANTHONY	B 91406	\$11.1100	APPOINTED	YES	03/26/12
CORTES	MAGNOLIA	80633	\$9.2100	APPOINTED	YES	03/15/12
CORTEZ	MAURICIO	06664	\$18.2100	INCREASE	YES	03/19/12
COY	DANIEL	I 80633	\$9.2100	APPOINTED	YES	03/15/12
CRESCO	JOHN	90641	\$16.1200	APPOINTED	YES	03/15/12
CUFFY	ANTHONY	81106	\$18.3500	APPOINTED	YES	03/26/12
DANIELS	VIVIAN	C 80633	\$9.2100	APPOINTED	YES	03/13/12
DANTZLER	AUDREY	80633	\$9.2100	APPOINTED	YES	03/23/12
DAVID	MONIQUE	80633	\$9.2100	APPOINTED	YES	03/07/12
DAVILA	JOSE	A 90641	\$14.0200	APPOINTED	YES	03/26/12
DEER	ANDREW	S 21310	\$55345.0000	APPOINTED	NO	03/25/12
DELIZ	ANITA	80633	\$9.2100	APPOINTED	YES	03/15/12
DESIMONE	ANGELO	81106	\$21.1000	APPOINTED	YES	03/26/12
DIROCCO	JOSEPH	92510	\$36.5100	APPOINTED	YES	03/25/12
FIGUEROA	ANA	80633	\$9.2100	APPOINTED	YES	03/13/12
FOLKS	ROSEMARY	80633	\$9.2100	APPOINTED	YES	03/16/12
FRIES	JASON	W 10072	\$79000.0000	RESIGNED	YES	02/26/12
FUENTES	WILLIAM	90641	\$14.0200	APPOINTED	YES	03/27/12
GIARDIELLO	JOHN	91915	\$322.0700	INCREASE	YES	03/26/12
GIARDIELLO	JOHN	91916	\$235.2000	APPOINTED	NO	03/26/12
GIBSON	THEODORE	D 91406	\$11.1100	INCREASE	YES	04/01/12
GILBERT	LISA	M 90641	\$33662.0000	APPOINTED	YES	03/01/12
GOMEZ	EDWIN	O 90641	\$14.0200	RESIGNED	YES	03/11/12
GRANT	GREGORY	A 80633	\$9.2100	APPOINTED	YES	03/15/12
GRAYSON	ISAAC	90641	\$14.0200	APPOINTED	YES	03/27/12
GREAVES	DWIGHT	A 91915	\$46.0100	APPOINTED	YES	03/27/12
GREENE	RUBY	80633	\$9.2100	APPOINTED	YES	03/16/12
GUMBS	LAYVETTE	80633	\$9.2100	APPOINTED	YES	03/23/12
GUZMAN	PORFIRIO	90641	\$14.0200	APPOINTED	YES	03/20/12
HARRISON	ZAVIERA	80633	\$9.2100	APPOINTED	YES	03/16/12
HEADLEY	MARLAINA	A 56057	\$24.6300	APPOINTED	YES	03/22/12
HENDERSON	CHERIESE	M 60422	\$50529.0000	INCREASE	YES	04/03/12
HERRERA	KAREN	81106	\$18.3500	APPOINTED	YES	03/26/12
HIGHTOWER	TYMEICA	80633	\$9.2100	APPOINTED	YES	03/15/12
HINKSON	MARLON	81106	\$18.3500	APPOINTED	YES	03/26/12
HOLMES	CLARA	L 56057	\$17.7700	APPOINTED	YES	04/03/12
HOLMES	SABRINA	R 80633	\$9.2100	APPOINTED	YES	03/16/12
HOWARD	CHARLES	J 90641	\$14.0200	APPOINTED	YES	03/20/12
JACQUET	SHIRLEY	81106	\$44051.0000	RESIGNED	YES	03/30/12
JAMES	SHAKEBA	I 80633	\$9.2100	APPOINTED	YES	03/16/12
JOHNSON	RONALD	W 80633	\$9.2100	APPOINTED	YES	03/21/12
JONES	JOHNNY	80633	\$9.2100	APPOINTED	YES	03/23/12
JONES	RUFUS	L 80633	\$9.2100	APPOINTED	YES	03/13/12
KING	PERNIA	B 80633	\$9.2100	APPOINTED	YES	03/09/12

