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THE CITY RECORD

BILL DE BLASIO

Mayor

LISETTE CAMILO

Commissioner, Department of Citywide
Administrative Services

JANAE C. FERREIRA

Editor, The City Record

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOROUGH PRESIDENT - BROOKLYN

■ PUBLIC HEARINGS

CORRECTED NOTICE

NOTICE IS HEREBY GIVEN that, pursuant to Section 201 of the New York City Charter, the Brooklyn borough president will hold a remote ULURP public hearing on the following matters, commencing at 6:00 P.M., on Monday, September 27, 2021.



The hearing will be conducted via the Webex video conferencing system.

Members of the public may join and testify using the following information:

Event Address:
<https://nycbp.webex.com/nycbp/onstage/g.php?MTID=e50040b09ee5560a092673f73fa0f3e7a>

Event Number: 179 298 3276

Event Password: ulurp

Those wishing to call in without video may do so using the following information:

Audio Conference: +1-408-418-9388

Access Code: 179 298 3276

1) River Ring (210425 MMK, 220061 MLK, 220062 ZMK, 220063 ZRK, 220064 ZSK, 220070 ZSK)

Applications for property in Community District 1, Borough of Brooklyn, submitted by River Street Partners LLC, pursuant to Sections 197-c, 199 and 201 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code for the following.

- An amendment to the City Map involving:
 - The elimination, discontinuance and closing of Metropolitan Avenue between River Street and the United States Pierhead Line (USPL)
 - The elimination, discontinuance, and closing of a portion of North First Street from a point 200 feet west of River Street and the USPL

- The adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. Y-2760 dated August 16, 2021, and signed by the Brooklyn borough president
- To facilitate a landfill of approximately 6,230 sq. ft. located in the East River, in connection with a proposed mixed-use development, within a large-scale general development (LSGD), on property generally bounded by North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the USPL (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20, and 21, and Block 2376, Lot 50; and the above reference intended demapped portions of Metropolitan Avenue and North First Street), in a proposed C6-2 District.
- An amendment of the Zoning Map changing from an M3-1 District to a C6-2 District property bounded by North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, a northeasterly boundary line of Grand Ferry Park, and the USPL, and changing from an M3-1 District to an M1-4 District property bounded by North Third Street, Kent Avenue, North First Street, and River Street, and subject to the conditions of CEQR Declaration E-636. The proposed zoning text amendment would designate an MIH area coterminous with the area proposed to be designated as a C6-2A zoning district.
- An application in connection with a proposed mixed-use development, within a LSGD, on property generally bounded by North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the US Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21, Block 2376, Lot 50, and the demapped portions of Metropolitan Avenue and North First Street), in a C6-2 District, for the grant of special permits pursuant to the following Sections of the ZR:
 - ZR Section 74-743(a)(2):
 - To modify the height and setback, floor area distribution, maximum residential tower size, and maximum width of building walls facing a shoreline per requirements of ZR Section 62-341 (Developments on land and platforms)
 - Section 74-743(a)(13):
 - To allow existing land projecting seaward of the bulkhead line to be replaced or reconstructed with new platforms and such platform be included as part of the upland lot
 - To allow such new piers and platforms to be considered lot area for the purposes of determining allowable floor area, dwelling units, and other bulk regulations of ZR Section 62-31(b) & (c) (Bulk Computations on Waterfront Zoning Lots)
- To waive the requirements of ZR Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers), and ZR Section 62-63 (Design Requirements for Public Access on Piers and Floating Structures)
- An application for the grant of a special permit pursuant to Section 74-533 of the ZR to reduce the number of required accessory off-street parking spaces from 40 percent to 20 percent, for dwelling units in a development within a Transit Zone, which includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a LSGD, on property generally bounded by North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the USPL (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; Block 2376, Lot 50, and the intended to be demapped portions of Metropolitan Avenue and North First Street), in a C6-2 District

The requested actions are intended to facilitate two mixed-use towers, one at 49 stories and an approximately 560'-tall tower (600', including

bulkhead) and the second being 64 stories and an approximately 710'-tall tower (750' including bulkhead). In total the proposed development is intended to be approximately 1,158,800 sq. ft. (6.17 FAR), with approximately 1,050 dwelling units, a 30,000 sq. ft. community center, 79,000 sq. ft. of commercial space, including office space and local retail, approximately 250 accessory attended parking spaces for at least 20 percent of market-rate dwelling units, 538 required bicycle parking spaces, and approximately 2.9 acres of new public open space comprised of approximately 2.32 acres of accessible in-river space and 0.86 acres of intertidal area. Approximately 263 units (25 percent of residential floor area) would be affordable to households earning an average 60 percent of AMI. Local retail uses on the ground floor of both buildings would activate street frontages along North First and Third streets, and River Street, as well as along the adjacent publicly-accessible open space. No loading docks are required, and none will be provided. A landfill action would add approximately 6,319 sq. ft. of landfill as part of the waterfront public open space plan.

This hearing will be recorded for public transparency and made available on Borough President Adams' YouTube channel, One Brooklyn.

Accessibility questions: Nathan Sherfinski, (718) 802-3857, nathan.sherfinski@brooklynbp.nyc.gov, by: Friday, September 24, 2021 5:00 P.M.



s14-27

BOROUGH PRESIDENT - MANHATTAN

■ PUBLIC HEARINGS

The September 2021 Manhattan Borough Board Meeting will be held on Thursday, September 23rd, 2021, at 8:30 A.M., on Zoom. The link to register to the meeting is, https://zoom.us/webinar/register/WN_pA63Nt1JQFe6bmXzuwk2oA. At the September 23rd, 2021 Manhattan Borough Board Meeting, there will be 1) a public hearing and vote on New York City Department of Transportation (DOT) and Department of City Planning (DCP)'s proposed Citywide zoning text amendment, that will allow the DOT, to administer the Permanent Open Restaurant program (POR) – the proposal will remove sidewalk café regulations from the Zoning Resolution to increase geography eligibility as sidewalk cafes will become part of a unified sidewalk and roadway outdoor dining program administered at DOT, and 2) a presentation from the New York State Independent Redistricting Commission about the timeline of their preliminary maps and public hearings.

Accessibility questions: Brian Lafferty (212) 669-4564, blafferty@manhattanbp.nyc.gov, by: Wednesday, September 22, 2021, 5:00 P.M.



s17-23

BOROUGH PRESIDENT - QUEENS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Virtual Public Hearing will be held by the Borough President of Queens, Donovan Richards, on **Thursday, September 23, 2021**, starting at 9:30 A.M. The public hearing will be streamed live at www.queensbp.org.

Those who wish to testify may preregister for virtual speaking time by visiting www.queensbp.org/landuse and submitting their contact information through the preregistration link. After preregistering, the speaker will receive a confirmation email with instructions on how to participate in the virtual public hearing. Preregistration for speaking time can also be arranged by calling (718) 286-3000 between 9:00 A.M. to 5:00 P.M. prior to the date of the hearing.

Written testimony is welcome from those who are unable to testify virtually. All written testimony must be received by 5:00 P.M. on Thursday, September 23, 2021, and may be submitted by email to planning@queensbp.org, or by conventional mail sent, to the Office of the Queens Borough President, at 120-55 Queens Boulevard - Room 226, Kew Gardens, NY 11424.

CD Q14 – ULURP #200299 ZMQ – IN THE MATTER OF an application submitted by 79 Arverne Development LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 30c, by changing from an M1-1 District to an M1-2 District property bounded by the U.S. Pierhead and Bulkhead Line, a line 80 feet westerly of Beach 77th Street, Rockaway Freeway, and a line 200 feet easterly of Beach 80th Street, Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated June 7, 2021, and subject to the conditions of CEQR Declaration E-624.

CD Q04 – ULURP #210041 ZMQ – IN THE MATTER OF an application submitted by Sunshine Elmhurst LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 9d, changing from an M1-1 to an R7A District property bounded by the southeasterly street line of 47th Avenue and its northeasterly prolongation, 83rd Street and its southeasterly prolongation, the northerly boundary line of the Long Island Railroad (Northside Division), and a line passing through a point along the southeasterly street line of 47th Avenue 149 feet southwest (as measured along the street line) from the point of intersection of the southeasterly street line of 47th Avenue and the easterly street line of 82nd Street and proceeding southeasterly at an angle 48 degrees to the southeasterly street line of 47th Avenue, Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated July 26, 2021, and subject to the conditions of CEQR Declaration of E-630. (Related ULURP #210042 ZRQ).

CD Q04 – ULURP #N210042 ZRQ – IN THE MATTER OF an application submitted by Sunshine Elmhurst LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the NYC Zoning Resolution modifying Appendix F to establish and designate the proposed rezoning area as a Mandatory Inclusionary Housing (“MIH”) area, Borough of Queens, Community District 4. (Related ULURP #210041 ZMQ).

CD Q12 – ULURP #N210148 ZMQ – IN THE MATTER OF an application submitted by Archer 1 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the NYC Zoning Resolution, for the establishment of an authorization and concurrent use of the authorization to facilitate a curb cut and permitted loading berth as part of an otherwise as-of-right building under construction.

CD Q10 – ULURP #210164 ZMQ – IN THE MATTER OF an application submitted by 10316 Van Wyck Exp LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 18c:

- changing from an R3A District to an R6B District property bounded by a line 100 feet southeasterly of Liberty Avenue, the northeasterly service road of Van Wyck Expressway, a line 195 feet northwesterly of 105th Avenue and its northeasterly prolongation, and a line midway between 135th Street and Van Wyck Expressway; and
- establishing within a proposed R6B District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Van Wyck Expressway, a line 195 feet northwesterly of 105th Avenue, and a line midway between 135th Street and Van Wyck Expressway;

Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated July 26, 2021. (Related ULURP #210165 ZRQ).

CD Q10 – ULURP #N210165 ZRQ – IN THE MATTER OF an application submitted by 10316 Van Wyck Exp LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the NYC Zoning Resolution modifying Appendix F to establish and designate the proposed rezoning area as a Mandatory Inclusionary Housing (“MIH”) area, Borough of Queens, Community District 10. (Related ULURP #210164 ZMQ).

CD Q01 – ULURP #210200 ZMQ – IN THE MATTER OF an application submitted by MDM Development Group LLC, 2441 Astoria Associates, LLC, and 31 Neptune LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 9a:

- Changing from an R5B District to a C4-4 District property bounded by a line 130 feet southwest of 24th Avenue, a line 90 feet southeast of 31st Street, a line 200 feet northeast of 24th Road, and a line 80 feet southeast of 31st Street;
- Changing from a C4-3 District to a C4-4 District property bounded by a line 200 feet northeast of 24th Avenue, a line 90 feet southeast of 31st Street, a line 130 feet southwest of 24th Avenue, a line 80 feet southeast of 31st Street, a line 200 feet northeast of 24th Road, and 31st Street;
- changing from an R5B District to a C4-5X District property bounded by a line 200 feet northeast of 24th Road, a line 90 feet southeast of 31st Street, 24th Road, 32nd Street, Astoria Boulevard North, and a line 80 feet southeast of 31st Street; and
- changing from a C4-3 District to a C4-5X District property bounded by a line 200 feet northeast of 24th Road, a line 80 feet southeast of 31st Street, Astoria Boulevard North, and 31st Street.

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only), dated June 21, 2021, and subject to the conditions of CEQR Declaration E-623. (Related ULURP #N210201)

CD Q01 – ULURP #210201 ZRQ – IN THE MATTER OF an application submitted by MDM Development Group LLC, 2441 Astoria Associates, LLC, and 31 Neptune LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the NYC Zoning Resolution modifying Appendix F to establish and designate the proposed rezoning area as a Mandatory Inclusionary Housing (“MIH”) area, Borough of Queens, Community District. (Related ULURP #210200 ZMQ)

CITYWIDE – ULURP #N210434 ZRY – IN THE MATTER OF an application filed by the NYC Department of City Planning and NYC Department of Transportation, pursuant to Section 201 of the NYC Charter, for a zoning text amendment to facilitate a component of the permanent citywide Open Restaurants program.

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, or email planning@queensbp.org, no later than **FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.**

s17-23

CITY COUNCIL

■ PUBLIC HEARINGS

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

The Subcommittee on Zoning and Franchises will hold a public hearing, accessible both in person and remotely, on the following matters in the City Council Chambers, City Hall, New York, NY 10007, commencing at 10:00 A.M., on September 24, 2021. The hearing will be live-streamed, via the Council's website, at <https://council.nyc.gov/live/>. Please visit, <https://council.nyc.gov/land-use/>, in advance for information about how to testify and how to submit written testimony.

**RIVER NORTH (LIBERTY TOWERS)
STATEN ISLAND CB - 1 C 210289 ZMR**

Application submitted by Richmond SI Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 21c:

- eliminating from an existing R6 District a C2-2 District bounded by Richmond Terrace, Hamilton Avenue, a line 100 feet westerly of Stuyvesant Place, a line 100 feet southwest of Richmond Terrace, and Nicholas Street;
- eliminating a Special Hillside Preservation District (HS) bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwest of Richmond Terrace, and Nicholas Street;
- changing from an R6 District to an R7-3 District property bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwest of Richmond Terrace, and Nicholas Street;

- 4. establishing within an existing R6 District a C2-4 District bounded by Richmond Terrace, Hamilton Avenue, and Stuyvesant Place;
- 5. establishing within a proposed R7-3 District a C2-4 District bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; and
- 6. establishing a Special St. George District (SG) bounded by Richmond Terrace, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only), dated May 3, 2021, and subject to the conditions of CEQR Declaration E-614.

**RIVER NORTH (LIBERTY TOWERS)
STATEN ISLAND CB - 1 N 210290 ZRR**

Application submitted by Richmond SI Owner, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 8 (Special St. George District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

The proposed text amendment may be seen in the City Planning Calendar of July 14, 2021 (Cal. No. 48), and the Department of City Planning website: (www.nyc.gov/planning).

**RIVER NORTH (LIBERTY TOWERS)
STATEN ISLAND CB - 1 C 210291 ZSR**

Application submitted by Richmond SI Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant to Section 128-62* of the Zoning Resolution as follows:

- 1. to modify the rear yard requirements of Section 23-47 (Minimum Required rear yard);
- 2. to modify the permitted obstruction requirements of Section 128-31 (Rooftop Regulations) and Section 33-42 (Permitted Obstructions);
- 3. to modify the height and setback requirements of Section 128-33* (Maximum Base Height) and Section 128-34* (Maximum Building Height); and
- 4. to modify the planting requirements of Section 128-42 (Planting Areas);

in connection with a proposed mixed-use development, on property, located at 24 Stuyvesant Place (Block 13, Lots 82, 92, 100 and p/o Lot 8), in an R7-3/C2-4** District, within the Special St. George District (SG)**.

* Note: Sections 128-33, 128-34 & 128-62 are proposed to be change under a concurrent related application for a Zoning Text change (N 210290 ZRR).

** Note: This site is proposed to be rezoned by changing R6(HS) & R6/C2-2(HS) Districts to an R7-3/C2-4(SG) District under a concurrent related application for a Zoning Map change (C 210289 ZMR).

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

**252 VICTORY BOULEVARD
STATEN ISLAND CB - 1 C 210361 ZMR**

Application submitted by Victory Boulevard Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 21c:

- 1. changing from an R3-2 District to an R6B District property bounded by the northwesterly centerline prolongation of Avon Place, the northeasterly prolongation of the northwesterly streetline of Rosewood Place, the northwesterly prolongation of a line 100 feet southwesterly of Avon Place, a line midway between Victory Boulevard and Rosewood Place and its northeasterly prolongation, the northwesterly centerline prolongation of Bayview Place, and Victory Boulevard;
- 2. changing from an R3X District to an R6B District property bounded by the northwesterly prolongation of a line 100 feet southwesterly of Avon Place, the northeasterly prolongation of the northwesterly streetline of Rosewood Place, the northwesterly centerline prolongation of Bayview Place, and a line midway between Victory Boulevard and Rosewood Place and its northeasterly prolongation;

- 3. establishing within an existing R3-2 District a C1-3 District bounded by the northwesterly centerline prolongation of Bayview Place, a line midway between Victory Boulevard and Rosewood Place, a line 400 feet northeasterly of Cebra Avenue, and Victory Boulevard; and
- 4. establishing within the proposed R6B District a C1-3 District bounded by northwesterly centerline prolongation of Avon Place, a line 75 feet southeasterly of Victory Boulevard, the northwesterly centerline prolongation of Bayview Place, and Victory Boulevard;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only), dated May 3, 2021, and subject to the conditions of CEQR Declaration E-615.

**252 VICTORY BOULEVARD
STATEN ISLAND CB - 1 N 210362 ZRR**

Application submitted by Victory Boulevard Realty, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections.

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

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory
Inclusionary Housing Areas**

* * *

STATEN ISLAND

Staten Island Community District 1

* * *

Map 2 – [date of adoption]

[EXISTING]



Legend:
 [Shaded Area] Mandatory Inclusionary Housing Program Area see Sections 23-154(d)(3), 135-043 and 135-21 (MIH Area 2) and see Section 23-154(d)(3) (MIH Area 3)
 Area 2 – 6/26/19 MIH Program Option 1 and Deep Affordability Option
 Area 3 – 6/26/19 MIH Program Option 1 and Deep Affordability Option

[PROPOSED]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3), 135-043 and 135-21 (MIH Area 2) and see Section 23-154(d)(3) (MIH Area 3)
 Area 2 — 6/26/19 MIH Program Option 1 and Deep Affordability Option
 Area 3 — 6/26/19 MIH Program Option 1 and Deep Affordability Option
 Area # — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 1, Staten Island

* * *

48-18 VAN DAM TEAMSTERS REZONING

QUEENS CB - 2 C 190260 ZMQ

Application submitted by 48-18 Van Dam Property Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 9b, by changing from an M2-1 District to an M1-5 District property bounded by 48th Avenue, Van Dam Street, Hunters Point Avenue, and 31st Place, as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-608.

1776 48TH STREET REZONING

BROOKLYN CB - 12 C 200296 ZMK

Application submitted by Mr. Yitzchok Stern, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 22c:

1. changing from an R5 District to an R6B District property bounded by 48th Street, 18th Avenue, 49th Street and a line 100 northwesterly of 18th Avenue; and

2. establishing within the proposed R6B District a C2-4 District bounded by 48th Street, 18th Avenue, 49th Street and a line 35 feet northwesterly of 18th Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only), dated April 5, 2021, and subject to the conditions of CEQR Declaration E-609.

1776 48TH STREET REZONING

BROOKLYN CB - 12 N 200297 ZRK

Application submitted by Mr. Yitzchok Stern, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

* * *

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory
Inclusionary Housing Areas**

* * *

BROOKLYN

* * *

Brooklyn Community District 12

* * *

Map 4 – [date of adoption]



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

Portion of Community District 12, Brooklyn

* * *

62-04 ROOSEVELT AVENUE REZONING

QUEENS CB - 2 C 200070 ZMQ

Application submitted by Woodside 63 Management, LLC and Mare Nostrum Elements, Inc, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 9d:

1. eliminating from an existing R6 District a C1-4 District bounded by Roosevelt Avenue, 63rd Street, a line 100 feet southerly of Roosevelt Avenue, and the northwesterly prolongation of the southwesterly street line of Trimble Road; and
2. changing from an existing R6 to a C4-4 District property bounded by Roosevelt Avenue, 63rd Street and its southerly prolongation, and the northwesterly prolongation of the southwesterly street line of Trimble Road;

Borough of Queens, Community District 2, as shown on a diagram (for illustrative purposes only), dated April 5, 2021, and subject to the conditions of CEQR Declaration of E-603.

62-04 ROOSEVELT AVENUE REZONING
QUEENS CB - 2 **N 200069 ZRQ**

Application submitted by Woodside 63 Management, LLC and Mare Nostrum Elements, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

* * *

Queens Community District 2

* * *

Map 5 – [date of adoption]



█ Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area # [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 2, Queens

* * *

270 NOSTRAND AVENUE REZONING
BROOKLYN CB - 3 **20210151 ZMK**

Application submitted by BRP East Brooklyn Development LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17a:

- changing from an R7A District to an R8A District property bounded by Dekalb Avenue, Nostrand Avenue, Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue; and
- establishing within the proposed R8A District a C2-4 District bounded by Dekalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between Dekalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;

Borough of Brooklyn, Community District 3, as shown on a diagram (for illustrative purposes only), dated April 5, 2021, and subject to the conditions of CEQR Declaration E-606.

270 NOSTRAND AVENUE REZONING
BROOKLYN CB -3 **20210152 ZRK**

Application submitted by BRP East Brooklyn Development LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

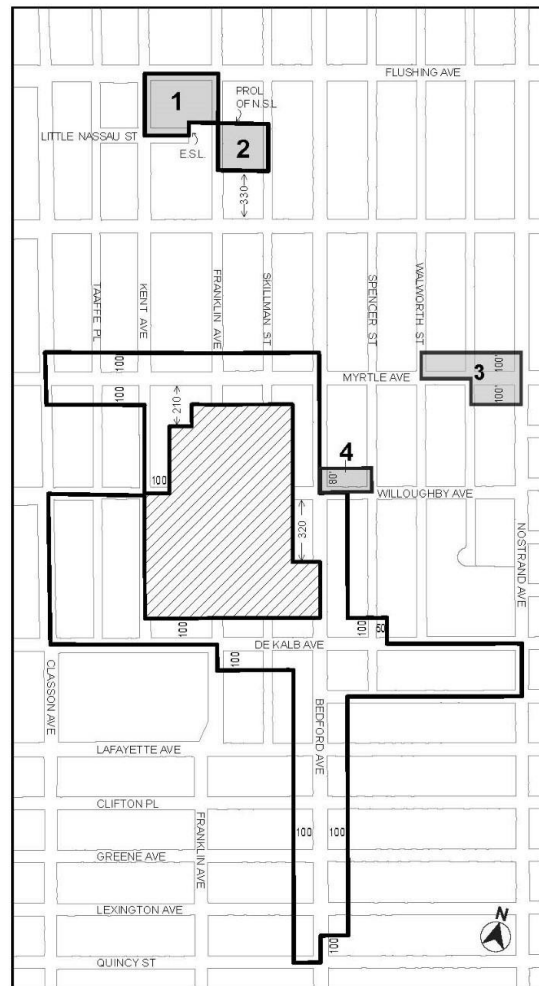
* * *

Brooklyn Community District 3

* * *

Map 3 – [date of adoption]

[EXISTING MAP]



▭ Inclusionary Housing designated area

█ Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)

Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option

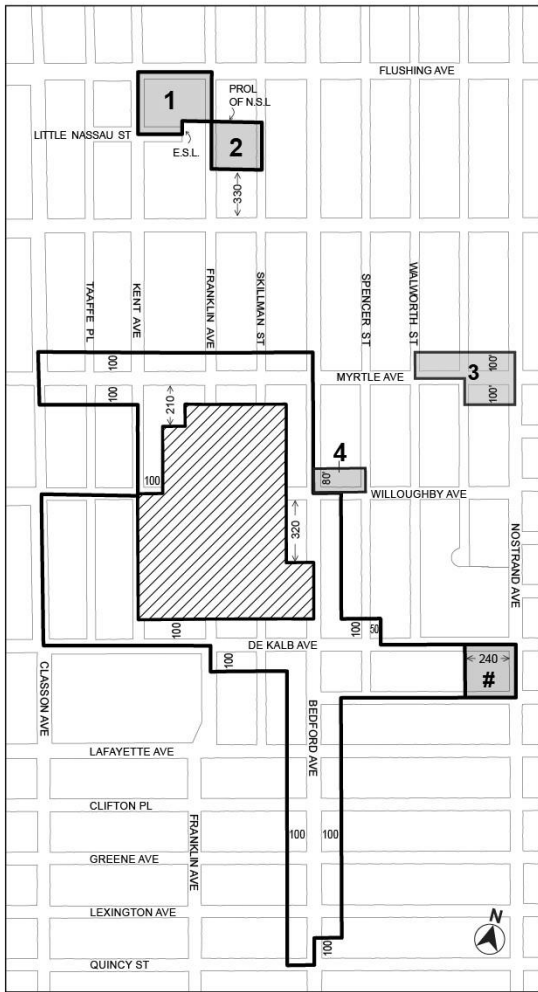
Area 2 – 5/10/17 MIH Program Option 1 and Option 2

Area 3 – 11/30/17 MIH Program Option 1

Area 4 – 2/13/19 MIH Program Option 1 and Option 2

▨ Excluded Area

[PROPOSED MAP]



- Inclusionary Housing designated area
- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
 - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
 - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
 - Area 3 – 11/30/17 MIH Program Option 1
 - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
 - Area # - [date of adoption] MIH Program Option 2 and Workforce Option
- Excluded Area

Portion of Community District 3, Brooklyn
* * *

**495 ELEVENTH AVENUE (SLAUGHTERHOUSE)
MANHATTAN CB - 4 C 210324 ZMM**

Application by 495 11 Avenue Owner Realty LLC and New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 8d:

1. changing from an M1-5 District to a C6-4 District bounded by West 40th Street, Eleventh Avenue, West 39th Street, and a line 125 feet westerly of Eleventh Avenue, and
2. establishing a Special Hudson Yard District bounded by West 40th Street, Eleventh Avenue, West 39th Street, and a line 125 feet westerly of Eleventh Avenue.

as shown on a diagram (for illustrative purposes only), dated April 19, 2021, and subject to the conditions of CEQR Declaration E-610.