KIRWAN	JEREMIAH	90641	\$16.2200	RETIRED	YES	01/01/12
KUTOK	ILAN	M 21310	\$55345.0000	APPOINTED	NO	03/26/12
LAY	LUIS	81106	\$18.3500	APPOINTED	YES	03/26/12
LONERGAN	DANIEL	R 90641	\$14.0200	APPOINTED	YES	03/15/12
MACK	WANDA	80633	\$9.2100	APPOINTED	YES	03/23/12
MANGIN	ADISA	A 90641	\$33662.0000	RESIGNED	YES	03/18/12
MARIANI JR	ROBERT	81106	\$18.3500	APPOINTED	YES	03/26/12
MARTINEZ	BOGARD	J 90641	\$14.0200	APPOINTED	YES	04/04/12
MASCETTI	JAIME	M 06664	\$14.9000	APPOINTED	YES	05/19/09
MATTHEWS	LENORA	M 80633	\$9.2100	APPOINTED	YES	03/13/12
MAZZUCA	FRANK	81111	\$30.5800	APPOINTED	YES	04/01/12
MCFARLANE	ESTHER	M 80633	\$9.2100	APPOINTED	YES	03/13/12
MCPHERSON	DARRYL	A 90641	\$14.0200	APPOINTED	YES	03/26/12
MICHALEK	MICHAEL	L 21310	\$55345.0000	APPOINTED	NO	03/25/12
MILLER	MARISA	60422	\$50529.0000	INCREASE	YES	04/02/12
MOORE	SHAWANDA	M 91406	\$11.1100	RESIGNED	YES	10/21/11
NELSON	PATRICE	T 80633	\$9.2100	APPOINTED	YES	03/15/12
O'GRADY	THOMAS	F 91915	\$46.0100	APPOINTED	YES	03/27/12
PAGAN	DELAIDA	80633	\$9.2100	RESIGNED	YES	02/14/12
PASS	ADRIENNE	80633	\$9.2100	APPOINTED	YES	03/16/12
PATTISON	SAMUEL	R 90698	\$209.1200	APPOINTED	YES	01/08/12
PAZIAN	BRADLEY	A 90641	\$20.1000	APPOINTED	YES	03/20/12
PENA	SHARON	C 90641	\$16.1200	APPOINTED	YES	03/15/12
PENNEY	JAMES	A 81106	\$44155.0000	RETIRED	NO	04/02/12
PETERSON	DERRICK	80633	\$9.2100	APPOINTED	YES	03/09/12
PIERCE	DAVID	C 90641	\$14.0200	APPOINTED	YES	03/27/12
PIERRE	KIARAN	60422	\$24.2000	INCREASE	YES	04/03/12
POSTELL	KIM	M 80633	\$9.2100	APPOINTED	YES	03/07/12
PRICE	DERRICK	S 80633	\$9.2100	APPOINTED	YES	03/13/12
PRINTZ	TANNEN	D 21315	\$78000.0000	APPOINTED	YES	03/25/12
PRITCHETT	RAY	90641	\$14.0200	APPOINTED	YES	03/27/12
PULEO	PETER	90641	\$14.0200	APPOINTED	YES	03/20/12
RALLINGS	YVETTE	80633	\$9.2100	APPOINTED	YES	03/22/12
REESE	DAVE	80633	\$9.2100	APPOINTED	YES	03/15/12
REID	CARDIFF	A 90641	\$14.0200	APPOINTED	YES	03/27/12
REYES-GIRON	JOSE	90641	\$14.0200	APPOINTED	YES	03/20/12
ROBINSON	LASHANA	80633	\$9.2100	APPOINTED	YES	02/10/12
ROBLE	RAFAEL	90641	\$16.1200	APPOINTED	YES	03/26/12
ROMAKER	BRADLEY	S 21310	\$55345.0000	APPOINTED	NO	03/25/12
ROSARIO	MILLY	80633	\$9.2100	APPOINTED	YES	03/16/12
RUTH	MONICA	D 80633	\$9.2100	APPOINTED	YES	03/16/12
SANCHEZ	CARLOS	S 90641	\$14.0200	APPOINTED	YES	03/27/12
SCHATZ	CONRAD	S 90641	\$14.0200	APPOINTED	YES	03/27/12
SCOTT	DENISE	80633	\$9.2100	APPOINTED	YES	03/23