**495 ELEVENTH AVENUE (SLAUGHTERHOUSE)
MANHATTAN CB - 4 N 210325 ZRM**

Application submitted by 495 11 Avenue Owner Realty LLC and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 3 for the purpose establishing a new Subdistrict G within the Special Hudson Yards District, and modifying APPENDIX F, for the

purpose of establishing a Mandatory Inclusionary Housing area.

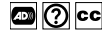
The proposed text amendment may be seen in the City Planning Calendar of July (Cal. No. 35) and the Department of City Planning web site: (www.nyc.gov/planning).

**495 ELEVENTH AVENUE (SLAUGHTERHOUSE)
MANHATTAN CB - 4 C 210326 PCM**

Application submitted by New York City Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for a site selection and acquisition of property, located at 495 Eleventh Avenue (Block 685, Lot 38), for use as an NYPD vehicle storage facility.

For questions about accessibility and requests for additional accommodations, please contact swerts@council.nyc.gov, or nbenjamin@council.nyc.gov, or (212) 788-6936, at least three (3) business days before the hearing.

Accessibility questions: Kaitlin Greer, kgreer@council.nyc.gov, by: Tuesday, September 21, 2021, 3:00 P.M.



s20-24

CITY PLANNING

■ PUBLIC HEARINGS

**NOTICE OF PUBLIC HEARING ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
(CEQR No. 21DCP157K)**

River Ring

Project Identification

CEQR No. 21DCP157K
ULURP Nos. C 220061MLK,
C 220062ZMK, N220063ZRK,
C 220064ZSK, N220069ZAK,
N220066ZCK, N220067LDK,
C 220070ZSK, N220065ZAK,
N220068ZAK, C 210425MMK
SEQRA Classification: Type I

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Contact Person

Stephanie Shellooe, AICP, Deputy Director, (212) 720-3328
Environmental Assessment and Review Division
New York City Department of City Planning

The City Planning Commission (CPC), acting as lead agency, issued a Notice of Completion on August 16, 2021 for a Draft Environmental Impact Statement (DEIS) for the River Ring proposal in accordance with Article 8 of the Environmental Conservation Law. **A public hearing on the DEIS will be held on Wednesday, October 6, 2021, at 10:00 A.M., in conjunction with the CPC's public hearing pursuant to ULURP. Comments are requested on the DEIS and will be accepted through October 18, 2021, by 5:00 P.M. In support of the City's efforts to contain the spread of COVID-19, DCP will hold the public hearing remotely.**

To join remotely and comment, please visit the NYC Engage site, <https://www.nyc.gov/engage>

If you would like to register to testify via phone, need assistance with technical issues, or have any questions about participation you may call any of the phone numbers listed below, then enter the following Meeting ID.

- (877) 853-5247 (Toll-free)
- (888) 788-0099 (Toll-free)
- (213) 338-8477 (Toll)
- (253) 215-8782 (Toll)

Then enter the following meeting ID and password when prompted.

Meeting ID: 618 237 7396
Password: 1
[The Participant ID can be skipped by pressing #]

Instructions on how to participate, as well as materials relating to the hearing, will be posted on the NYC Engage site on the day of the Public Hearing, no later than 1 hour prior to the hearing. To help the meeting host effectively manage members of the public who sign up to comment, those who do not intend to actively participate are invited to watch the livestream or the recording that will be posted after the meeting. The Public Hearing livestream can be found on the above referenced NYC Engage site and will be made available on the day of the Public Hearing.

Comments are requested on the DEIS and will be accepted through October 18, 2021, by 5:00 P.M. They can be submitted via email, to

21DCP157K_DL@planning.nyc.gov, or mailed to Stephanie Shellooe, AICP, Deputy Director, Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31st Floor, New York, NY 10271.

Copies of the DEIS may also be obtained by contacting the Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31st Floor, New York, NY 10271, Stephanie Shellooe, AICP, Deputy Director, by calling (212) 720-3328 or by emailing sshellooe@planning.nyc.gov.

In addition, the DEIS and Final Scope of Work are available for download, at <https://www1.nyc.gov/site/planning/applicants/scoping-documents.page>.

Please inform the Department of City Planning if you need a reasonable accommodation, such as a sign language interpreter, in order to participate in the meeting. Requests for a reasonable accommodation or foreign language assistance during the meeting should be emailed, to AccessibilityInfo@planning.nyc.gov, or by calling (212) 720-3508. Requests must be submitted at least ten business days before the meeting.

The Applicant River Street Partners, LLC is seeking a series of land use applications including a city map change, a landfill application, zoning map amendment, zoning text amendments, zoning authorizations and special permits (the Proposed Actions) from the City Planning Commission (CPC) to facilitate the development of two mixed-use towers with mixed income residential, commercial, and community facility uses, and waterfront public spaces (the "Proposed Development") on the proposed development site comprised of Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20, and 21; Block 2376, Lot 50; and portions of Metropolitan Avenue and North 1st Street (collectively known as the "Proposed Development Site") in the Williamsburg neighborhood of Brooklyn, Community District 1. The Project Area also includes two non-Applicant owned blocks to the east of the Proposed Development Site (Blocks 2356 and 2362).

The Proposed Development would contain approximately 1.336 million gsf, comprised of approximately 1.12 million gsf of residential space (approximately 1,250 dwelling units, of which 313 units (25%) would be affordable pursuant to the MIH program), 50,000 gsf of community facility space, 83,000 gsf of commercial space (including 60,000 gsf of office and 23,000 gsf of local retail), and approximately 83,000 gsf of below-grade parking (up to 250 accessory attended parking spaces).

The Applicant is also requesting an extension of term of special permit and authorization approvals to a period of ten years during which substantial construction of the phased project would be completed. In addition, a Joint Permit Application from the NYS Department of Environmental Conservation (NYSDEC) and the US Army Corps of Engineers (USACE) is being sought in conjunction with the publicly accessible open space proposed along the waterfront.

The DEIS assesses whether development resulting from the Proposed Actions could result in significant adverse environmental impacts. The DEIS identifies potential significant adverse impacts related to transportation (pedestrians, and street user safety) and construction noise.

The DEIS considers two alternatives – a No-Action Alternative, a No Unmitigated Significant Adverse Impact Alternative. The No-Action Alternative examines future conditions within the Project Area, but assumes the absence of the Proposed Actions (i.e., none of the discretionary approvals proposed as part of the Proposed Actions would be adopted). The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the density and other components of the Proposed Actions are changed specifically to avoid the unmitigated significant adverse impacts associated with the Proposed Actions.

◀ s22

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

In support of the City's efforts to contain the spread of COVID-19, the City Planning Commission will hold a remote public hearing, via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, October 6, 2021, regarding the calendar items listed below.

The meeting will be live streamed through Department of City Planning's (DCP's) website and accessible from the following webpage, which contains specific instructions on how to observe and participate, as well as materials relating to the meeting: <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/290345/1>.

Members of the public should observe the meeting through DCP's website.

Testimony can be provided verbally by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

877 853 5247 US Toll-free
888 788 0099 US Toll-free

253 215 8782 US Toll Number

213 338 8477 US Toll Number

Meeting ID: **618 237 7396**

[Press # to skip the Participation ID]
Password: 1

To provide verbal testimony via Zoom please follow the instructions available through the above webpage (link above).

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

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

CITYWIDE

No. 1

OPEN RESTAURANTS TEXT AMENDMENT

CITYWIDE N 210434 ZRY
IN THE MATTER OF an application submitted by the New York City Department of Transportation and 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, removing Article I, Chapter 4 (Sidewalk Cafe Regulations) and modifying related Sections.

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

**ARTICLE I
GENERAL PROVISIONS**

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
DEFINITIONS**

* * *

Dwelling unit

A "dwelling unit" contains at least one #room# in a #residential building#, #residential# portion of a #building#, or #non-profit hospital staff dwelling#, and is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which #dwelling unit# includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

Enclosed sidewalk cafe — see Sidewalk cafe, enclosed

Enlargement, or to enlarge

* * *

Side yard — see Yard, side

Sidewalk cafe

A "sidewalk cafe" is a portion of an eating or drinking place that is located on a public sidewalk and is either an #enclosed#, #unenclosed# or #small sidewalk cafe#. #Sidewalk cafes# are further defined in Section 20-223, subdivision (a), of the Administrative Code.

Sidewalk cafe, enclosed

An "enclosed sidewalk cafe" is a #sidewalk cafe# that is contained within a structure constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal.

Sidewalk cafe, small

A "small sidewalk cafe" is an #unenclosed sidewalk cafe# containing no more than a single row of tables and chairs adjacent to the #street

line# where such tables and chairs occupy a space on the sidewalk no greater than 4 feet, 6 inches from the #street line#.

Sidewalk cafe, unenclosed

An “unenclosed sidewalk cafe” is a space on the sidewalk that contains readily removable tables, chairs or railings with no overhead coverage other than umbrellas or a retractable awning that is affixed to the #building# wall and does not extend further than the width of the #unenclosed sidewalk cafe#.

Sign

* * *

Two-family residence

A “two-family residence” is a #building# containing not more than two #dwelling units#, and occupied by only two #families#.

Unenclosed sidewalk cafe — see Sidewalk cafe, unenclosed

Urban plaza — see Plaza, urban

* * *

**Chapter 4
Sidewalk Cafe Regulations**

**14-00
GENERAL PURPOSES**

The sidewalk cafe regulations as established in this Resolution are citywide regulations, designed to encourage sidewalk cafes in locations where they are appropriate, discourage them in locations where they are inappropriate, and promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) — To ensure adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes.
- (b) — To promote sidewalk cafes as visual amenities that better relate to the streetscape.
- (c) — To preserve and enhance the character of neighborhoods throughout the City.
- (d) — To simplify administrative regulations and strengthen enforcement procedures for sidewalk cafes and ensure that such requirements are effective, efficient and enforceable.
- (e) — To promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City’s tax revenues.

**14-01
General Provisions**

In harmony with the general purpose and intent of this Resolution, and the general purposes of the #sidewalk cafe# regulations, certain specified regulations concerning area eligibility, sidewalk locational criteria and physical criteria for #sidewalk cafes#, in general, and specifically for #enclosed sidewalk cafes#, are herein established.

The three types of #sidewalk cafes# that are permitted by the regulations of this Chapter and defined in Section 12-10 (DEFINITIONS) are #enclosed sidewalk cafes#, #unenclosed sidewalk cafes# and #small sidewalk cafes#.

The amendments to Article I, Chapter 4, adopted by the City Council on January 29, 2003, shall become effective March 27, 2003.

Physical criteria, including structural and operational requirements for #sidewalk cafes#, and #unenclosed sidewalk cafes# in particular, shall be regulated by the Department of Consumer Affairs and found in Title 6, Chapter 2, Subchapter F., of the Rules of the City of New York.

Licenses for all #sidewalk cafes# must be obtained from the Department of Consumer Affairs, or its successor.

**14-011
Sidewalk cafe locations**

#Sidewalk cafes# may be located in all R10H Districts, in all #Commercial Districts# other than C3 Districts and in all #Manufacturing Districts# only where eating or drinking establishments are permitted, as modified by special eligibility regulations set forth in Sections 14-40 through 14-45, inclusive. These sections identify #streets#, areas, special districts and malls or portions of #streets# for which special area eligibility regulations apply:

Section 14-40 — (AREA ELIGIBILITY FOR SIDEWALK CAFES)

Section 14-41 — (Locations Where Certain Sidewalk Cafes Are Not Permitted)

Section 14-42 - (Locations Where Enclosed Sidewalk Cafes Are Not Permitted)

Section 14-43 — (Locations Where Only Small Sidewalk Cafes Are Permitted)

Section 14-44 — (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted)

Section 14-45 — (Street Malls Where Certain Sidewalk Cafes Are Permitted):

#Sidewalk cafes# shall be permitted in Historic Districts or in designated landmark #buildings# only if such #sidewalk cafe# is approved by the Landmarks Preservation Commission.

**14-10
ENCLOSED SIDEWALK CAFES**

**14-11
Locational Criteria for Enclosed Sidewalk Cafes**

The regulations of this Section, governing clear path, clearance at intersection of #streets#, clearance from large obstructions and minimum distance between two cafes shall apply to all #enclosed sidewalk cafes#.

(a) — Clear path

There shall be a minimum of 8 feet, 0 inches clear distance or 50 percent of the sidewalk width, whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement.

The minimum distance shall be measured from the portion of the #enclosed sidewalk cafe# frontage that is nearest either the curb line or the nearest obstruction. In no event may recesses in the #enclosed sidewalk cafe# frontage be used to satisfy this unobstructed width requirement, except that the corners of the #enclosed sidewalk cafe# may be rounded or mitered. A clearance of 8 feet, 0 inches shall be maintained around the corners of #enclosed sidewalk cafes#, measured in radius.

For the purpose of the minimum clear path, but not the clearance from corners of #enclosed sidewalk cafes#, parking meters, traffic signs, and trees that have gratings flush to grade, without fences or guards, shall not count as obstructions

In the case of a #street# for which a mall plan or other special plan has been adopted, the clear path requirements pursuant to this Section shall be deemed satisfied if there is not less than an 8 feet, 0 inches clear path.

(b) — Clearance at intersections of street line

There shall be a minimum of 9 feet, 0 inches clearance, free of all obstructions with no exception, measured from the outer edge of the #enclosed sidewalk cafe# to the curbside obstacle. The corner of the #enclosed sidewalk cafe# wall may be rounded or mitered. Such distance shall be measured from the outer edge of the #enclosed sidewalk cafe# to either the curb line or the nearest obstruction.

(c) — Clearance from large obstructions

All #enclosed sidewalk cafes# shall be a minimum of 15 feet from large obstructions. For the purposes of this Section, large obstructions shall be bus stop shelters, newsstands, subway entrances or any other object greater than 15 square feet in area. The closed end of a subway entrance located along the #front lot line# may #abut# an #enclosed sidewalk cafe#.

(d) — Minimum distance between enclosed sidewalk cafes

There shall be a minimum distance of 40 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor #commercial use#, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

There shall be a minimum distance of 15 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor non-#commercial use#, or a #use# located above or below the ground floor, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

**14-12
Physical Criteria for Enclosed Sidewalk Cafes**

**14-121
Structural requirements for enclosed sidewalk cafes**

The regulations of this Section governing certain structural and operational requirements shall apply to all #enclosed sidewalk cafes#.

(a) — Ceiling

The ceiling of an #enclosed sidewalk cafe# shall be of incombustible materials, including colored or colorless safety glass or fabric which has been treated to be fire resistant as approved by the Department of Buildings.

At no point shall the height of the ceiling of an #enclosed sidewalk cafe# be lower than 7 feet, 0 inches above the floor of the #sidewalk cafe#.

(b) — Transparency — exterior walls

An #enclosed sidewalk cafe# may provide a base wall of opaque material up to a maximum height of 12 inches from the finished floor level. The base wall shall include any horizontal structural members that support transparent materials above.

All enclosing walls, doors and windows, except for the structural members, above finished floor level or base wall as provided in this Section, up to a height of 7 feet, 0 inches above finished floor level, must be colorless, untinted, non-reflective, transparent material, as approved by the Department of Buildings. In order to maximize transparency, the horizontal as well as vertical structural members shall not be sized more than 10 inches wide.

At least 50 percent of the walls, up to a height of 7 feet, 0 inches above finished floor level, shall consist of operable transparent windows.

(c) — Elevation

The #enclosed sidewalk cafe# floor shall not be more than seven inches above the level of the adjoining sidewalk.

In the event of a major grade change, however, the City Planning Commission may, by certification, permit the floor level to be more than seven inches above the level of the adjoining sidewalk.

(d) — Designated boundaries

No portion of #enclosed sidewalk cafes#, such as doors, windows, walls or any objects placed within an #enclosed sidewalk cafe#, shall swing or project beyond the designated exterior perimeter of the #enclosed sidewalk cafe#. However, fire exit doors that are used exclusively as emergency fire exit doors shall be exempt from this provision.

(e) — Fixtures

The furnishings of the interior of an #enclosed sidewalk cafe# shall consist solely of moveable tables, chairs and decorative accessories. No objects, except lighting fixtures and HVAC installations, may be permanently affixed onto any portion of the wall of the #enclosed sidewalk cafe#. In no event shall such objects penetrate the exterior perimeter of the wall or the roof of the #enclosed sidewalk cafe# or impede the transparency as required by this Chapter. The exhaust for such HVAC installations on the adjacent walls shall not be less than 10 feet above #curb level#.

(f) — Refuse storage area

No structure or enclosure to accommodate the storage of garbage may be erected or placed adjacent to or separate from the #enclosed sidewalk cafe# on the public right-of-way.

14-122**Access for persons with physical disabilities**

An #enclosed sidewalk cafe# or its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the #enclosed sidewalk cafe# shall be accessible to persons with disabilities from the interior of the restaurant.

In order to ensure access for persons with physical disabilities:

- (a) — at least one door leading into the #enclosed sidewalk cafe# or restaurant from the adjoining sidewalk shall be not less than three feet wide, clear; and
- (b) — a ramp with non-skid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than 1 in 12, shall be provided. Such ramp may be of portable type for #enclosed sidewalk cafes# that are six feet wide or less, except if such #sidewalk cafe# is at least 180 square feet in area.

14-123**Signage**

No #signs# are permitted on an #enclosed sidewalk cafe#, except that the name and type of establishment may be placed upon the glass wall but shall not obscure the required transparency.

14-124**Music and noise amplification**

Musical instruments or sound reproduction devices shall not be operated or used within an #enclosed sidewalk cafe# for any purpose.

14-13**Special Permit Modifications of Locational or Physical Criteria for Enclosed Sidewalk Cafes**

In all #Commercial# or #Manufacturing Districts#, where #enclosed sidewalk cafes# are permitted in accordance with the provisions of this Chapter, the City Planning Commission may permit, upon application, modifications to the locational or physical criteria regulations for #enclosed sidewalk cafes#, except that there shall be no modification

of Sections 14-41 (Locations Where Certain Sidewalk Cafes Are Not Permitted), 14-42 (Locations Where Enclosed Sidewalk Cafes Are Not Permitted), 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted) and 14-45 (Street Malls Where Certain Sidewalk Cafes Are Permitted), provided the Commission finds that:

- (a) — the #enclosed sidewalk cafe# is developed consistent with the general purposes and objectives of this Chapter;
- (b) — any proposed modification to the requirements of this Chapter will result in good overall design and enhance the general character of the #street# and the neighborhood;
- (c) — any proposed modifications to the requirements of this Chapter will not cause a serious adverse effect on pedestrian traffic;
- (d) — the restaurant or #enclosed sidewalk cafe# provides access for persons with disabilities;
- (e) — where a proposed #enclosed sidewalk cafe# is located between two existing stoops, it will not project beyond the stoops; and
- (f) — modifications to the provisions of paragraph (a) of Section 14-11 (Locational Criteria for Enclosed Sidewalk Cafes) shall be limited to the minimum clear path for a proposed #enclosed sidewalk cafe# that would be located on a #street# with a special pedestrian plan.

14-20**UNENCLOSED SIDEWALK CAFES**

Physical criteria for #unenclosed sidewalk cafes#, including structural and operational requirements, shall be regulated by the Department of Consumer Affairs pursuant to the Rules of the City of New York as described in Section 14-01 (General Provisions). #Small sidewalk cafes#, however, shall also conform to the requirements of Section 14-30.

14-30**SMALL SIDEWALK CAFES**

#Small sidewalk cafes# shall be subject to the regulations of Section 14-01 (General Provisions) and, in addition, shall comply with the requirements for the definition of #small sidewalk cafes# in Section 12-10 as well as the following physical criteria:

- (a) — no form of serving station or any other type of furniture, other than the single row of tables and chairs set adjacent to the #street line#, may be placed within that space occupied by a #small sidewalk cafe#;
- (b) — there shall be no railing, structure or other form of barrier between a #small sidewalk cafe# and the remaining area of the sidewalk; and
- (c) — there shall be no overhead coverage other than a retractable awning that is affixed to the #building# wall and does not extend further than 4 feet, 6 inches.

#Small sidewalk cafes# are permitted wherever #sidewalk cafes# may be located pursuant to the requirements of Section 14-011. Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted) lists specific #streets# and areas where no #sidewalk cafes# other than #small sidewalk cafes# may be located.

14-40**AREA ELIGIBILITY FOR SIDEWALK CAFES**

Sections 14-40 through 14-45 identify those locations where specific area eligibility regulations apply.

For the purposes of Sections 14-40 through 14-45, the length of a #street# shall run the full #block# to the nearest intersections with cross #streets#, unless otherwise stated.

Areas bounded by #streets# shall include both sides of such #streets# and shall be subject to the regulations of this Chapter pertaining to such areas. When a #street# forms the boundary of a special district, however, only that side of the #street# located within the special district shall be subject to the regulations pertaining to the special district.

#Sidewalk cafes# shall only be allowed to locate along the length of a #street# or within the area bounded by #streets#, as set forth in Sections 14-40 through 14-45, where the applicable #use# regulations of the district allow eating and drinking establishments, either as-of-right, by certification or by authorization or special permit.

14-41**Locations Where Certain Sidewalk Cafes Are Not Permitted**

No #enclosed# or #unenclosed sidewalk cafes# shall be permitted on any of the following #streets#, portions of #streets# and areas, except that #small sidewalk cafes# may be permitted pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Citywide:

All #streets# with elevated rail transit lines, unless specifically

permitted in Section 14-43:

Manhattan:

All #streets# bounded by 38th Street on the south, 59th Street on the north, Third Avenue on the east and Eighth Avenue on the west
All #streets# within the M1-5A and M1-5B Districts south of Houston Street
Bowery — from East Broadway to Canal Street
Elizabeth Street — from Bayard Street to Canal Street
Pell Street — the entire length
Mott Street — from Park Row to Canal Street
Mulberry Street — from Worth Street to Canal Street
Bayard Street — the entire length
Doyers Street — the entire length
All streets facing Chatham Square
Canal Street — the entire length
Orchard Street — from Canal Street to Houston Street
Delancey Street — from Norfolk Street to the Bowery
Eighth Street — from Avenue A to Sixth Avenue
14th Street — from Second Avenue to Eighth Avenue
23rd Street — from the East River to Eighth Avenue
31st Street — from Fifth Avenue to Eighth Avenue
32nd Street — from Fifth Avenue to Eighth Avenue
33rd Street — from Fifth Avenue to Eighth Avenue
34th Street — from the East River to Eighth Avenue
42nd Street — from the East River to Eighth Avenue
All #streets# or portions of #streets# bounded by 43rd Street on the south, 45th Street on the north, Eighth Avenue on the east and, on the west, a line 150 feet west of Eighth Avenue
57th Street — from the East River to Eighth Avenue
58th Street — from the East River to Eighth Avenue
59th Street — from the East River to Fifth Avenue
59th Street — from Sixth Avenue to Columbus Circle
All #streets# bounded by 59th Street on the south, 61st Street on the north, Fifth Avenue on the west and, on the east, a line 125 feet east of Fifth Avenue
60th Street — from Third Avenue to Fifth Avenue
61st Street — from Third Avenue to Fifth Avenue
62nd Street — from Second Avenue to Fifth Avenue
63rd Street — from Second Avenue to Fifth Avenue
68th Street — from First Avenue to Fifth Avenue
72nd Street — from the East River to Fifth Avenue
77th Street — from First Avenue to Fifth Avenue
79th Street — from the East River to Fifth Avenue
86th Street — from the East River to Fifth Avenue, south side only
86th Street — from the East River to 125 feet east of York Avenue, north side only, and from York Avenue to Fifth Avenue, north side only
116th Street — from Malcolm X Boulevard to Frederick Douglass Boulevard
First Avenue — from 48th Street to 59th Street
Third Avenue — from 59th Street to 62nd Street
Lexington Avenue — the entire length
Park Avenue — the entire length from 38th Street, northward
Madison Avenue — the entire length
Fifth Avenue — from Washington Square North to 61st Street
Sixth Avenue — from 31st Street to 38th Street
Broadway — from 31st Street to 38th Street
Seventh Avenue — from 31st Street to 38th Street
Eighth Avenue — from 31st Street to 38th Street
Herald Square.

Brooklyn:

13th Avenue — from 39th Street to New Utrecht Avenue
86th Street — from Third Avenue to Gowanus Expressway
Court Street — from Schermerhorn Street to Montague Street.

Queens:

82nd Street — from 34th Avenue to 41st Avenue
Austin Street — from Yellowstone Boulevard to Ascan Avenue
Junction Boulevard — from Northern Boulevard to 41st Avenue
Roosevelt Avenue — from Union Street to Prince Street
Skillman Avenue — from 43rd Street to 56th Street.

14-42

Locations Where Enclosed Sidewalk Cafes Are Not Permitted

No #enclosed sidewalk cafe# shall be permitted on any of the following #streets#:

Manhattan:

Bleecker Street — from Bank Street to Mercer Street
Central Park South — from Fifth Avenue to Sixth Avenue
Park Avenue South and Park Avenue — from 31st Street to 38th Street
86th Street — from the East River to Fifth Avenue.

14-43

Locations Where Only Small Sidewalk Cafes Are Permitted

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted. In addition, only #small sidewalk cafes# shall be allowed on

the following #streets#, notwithstanding any regulations set forth in Sections 14-41 or 14-42 prohibiting certain #sidewalk cafes# on such #streets#:

Manhattan:

Orchard Street — from Canal Street to Houston Street
Delancey Street — from Norfolk Street to the Bowery
Centre Street — from Canal Street to Spring Street
Lafayette Street — from Canal Street to Houston Street
Sixth Avenue — from Canal Street to a line 100 feet south of Spring Street
Special Union Square District¹
14th Street — from Second Avenue to Irving Place
14th Street — from a line 100 feet west of University Place to Eighth Avenue
23rd Street — from the East River to Eighth Avenue
31st Street — from Fifth Avenue to a line 200 feet east of Broadway
34th Street — from the East River to Fifth Avenue
35th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue
36th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
37th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
37th Street — from a line 150 feet east of Sixth Avenue to Broadway
38th Street — from Third Avenue to Seventh Avenue
39th Street — from Exit Street to Seventh Avenue
40th Street — from a line 100 feet east of Exit Street to Broadway
41st Street — from a line 100 feet east of Exit Street to Third Avenue
42nd Street — from First Avenue to Third Avenue
42nd Street — from Fifth Avenue to a line 275 feet east of Sixth Avenue
All #streets# bounded by 43rd Street on the south, 46th Street on the north, a line 200 feet east of Third Avenue on the east and Third Avenue on the west
43rd Street — from Fifth Avenue to Sixth Avenue
44th Street — from Fifth Avenue to Sixth Avenue
45th Street — from Fifth Avenue to Sixth Avenue
46th Street — from Fifth Avenue to Sixth Avenue
47th Street — from a line 200 feet east of Third Avenue to Third Avenue
48th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
49th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
50th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
51st Street — from a line 150 feet east of Third Avenue to Eighth Avenue
52nd Street — from a line 160 feet east of Third Avenue to Eighth Avenue
53rd Street — from a line 160 feet east of Third Avenue to Eighth Avenue
54th Street — from a line 150 feet east of Third Avenue to Eighth Avenue
55th Street — from a line 100 feet west of Second Avenue to Eighth Avenue
56th Street — from a line 100 feet west of Second Avenue to Eighth Avenue
57th Street — from the East River to Eighth Avenue
58th Street — from the East River to Eighth Avenue
59th Street — from the East River to Second Avenue
59th Street (Central Park South) — from Sixth Avenue to Columbus Circle
60th Street — from Lexington Avenue to Fifth Avenue
61st Street — from Third Avenue to Fifth Avenue
62nd Street — from Second Avenue to Fifth Avenue
63rd Street — from Second Avenue to Fifth Avenue
86th Street — from First Avenue to a line 125 feet east of Second Avenue, south side only
116th Street — from Malcolm X Boulevard to Frederick Douglass Boulevard
Special 125th Street District — only as set forth in Section 97-13 (Permitted Small Sidewalk Cafe Locations)
First Avenue — from 48th Street to 56th Street
Third Avenue — from 38th Street to 62nd Street
Lexington Avenue — from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street
Lexington Avenue — the entire length from a line 100 feet north of 96th Street, northward
Park Avenue — from 38th Street to 40th Street
Park Avenue — from 48th Street to 60th Street
Park Avenue — the entire length from a line 100 feet north of 96th Street, northward
Madison Avenue — from 23rd Street to 38th Street
Madison Avenue — from 59th Street to 61st Street
Special Madison Avenue Preservation District²
Madison Avenue — the entire length from a line 100 feet north of 96th Street, northward

Fifth Avenue — from 12th Street to 33rd Street
 Fifth Avenue — from 59th Street to 61st Street
 Sixth Avenue — from 36th Street to 42nd Street
 Sixth Avenue — from a line 150 feet north of 42nd Street to 48th Street
 Sixth Avenue — from 50th Street to Central Park South
 Seventh Avenue — from 50th Street to Central Park South
 Broadway — from 36th Street to 40th Street
 Broadway — from 50th Street to Columbus Circle
 Columbus Circle — from Eighth Avenue, westward, to Broadway.

¹ — #Small sidewalk cafes# are not allowed on 14th Street
² — #Small sidewalk cafes# are not allowed on 86th Street within the #Special Madison Avenue District#

Queens:

Jackson Avenue, north side — from 44th Drive to the prolongation of Dutch Kills Street
 Queens Boulevard — from a line 100 feet west of 39th Place to 48th Street
 Queens Plaza North — from 23rd Street to Northern Boulevard
 Queens Plaza South — from 23rd Street to Jackson Avenue
 Skillman Avenue, north side — from 45th Street to a line 100 feet east of 51st Street, including that portion within the #Special Planned Community Preservation District#
 Skillman Avenue, south side — from 45th Street to 51st Street, excluding that portion within the #Special Planned Community Preservation District#.

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

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

Manhattan	#Enclosed Sidewalk-Cafe#	#Unenclosed Sidewalk-Cafe#
125th Street District	No	No ⁴
Battery Park City District	Yes	Yes
Clinton District	No	Yes
East Harlem Corridors District	No	Yes
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes
Enhanced Commercial District 3 (Broadway/Upper West Side)	Yes	Yes
Hudson Square District	Yes	Yes
Inwood District	No	Yes
Limited Commercial District	No	No ¹
Lincoln Square District	No	Yes
Little Italy District	No	Yes
Lower Manhattan District	No	Yes ²
Manhattanville Mixed-Use District	No ³	Yes
Transit Land Use District	Yes	Yes
Tribeca Mixed-Use District	Yes	Yes
United Nations Development District	No	Yes
West Chelsea District	No	Yes ⁵

¹ — #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue
² — #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway
³ — #Enclosed sidewalk cafes# are allowed in Subdistrict B
⁴ — #Unenclosed sidewalk cafes# are allowed on the east side of Malcolm X Boulevard between West 125th and West 126th

Streets, on the west side of Malcolm X Boulevard between West 124th and West 125th Streets and on the east side of Fifth Avenue between East 125th and East 126th Streets

⁵ — #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street

Brooklyn	#Enclosed Sidewalk-Cafe#	#Unenclosed Sidewalk-Cafe#
Bay Ridge District	Yes	Yes
Coney Island District	No	Yes
Coney Island Mixed-Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Enhanced Commercial District 1 (Fourth Avenue)	No	Yes
Enhanced Commercial District 4 (Broadway, Bedford-Stuyvesant)	No	Yes
Mixed-Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District ¹	Yes	Yes
Sheepshead Bay District	No	Yes

¹ — #Sidewalk cafes# are not allowed on Ocean Parkway

The Bronx	#Enclosed Sidewalk-Cafe#	#Unenclosed Sidewalk-Cafe#
City Island District	No	Yes
Harlem River Waterfront District	No	Yes
Jerome Corridor District	No	Yes

Queens	#Enclosed Sidewalk-Cafe#	#Unenclosed Sidewalk-Cafe#
Downtown Far Rockaway District	No	Yes
Downtown Jamaica District	No	Yes
Flushing Waterfront District	No	Yes
Forest Hills District ¹	No	Yes
Long Island City Mixed-Use District ²	No	Yes
Southern Hunters Point District	No	Yes
Wilets Point District	No	Yes

¹ — #Sidewalk cafes# are not allowed on Austin Street

² — See Appendix A in Article XI, Chapter 7

Staten Island	#Enclosed Sidewalk-Cafe#	#Unenclosed Sidewalk-Cafe#
Bay Street Corridor District	Yes	Yes
South Richmond Development District	Yes	Yes
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

**14-45
 Street Malls Where Certain Sidewalk Cafes Are Permitted**

#Sidewalk cafes# are permitted as indicated in the following malls where allowed by the underlying zoning:

Manhattan	#Enclosed-Sidewalk-Cafe#	#Unenclosed-Sidewalk-Cafe#
Mulberry Street Mall	No	Yes
Nassau Street Mall	No	Yes

Brooklyn	#Enclosed-Sidewalk-Cafe#	#Unenclosed-Sidewalk-Cafe#
Fulton Street Mall [†]	No	Yes

[†]— #Enclosed sidewalk cafes# are allowed along DeKalb Avenue

Queens	#Enclosed-Sidewalk-Cafe#	#Unenclosed-Sidewalk-Cafe#
Far Rockaway Beach 20th Street	No	Yes

* * *

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

**22-00
GENERAL PROVISIONS**

* * *

Use Group 6C, limited to docks for ferries and water taxis, as specified in Section 22-15, is permitted in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn.

In R10H Districts, an eating or drinking establishment, permitted pursuant to Section 72-21 (Findings Required for Variances), that operates a #sidewalk cafe# pursuant to the provisions of Article I, Chapter 4, may be #enlarged# into any open area that may exist between the #street wall# and the #street line#.

For the purposes of this Chapter, any #residence# and any #accessory building abutting# such #residence# on the same #zoning lot# shall be considered a single #building#.

* * *

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

* * *

**32-41
Enclosure Within Buildings**

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions), 36-61 (Permitted Accessory Off-street Loading Berths) and 73-36 (Physical Culture or Health Establishments), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

**32-411
In C1, C5, C6-5 or C6-7 Districts**
C1 C5 C6-5 C6-7

In the districts indicated, all such #uses# shall be located within #completely enclosed buildings# except for store fronts or store windows, associated with eating and drinking establishments, which may be opened to serve customers outside the #building#.

**32-412
In other Commercial Districts**
C2 C3 C4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C8

In the districts indicated, all such #uses# shall be located within #completely enclosed buildings# or within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

* * *

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

**33-00
APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS**

* * *

**33-05
Outdoor Table Service Areas**

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth by the Department of Transportation shall be permitted within any required sidewalk widening areas.

* * *

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 3
Bulk Regulations**

**43-00
APPLICABILITY AND GENERAL PROVISIONS**

* * *

**43-03
Outdoor Table Service Areas**

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth by the Department of Transportation shall be permitted within any required sidewalk widening areas.

* * *

**ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**Chapter 2
Non-Conforming Uses**

* * *

**52-30
CHANGE OF NON-CONFORMING USE**

* * *

**52-34
Commercial Uses in Residence Districts**

In all #Residence Districts#, a #non-conforming use# listed in Use Group 6, 7, 8, 9, 10, 11B, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or to a #use# listed in Use Group 6. In the case of any such change, the limitation on #floor area# set forth in Section 32-15 (Use Group 6) shall not apply. Eating or drinking places, establishments with musical entertainment, but not dancing, thus permitted as a change of #use#, shall be limited exclusively to the sale of food or drink for on-premises consumption by seated patrons within a #completely enclosed building# subject to the enclosure provisions of Section 32-411.

* * *

**ARTICLE VII
ADMINISTRATION**

**Chapter 3
Special Permits by the Board of Standards and Appeals**

* * *

**73-24
Eating or Drinking Places**

* * *

**73-243
In C1-1, C1-2 and C1-3 Districts**

In C1-1, C1-2 and C1-3 Districts, (except in Special Purpose Districts) the Board of Standards and Appeals may permit eating or drinking places (including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, and those which provide outdoor table service) with #accessory# drive-through facilities for a term not to exceed five years, provided that the following findings are made:

* * *

- (d) that in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C5, M1-5A and M1-5B Districts, such #use# shall take place in a #completely enclosed building# be subject to the enclosure provisions of Section 32-411; and

* * *

In connection therewith, the Board may modify the requirement of Section 32-411 (In C1, C5, C6-5 or C6-7 Districts) insofar as it relates to the #accessory# drive-through facility. The Board may prescribe additional appropriate conditions and safeguards to minimize adverse

effects on the character of the surrounding area.

* * *

Article VIII - Special Purpose Districts

Chapter 3
Special Limited Commercial District

* * *

83-00
GENERAL PURPOSES

* * *

(10/9/69)

83-05
Enclosure of Uses

All permitted #uses# shall be located within #completely enclosed buildings# be subject to the enclosure provisions of Section 32-411.

* * *

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special 125th Street District

97-00
GENERAL PURPOSES

* * *

97-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and Subdistricts) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

* * *

97-10
SPECIAL USE AND LOCATION REGULATIONS

* * *

97-13
Permitted Small Sidewalk Cafe Locations

#Small sidewalk cafes# shall be permitted in the #Special 125th Street District# as indicated on Map 2 (Permitted Small Sidewalk Cafe Locations) in Appendix A of this Chapter, subject to all applicable regulations of Article I, Chapter 4 (Sidewalk Cafe Regulations).

97-14
Transient Hotels Within the Park Avenue Hub Subdistrict

* * *

97-40
SPECIAL BULK REGULATIONS

* * *

97-41
Special Floor Area Regulations

* * *

97-412
Maximum floor area ratio in the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:

- (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel# pursuant to the provisions of Section 97-1413 (Transient Hotels Within the Park Avenue Hub Subdistrict); or

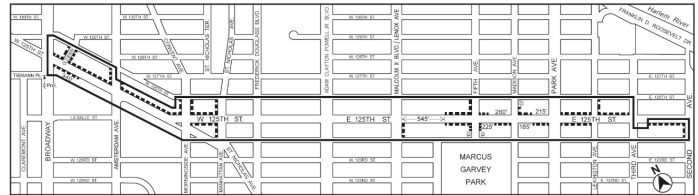
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Appendix A
Special 125th Street District Plan

* * *

Map 2: Permitted Small Sidewalk Cafe Locations (97A.2)

[TO BE DELETED]



Special 125th Street District boundary
Locations where only small sidewalk cafes are permitted

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 9
Special Little Italy District

109-00
GENERAL PURPOSES

* * *

109-02
General Provisions

* * *

The use of the public #streets# and sidewalks for the maintenance of #sidewalk cafes#, outdoor cafes or any other structures shall require the separate approval of the Board of Estimate, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate.

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Long Island City Mixed Use District

117-00
GENERAL PURPOSES

* * *

117-03
District Plan and Maps

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B and C:

- Appendix A Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations-

* * *

117-05
Permitted Sidewalk Cafe Locations

#Unenclosed sidewalk cafes#, including #small sidewalk cafes#, shall be permitted in the #Special Long Island City Mixed Use District# only on the #streets# indicated on the map in Appendix A (Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations) of this Chapter, except that such #unenclosed sidewalk cafes# may also extend up to 100 feet along the non-designated #street# frontage of a #corner lot#, subject to all other applicable regulations of Article I, Chapter 4.

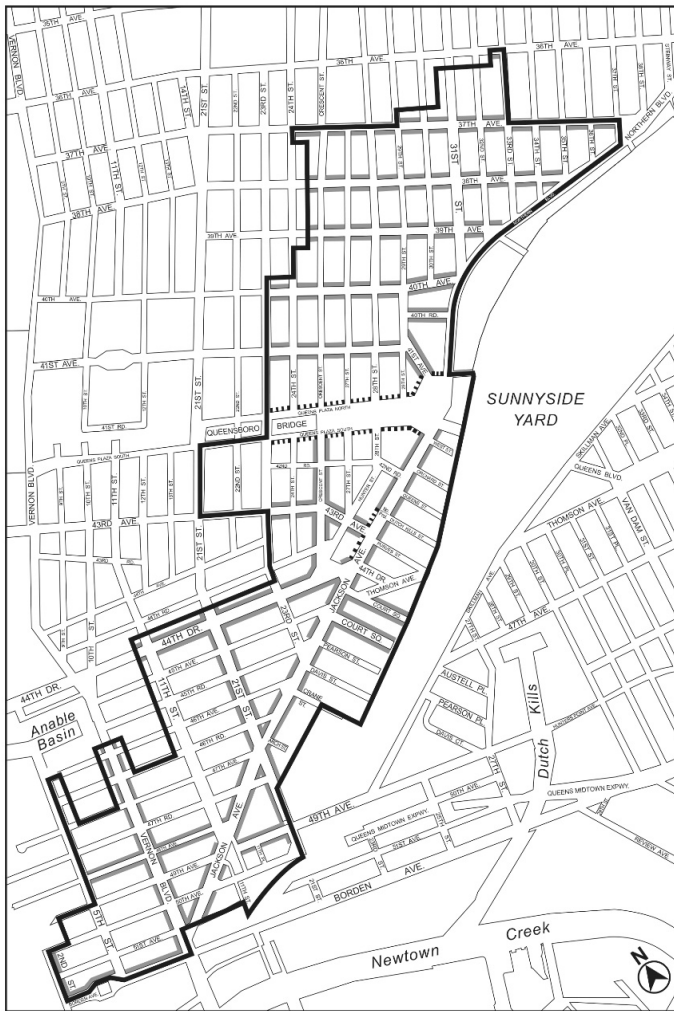
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Appendix A
Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations

* * *

Permitted Sidewalk Cafe Locations

[TO BE DELETED]



Unenclosed Sidewalk Cafes Small Sidewalk Cafes Only

* * *

**BOROUGH OF THE BRONX
No. 2**

CASTLE HILL BUSINESS IMPROVEMENT DISTRICT

CDs 9 & 10 N 220101 BDX

IN THE MATTER OF an application submitted by New York City Department of Small Business Services on behalf of the Castle Hill Business Improvement District Steering Committee pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning the establishment of the Castle Hill Business Improvement District.

BOROUGH OF BROOKLYN

Supplemental Cal. No. 1 - 6

RIVER RING

Supplemental Cal. No. 1

CD 1 C 220062 ZMK

IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c:

1. changing from an M3-1 District to a C6-2 District property bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, a northeasterly boundary line of Grand Ferry Park, and the U.S. Pierhead Line; and
2. changing from an M3-1 District to an M1-4 District property bounded by North 3rd Street, Kent Avenue, North 1st Street, and River Street;

as shown on a diagram (for illustrative purposes only) dated August 16, 2021, and subject to the conditions of CEQR Declaration E-636.

Supplemental Cal. No. 2

CD 1 N 220063 ZRK

IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York

modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying Large-scale General Development provisions, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area.

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

**ARTICLE VII
ADMINISTRATION**

**Chapter 4
Special Permits by the City Planning Commission**

**74-74
Large-scale General Development**

* * *

**74-742
Ownership**

* * *

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

* * *

- (d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:

- (1) tracts of land in State or City ownership; or
- (2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the bulkhead line; or

- (e) within Manhattan Community District 2, where the City Planning Commission has approved a special permit under Section 74-74 for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest to:

* * *

- (2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#; or

- (f) partially under State or City ownership, and is located within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership.

* * *

**74-743
Special provisions for bulk modification**

- (a) For a #large-scale general development#, the City Planning Commission may permit:

* * *

- (11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District and within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.

* * *

- (ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

* * *
(b) a letter that shall include:

* * *
(ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement; or

(12) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Halletts Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large-scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

* * *
(ii) the existing light industrial #buildings# on the separate parcel of land are demolished; or

(13) within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, portions of the land, #piers# or #platforms# projecting seaward of the bulkhead line and existing on [date of adoption] may be replaced or reconstructed with #new piers# or #new platforms#, as follows:

(i) any such existing land projecting seaward of the bulkhead line may be replaced or reconstructed with #new platforms# and such #new platforms# may be included as part of the #upland lot#. In no event shall the #lot area# generated by such #new platforms# exceed the #lot area# of the land projecting seaward of the bulkhead line, as it existed on [date of adoption];

(ii) any other such #new piers# or #new platforms# may be considered #lot area# for the purposes of determining allowable #floor area# or number of #dwelling units#, or to satisfy any other #bulk# regulations, in accordance with the provisions of paragraphs (b) and (c) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots). In no event shall the #floor area# generated by such #new piers# or #new platforms# exceed the #floor area# generated by #piers# or #platforms# projecting seaward of the bulkhead line, as they existed on [date of adoption]; and

(iii) such #new piers# or #new platforms# that are subject to the provisions of paragraph (a)(13)(ii) of this Section need not meet the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers) or 62-63 (Design Requirements for Public Access on Piers and Floating Structures), inclusive.

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

* * *

(12) where #new piers# or #new platforms# are constructed, replaced or reconstructed in accordance with the provisions of paragraph (a)(13) of this Section, such #new piers# and #new platforms# are an integral part of such #large-scale general development#, result in a superior site plan and appropriate relationship with adjacent #waterfront public access areas# and #shoreslines#, and provide significant public access to or within the #seaward lot# portion of the #waterfront zoning lot#.

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal Area, where the Commission has approved a #large-scale general development# and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

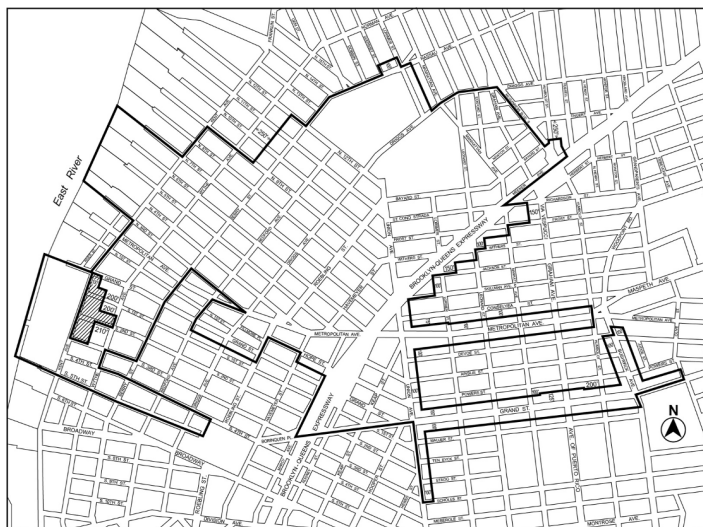
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BROOKLYN

Brooklyn Community District 1

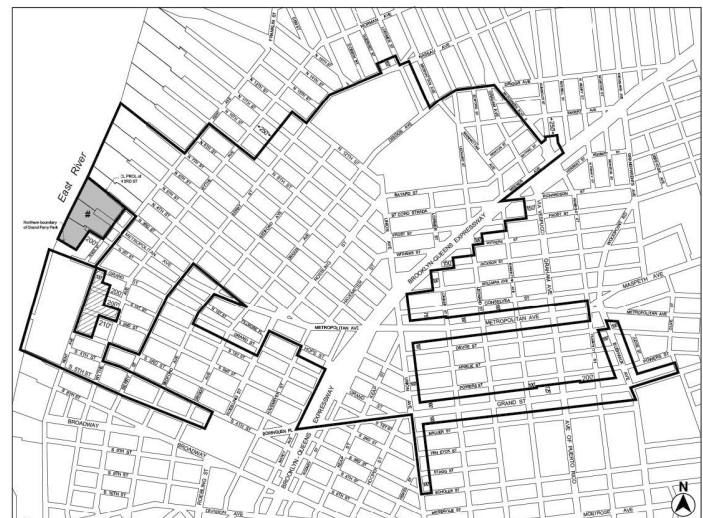
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Map 2 - [date of adoption] [EXISTING MAP]



Legend for Existing Map:
[Outline] Inclusionary Housing designated area
[Hatched] Excluded Area

[PROPOSED MAP]



Legend for Proposed Map:
[Outline] Inclusionary Housing designated area
[Grey] Mandatory Inclusionary Housing Program area see Section 23-154(d)(3)
Area # - [date of adoption] MIH Program Option 1
[Hatched] Excluded Area

Portion of Community District 1, Brooklyn

* * *

Supplemental Cal. No. 3

CD 1 C 220064 ZSM
IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Sections 197-c and 201 of the New York City Charter for, for the grant of special permits pursuant to the following Sections of the Zoning Resolution:

- Section 74-743(a)(2) - to modify the height and setback, floor area distribution, maximum residential tower size, and maximum width of building walls facing a shoreline requirements of Section 62-341 (Developments on land and platforms); and
- Section 74-743(a)(13)*:
 - to allow existing land projecting seaward of the bulkhead line to be replaced or reconstructed with new platforms and such platform be included as part of the upland lot;

- b. to allow such new piers and platforms to be considered lot area for the purposes of determining allowable floor area, dwelling units, and other bulk regulations of Section 62-31(b) & (c) (Bulk Computations on Waterfront Zoning Lots); and
- c. to waive the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers, and Section 62-63 (Design Requirements for Public Access on Piers and Floating Structures);

in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue** and North 1st Street**), in a C6-2 District***.

* Note: Section 74-743 is proposed to be changed under a concurrent related application for a Zoning Text Change (N 220063 ZRK).

** Note: Portions of Metropolitan Avenue and North 1st Street are proposed to be demapped under a concurrent related application for a City Map change (C 210425 MMK).

*** Note: This site is proposed to be rezoned by changing an existing M3-1 District to a C6-2 District under a concurrent related application for a Zoning Map change (C 220062 ZMK).

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

Supplemental Cal. No. 4

CD 1 C 220070 ZSK

IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces from 40 percent to 20 percent, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue** and North 1st Street**), in C6-2 District***.

* Note: Section 74-743 is proposed to be changed under a concurrent related application for a Zoning Text Change (N 220063 ZRK).

** Note: Portions of Metropolitan Avenue and North 1st Street are proposed to be demapped under a concurrent related application for a City Map change (C 210425 MMK).

*** Note: This site is proposed to be rezoned by changing an existing M3-1 District to a C6-2 District under a concurrent related application for a Zoning Map change (C 220062 ZMK).

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

Supplemental Cal. No. 5

CD 1 C 220061 MLK

IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Section 197-c of the New York City Charter for a landfill of approximately 6,230 square feet located in the East River, in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue** and North 1st Street**), in C6-2 District***.

* Note: Section 74-743 is proposed to be changed under a concurrent related application for a Zoning Text Change (N 220063 ZRK).

** Note: Portions of Metropolitan Avenue and North 1st Street are proposed to be demapped under a concurrent related application for a City Map change (C 210425 MMK).

*** Note: This site is proposed to be rezoned by changing an existing M3-1 District to a C6-2 District under a concurrent related application for a Zoning Map change (C 220062 ZMK).

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

Supplemental Cal. No. 6

CD 1 C 210425 MMK

IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- 1) the elimination, discontinuance and closing of Metropolitan Avenue between River Street and the United States Pierhead Line;
- 2) the elimination, discontinuance and closing of a portion of North 1st Street from a point 200 feet west of River Street and the United States Pierhead Line;
- 3) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. Y-2760 dated August 16, 2021 and signed by the Borough President.

NOTICE

On Wednesday, October 6, 2021, a public hearing is being held by the City Planning Commission (CPC), accessible remotely, in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by River Street Partners, LLC (the Applicant). The Applicant is seeking a series of land use applications including a city map change, a landfill application, zoning map amendment, zoning text amendments, zoning authorizations and special permits (the Proposed Actions) from the City Planning Commission (CPC) to facilitate the development of two mixed-use towers with mixed income residential, commercial, and community facility uses, and waterfront public spaces (the "Proposed Development") on the proposed development site comprised of Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20, and 21; Block 2376, Lot 50; and portions of Metropolitan Avenue and North 1st Street (collectively known as the "Proposed Development Site") in the Williamsburg neighborhood of Brooklyn, Community District 1. The Project Area also includes two non-Applicant owned blocks to the east of the Proposed Development Site (Blocks 2356 and 2362).

The Proposed Development would contain approximately 1.336 million gsf, comprised of approximately 1.12 million gsf of residential space (approximately 1,250 dwelling units, of which 313 units (25%) would be affordable pursuant to the MII program), 50,000 gsf of community facility space, 83,000 gsf of commercial space (including 60,000 gsf of office and 23,000 gsf of local retail), and approximately 83,000 gsf of below-grade parking (up to 250 accessory attended parking spaces).

The Applicant is also requesting an extension of term of special permit and authorization approvals to a period of ten years during which substantial construction of the phased project would be completed. In addition, a Joint Permit Application from the NYS Department of Environmental Conservation (NYSDEC) and the US Army Corps of Engineers (USACE) is being sought in conjunction with the publicly accessible open space proposed along the waterfront.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, October 18, 2021 by 5:00 P.M.

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

This hearing is being held, pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 21DCP157K.

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



◀ s22-o6

In support of the City's efforts to contain the spread of COVID-19, the City Planning Commission will hold a remote public hearing, via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, September 22, 2021, regarding the calendar items listed below.

The meeting will be live streamed through Department of City Planning's (DCP's) website and accessible from the following webpage, which contains specific instructions on how to observe and participate, as well as materials relating to the meeting: <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/287262/1>

Members of the public should observe the meeting through DCP's website.

Testimony can be provided verbally by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

877 853 5247 US Toll-free

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

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

To provide verbal testimony via Zoom please follow the instructions available through the above webpage (link above).

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

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

**CITYWIDE
No. 1**

HEALTH AND FITNESS CITYWIDE TEXT AMENDMENT

CITYWIDE N 210382 ZRY
IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

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

**ARTICLE I
GENERAL PROVISIONS**

**Chapter 2
Construction of Language and Definitions**

* * *

**12-10
DEFINITIONS**

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

* * *

[Note: This definition is being replaced by the definition #Unlicensed physical treatment establishment#]

Adult physical culture establishments

An "adult physical culture establishment," is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as, to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:

- (1) treatment by a licensed physician, a licensed chiropractor, a licensed osteopath, a New York licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;
- (2) electrolysis treatment by a licensed operator of electrolysis equipment;
- (3) hospitals, #long-term care facilities#, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4;
- (4) barbershops or beauty parlors which offer massage, to the scalp, the face, the neck or shoulders only; and
- (5) athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.

#Adult physical culture establishments# are not permitted in any District.

Advertising sign — see Sign, advertising

* * *

Health and fitness establishments

A "health and fitness establishment" is any establishment that is equipped and arranged, to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or provide relaxation services.

#Health and fitness establishments# include, but are not limited to, the following:

- (a) establishments containing high-intensity #uses#, including:
 - (1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or
 - (2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;
 - (b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and
 - (c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity #uses# listed above are subject to the supplemental #use# regulations of Sections 32-413 and 123-33, as applicable.

For "physical culture or health establishments" existing on [date of adoption] that were allowed, pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established, at approval and may continue after the expiration of such special permit, provided that such establishment is not #enlarged#, #expanded#, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a "physical culture or health establishment" existing on [date of adoption] may continue pursuant, to the applicable provisions for #health and fitness establishments#, and may #enlarge#, #expand#, or change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental #use# regulations are met.

Height factor

* * *

Outer court recess — see Court recess, outer-

Physical culture or health establishments

A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged, to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation flotation tanks and meditation facilities may be provided only as #accessory#, to the physical exercise program or massage facility. Except as specifically provided in Special Purpose Districts, #physical culture or health establishments# are only permitted pursuant, to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health-related facility/services, pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.

Plaza

* * *

Unlicensed physical treatment establishment

An #unlicensed physical treatment establishment# is any establishment that includes as part of its services, whether as a principal #use# or as an #accessory use#, massages, body rubs, alcohol rubs, baths or other similar treatment administered by a person that is not a healthcare professional licensed by the State of New York, or under the supervision of such licensee. However, #unlicensed physical treatment establishments# shall not include barbershops or beauty parlors that offer massage, to the scalp, the face, the neck or shoulders only.

#Unlicensed physical treatment establishments# shall not be permitted in any District.

Urban plaza — see Plaza, urban

* * *

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 2
Use Regulations

* * *

22-10
USES PERMITTED AS-OF-RIGHT

* * *

22-14
Use Group 4

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas, to provide recreational, religious, health and other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities¹, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments#, or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

Clubs², except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or
- (d) any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10

* * *

22-20
USES PERMITTED BY SPECIAL PERMIT

22-21
By the Board of Standards and Appeals

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

* * *

R1 R2
Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or
- (d) any activities or #uses# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10

* * *

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

Chapter 2
Use Regulations

* * *

32-10
USES PERMITTED AS-OF-RIGHT

* * *

32-15
Use Group 6
C1 C2 C4 C5 C6 C8

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and
- (2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

* * *

C. Retail or Service Establishments

* * *

Gift shops [PRC-B]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment [PRC-B]

* * *

E. Clubs

Non-commercial clubs, without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10~~ [PRC-D]

* * *

32-18
Use Group 9
C2 C4 C5 C6 C8

Use Group 9 consists primarily of business and other services which:

- (1) serve a large area and are, therefore, appropriate in secondary, major or central commercial shopping areas, and
- (2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

A. Retail or Service Establishments

* * *

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited, to the following aggregate dock capacities per #zoning lot#:

200 in C2 Districts; 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2, C8-3 Districts; 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

"Dock capacity" is the U.S. Coast Guard-certified capacity of the largest vessel using a dock. "Aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot# [PRC-H]

~~*#Gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis. [PRC-B]~~

~~**#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment [PRC-B]~~

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

* * *

* In C4 or C5 Districts, a #use# in Use Group 9, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is, at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

** In C1-8 and C1-9 Districts, and in C1 Districts mapped within an R9 or an R10 District, #uses# marked with two asterisks shall be allowed as-of-right

* * *

32-23
Use Group 14
C2 C3 C7 C8

Use Group 14 consists of the special services and facilities required for boating and related activities.

A. Retail or Service

* * *

Fishing tackle or equipment, rental or sales [PRC-B1]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

* * *

B. Clubs

Non-commercial clubs, without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 [PRC-D]~~

* * *

32-30
USES PERMITTED BY SPECIAL PERMIT

32-31
By the Board of Standards and Appeals

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

* * *

C6
Newspaper publishing establishments

C1-8X C1-9 C2 C4 C5 C6 C8
~~#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), massage establishments [PRC-B]~~

C1 C2 C3 C4 C5 C6 C7 C8
Public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet

* * *

32-40
SUPPLEMENTARY USE REGULATIONS

32-41
Enclosure Within Buildings
C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions); and 36-61 (Permitted Accessory Off-street Loading Berths) and 73-36 (Physical Culture or Health Establishments), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject, to the provisions of this Section with respect to enclosure within #buildings#. With respect, to the #enlargement# or #extension# of an existing #use#, such provisions shall apply, to the #enlarged# or #extended# portion of such #use#.

* * *

32-413
Health and Fitness Establishments
C1 C2 C3 C4 C5 C6

In the districts indicated, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject, to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior, to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

* * *

ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS

* * *

Chapter 2
Use Regulations

* * *

42-10
USES PERMITTED AS-OF-RIGHT

* * *

42-13
Use Groups 6C, 9A and 12B
M2 M3

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; ~~#health and fitness establishments#~~; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostatting establishments; business schools or colleges; ~~#health and fitness establishments#~~; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios - art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries, commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

* * *

42-14
Use Group 17
M1 M2 M3

[Note: This Section is also proposed to be amended as part of N 210423 ZRM: SoHo-NoHo Neighborhood Plan]

Use Group 17 consists primarily of #manufacturing uses# that:

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

* * *

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

M1-5A M1-5B

* * *

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

* * *

- (e) Banquet halls, wedding chapels, and catering establishments, #physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash and tennis.

* * *

42-30
USES PERMITTED BY SPECIAL PERMIT

42-31
By the Board of Standards and Appeals

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

* * *

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

M1 M2 M3-
#Physical culture or health establishments#, including gymnasiums- (not permitted under Use Group 9), and massage establishments

M1 M2 M3
Radio or television towers, non-#accessory#

* * *

ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter 2
Non-Conforming Uses

* * *

52-70
TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION

* * *

52-76
Adult Physical Culture Establishments

In all districts, any #adult physical culture establishment#, unless subject to an earlier termination requirement contained in this Resolution, shall terminate not later than one year after November 16, 1978, and thereafter the space formerly occupied by such #use# shall be used only for a conforming #use#.

* * *

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-20
SPECIAL USE REGULATIONS

62-21
Classification of Uses in the Waterfront Area

* * *

62-212
Waterfront-Enhancing (WE) uses

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located, at the water's edge, add, to the public use and enjoyment of the waterfront. WE #uses# shall be limited, to the following:

* * *

From Use Group 9:

*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

Gymnasiums used exclusively for basketball, handball, paddleball, racketball, squash and tennis

#Health and fitness establishments# with no limitation on #floor area# per establishment

Wedding chapels or banquet halls (also listed in Use Group 13)

* * *

ARTICLE VII
ADMINISTRATION

Chapter 3
Special Permits by the Board of Standards and Appeals

* * *

73-10
SPECIAL PERMIT USES

73-11
General Provisions

Subject, to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to 73-36 73-35, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

* * *

73-36
Physical Culture or Health Establishments

(a) In C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board of Standards and Appeals may permit #physical culture or health establishments# as defined in Section 12-10, including gymnasiums (not permitted under Use Group 9) or massage establishments other than #adult physical culture establishments#, for a term not to exceed 10 years, provided the following findings are made:

- (1) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area; and
- (2) that such #use# contains:
 - (i) one or more of the following regulation-size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball courts, tennis courts; or
 - (ii) a swimming pool of a minimum 1,500 square feet; or
 - (iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or
 - (iv) facilities for the practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as #accessory# to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section:

(b) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the Board may permit #physical culture or health establishments# located on the roof of a #commercial building# or the #commercial# portion of a #mixed building#, provided the following additional findings are made:

- (1) that such #use# shall be an incidental part of a permitted #physical culture or health establishment# located within the same #commercial# or #mixed building#;
- (2) that such #use# shall be open and unobstructed, to the sky;
- (3) that such #use# shall be located on a roof not less than 23 feet above #curb level#;
- (4) that the application for such #use# shall be made jointly by the owner of the #building# and the operator of such #physical culture or health establishment#; and
- (5) that the Board shall prescribe appropriate controls to minimize adverse impacts on the surrounding area, including but not limited to, requirements for the location, size and types of signs, limitations on the manner and/or hours of operation, shielding of floodlights, adequate screening, and the control of undue noise including the amplification of sound, music or voices.

(c) No special permit shall be issued, pursuant to this Section unless:

- (1) the Board shall have referred the application, to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and
- (2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.

The Board shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted use has been altered from that authorized.

The Board may prescribe appropriate conditions and safeguards including location of signs and limitations on the manner and/or hours of operation in order to minimize adverse effects on the character of the surrounding community.

73-40 MODIFICATIONS OF USE OR PARKING REGULATIONS

ARTICLE VII ADMINISTRATION

Chapter 4 Special Permits by the City Planning Commission

74-74 Large-scale General Development

74-744 Modification of use regulations

(a) Use modifications

(4) Physical culture or health establishments

For a large-scale general development located within an MHI site, in a C4 District within Queens Community District 14, physical culture or health establishments shall be permitted as of right. The special permit provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply.

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 1 Special Midtown District

81-06 Applicability of Article VII Provisions

81-061 Applicability of Article VII, Chapter 3

Within the Special Midtown District, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-16 (Public Transit, Railroad or Electrical Utility Substations) shall be applicable subject, to the provisions of the Special Midtown District.

Section 73-28 (Newspaper Publishing) shall be applicable subject, to the provisions of the Special Midtown District.

Section 73-36 (Physical Culture or Health Establishments) shall be applicable subject, to the locational restrictions of the Special Midtown District.

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject, to the height and setback or alternate height and setback regulations of the Special Midtown District.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject, to the height and setback or alternate height and setback regulations of the Special Midtown District.

81-60 SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

81-62 Special Use Provisions

81-622 Location of uses in mixed buildings

For mixed buildings developed on qualifying sites, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following uses, subject, to the underlying zoning district regulations, on the same story as, or, at any story above, residential uses, provided that no access exists between such uses, at any level above the ground floor:

- open or enclosed observation decks;
open or enclosed publicly accessible spaces;
eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;

bowling alleys, as listed in Use Group 8A and 12A;

theaters, as listed in Use Group 8A;

commercial art galleries, as listed in Use Group 6C;

gymnasiums, used exclusively for basketball, handball, paddleball, racquetball, squash and tennis, as listed in Use Group 9A;

health and fitness establishments, as listed in Use Groups 6C and 9A;

wedding chapels and banquet halls, as listed in Use Group 9A;

enclosed skating rinks, as listed in Use Group 12A;

swimming pools and gymnasium uses which are accessory to any other use located within the building; and

physical culture or health establishments permitted, pursuant to Section 73-36.

For such uses, the provisions of Section 32-41 (Enclosure Within Buildings) shall not apply.

81-70 SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

81-72 Use Regulations Modified

81-722 Use Group T

The following uses are subject, to the limitations on location and floor area of the underlying zoning district:

Uses marked with an asterisk (*) are allowed only on narrow street frontages.

Uses marked with double asterisks (**) are allowed only on floors other than the ground floor.

Uses marked thus (***) qualify as uses satisfying the requirements of Section 81-724 (Requirements for entertainment-related uses).

Use Gift shops

Gift shops

*Gymnasiums

Hair products for headwear

Hardware stores

Health and fitness establishments

Historical exhibits - not permitted in C5 Districts

ARTICLE VIII SPECIAL PURPOSE DISTRICTS

Chapter 3 Special Limited Commercial District

83-00 GENERAL PURPOSES

83-03
Use Group "LC"

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9, to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are, attracted to its activities.

* * *

G. Retail or Service Establishments

* * *

Gift shops

~~*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

~~#Health and fitness establishments#~~

~~Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment~~

* * *

Photographic studios

~~**#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#~~

Picture framing shops

* * *

* In #Special Limited Commercial Districts#, a #use# marked with an asterisk (*) shall not be located on the ground floor of a #building# unless such #use# is, at least 50 feet from the #street# wall of the #building# in which it is located

** In #Special Limited Commercial Districts#, a #use# marked with a double asterisk (**) shall be permitted only by special permit of the Board of Standard and Appeals, pursuant to Section 73-36 (Physical Culture or Health Establishments)

* * *

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 4
Special Battery Park City District

* * *

84-00
GENERAL PURPOSES

* * *

84-03
Use Regulations (For Zone A and Zone C)

* * *

84-031
Special permit uses

* * *

The following #uses# are permitted only by special permit of the Board of Standards and Appeals:

Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14

Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15

Telephone exchanges or other communications equipment structures, pursuant to Section 73-14

In Zone A, #physical culture or health establishments# in subzone A-4 only, pursuant to Section 73-36. However, #physical culture or health establishments# located below the level of the first #story# ceiling shall not be permitted to front on the #Esplanade#.

* * *

84-10
ZONE A GENERAL DISTRICT REGULATIONS

* * *

84-12
Use Regulations

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial uses#, #residential uses# are permitted on the same #story# as a #commercial use#, provided no access exists between such #uses#, at any level containing #residences# and provided any #commercial uses# are not located over any #residences#. However, such #commercial use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

(a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and

(b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel uses#, or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

(1) a #physical culture or health establishment# #health and fitness establishment# may be permitted; and

(2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a #physical culture and health establishment# #health and fitness establishment# or a non-#residential accessory use#, may be located above a #story# containing #residential uses#.

* * *

84-30
ZONE C

* * *

84-32
Use Regulations

Use regulations applicable in C6-6 Districts shall apply subject, to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following #uses# shall be permitted:

Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer supported games provided that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

Parking facilities, public, subject to Section 84-341

~~#Physical culture or health establishments#~~

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14

* * *

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

Chapter 4
Special Sheepshead Bay District

94-00
GENERAL PURPOSES

* * *

94-06
Special Use Regulations

94-061
Permitted residential, community facility and commercial uses

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, and those #uses# permitted, pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted, pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

Gift shops

Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#

Hardware stores, limited to marine supplies

94-062 Use Group SB

In Areas A, B, C, D and E, except as stated in this Section, all #commercial uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment, at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (*) shall not be located on the ground floor of a #building#.

C. Retail or service establishments

Gift shop

*Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#

Jewelry or art metal shops

Photographic equipment or supply stores

**#Physical culture or health establishments#, other than #adult physical culture establishments#, including gymnasiums, having a rated capacity of not more than 50 people

Picture framing shops

** #Uses# listed in Use Group SB, marked with a double asterisk, are permitted only by special permit of the Board of Standards and Appeals, pursuant, to the provisions of Section 73-36

94-064

Supplementary use regulations

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District, except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 5 Special Transit Land Use District

95-00 GENERAL PURPOSES

95-08 Special Use Regulations

95-081 Use Group T

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. #Uses# marked with an asterisk (*) shall not be located, at the subway mezzanine level or along the bounding walls of a transit easement volume.

D. Retail or Service Establishments

Gift shops

**Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#

*Ice cream stores

Photographic studios

**#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steambaths, but other than #adult physical culture establishments#

Picture framing shops

** #Uses# in Use Group T marked with a double asterisk are permitted only by special permit of the Board of Standards and Appeals, pursuant, to the provisions of Section 73-36

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 7 Special 125th Street District

97-20 LOCATION AND ACCESS REGULATIONS

97-21 Supplemental Use and Streetscape Regulations Along 125th Street

97-212 Uses not permitted on the ground floor of buildings

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted, at the ground floor level, pursuant, to the provisions of Section 97-213 (Access to non-ground floor uses).

From Use Groups 9A, 9B and 9C:

All #uses#, except for gymnasiums #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 9
Special Madison Avenue Preservation District**

**99-00
GENERAL PURPOSES**

* * *

**99-03
Special Use Regulations**

* * *

**99-031
Use Group MP**

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

* * *

B. Retail or Service Establishments

* * *

Hardware stores

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

* * *

Table B

A. Retail or Service Establishments

* * *

Furniture stores, with no limitation on #floor area# per establishment

~~*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

~~*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects~~

~~*Motion picture production studios~~

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

~~**#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steambaths, but other than #adult physical culture establishments#~~

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

* * *

#Uses# in Use Group MP marked with a double asterisk (***) are permitted only by special permit of the Board of Standards and Appeals, pursuant, to the provisions of Section 73-36

* * *

**ARTICLE X
SPECIAL PURPOSE DISTRICTS**

**Chapter 4
Special Manhattanville Mixed Use District**

* * *

**104-10
SPECIAL USE REGULATIONS**

* * *

**104-16
Use Group MMU**

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open, to the public.

* * *

From Use Group 6C:

* * *

Gift shops

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

* * *

From Use Group 9A:

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery

Clothing or costume rental establishments

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

Musical instrument repair shops

* * *

#Accessory uses# to all the above #uses# are permitted.

~~#Physical culture or health establishments# are subject to a special permit, pursuant to Section 73-36:~~

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**Chapter 5
Special Downtown Jamaica District**

* * *

**115-10
SPECIAL USE REGULATIONS**

* * *

**115-15
Modification of Use Regulations in M1-4 Districts**

The #use# regulations of the underlying M1-4 District shall apply, except as modified as follows:

* * *

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, ~~#physical culture or health establishments#~~ or ophthalmic dispensing

Clubs, except:

(a) clubs, the chief activity of which is a service predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs; or

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or

(d) any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 (DEFINITIONS)

Community centers or settlement houses

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 6
Special Stapleton Waterfront District

116-10
SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C,
THE ESPLANADE, PIER PLACE AND THE COVE

116-102
Special permit uses
Physical culture or health establishments shall be permitted in Subarea B2. The special permit provisions of Section 73-36 shall not apply.

116-103
Supplementary use regulations

The provisions of Section 32-41 (Enclosure Within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the uses listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any street wall of the building and with show windows facing on the street

116-60
SPECIAL REGULATIONS IN SUBAREA E

116-61
Special Use Regulations

The use regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, modified as follows:

(a) the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply; and

(b) the provisions of Section 62-29 (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) are modified to allow uses listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a building existing prior to July 20, 2017, provided that no commercial floor area is located above a dwelling unit; and

(c) physical culture or health establishments shall be permitted as-of-right. The special permit provisions of Section 73-36 shall not apply.

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Mixed Use Districts

123-30
SUPPLEMENTARY USE REGULATIONS

123-33
Health and Fitness Establishments

In M1 Districts paired with a Residence District, high-intensity uses, as listed in the definition of health and fitness establishments, shall be subject, to the following additional enclosure and environmental conditions:

(a) such high-intensity uses shall be located within completely enclosed buildings; and

(b) where such high-intensity use is located in a building containing any residential, community facility, or commercial use, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a certificate of occupancy that such high-intensity use is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity uses shall meet the following standards for noise and vibration:

(1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and

(2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 4
Special Willets Point District

124-10
SPECIAL USE REGULATIONS

124-12
Regulation of Commercial Uses in Area B

(a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, commercial and special permit uses shall be limited to those uses permitted in a C1-4 District and physical culture or health establishments, pursuant to Section 73-36, provided that commercial uses shall be located no more than 100 feet from a connector street, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.

124-13
Uses Permitted As-of-Right

The following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

In buildings with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section 73-244 (In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a Residence District boundary

Section 73-35 (Amusement Arcades)

Section 73-36 (Physical Culture or Health Establishments)

Section 74-46 (Indoor Interactive Entertainment Facilities)

Section 74-47 (Amusement Arcades)

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Flushing Waterfront District

126-10
SPECIAL USE REGULATIONS

127-12
Physical Culture or Health Establishments

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, physical culture or health establishments shall be permitted as-of-right. For the purposes of applying the underlying regulations to such use, a physical culture or health establishment shall be considered a Use Group 9 use and shall be within parking requirement category B.

127-13
Sign Regulations

For M1 Districts paired with a Residence District, the provisions regulating signs in C4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), inclusive, shall apply to any signs.

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Coney Island District

131-00
GENERAL PURPOSES

131-04
Applicability

131-044
Physical culture or health establishments

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

131-045 131-044
Modification of use and bulk regulations

* * *

131-10
SPECIAL USE REGULATIONS

* * *

131-12
Use Groups A, B and C

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

* * *

131-123
Use Group C: Retail and service uses

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

* * *

Gift shops

#Health and fitness establishments# limited to 10,000 square feet of #floor area# per establishment

Jewelry manufacturing from precious metals

* * *

131-13
Special Use Regulations in Subdistricts

* * *

131-132
Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the "building line" shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

* * *

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

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

* * *

From Use Groups 9A, 9B and 9C:

All #uses#, except for gymnasiums #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios

* * *

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 4: Special Governors Island District

* * *

134-10
SPECIAL USE REGULATIONS

134-11
Commercial Uses

The following #commercial uses# shall be allowed

* * *

Any #commercial use# or #physical culture or health establishment# larger than 7,500 square feet in #floor area# shall be permitted provided that, prior, to the establishment of such #use#, the applicant shall submit a written description of such #use#, to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community

board with a written response to such comments, including a description of any modifications, to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a #commercial use# or #physical culture or health establishment# larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified, to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial uses# permitted, pursuant to Section 134-12 (Authorization for Certain Commercial Uses).

* * *

134-13
Physical Culture or Health Establishments

#Physical culture or health establishments# shall be permitted in the #Special Governors Island District#, subject, to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.

134-14
Signs

For #commercial uses# and #physical culture or health establishments#, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

* * *

134-20
SPECIAL BULK REGULATIONS

134-21
Special Regulations for Commercial Uses

For #commercial uses# and #physical culture or health establishments#, the #floor area# regulations of a C1 District mapped within an R3-2 District shall apply.

* * *

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 5
Special Bay Street Corridor District

* * *

135-10
SPECIAL USE REGULATIONS

* * *

135-13
Physical Culture or Health Establishments

Within the #Special Bay Street Corridor District#, a #physical culture or health establishment# shall be permitted as-of-right in #Commercial Districts#. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category PRC-B.

135-14
Breweries

* * *

135-15 135-14
Modification of Supplemental Use Provisions

* * *

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 8
Special East Harlem Corridors District

* * *

138-10
SPECIAL USE REGULATIONS

* * *

138-13
Physical Culture or Health Establishments

Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right in C2-5, C4-6 and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

138-14
Public Parking Garages

* * *

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Jerome Corridor District

141-10
SPECIAL USE REGULATIONS

141-12
Physical Culture or Health Establishments

#Physical culture or health establishments# shall be permitted as-of-right in C2 and C4 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.

141-13
Modification of Supplemental Use Provisions

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

Chapter 2
Special Inwood District

142-10
SPECIAL USE REGULATIONS

142-11
Permitted Uses

#Physical culture or health establishments# shall be permitted as-of-right in C2-4, C4, C6-2, M1-4 and M1-5 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps, as listed in Use Group 16C, shall be a permitted #use#.

In Subareas B2 and B3, as shown on Map 1, all #uses# listed in Use Groups 3 and 4 shall be permitted #uses#, and Use Group 6A food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# shall be permitted as-of-right in C6-2A Districts.

APPENDIX A
Index of Uses

The following is a listing in alphabetical order of #uses# allowed in this Resolution either as #uses# permitted as-of-right, or as #uses# permitted by special permit, together with the Use Group in which each is listed, the parking requirement category of #commercial uses#, if applicable, and the district or districts in which it is permitted.

When a district associated with a given #use# is designated in the Index with an asterisk (*), the #use# is permitted in such district only by special permit of the Board of Standards and Appeals, as set forth in the applicable portions of this Resolution.

When a district associated with a given #use# is designated in the Index with a double asterisk (**), the #use# is permitted in such district only by special permit of the City Planning Commission, as set forth in the applicable portions of this Resolution.

#Uses# listed in Use Group 11A, 16, 17, or 18 as permitted #uses# in C8 or #Manufacturing Districts# must also meet the applicable performance standards for these districts.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts if they can comply with the applicable performance standards for those districts.

This Index is established as a reference guide to this Resolution but is not an integral part thereof. Whenever there is any difference in meaning or implication between the provisions of this Resolution as set forth in Articles I through VII and the text of this Index, the text of the Resolution shall prevail.

#Use# regulations governing the several classes of districts are set forth in the following Chapters of this Resolution:

- Residence Districts Article II, Chapter 2
Commercial Districts Article III, Chapter 2
Manufacturing Districts Article IV, Chapter 2

Table with 3 columns: Use description, District, and Permitted uses. Rows include Barber shops, Baths, steam, and Beaches, commercial.

Table with 3 columns: Use description, District, and Permitted uses. Rows include Gun repairs, Gymnasiums, Limited, Unlimited, and Gypsum manufacture.

Table with 3 columns: Use description, District, and Permitted uses. Rows include Hat, Bodies manufacture, Repair shops, Health and fitness establishments, Limited as to floor area, Unlimited, Health Centers, and Health services.

Table with 3 columns: Use description, District, and Permitted uses. Rows include Markets, Retail, Wholesale, Masseur Massage therapists, and Matches manufacture.

Table with 3 columns: Use description, District, and Permitted uses. Rows include Photostating establishments and Physical culture or health establishments.

Picture framing stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
* * *		
Rectories	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Reducing salons (See #Physical culture or health establishments# #Health and fitness establishments#)		
Refreshment stands, drive-in [PRC-H]	7	C2 C6 ⁴ C8 M1 M2 M3
	13	C7 C8 M1 ³ M2 M3
* * *		

²⁹ Not permitted in C6-1, C6-2 and C6-3 Districts.

³⁰ Permitted only in C1-8 and C1-9 Districts and C1 Districts mapped within an R9 or R10 District.

³¹ Permitted only in C6-5 and C6-7 Districts.

* * *

No. 2

FRESH II ZONING TEXT AMENDMENT

CITYWIDE N 210380 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and related Sections, to expand areas in which the program is applicable and to update various requirements.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10, 37-311, 63-01, 97-01, 108-01 or 116-01;

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

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

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

* * *

**23-10
OPEN SPACE AND FLOOR REGULATIONS**

* * *

**23-15
Open Space and Floor Regulations in R6 Through R10 Districts**

* * *

**23-154
Inclusionary Housing**

[text struck out in this Section is proposed to be relocated to Section 63-21]

* * *

(b) #Inclusionary Housing designated areas#

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this paragraph (b), except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up, to the maximum #floor area ratio# specified in the table, as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

* * *

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

* * *

**42-10
USES PERMITTED AS-OF-RIGHT**

* * *

**42-12
Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16**

M1 M2 M3

Use Group 3A shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment. In addition, the regulations of this Section are modified, where applicable, by the regulations of Section 63-11 (Special Use Regulations for FRESH Food Stores in M1 Districts).

* * *

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

**Chapter 3
Special Regulations Applying to FRESH Food Stores**

**63-00
GENERAL PURPOSES**

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;
- (b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;
- (c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and
- (d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.

**63-01
Definitions**

FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6), where, at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is ~~utilized for allocated, to the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation; and consumption and utilization.~~ Such retail space ~~utilized for the sale of a general line of food and non-food grocery products shall be distributed as follows:~~

- (a) ~~at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and~~
- (b)(a) at least 2,000 square feet or 30~~25~~ percent of such retail space, ~~whichever is greater, shall be utilized for allocated, to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which, at least 500 square feet of such retail space shall be designated for the sale of fresh produce;~~

- (b) at least 35 percent of such retail space shall be allocated, to the sale of non-perishable food; and
- (c) at least 6,000 square feet of such retail space shall be located on one #story#.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE).

**63-02
Applicability**

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

**63-021
Areas permitting FRESH food stores**

(a) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (b) of this Section Sections 63-022 (Special Purpose Districts where regulations for FRESH food stores are not applicable) and 63-023 (Limitation on location of FRESH food stores):

- (1) in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7, except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;
- (2) in the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17, except portions of Community District 8, as shown on Map 2 in Appendix A;
- (3) in the Borough of Manhattan, Community Districts 9, 10, 11 and 12, except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and
- (4) in the Borough of Queens, the #Special Downtown Jamaica District#; portions of Community District 12 outside of the #Special Downtown Jamaica District#; except those portions shown on Maps 5 and 6 in Appendix A; and those portions in Community District 1 shown on Map 1 in Appendix B of this Chapter.

- all of Manhattan Community District 10;
- all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and
- all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts in which FRESH food stores are permitted are shown on the maps in Appendix A of this Chapter.

**63-022
Special Purpose Districts where regulations for FRESH food stores are not applicable**

(b) The provisions of this Chapter shall not apply, to the following Special Purpose Districts:

- #Special Madison Avenue Preservation District#;
- #Special Manhattanville Mixed Use District#; and
- #Special Park Improvement District#; and,
- #Special Hunts Point District#.

**63-023
Limitation on location of FRESH food stores**

After [date of adoption], no certification shall be issued for increased #residential floor area# for a #FRESH food store# where the sum of the increased #residential floor area# generated, pursuant to Section 63-21 (Special Floor Area Regulations) by all #FRESH food stores# within a half-mile radius of the #zoning lot# would exceed 40,000 square feet.

Such calculation shall include increased #residential floor area# on all #zoning lots# containing #FRESH food stores# that have been certified by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE), including those issued prior to [date of adoption], provided that such certification has not expired, or has not been superseded by a certification, pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or an authorization, pursuant to Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS).

**63-10
SPECIAL USE REGULATIONS**

* * *

**63-20
SPECIAL BULK AND PARKING REGULATIONS**

**63-21
Special Floor Area Regulations**

**63-211
For mixed buildings and zoning lots containing both residential and commercial or community facility uses in Commercial Districts with FRESH food stores**

Where a #FRESH food store# is provided on a #zoning lot#, the maximum #residential floor area# permitted on the #zoning lot# shall be increased by one square foot for each square foot of #FRESH food store floor area# provided, up to 20,000 square feet, the provisions of Section 35-31 (Maximum Floor Area Ratio) relating, to the maximum permitted #floor area ratio# on a #zoning lot# for each permitted #use# shall apply as modified in this Section.

Where all non-#residential uses# on a #zoning lot# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use# and for #zoning lots# containing #Quality Housing buildings#, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

However for #zoning lots# that do not contain a #Quality Housing building#, vWhere any non-#residential use# on such #zoning lot# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #residential floor area# permitted for such #zoning lot# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided the total #floor area ratio# of the #building# does #zoning lot# shall not exceed the maximum permitted #floor area ratio# for a such non-#residential use#.

For #height factor# and #open space ratio# calculations, where applicable, the increased #residential floor area# generated, pursuant to this Section shall be exempt from such calculations.

For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 (Inclusionary Housing) shall not apply, to the increased #residential floor area# generated, pursuant to this Section.

[text struck out in the Section below is proposed to be included in revisions to Section 63-21 above]

**63-212
For mixed buildings and zoning lots containing both residential and commercial or community facility uses in Special Mixed Use Districts with FRESH food stores**

Where a #FRESH food store# is provided on a #zoning lot#, the provisions of Section 123-64 (Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings) relating, to the maximum permitted #floor area ratio# on a #zoning lot# for each permitted #use# shall apply, as modified in this Section.

Where all non-#residential uses# on a #zoning lot# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use# and for #zoning lots# containing #Quality Housing buildings#, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

Where any non-#residential use# on such #zoning lot# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #residential floor area# permitted for such #zoning lot# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided the total #floor area# of the #building# does not exceed the maximum permitted #floor area# for a non-#residential use#.

* * *

**63-22
Authorization to Modify Maximum Building Height**

For #zoning lots# #buildings# containing a #FRESH food store# and #residences#, the City Planning Commission may authorize modifications to Sections 35-65 (Height and Setback Requirements for Quality Housing Buildings), and 123-66 (Height and Setback Regulations) or, to the height and setback regulations of any Special Purpose District where maximum height limits apply, to allow the applicable maximum #building# height to be increased by up to 15 feet, provided that the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is, at least 14 feet above the #base plane# or #curb level#, as applicable.

In order to grant such authorizations, the Commission shall find that:

- (a) such modifications are necessary to accommodate a first #story# utilized as a #FRESH food store#;
- (b) the proposed modifications shall not adversely affect the essential scale and character of the adjacent #buildings# and any adjacent historic resources; and
- (c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

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

63-23 Special Transparency Requirements

For all #developments# containing #FRESH food stores#, or #ground floor level enlargements# containing #FRESH food stores#, the following provisions shall apply. For the portion of the #building# containing a #FRESH food store#, the ground floor level of the #street wall# fronting upon a #primary street frontage#, as defined in Section 37-311, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

Furthermore, for #buildings# #FRESH food stores# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable, to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #mixed building#, or #mixed use building#, as defined in Section 123-11, #building# is a recipient of #public funding# as defined in Section 23-911 (General definitions). For the purposes of this Section, defined terms shall include those in Sections 12-10, 23-911 and 37-311.

63-24 Required Accessory Off-street Parking Spaces in Certain Districts

For #FRESH food stores# provided as part of a #development# or #enlargement#, for any portion of such #FRESH food store# subsequently changed to any other #use#, pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS), if such change of #use# occurs less than 25 years after the initial issuance of a certificate of occupancy for such #FRESH food store#, #accessory# off-street parking regulations shall apply to such changed #use# as if the #use# is, at that time occurring as part of a #development# or #enlargement#. Application may be made for an authorization, pursuant to Section 63-50.

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R6, R7, R8, R9 and R10 Districts and in C4-2 and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY-FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store# a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 40,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant, to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.
- (b) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R3, R4 and R5 Districts and in C4-1 Districts, a #FRESH food store# shall provide one parking space per 400 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 10,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant, to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.
- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food-

store# shall provide #accessory# off-street parking spaces as required for #uses# in parking requirement category B in the applicable #Commercial# and #Manufacturing Districts#.

- (c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply, to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.
- (d) The provisions of this Section shall not apply to:
 - (1) in the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix C of this Chapter;
 - (2)(1) in the Borough of Brooklyn, to M1 Districts in portions of Community Districts 5, 16 and 17, as shown on Maps 1 and 2 in Appendix C-Appendix B of this Chapter; and
 - (3) in the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix C; and
 - (4)(2) in the Borough of Queens, to the #Special Downtown Jamaica District#.

63-30 CERTIFICATION FOR A FRESH FOOD STORE

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use# is a #FRESH food store#, provided that:

- (a) drawings have been submitted, to the Chairperson that clearly specify:
 - (1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout that such designated space is designed and arranged to meet the requirements for perishable and non-perishable food and non-food-grocery products, pursuant to Section 63-01;
 - (2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section 63-21, including the location of such #floor area#;
 - (3) the size, format and location of the required #sign#, pursuant to Section 63-12, including detailed information about dimensions of the #sign#, lettering, color and materials; and
 - (4) the location of the ground floor level #street wall# fronting upon a principal #street# #primary street frontage#, pursuant to Section 63-23;
- (b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable, to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and
- (c) for #zoning lots# containing increased #residential floor area# generated, pursuant to Section 63-21 (Special Floor Area Regulations), a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable, to the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar# space# as a #FRESH food store# shall not apply during any:

- (1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or
- (2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable, to the Department, shall be a precondition to certification by the Chairperson the issuance of any building permit, including any foundation or alteration permit, for any #development# or

#enlargement# under this Chapter.

Certification by the Chairperson shall be a precondition, to the issuance of any building permit, including any foundation or alteration permit, for any #development#, #enlargement# or change of #use# under this Chapter.

In granting the certification, the Chairperson may specify that minor changes in store layout consistent with the definition of a #FRESH food store# shall not warrant further certification, pursuant to this Section.

Changes to the store layout of a #FRESH food store# that has been constructed, pursuant to a previous certification under this Section, where such changes result in a #FRESH food store# that continues to comply with the requirements of this Chapter, shall not require subsequent certification by the Chairperson under this Section. #FRESH food stores# certified prior to [date of adoption] that do not comply with paragraph (c) of the definition of #FRESH food store# may change the floor layout provided that there is no increase in the degree of non-compliance with such requirement.

No later than the date on which an application for certification is first submitted, a copy of the drawings submitted, pursuant to paragraph (a) of this Section shall be submitted by the applicant, to the affected Community Board, which shall have 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted, to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

A copy of an application for certification, pursuant to this Section shall be sent by the Department of City Planning, to the affected Community Board, which may review such proposal and submit comments, to the Chairperson. If the Community Board elects to comment on such application, it must be done within 45 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 45-day comment period has expired, whichever is earlier.

For #zoning lots# containing increased #residential floor area# generated, pursuant to Section 63-21 (Special Floor Area Regulations), if a #development# or horizontal #enlargement# fails to comply with the provisions of Section 11-331 (Right to construct if foundations completed) with respect to completion of foundations within four years of the date of certification, pursuant to this Section, such building permit shall lapse, and any new building permit will require a new certification, pursuant to this Section.

63-31 Requirements for Certificate of Occupancy

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted, pursuant to paragraph (a)(2) of Section 63-30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in such drawings until the #FRESH food store# space has been completed in accordance with the drawings submitted, pursuant to paragraph (a)(1) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions, where required, pursuant to paragraph (c) of Section 63-30, shall be noted on any temporary or final certificate of occupancy for the #building#.

63-40 CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE

A #FRESH food store# for which a certification has been issued, pursuant to Section 63-30 may be changed to any #use# permitted by the underlying district upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required fewer #accessory# off-street parking spaces than required by the new #use#, pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) under the applicable district regulations.

If a certification, pursuant to this Section is granted, a notice of cancellation, in a form acceptable, to the Department of City Planning, of the declaration of restrictions recorded, pursuant to Section 63-30 shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

63-50 AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS

The City Planning Commission may, by authorization, permit modifications, to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts when a change of #use# of a #FRESH food store# for which a certification has been issued, pursuant to Section 63-30, would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in a reduction in the number of required fewer #accessory# off-street parking spaces than required by the new #use#, pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) under the applicable district regulations, provided that such #use# is permitted by the underlying districts.

* * *

63-60 COMPLIANCE

No later than June 30th of the year, beginning in the first second calendar year following the calendar year in which certification was made, and, at three-year intervals thereafter, the Chairperson of the City Planning Commission shall be provided with an affidavit, in a form acceptable, to the Department of City Planning, regarding compliance with the requirements of the declaration of restrictions and the regulations of this Chapter, as of a date of inspection which shall be no earlier than June 1st of the year in which the affidavit is filed. Such affidavit shall be provided by the owner(s) of the tax lot(s) on which the #FRESH food store# is located. Such affidavit shall include, without limitation:

* * *

Appendix A

FRESH Food Store Designated Areas: Excluded Portions

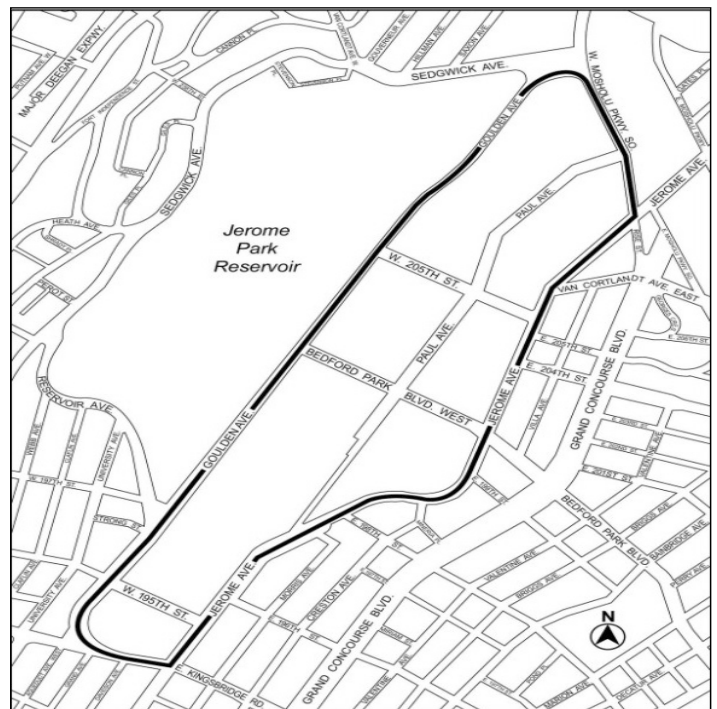
The #FRESH food store# designated areas are; listed by community-district and borough in Section 63-02 (Applicability). Excluded portions of community districts are shown on the following maps:

- all of Manhattan Community District 10;
- all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and
- all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

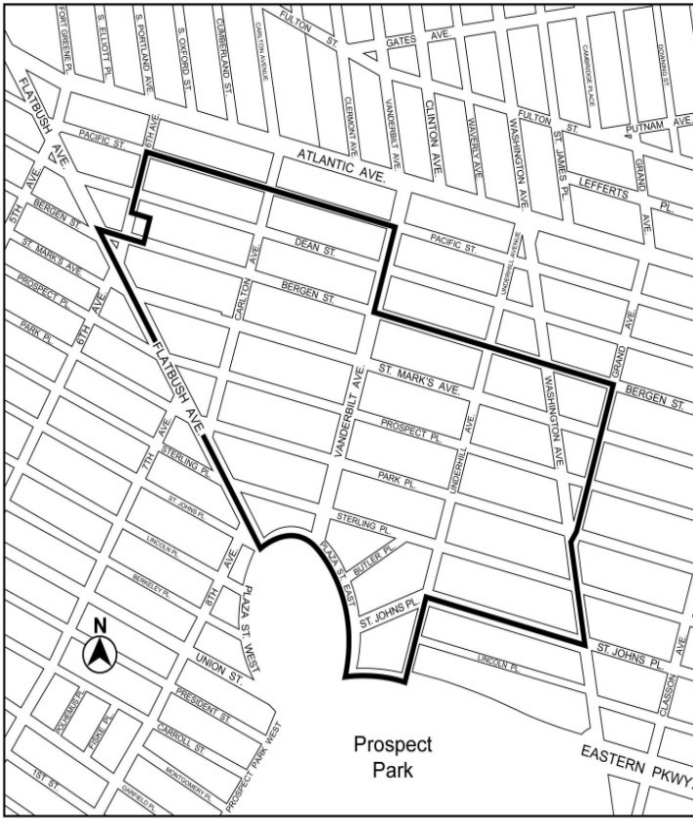
Portions of other Community Districts are shown on Maps 1 through 16 in this Appendix A.

[EXISTING MAPS – TO BE DELETED]

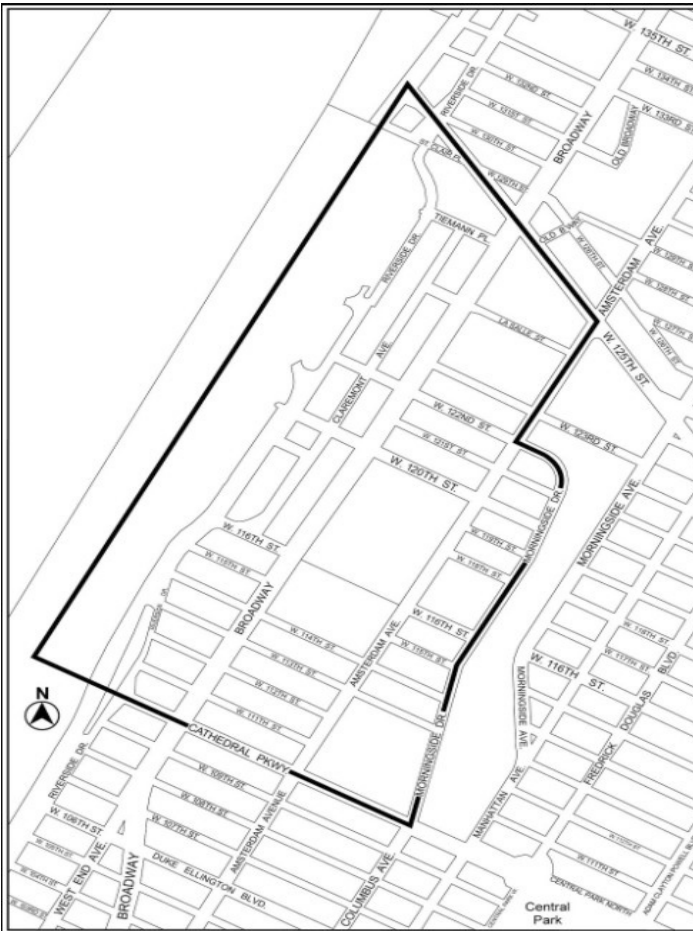
Map 1. Excluded portions of Community District 7, the Bronx



Map 2. Excluded portions of Community District 8, Brooklyn



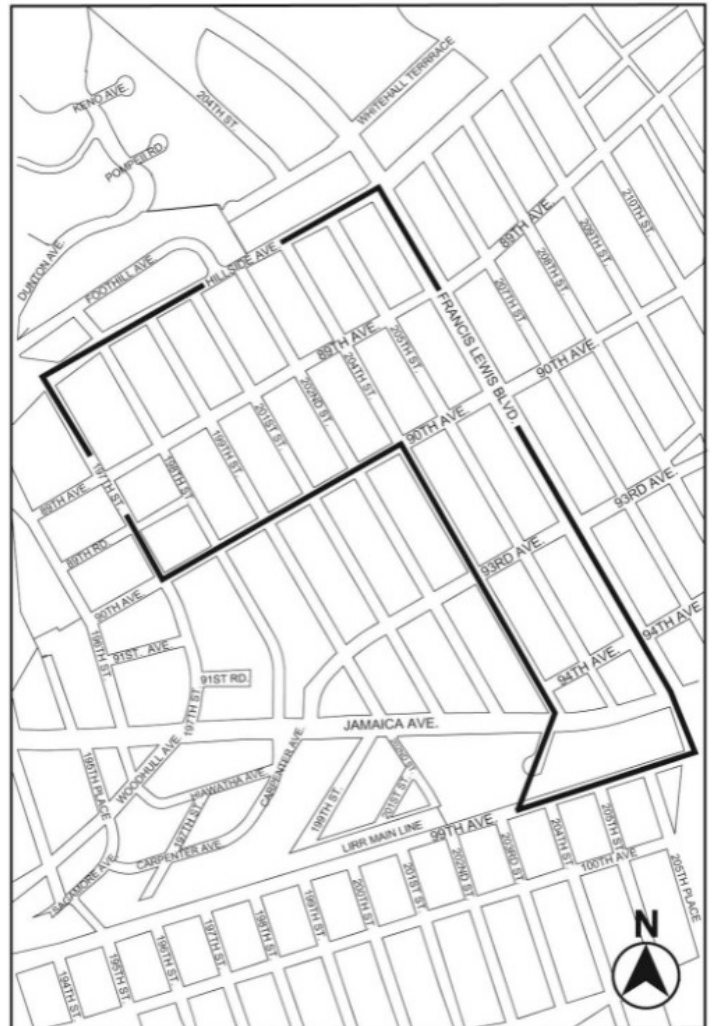
Map 3. Excluded portions of Community District 9, Manhattan



Map 4. Excluded portions of Community District 12, Manhattan



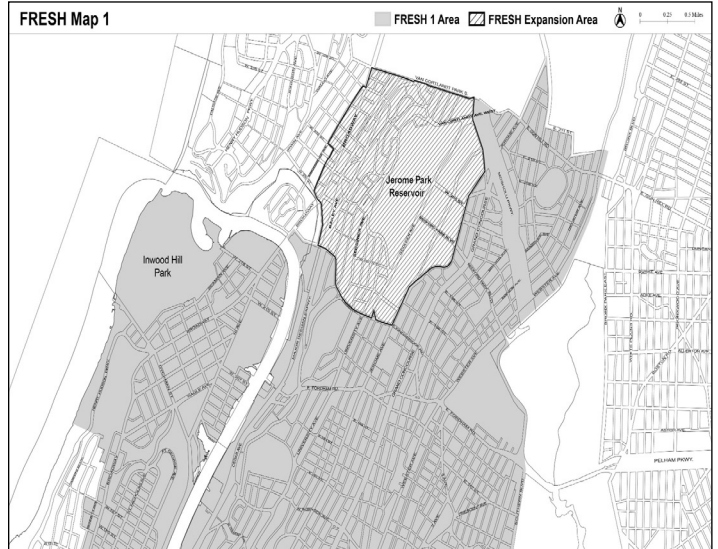
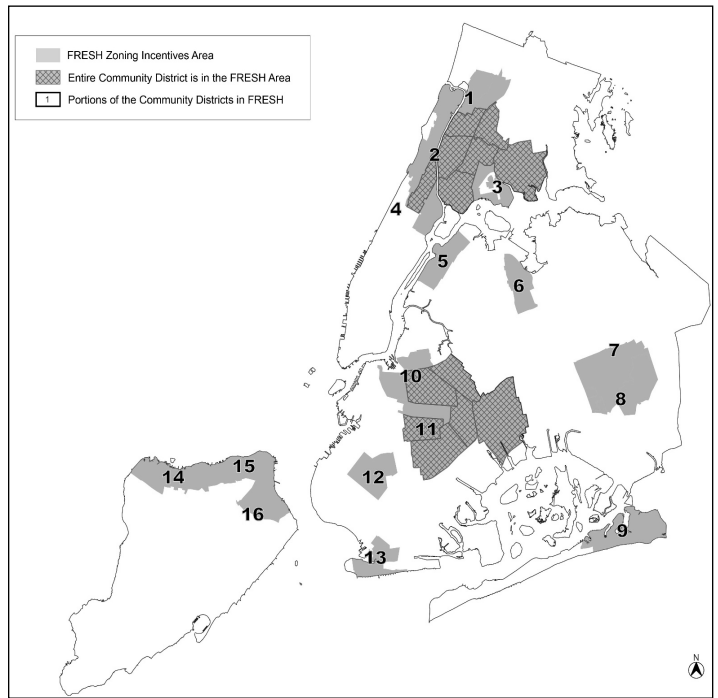
Map 5. Excluded portions of Community District 12, Queens

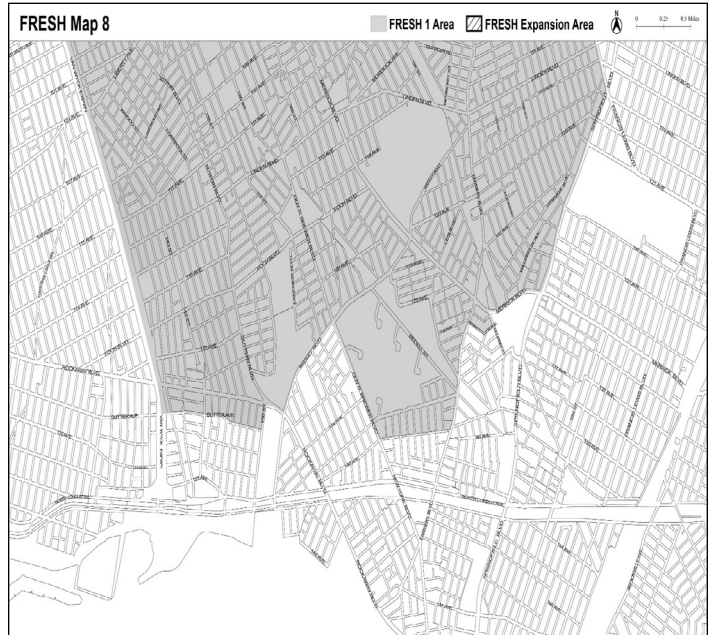
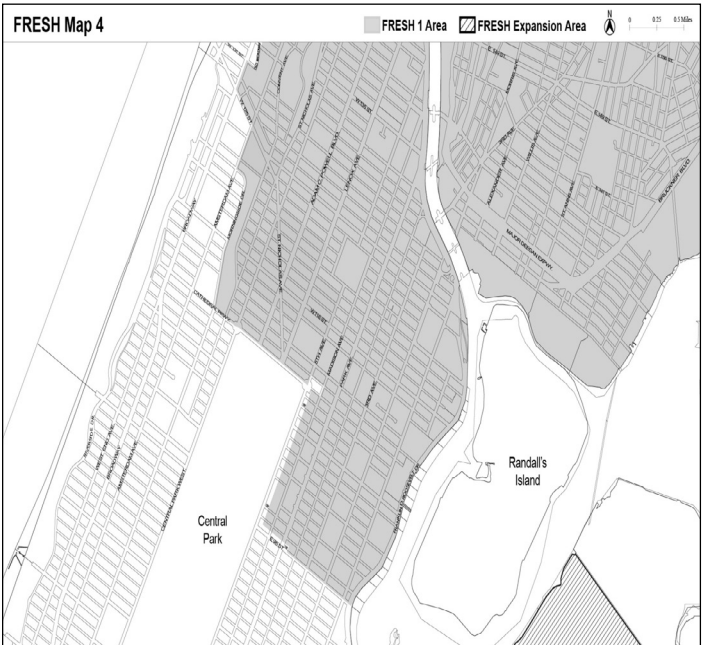
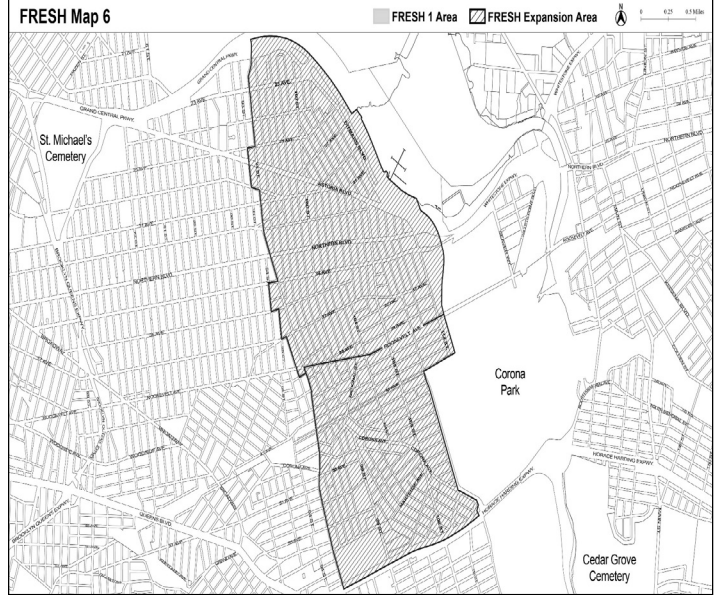


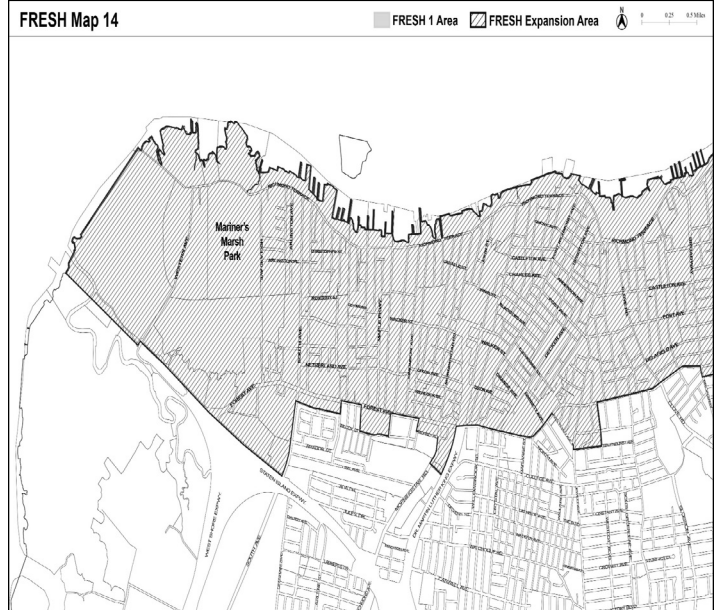
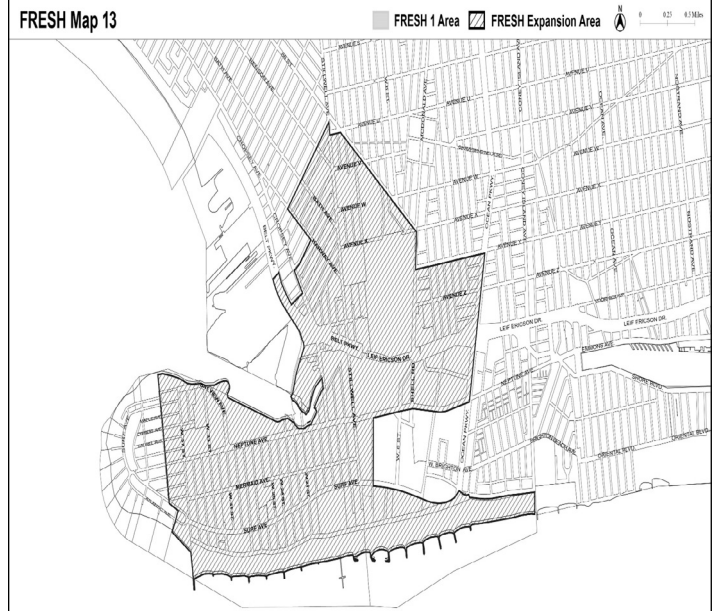
Map 6. Excluded portions of Community District 12, Queens

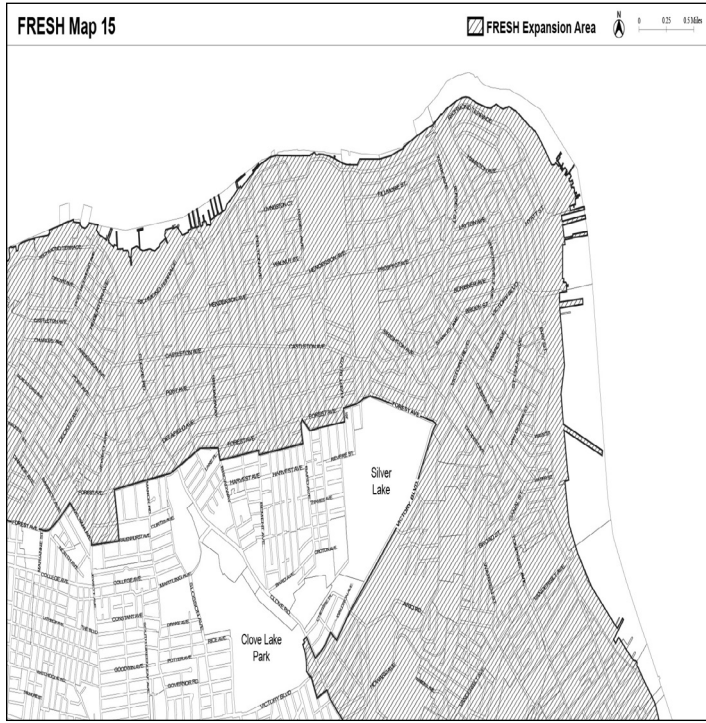


[PROPOSED MAPS]









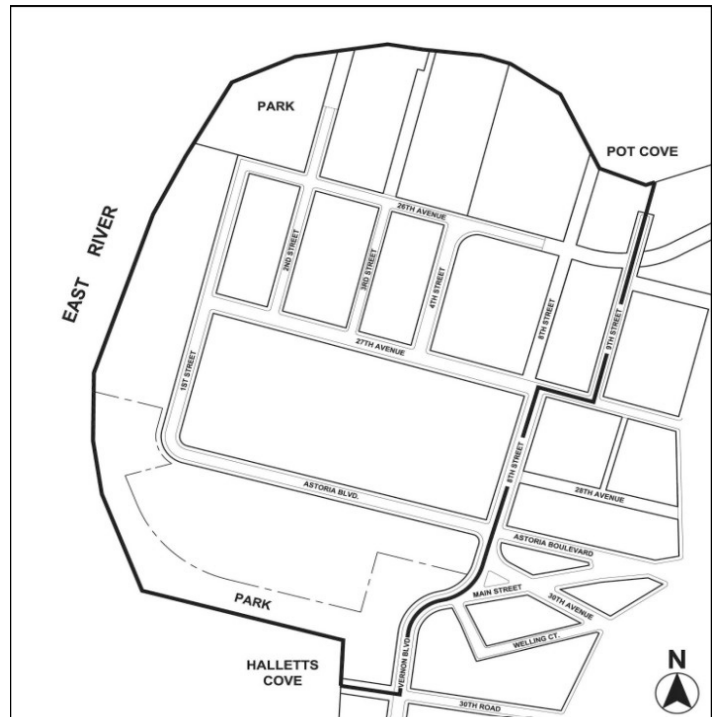
Appendix B

FRESH Food Store Designated Areas: Included Portions

The FRESH food store designated areas are listed by community district and borough in Section 63-02 (Applicability). When a FRESH food store designated area occupies only a portion of a community district, the included portions of such community districts are shown on the following maps:

Map 1. Included portions of Community District 1, Queens

[EXISTING MAP - TO BE DELETED]

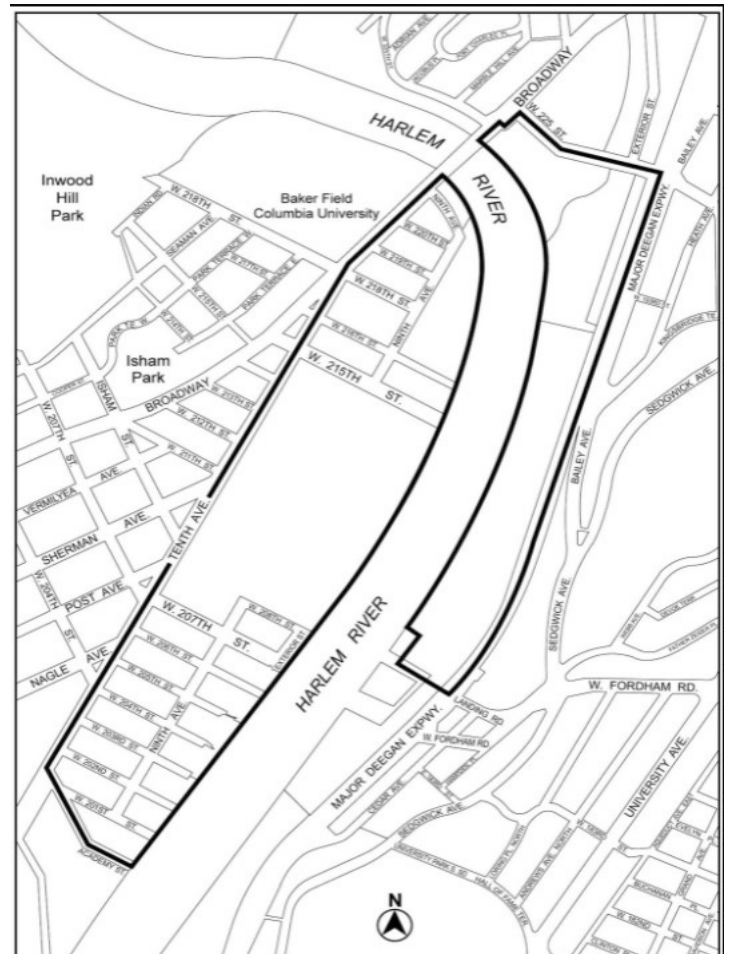


Appendix C Appendix B

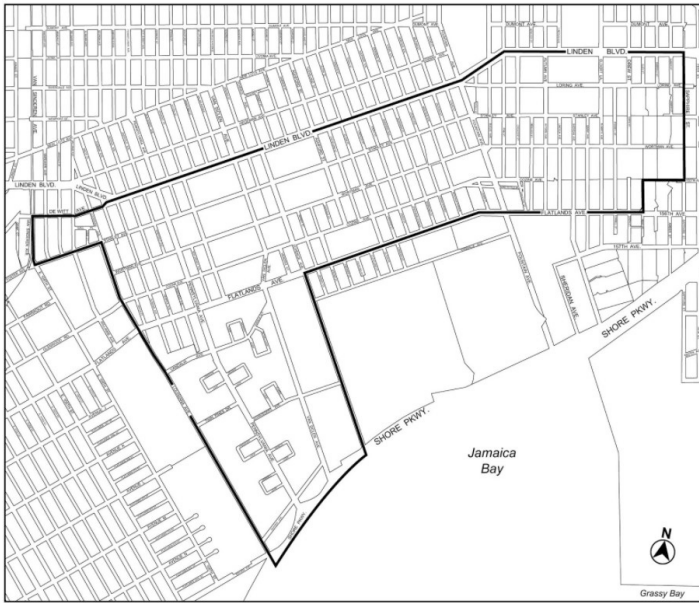
Required Off-Street Accessory Parking Exceptions

Map 1. Excluded portions of Community District 12, Manhattan and a portion of Community District 7, the Bronx

[EXISTING MAP 1 - TO BE DELETED]



Map 2: Map 1. Excluded portions of Community District 5, Brooklyn



Map 3: Map 2. Excluded portions of Community District 16 and 17, Brooklyn



* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 7
Special 125th Street District**

* * *

**97-40
SPECIAL BULK REGULATIONS**

* * *

**97-41
Special Floor Area Regulations**

* * *

97-412

Maximum floor area ratio in the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:

- (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel# pursuant, to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or
- (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission, to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

Where the provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) apply, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #floor area# of a #FRESH food store#, as defined by Article VI, Chapter 3, up to 20,000 square feet.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject, to the provisions of paragraph (d)(4) of Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for #zoning lots#, subject, to the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
- (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant, to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses). For #zoning lots# utilizing the provisions of paragraph (b)(2) of this Section, such maximum #floor area ratio# may also be increased pursuant, to the provisions of Article VI, Chapter 3.

* * *

**ARTICLE X
SPECIAL PURPOSE DISTRICTS**

**Chapter 8
Special Hunts Point District**

* * *

**108-01
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and

#enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

The provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) shall apply in the Residential Buffer Subdistrict, and shall not apply in the Food Industry Subdistrict. For any food store subject, to the provisions of Article VI, Chapter 3, the parking regulations of Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) shall supersede the provisions of Section 108-20 (MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT).

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**Chapter 6
Special Stapleton Waterfront District**

* * *

**116-20
SPECIAL BULK REGULATIONS FOR SUBAREAS A, B, AND C,
THE ESPLANADE, PIER PLACE AND THE COVE**

* * *

**116-22
Maximum Floor Area Ratio**

* * *

**116-221
Special floor area regulations for mixed buildings**

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths; and
- (c) limitations on #floor area# occupied by certain #uses-; and
- (d) satisfying requirements for #FRESH food stores# as defined in Article VI, Chapter 3, and the special #floor area# regulations of that Chapter.

In #flood zones#, the #floor area# exclusion permitted by this Section shall also apply, to the area occupied by non-#residential uses# on the #lowest occupiable floor#, as defined in Section 64-11.

* * *

**No. 3
CAPA FRESH RULE CHANGE**

CITYWIDE
(Proposed modification of Title 62 of the Rules of the City of New York, pursuant to Sections 1043 and 191(b)(2) and ZR Section 63-00, et seq. (as amended by proposed N 210380 ZRY) of the City Charter to facilitate the implementation of the Food Retail Expansion to Support Health Program (FRESH) program as well as to correct aspects of the fee structure for certain applications.

PLEASE TAKE NOTICE that in accordance with Sections 1043 and 191(b)(2) of the New York City Charter, the New York City Department of City Planning ("City Planning"), proposes to amend rules within Chapter 3 and establish new Chapter 12 of Title 62 of the Rules of the City of New York.

This proposed rule was not included in the Department of City Planning's regulatory agenda for this Fiscal Year because it was not contemplated when the Department of City Planning published the agenda.

The time and place of the hearing have been scheduled as follows:

DATE: September 22, 2021
TIME: 10:00 A.M.
LOCATION: Remote

In support of the City's efforts to contain the spread of COVID-19, the City Planning Commission will hold this public hearing remotely. To join the meeting and comment, please visit NYC Engage at <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/287262/1> or dial 877-853-5247 (US Toll-free), 888-788-0099 (US Toll-free), (253) 215-8782 (Toll number) or (213) 338-8477 (Toll number). If calling into the meeting, please use the following Meeting ID 618 237 7396, and when prompted for a participation code, please enter "# followed by the password "1" when prompted. Instructions on how to participate, as well as materials relating to the meeting, will be posted on NYC Engage in advance of the meeting. To help the meeting host effectively manage the meeting, those who do not intend to actively participate are invited to watch the meeting through the livestream/LINK provided on NYC Engage or the recording that will be posted after the meeting on DCP's website.

Any person in, attendance, at this hearing (remotely or in person) shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed changes. Each speaker shall be allotted a maximum of three (3) minutes.

Persons who require that a sign language interpreter or other form of reasonable accommodation for a disability be provided, at the hearing are asked to notify Dominick Answini, at the address set forth below, or by telephone, at (212) 720-3676, by September 8, 2021. In addition, written statements may be submitted to City Planning, at the address stated below, provided the comments are received by 5:00 P.M. on September 22, 2021:

New York City Department of City Planning
Office of the Counsel
120 Broadway, 31st Floor
New York, NY 10271
Attention: Dominick Answini

Written comments received and a tape recording of oral comments received, at the hearing will be available for public inspection within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M., at the Freedom of Information Law Desk, 120 Broadway, 31st Floor, telephone number (212) 720-3454.

The purpose of the hearing is, to provide the public with an opportunity to comment on the proposed rule set forth herein.

Title 62 of the Rules of the City of New York is amended to read as follows:

Chapter 3: Fees and Contributions

* * *

§ 3-07 Schedule of Charges

* * *

- (e) Applications for zoning certifications and zoning authorizations:
 - (1) For certification for public school space, pursuant to § 107 – 121 [123] of Article X, Chapter 7 (Special South Richmond Development District) of the Zoning Resolution, the fee shall be \$160.

* * *

- (g) Supplemental Fee for Large Projects. In addition to all applicable fees as set forth above, a supplemental fee shall be required for the following applications:

Applications that may result in the development of 500,000 to 999,999 square feet of floor area	\$80,000
Applications that may result in the development of 1,000,000 to 2,499,000]999 square feet of floor area	\$120,000
Applications that may result in the development of, at least 2,500,000 square feet of floor area	\$160,000

* * *

Chapter 12: Rules for the Processing of Applications for FRESH Certifications, pursuant to Section 63-30 of the Zoning Resolution of the City of New York

§ 12-01 Scope

This chapter governs the queuing of applications for the Food Retail Expansion to Support Health Program ("FRESH"), pursuant to section 63-00 et seq. of the Zoning Resolution as well as the effect such queuing has on closed projects, terminated applications, and lapsed certifications related to such program.

§ 12-02 Definitions

For the purposes of this chapter:

Application. The term "Application" means materials filed with the Department, pursuant to section 10-09 of these rules to obtain a Certification in connection with a project.

Certification. The term "Certification" means a Certification by the Chair of the Commission, pursuant to section 63-30 of the Zoning Resolution for a FRESH food store.

Commission. The term "Commission" means the City Planning Commission.

Department. The term "Department" means the Department of City Planning.

FRESH. The term "FRESH" means the Food Retail Expansion to Support Health Program, pursuant to section 63-00 *et seq.* of the Zoning Resolution.

FRESH Application Statement ("FAS"). The term "FRESH Application Statement" or "FAS" means a PAS in accordance with section 10-04 of this title or, if the Department determines that such statement is not necessary, a draft land use application in accordance with section 10-07 of this title, both of which are submitted in connection with a prospective Application.

FRESH Food Store. The term "Fresh Food Store" shall have the same meaning as that term is defined in section 63-01 of the Zoning Resolution.

FRESH Residential Floor Area. The term "FRESH Residential Floor Area" means the additional residential floor area permitted in accordance with this chapter and section 63-21 of the Zoning Resolution as a result of the provision of "FRESH Food Store Floor Area," as that term is defined in section 63-01 of the Zoning Resolution.

Pre-Application Statement ("PAS"). The term "Pre-Application Statement" or "PAS" means the Pre-Application Statement described in section 10-04 of this title.

Queue. The term "Queue" means a list of projects ranked relative to each other in the order in which the Department received the FAS for each such project, subject, to the provisions of this chapter.

Radius. The term "Radius" means a half-mile radius measured from zoning lots of the proposed FRESH Food Store where the total FRESH Residential Floor Area for all FRESH Food Stores within such radius may not exceed more than 40,000 sq ft. A FRESH Food Store with FRESH Residential Floor Area will be deemed to be included in such radius if any portion of such store's zoning lot is located within such radius.

§ 12-03 Review and Queuing of Applications

(a) The Department shall queue all projects in the order that their respective FAS was received by the Department, provided that, with respect to an FAS that is a PAS, such PAS has been determined by the Department to be complete in accordance with section 10-04(b) of this title.

(b) When two or more projects, including the proposed project, are located within a Radius and the total of FRESH Residential Floor Area among them exceeds 40,000 sq ft, the project for which an FAS was first received and is deemed in compliance with this title shall have priority to obtain all of its requested FRESH Residential Floor Area. The project that is next in the Queue shall then have priority to obtain all the remaining FRESH Residential Floor Area within such Radius which has not been claimed by a project earlier in the Queue. The use of remaining FRESH Residential Floor Area unclaimed by projects earlier in the Queue shall continue in this manner for subsequent projects until there is no additional unclaimed FRESH Residential Floor Area within the Radius.

(c) After a project has been added, to the Queue, if there is no response from the project sponsor within two (2) months after the interdivisional meeting, held in accordance with section 10-05 of this title, or the last communication of instructions from the Department, whichever is later, the Department will notify the project sponsor that its project will be placed on hold if it does not respond within a specified period of time from such notice. If the project sponsor responds within the specified timeframe but does not provide the requested materials, if any, within thirty (30) days of such response, the project will be placed on hold. If a project is on hold for twelve (12) months, the project record will be closed or the corresponding Application terminated, whichever is applicable, and the project will be removed from the Queue. The previously claimed FRESH Residential Floor Area corresponding, to the removed project will now be available to projects remaining in the Queue. For terminated Applications, if the Department permits the applicant to proceed directly to filing a new Application, the Department shall place such Application in the Queue in accordance with subdivision (a) of this section as if such Application were a new FAS.

§ 12-04 Effect of Lapse of Certification

If a Certification lapses, pursuant to section 63-30 of the Zoning Resolution, the amount of FRESH Residential Floor Area permitted by such Certification shall become available for other projects within the same Radius as the project with the lapsed building permit. The project sponsor may reapply for FRESH Residential Floor Area but must submit a new FAS Queued in accordance with section 12-03 of this chapter.

Resolution for adoption scheduling September 22, 2021 for a public hearing.

**BOROUGH OF THE BRONX
Nos. 4 & 5
WIN POWERS
No. 4**

CD 1 **C 210398 ZSX**
IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property, located, at 346 Powers Avenue (Block 2572, Lot 6) in an R6 District.

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

No. 5

CD 1 **C 210399 HAX**
IN THE MATTER OF an application submitted by the NYC 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 346 Powers Avenue (Block 2572, Lot 6), as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of two new buildings containing approximately 221 supportive housing units, 95 shelter units, and community facility space.

**No. 6
CB 8 OFFICE SPACE**

CD 8 **N 220033 PXX**
IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property, located, at 185 West 231st Street (Block 3267, Lot 76) (Bronx Community Board 8 Office).

**BOROUGH OF BROOKLYN
Nos. 7 & 8
506 THIRD AVENUE
No. 7**

CD 6 **C 210119 ZMK**
IN THE MATTER OF an application submitted by PAB 3rd Avenue Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, by changing from an existing M2-1 District to a C4-4A District property, bounded by 11th Street, 3rd Avenue, 13th Street, and a line 100 feet northwesterly of 3rd Avenue, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject, to the conditions of CEQR Declaration E-617.

No. 8

CD 6 **N 210120 ZRK**
IN THE MATTER OF an application submitted by PAB 3rd Avenue Holdings LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

101
* * *

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

**BROOKLYN
* * *
Brooklyn Community District 6
* * ***

Map 3- [date of adoption]
102
Portion of Community District 6, Brooklyn
* * *

BOROUGH OF MANHATTAN

Nos. 9 & 10

STARRETT-LEHIGH + TERMINAL WAREHOUSE REZONING No. 9

CD 4 C 210408 ZMM

IN THE MATTER OF an application submitted by Terminal Fee Owner LP and RXR SL Owner LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b:

- 1. changing from an M2-3 District to an M2-4 District property, bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue; and
2. establishing a Special West Chelsea District (WCh), bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue;

as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject, to the conditions of CEQR Declaration E-625.

No. 10

CD 4 N 210409 ZRM

IN THE MATTER OF an application submitted by Terminal Fee Owner LP and RXR SL 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 establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections.

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

ARTICLE I - GENERAL PROVISIONS

Chapter 4 - Sidewalk Cafe Regulations

* * *

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

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

Table with 3 columns: Manhattan, #Enclosed Sidewalk Cafe#, #Unenclosed Sidewalk Cafe#. Rows include Manhattan (***), West Chelsea District (No, Yes5).

5 #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street. #Unenclosed sidewalk cafes# shall also be allowed on West 27th Street between Eleventh Avenue and Joe DiMaggio Highway.

* * *

ARTICLE IX - SPECIAL PURPOSE DISTRICTS

Chapter 8 - Special West Chelsea District

98-00 GENERAL PURPOSES

* * *

98-04 Subareas and High Line Transfer Corridor

In order to carry out the provisions of this Chapter, Subareas A through J and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

* * *

98-10 SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

* * *

98-12 Modification of Use Regulations

The #use# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

* * *

98-122 Location within buildings In Subarea K

[Relocated to Section 98-124 below]

In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:

- (a) are located in a portion of the #building# that has separate direct access, to the #street# with no access, to the #residential# portion of the #building# at any #story#; and
(b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
(1) #residential# lobby space below or on the same #story# as #commercial uses#; or
(2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

In Subarea K, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT), inclusive, shall be modified as follows:

- (a) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:
(1) from Use Groups 3 and 4, all #uses#, not otherwise permitted by the underlying regulations, other than those with sleeping accommodations;
(2) from Use Group 6A, food stores, including supermarkets, grocery stores or delicatessen stores, larger than 10,000 square feet;
(3) from Use Groups 6C, 9A, and 12B, all #uses# not otherwise permitted by the underlying regulations; or
(4) from Use Group 10A, all #uses#, not otherwise permitted by the underlying regulations, provided that the floor space allocated to such #uses# does not exceed 15 percent of the total #floor area# of the #building#.

98-123 Adult establishments

* * *

98-124 Location within buildings

[Relocated from Section 98-122 above]

In any C6 District the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:

- (a) are located in a portion of the #building# that has separate direct access, to the #street# with no access, to the #residential# portion of the #building#, at any #story#; and
(b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
(1) #residential# lobby space below or on the same #story# as #commercial uses#; or
(2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

* * *

98-15 Signs

* * *

98-151 Modification of sign regulations in Subarea K

Within Subarea K, the #sign# regulations of the underlying district shall apply. However, within 15 feet of the intersection of two #streets#, the provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply.

* * *

98-17 Modification of Parking and Loading Regulations in Subareas H

[Relocated to Section 98-171 below]

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
- (b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted, at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and
- (c) no more than 377 spaces are provided within such facility. For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

The underlying provisions of Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply within the #Special West Chelsea District#, subject to modification by the regulations of this Section, inclusive.

**98-171
Parking regulations in Subarea H**

[Relocated from Section 98-17 above]

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
- (b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted, at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and
- (c) no more than 377 spaces are provided within such facility.

For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

**98-172
Waiver of accessory off-street loading berths in Subarea K**

In Subarea K, the provisions of Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to changes of #use#.

* * *

**98-20
FLOOR AREA AND LOT COVERAGE REGULATIONS**

* * *

**98-22
Maximum Floor Area Ratio and Lot Coverage in Subareas**

For all #zoning lots#, or portions thereof, located in Subareas A through J K, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted, pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required to be transferred ¹ (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	— ²	2.65	2.85	12.0
B	5.0	2.5	— ²	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D ⁵	5.0	2.5 ³	2.5 ³	1.25	1.25	7.5
E	5.0	1.0 ³	1.0 ^{2,3}	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 ³	1.0 ³	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I ⁴	5.0	NA	2.5	NA	NA	7.5

J ⁶	5.0	NA	2.5	NA	NA	7.5
K	5.0	NA	NA	NA	NA	5.0

- 1 Minimum #floor area ratios# required to be transferred, pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized
- 2 In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)
- 3 For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section 98-241 (In Subareas D, E and G)
- 4 For #zoning lots# over which the #High Line# passes
- 5 For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted
- 6 Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

* * *

**98-40
SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS**

* * *

**98-42
Special Height and Setback Regulations**

* * *

**98-423
Street wall location, minimum and maximum base heights and maximum building heights**

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (g) of this Section.

* * *

- (g) Subarea J
The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph (g) shall apply.

* * *

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back, at least 10 feet from the West 15th and West 16th Street #street lines#, and, at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back, at least 25 feet from the West 15th and West 16th Street #street lines#, and, at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back, at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed, pursuant to Section 33-42 shall be permitted.

- (h) Subarea K
The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT BY DISTRICT OR SUBAREA

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	— ¹
	between 50 and 100 feet of a #wide street#	15	85	— ¹
	for #zoning lots# with only #narrow street# frontage	40	60	— ¹
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105 ²	125 ²	125 ²
	for #zoning lots# with Eleventh Avenue frontage	125 ²	145 ²	145 ²
Subarea D		60	90	250 ¹
Subarea E		60	105 ³	120 ³
Subarea F		60 ²	80 ²	80 ²
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105 ²	120 ²	120 ²
Subarea H		60 ⁴	85 ⁴	— ⁴
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120 ⁵
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110 ⁶	130 ⁶
	Ninth Avenue Zone	NA	130 ⁶	135 ⁶
	Tenth Avenue Zone	NA	185 ⁶	230 ⁶
Subarea K		NA ⁷	NA ⁷	NA ⁷

¹ See Section 98-423, paragraph (b)

² See Section 98-423, paragraph (c)

³ See Section 98-423, paragraph (d)

⁴ See Section 98-423, paragraph (e)

⁵ See Section 98-423, paragraph (f)

⁶ See Section 98-423, paragraph (g)

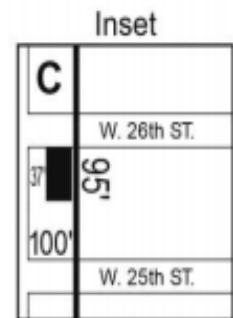
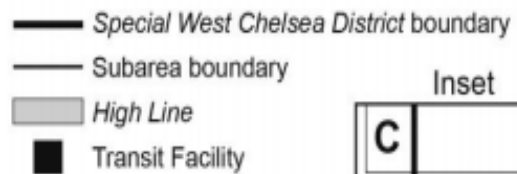
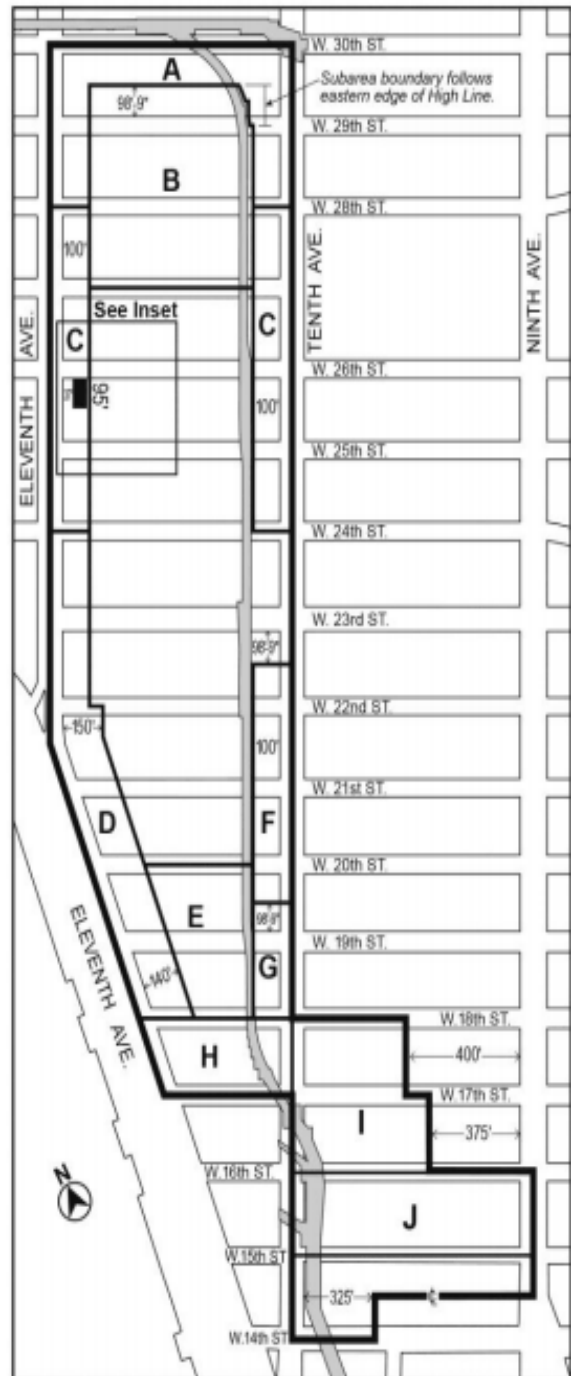
⁷ See Section 98-423, paragraph (h)

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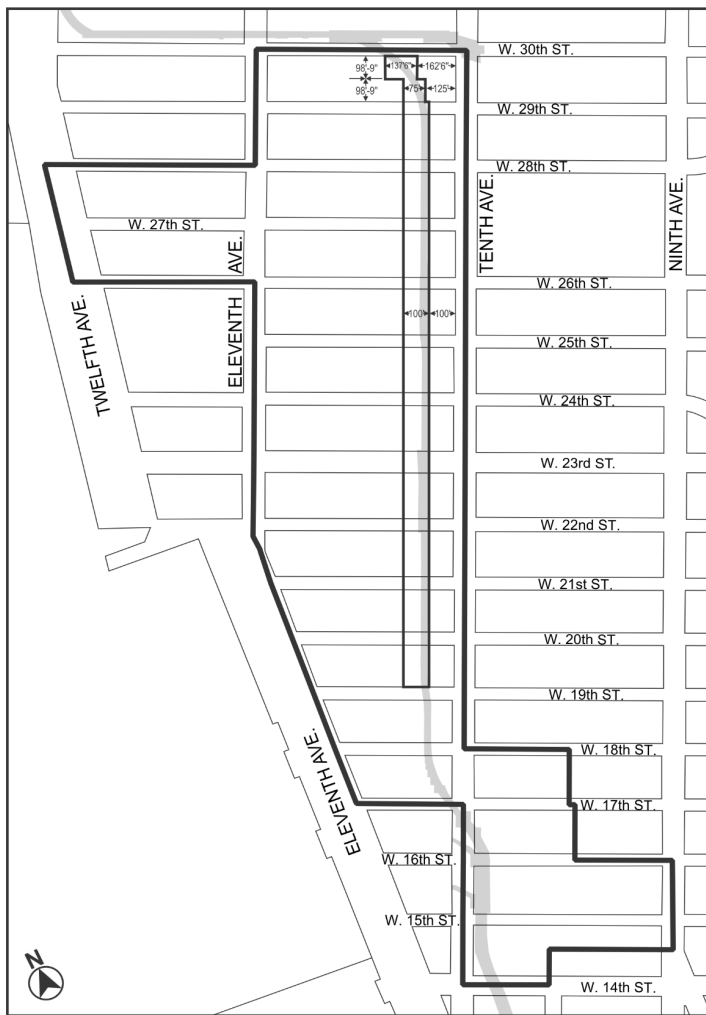
Appendix A




Special West Chelsea District and Subareas

[EXISTING MAP]



[PROPOSED MAP]



 Special West Chelsea District boundary
 High Line Transfer Corridor
 High Line

* * *
NOTICE

On September 22, 2021 a remote public hearing is being held by the City Planning Commission (CPC), in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by RXR SL Owner LLC and Terminal Fee Owner LP (the Applicants). The Applicants are seeking a zoning map amendment and zoning text amendment (the Proposed Actions) affecting the two blocks bounded by West 28th Street to the north, Eleventh Avenue to the east, West 26th Street to the south, and Twelfth Avenue/Route 9A to the west (Block 672, Lot 1 and Block 673, Lot 1); these blocks contain the Starrett-Lehigh Building and the Terminal Warehouse (the project area), located in the West Chelsea neighborhood of Manhattan, Community District 4. The zoning map amendment would extend the Special West Chelsea District (WCh) over the project area and change the underlying zoning district from M2-3 to M2-4. The proposed zoning text amendments would create new subarea (Subarea K) in WCh and, within such subarea, modify certain use, signage, sidewalk café, and loading requirements. The Proposed Actions would allow the Applicants to lease space in the Starrett-Lehigh Building and Terminal Warehouse to a more diverse range of tenant types, allowing for flexibility needed to respond to changes in the economy over the long term.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, October 4, 2021.

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

This hearing is being held, pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 21DCP103M.

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



s8-22

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 18 - Wednesday, September 22, 2021, 7:00 P.M., **Board Office Meeting Room, 1097 Bergen Avenue** and via Zoom for participants who wish to participate online.

N 210434ZRY - Open Restaurants/Sidewalk Cafes - The New York City Department of Transportation (DOT) and Department of City Planning (DCP) are proposing a citywide zoning text amendment that will allow the DOT to administer the Permanent Open Restaurant program (POR). The proposal will remove sidewalk café regulations from the Zoning Resolution to increase geography eligibility as sidewalk cafes will become part of a unified sidewalk and roadway outdoor dining program administered at DOT. This Statutory Public Hearing has been duly advertised in the City Record. The Proposal Information is available at: <https://www1.nyc.gov/site/planning/plans/open-restaurants/open-restaurants-overview.page>.

Please Note:

- The allowable occupancy for the Board Office Meeting Room (e.g. 70 members of the public will be permitted in the room).
- Videoconferencing information for those who wish to participate online, is as follows:

Brooklyn Community Board 18 is inviting you to a scheduled Zoom meeting.

Topic: REGULAR MONTHLY BOARD MEETING – SEPTEMBER 22, 2021, 7:00 P.M.

Time: September 22, 2021, 7:00 P.M. Eastern Time (US and Canada)

Join Zoom Meeting
<https://zoom.us/j/99482142049?pwd=QWhWOVdYUzI3cEg0VGxPeWxLeWxrzd09>

Meeting ID: 994 8214 2049

Passcode: 8Zmasp

All meeting attendees will be required to practice physical distancing and all attendees over the age of two who are medically able to tolerate a face covering will be required to wear a face covering, regardless of vaccination status.



s9-22

DESIGN AND CONSTRUCTION

■ PUBLIC HEARINGS

PLEASE TAKE NOTICE, that in accordance with Section 201-204 (inclusive) of the New York State Eminent Domain Procedure Law, a Public Hearing will be held by the New York City Department of Environmental Protection (“DEP”), on behalf of the City of New York, in connection with the acquisition of certain real property located in the Todt Hill section of the Borough of Staten Island, City and State of New York.

The time and place of the hearing are as follows:

DATE: Monday, October 18, 2021

TIME: 10:00 A.M. – 12:00 P.M.

IN-PERSON LOCATION: 900 South Avenue, 3rd Floor, Staten Island, NY

Persons preferring to attend this Hearing virtually or by phone must register using the link: <https://bit.ly/3nm6ADq>

Conference call-in number: (929) 205-6099
Meeting ID: 867 1532 0556

The property proposed to be acquired is identified on the Tax Map of the City of New York for the Borough of Staten Island as: Block 908, Lot 16. There are no proposed alternative locations.

The purpose of this hearing is to inform and solicit comments from the public concerning a proposed acquisition of the above-referenced property for the construction of a stormwater drainage feature, referred to as Best Management Practice (BMP) in connection with the DEP Bluebelt Program. The purpose is also to review the public use to be served by the project and its impact on the environment and local residents.

Any person in attendance at this meeting shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed acquisition. Each speaker shall be allotted a maximum of ten (10) minutes. In addition, written statements may be submitted to DEP's Bureau of Legal Affairs at the address below, provided the comments are received by 5:00 P.M. on November 1, 2021, which is 14 days after the public hearing date.

Only statements delivered on or before 5:00 P.M. on November 1, 2021 will be considered in the making of a determination and findings. Questions and statements regarding this hearing should be directed to:

New York City Department of Environmental Protection
Bureau of Legal Affairs
59-17 Junction Boulevard, 19th Floor
Flushing, NY 11373-5108
Attention: DEP Bluebelt Program

Note: The property owner who may subsequently wish to challenge the condemnation of their property, via judicial review, may do so only on the basis of issues, facts and objections raised, at the public hearing.

 s20-24

EDUCATIONAL CONSTRUCTION FUND

■ MEETING

The NYC Educational Construction Fund Board of Trustees/Audit Committee Meeting, will be held, on Sept 24, 2021, at 10:30 A.M., at 52 Chambers Street, 2nd Floor, Conference Room, New York, NY.

Accessibility questions: cwong@nycsca.org, by: Thursday, September 23, 2021, 5:00 P.M.

 s20-24

HOUSING AUTHORITY

■ MEETING

CORRECTED NOTICE

Because of the on-going COVID-19 health crisis and in relation to Chapter 417 of the Laws of 2021, the Board Meeting of the New York City Housing Authority, scheduled for Wednesday, September 29, 2021, at 10:00 A.M., will be limited to viewing live-stream or listening via phone, instead of attendance in person.

For public access, the meeting will be streamed live on NYCHA's YouTube Channel, <http://nyc.gov/nycha>, and NYCHA's Website, nyc.gov/boardmeetings, or can be accessed via Zoom, by calling (646) 558-8656 using Webinar ID: 816 5138 6482 and Passcode: 5692103421.

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

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

Copies of the Calendar are available on NYCHA's Website, at <http://www1.nyc.gov/site/nycha/about/board-calendar.page>, to this web page, no earlier than 24 hours before the upcoming Board Meeting. Copies of the draft Minutes are available on NYCHA's Website, at <http://www1.nyc.gov/site/nycha/about/board-calendar.page>, no earlier than 3:00

P.M., on the Thursday following the Board Meeting.

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

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary, by phone, at (212) 306-6088, or by email, at corporate.secretary@nycha.nyc.gov, no later than Tuesday, September 28, 2021, at 5:00 P.M.

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

s10-28

INDEPENDENT BUDGET OFFICE

■ NOTICE

The New York City Independent Budget Office Advisory Board, will hold a meeting on Thursday, October 7th, beginning at 8:30 A.M., via video conference. There will be an opportunity for the public to address the advisory board during the public portion of the meeting. For a link to the meeting, please email ibonews@ibo.nyc.ny.us.

Accessibility questions: Lisa Neary, lisan@ibo.nyc.ny.us, by: Wednesday, October 6, 2021, 5:00 P.M.

 s22-07

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 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, October 5, 2021, at 9:30 A.M., the Landmarks Preservation Commission (LPC or agency), will hold a public hearing by teleconference with respect, to the properties list below, and then followed by a public meeting.

The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Please note that the order and estimated times are subject to change. The teleconference will be by the Zoom app and will be live streamed on the LPC's YouTube channel, www.youtube.com/nyclpc. Members of the public should observe the meeting on the YouTube channel and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's website, under the "Hearings" tab, <https://www1.nyc.gov/site/lpc/hearings/hearings.page>, on the Monday before the public hearing. Any person requiring language assistance services or other reasonable accommodation in order to participate in the hearing or, attend the meeting should contact the LPC by contacting Anthony Fabre, Director of Community and Intergovernmental Affairs, at anfibre@lpc.nyc.gov, at least five (5) business days before the hearing or meeting. Please note: Due, to the City's response to COVID-19, this public hearing and meeting is subject to change and/or cancellation.

**282 Park Place - Prospect Heights Historic District
LPC-21-06781 - Block 1165 - Lot 15 - Zoning: R6B
CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style rowhouse with Romanesque Revival elements, designed by William H. Reynolds and built c. 1897. Application is to construct a stoop.

**749 5th Avenue - Individual Landmark
LPC-22-01811 - Block 655 - Lot 31 - Zoning: M1-1D
CERTIFICATE OF APPROPRIATENESS**

A Victorian style commercial greenhouse, designed by George Curtis Gillespie and, built in 1895. Application is to remove the remainder of a previously demolished building adjoining the greenhouse, and to install portions of fencing and a new entrance courtyard, pathway, and vestibule associated with new fencing and signage and a new building located off the landmark site.

**295-297 Hicks Street - Brooklyn Heights Historic District
LPC-22-00050 - Block 261 - Lot 111, 9, 110 - Zoning: R6
CERTIFICATE OF APPROPRIATENESS**

Three vacant lots. Application is to construct two new buildings.

1423 Albemarle Road - Prospect Park South Historic District

LPC-22-00018 - Block 5095 - Lot 46 - Zoning: R1-2

CERTIFICATE OF APPROPRIATENESS

A Queen Anne style house, with Medieval French, English Tudor, Shavian, and American Colonial style influences, designed by John J. Petit and built in 1899. Application is to construct a side-yard addition, create and modify masonry openings, and install a balcony railing.

77 Greene Street - SoHo-Cast Iron Historic District

LPC-21-10696 - Block 486 - Lot 21 - Zoning: M1-5A

CERTIFICATE OF APPROPRIATENESS

A store and loft building, designed by Henry Fernbach and, built in 1877. Application is to paint the cast iron façade.

69 Gansevoort Street - Gansevoort Market Historic District

LPC-22-01806 - Block 644 - Lot 64 - Zoning: M1-5

CERTIFICATE OF APPROPRIATENESS

A 19th century building, modified in the Moderne style by George H. Suess in 1949. Application is to construct a rooftop addition.

163 East 69th Street - Upper East Side Historic District

LPC-21-06111 - Block 1404 - Lot 31 - Zoning: R8B

CERTIFICATE OF APPROPRIATENESS

A Neo-Georgian style garage and house, designed by Albro & Lindeberg and, built in 1909, and later altered in 1954. Application is to construct rooftop and rear yard additions, modify masonry openings, replace windows and doors, and install balconies.

s21-o5

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, September 28, 2021, at 9:30 A.M., the Landmarks Preservation Commission (LPC or agency) will hold a public hearing by teleconference with respect to the properties list below, and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Please note that the order and estimated times are subject to change. The teleconference will be by the Zoom app and will be live streamed on the LPC's YouTube channel www.youtube.com/nyclpc. Members of the public should observe the meeting on the YouTube channel and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's website, under the "Hearings" tab <https://www1.nyc.gov/site/lpc/hearings/hearings.page>, on the Monday before the public hearing. Any person requiring language assistance services or other reasonable accommodation in order to participate in the hearing or attend the meeting should contact the LPC by contacting Anthony Fabre, Director of Community and Intergovernmental Affairs, at anfabre@lpc.nyc.gov, at least five (5) business days before the hearing or meeting. Please note: Due to the City's response to COVID-19, this public hearing and meeting is subject to change and/or cancellation.

95 Prospect Park West, Prospect Park - Individual Landmark

LPC-22-01205 - Block 1117 - Lot 1 - Zoning: Park

BINDING REPORT

An Italianate style mansion, designed by Alexander J. Davis built c. 1850 within a primarily naturalistic style park designed in 1865 by Frederick Law Olmsted and Calvert Vaux. Application is to construct a ramp, replace a door, and install flagpoles.

189 Argyle Road - Prospect Park South Historic District

LPC-21-09930 - Block 5117 - Lot 56 - Zoning: R1-2

CERTIFICATE OF APPROPRIATENESS

A Colonial Revival style house, designed by Slee & Bryson and built in 1906, and altered in 1924. Application is to replace windows, install skylights and a patio, remove a rear porch and overhang, and demolish a garage.

15 Shore Road - Douglaston Historic District

LPC-21-08857 - Block 8044 - Lot 5 - Zoning: R1-1

CERTIFICATE OF APPROPRIATENESS

A Colonial Revival style house, designed by George Hardway and built in 1910. Application is to enlarge an extension, construct a porch and patio, modify the entrance, install a skylight, relocate a driveway and curb cut, and excavate and regrade portions of the site.

1 Clarkson Street (aka 2-8 Seventh Avenue South) - Greenwich Village Historic District Extension II

LPC-21-00211 - Block 582 - Lot 50 - Zoning: C2-6

BINDING REPORT

A Colonial Revival style public bath house, designed by Renwick, Aspinwall & Tucker and built in 1906-1907, and altered by Jaros Kraus in 1922 and Mitchell Bernstein in 1929. Application is to reconstruct an entrance ramp and stairs.

275 Mulberry Street - Individual Landmark

LPC-22-01500 - Block 510 - Lot 7502 - Zoning: C6-3

CERTIFICATE OF APPROPRIATENESS

A Romanesque Revival style commercial building, designed by Albert Wagner and built in 1885-86 with alterations in 1892-93 and 1897-99. Application is to install an awning, flagpole, and signage and to create a vitrine.

657 Greenwich Street - Greenwich Village Historic District

LPC-21-10893 - Block 605 - Lot 8 - Zoning: R6

MISCELLANEOUS - AMENDMENT

A school building, designed by Thomas M. Bell and built in the early 1950's, with additions built in 2012 and 2015. Application is to modify the play cage, railings, and flue extensions approved under Certificate of Appropriateness 16-5387.

134 Spring Street - SoHo-Cast Iron Historic District

LPC-22-01928 - Block 486 - Lot 11 - Zoning: M1-5A

CERTIFICATE OF APPROPRIATENESS

A Beaux-Arts style commercial building, designed by Albert Wagner and built in 1895-96. Application is to establish a Master Plan governing the future installation of painted wall signs.

77 Greene Street - SoHo-Cast Iron Historic District

LPC-21-10696 - Block 486 - Lot 21 - Zoning: M1-5A

CERTIFICATE OF APPROPRIATENESS

A store and loft building designed by Henry Fernbach and built in 1877. Application is to paint the cast iron façade.

23 8th Avenue - Greenwich Village Historic District

LPC-21-10703 - Block 625 - Lot 38 - Zoning: C1-6

CERTIFICATE OF APPROPRIATENESS

A rowhouse with commercial ground floor, built in 1845. Application is to legalize and modify a rooftop addition constructed in non-compliance with Certificate of Appropriateness 10-6193, and to install new window openings and a balcony at the lot line facade.

134 East 38th Street - Murray Hill Historic District

LPC-21-09885 - Block 893 - Lot 271 - Zoning: R10

CERTIFICATE OF APPROPRIATENESS

An altered Second Empire style rowhouse, designed by D. & J. Jardine and built in 1868-69, and altered in 1958 by Thomas F. Hennessy. Application is to install shutters and a flagpole.

330 West End Avenue - West End - Collegiate Historic District Extension

LPC-21-10227 - Block 1167 - Lot 64 - Zoning: R10A

CERTIFICATE OF APPROPRIATENESS

An Arts & Crafts style apartment building, designed by Robert M. Farrington and built in 1915-1916. Application is to replace greenhouse structures on balconies.

780 West End Avenue - Riverside - West End Historic District Extension II

LPC-21-08658 - Block 1869 - Lot 7502 - Zoning: R8

CERTIFICATE OF APPROPRIATENESS

An Arts and Crafts style apartment building, designed by George & Edward Blum and built in 1912-14. Application is to replace windows.

163 East 69th Street - Upper East Side Historic District

LPC-21-06111 - Block 1404 - Lot 31 Zoning: R8B

CERTIFICATE OF APPROPRIATENESS

A Neo-Georgian style garage and house, designed by Albro & Lindeberg and built in 1909, and later altered in 1954. Application is to construct a rooftop addition, modify a masonry opening, and replace windows and doors.

300 West End Avenue - West End - Collegiate Historic District Extension

LPC-21-06251 - Block 1166 - Lot 1 - Zoning: R10A

CERTIFICATE OF APPROPRIATENESS

A Colonial Revival style apartment building, designed by Schwartz & Gross and built in 1916. Application is to extend a rooftop bulkhead.

s14-28

PROPERTY DISPOSITION**CITYWIDE ADMINISTRATIVE SERVICES****■ SALE**

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

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

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

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

f23-a4

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

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

j4-d30

PROCUREMENT

“Compete To Win” More Contracts!

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

- Win More Contracts, at nyc.gov/competetowin

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

HHS ACCELERATOR PREQUALIFICATION

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic HHS Accelerator Prequalification Application using the City’s PASSPort system. The PASSPort system is a web-based system maintained by the City of New York for use by its Mayoral Agencies to manage procurement. Important business information collected in the Prequalification Application is required every three years. Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete. Prequalification applications will be reviewed to validate compliance with corporate filings and organizational capacity. Approved organizations will be eligible to compete and would submit electronic proposals through the PASSPort system. The PASSPort Public Portal, which lists all RFPs, including HHS RFPs that require HHS Accelerator Prequalification, may be viewed at https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding. For additional information about HHS Accelerator Prequalification and PASSPort, including background materials, user guides and video tutorials, please visit <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>.

ADMINISTRATIVE TRIALS AND HEARINGS

OATH ADMINISTRATION

■ INTENT TO AWARD

Services (other than human services)

CLEANING SERVICES FOR BRONX LOCATION - Required/
Authorized Source - PIN#82021M0001 - Due 10-4-21 at 12:00 P.M.

To provide Janitorial Cleaning services, to Bronx office location 260 East 161st Street, 6th Floor, Bronx, NY 10451.

s21-27

CITYWIDE ADMINISTRATIVE SERVICES

ADMINISTRATION

■ SOLICITATION

Goods

TRACTORS, DIESEL, VARIOUS - BRAND SPECIFIC -
Competitive Sealed Bids - PIN# 8572100121 - Due 10-20-21 at 10:30 A.M.

All bids are done on PASSPort. To review the details for this solicitation and participate, please use the following link below and use the keyword search fields to find solicitation for TRACTORS, DIESEL, VARIOUS - BRAND SPECIFIC. You can search by PIN #: 85721B0162 or search by keyword: https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public. If there are any issues with PASSPort, contact: help@mocs.nyc.gov.

OCP will have bid openings virtually via WebEx and in person. Vendors must register first to attend bid opening via WebEx. Please click on the link below to register for the bid opening. WebEx Link to attend the virtual bid: <https://nycadminservices.webex.com/nycadminservices/j.php?MTID=m58cd61a701726912c4a4023c3255877e>

Anyone that wishes to attend the bid opening in person can do so on the date of the bid opening.

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

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Peter Le (212) 386-0418; ple@dcas.nyc.gov

s22

CORRECTION

■ AWARD

Services (other than human services)

TARGETED APPROACH TO JAIL-BASED PROGRAMS AND SERVICES - Competitive Sealed Proposals - Other -
PIN# 07221P0002001 - AMT: \$1,082,592.75 - TO: Green Hope Services for Women Inc., 300 East 175th Street, Bronx, NY 10457.

s22

ENVIRONMENTAL PROTECTION

WATER SUPPLY

■ SOLICITATION

Services (other than human services)

BWS - CRO-584(R) / SERVICE AND REPAIR OF FREIGHT & PASSENGER ELEVATORS AT MULTIPLE DEP FACILITIES -
Competitive Sealed Bids - PIN# 82621B0117 - Due 10-19-21 at 10:00 A.M.

This Competitive Sealed Bid (“RFx”), is being released through PASSPort, New York City’s online procurement portal. Responses to this RFx should be submitted via PASSPort. To access the solicitation, vendors should visit the PASSPort Public Portal, at <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>, and click on the “Search Funding Opportunities in PASSPort” blue box. This will take you to the Public Portal of all procurements in the PASSPort system. To quickly locate the RFx, insert the EPIN 82621B0117 into the

Keywords search field. If you need assistance submitting a response, please contact help@mocs.nyc.gov.

Pre Bid Conference location -Microsoft Teams call in (audio only) +1 347-921-5612,,288351397# Flushing, NY 11373, Mandatory: no Date/ Time - 2021-09-29 10:00:00.

← s22

HEALTH AND MENTAL HYGIENE

■ INTENT TO AWARD

Human Services/Client Services

ASTHMA COUNSELOR PROGRAM (EAST HARLEM) - PIN# 22CF001901R0X00 - Negotiated Acquisition - Other - PIN# 81622N0004001 - Due 10-7-21 at 12:00 P.M.

The New York City Department of Health and Mental Hygiene, intends to enter into a Negotiated Acquisition with ICAHN School of Medicine, at Mount Sinai (qualified hospital) to offer Asthma Counselor services as part of a comprehensive campaign to reduce asthma morbidity in children in East Harlem, a community with a disproportionately high pediatric asthma hospitalization rates. The Asthma Counselor program offers a broad array of case management services to children and their families in an effort to reduce hospitalization rates due to asthma.

There is no competition for vendors to provide these services in the target area. DOHMH, has determined that ICAHN SCHOOL OF MEDICINE AT MOUNT SINAI is the only qualified vendor for these services.

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, 42-09 28th Street, WS 17-128, Queens, NY 11101. Min Feng Wang (347) 396-4394; mwang3@health.nyc.gov

s17-23

■ AWARD

Human Services/Client Services

CLUBHOUSE - Required Method (including Preferred Source) - PIN# 81621M0032001 - AMT: \$14,366,799.00 - TO: Venture House Inc., 150-10 Hillside Avenue, Jamaica, NY 11432.

The Clubhouse offers psychosocial rehabilitative services to men and women living with mental illness to further their recovery, health and wellness, and to improve their integration into the community. Members are assisted with establishing meaningful social roles, including competitive employment. The overall goal is to integrate and assimilate members into the larger community through meeting vocational, educational, and social objectives as part of their participation in the Venture House Clubhouse.

← s22

HOMELESS SERVICES

■ AWARD

Human Services/Client Services

FWC SERVICES AT PROSPECT FAMILY RESIDENCE - Competitive Sealed Proposals - Other - PIN# 07121P0102001 - AMT: \$31,562,305.00 - TO: Homes for the Homeless Inc., 36 Cooper Square, 3rd Floor, New York, NY 10003.

This contract is for the provision of shelter services for families with children and the Prospect Family Residence, located at 730 Kelly Street, Bronx, NY.

← s22

FAMILIES WITH CHILDREN SHELTER SERVICES AT FOX HOUSE - Competitive Sealed Proposals - Other - PIN# 07121P0103001 - AMT: \$7,197,505.00 - TO: MSGR Robert Fox Memorial Shelter Housing Development, 111 East 117th Street, Fox House, New York, NY 10035.

← s22

FWC SHELTER AT SIENA HOUSE - Competitive Sealed Proposals - Other - PIN# 07121P0104001 - AMT: \$9,333,670.00 - TO: Tolentine Zeiser Community Life Center Inc., 2345 University Avenue, Bronx, NY 10468-6102.

Families with Children Shelter services at Siena House, located at 85 West 168th Street, Bronx, NY.

← s22

HOUSING AUTHORITY

PROCUREMENT

■ SOLICITATION

Goods and Services

SMD_SERVICES_MAINTENANCE PAINTING OF APARTMENTS-VARIOUS DEVELOPMENTS THROUGHOUT THE BOROUGH OF BROOKLYN - Competitive Sealed Bids - Due 10-14-21 at 10:00 A.M.

344880 - SMD_SERVICES_MAINTENANCE Painting of Apartments - Roosevelt Houses I and Roosevelt Houses II, Brooklyn - Due at 10:00 A.M.

344881 - SMD_SERVICES_MAINTENANCE Painting of Apartments - Pink Houses, Brooklyn - Due at 10:05 A.M.

344882 - SMD_SERVICES_MAINTENANCE Painting of Apartments - Wyckoff Gardens and Atlantic Terminal, Site 4B, Brooklyn - Due at 10:10 A.M.

The Work shall consist of furnishing labor, material, equipment, insurance, incidental items and permits, all in accordance with the Contract Documents, for the painting of residential apartments in any of the Buildings constituting the Development(s) included in this Contract. The Contractor must paint complete apartments (including all bedrooms, kitchen, living room, foyer, dinette, halls, bathrooms) in the manner described below, using a Standard One (1) Coat Paint System or a Standard Two (2) Coat Paint System or Three (3) Coat Paint System Modernization as stated in the Specifications and as directed by the Authority in Work Authorizations.

Interested vendors are invited to obtain a copy of the opportunity at NYCHA's website, by going to <http://www.nyc.gov/nychabusines>. On the left side, click on "iSupplier Vendor Registration/Login" link. (1) If you have an iSupplier account, then click on the "Login for registered vendors" link and sign into your iSupplier account. (2) If you do not have an iSupplier account you can request an account by clicking on "New suppliers register in iSupplier" to apply for log-in credentials. Once you have accessed your iSupplier account, log into your account, then choose under the Oracle Financials home page, the menu option "Sourcing Supplier", then choose "Sourcing", then choose Sourcing Homepage"; and conduct a search in the "Search Open Negotiations" box for RFQ Number(s) 344880, 344881 & 344882.

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

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

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. JoAnn Park (212) 306-4511; joann.park@nycha.nyc.gov

← s22

HUMAN RESOURCES ADMINISTRATION

■ AWARD

Human Services/Client Services

SHELTER AND FACILITIES FOR HOMELESS FAMILIES WITH CHILDREN, SIENA HOUSE SHELTER, 85 WEST 168TH ST., BRONX, NY 10452 - Competitive Sealed Bids/Pre-Qualified List - PIN# 07121P0104001 - AMT: \$9,333,670.00 - TO: Tolentine Zeiser Community Life Center Inc., 2345 University Avenue, Bronx, NY 10468.

Contract Term from 7/1/2021 to 6/30/2026

← s22

Services (other than human services)

MAINTENANCE OF 23 LOCKER POWER CHARGING STATIONS (SO# TBD) - Sole Source - Available only from a single source - PIN# 09620S0004001 - AMT: \$198,300.00 - TO: Veloxity One, LLC, 51 Middlesex Street, North Chelmsford, MA 01863.

Contract Term: 7/1/2020 - 6/30/2025

← s22

■ INTENT TO AWARD

Human Services/Client Services

MASTER LEASE FOR VETERANS PERMANENT SUPPORTIVE HOUSING UNITS LOCATED AT 161 BUFFALO AVENUE IN BROOKLYN, NY - Renewal - PIN# 06918N8252KXLR001 - Due 9-23-21 at 5:00 PM.

HRA/DSS, intends to renew one (1) contract with the contractor that currently provides services to the Office of Supportive/Affordable Housing & Services, for the Provision of a Master Lease for Veterans Permanent Supportive Housing Units, located at 161 Buffalo Avenue in Brooklyn, NY. The term of the contract renewal will be from 1/1/2022 to 12/31/2026. Anyone having comments on the performance of the contractor or the proposed renewal of the contract may contact J Daniel Galindo, at (646) 465-4155. This Notice is for informational purposes only.

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

Human Resources Administration, 150 Greenwich Street, 30th Floor, New York, NY 10007. J Daniel Galindo (646) 465-4155; galindod@hra.nyc.gov

◀ s22

Services (other than human services)

MAINTENANCE AND SUPPORT OF CHANGE MACHINE LICENSE - Request for Information - PIN#06922Y0067 - Due 9-27-21 at 2:00 P.M.

HRA/EIS, intends to enter into 3-year sole source contract with Change Machine, for its continuation to provide the Non-Residential DV Service Providers with access to the Change Machine application. Under this contract, 55 Licenses of Change Machine will be obtained from April 1, 2021 to March 31, 2024. These licenses will be used to arm non-residential domestic violence (DV) Community Based Organizations (CBOs), with extensive financial coaching tools that will enhance and accelerator DV victim's economic outcomes. Change Machine is the sole provider and proprietor of Change Machine licenses and support services. It solely owns the software rights which are not transferable. There is no other vendor with the capability or ability to run Change Machine.

Any firm or organization which believes they can also provide this service is invited to respond to the RFI "06922Y0067 - Maintenance and Support of Change Machine License" on PASSPort. If you have any questions, please email, "frazierjac@dss.nyc.gov", with the subject line "06922Y0067-Maintenance and Support of Change Machine License". Please indicate your interest by responding to the RFI EPIN: 06922Y0067, in PASSPort, no later than September 27, 2021, 2:00 P.M.

s20-27

MANAGEMENT AND BUDGET

■ INTENT TO AWARD

Services (other than human services)

00222N0005-MARSH NAE - OMB - Negotiated Acquisition - Other - PIN#00222N0005 - Due 9-23-21 at 2:00 P.M.

Extension of Marsh contract to bridge gap until new vendor is procured and registered with Comptroller.

This is a NAE, for an existing contract from 2014. It is in the best interest of the City to extend the existing contract until new procurements result in new replacement contracts.

s16-22

MAYOR'S OFFICE OF CRIMINAL JUSTICE

■ AWARD

Services (other than human services)

IMMIGRANT DEFENSE PROJECT - Required Method (including Preferred Source) - PIN# 00221R0001001 - AMT: \$1,654,260.00 - TO: Fund for the City of New York Inc., 121 Avenue of the Americas, 6th Floor, New York, NY 10013.

The Immigrant Defense Project will provide immigration legal assistance and trainings to improve the quality of mandated criminal and family indigent defense representation afforded to noncitizen clients in New York City.

◀ s22

PARKS AND RECREATION

REVENUE AND CONCESSIONS

■ SOLICITATION

Services (other than human services)

FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF BICYCLE RENTALS AND OTHER RECREATIONAL EQUIPMENT RENTALS ON STATEN ISLAND - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# R46-BR-2021 - Due 10-21-21 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks"), is issuing, as of the date of this notice, a non-significant Request for Proposals ("RFP") proposals, for the development, operation and maintenance of bicycle rentals and other recreational equipment rentals, at various locations, on Staten Island, with the option for future Staten Island locations.

There will be a recommended remote proposer meeting, on Friday, October 1, 2021, at 1:00 P.M. If you are considering responding to this RFP, please make every effort to attend this recommended remote proposer meeting.

The Microsoft Teams link for the remote proposer meeting is as follows:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_Y2ZhMjFhYTMtMGE4Zi00ODY0LTg4ZWYtZTBIN2ExMDkzZDk3%40thread.v2/0?content=%7b%22id%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22oid%22%3a%22d47d17ec-c5f1-4e53-ad23-fce00df3654%22%7d

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

Dial: +1 646-893-7101 Phone Conference ID: 579 956 151#

Subject to availability and by appointment only, we may set up a meeting at the proposed pre-approved concession site, at the FDR Boardwalk and Sand Lane.

All proposals submitted in response to this RFP, must be submitted no later than Thursday, October 21, 2021, at 3:00 P.M. Hard copies of the RFP can be obtained at no cost, commencing Monday, September 20, 2021 through Thursday, October 21, 2021, by contacting Eric Weiss, Senior Project Manager, at (212) 360-3483, or at, Eric.Weiss@parks.nyc.gov.

The RFP is also available for download, on Monday, September 20, 2021 through Thursday, October 21, 2021, on Parks' website. To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities>, and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

For more information, or if you cannot attend the remote proposer meeting, prospective proposers may contact Eric Weiss, Senior Project Manager, at (212) 360-3483, or at, Eric.Weiss@parks.nyc.gov.

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

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

Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Eric Weiss (212) 360-3483; eric.weiss@parks.nyc.gov

s20-o1

SANITATION

■ AWARD

Services (other than human services)

KATSURA ENVIRONMENTAL LANDSCAPE CORP. RENEWAL #1 - Renewal - PIN# 82719B8201KXLR001 - AMT: \$1,049,333.00 - TO: Katsura Environmental Landscape Corp., 4975 Amboy Road, Staten Island, NY 10312-2325.

Mowing existing grass, weeds, and turf within the Fresh Kills Landfill, Staten Island, NY and Edgemere Landfill, Queens, NY.

← s22

CONTRACT AWARD HEARINGS

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



ENVIRONMENTAL PROTECTION

■ PUBLIC HEARINGS

THIS PUBLIC HEARING HAS BEEN CANCELED

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Department of Environmental Protection via conference call on September 23, 2021 commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed Purchase Order/Contract between the Department of Environmental Protection and Neta Scientific, Inc. located at 4206 Sylon Blvd., Hainesport, NJ 08036 for Agilent Technologies Equipment. The Contract term shall be eight calendar months from the date of the written notice to proceed. The Contract amount shall be \$274,670.58 Location: 59-17 Junction Blvd, Flushing, NY 11373 PIN#2XC00106

The Vendor was selected by MWBE Noncompetitive Small Purchase pursuant to Section 3-08(c)(1)(iv) of the PPP Rules.

In order to access the Public Hearing and testify, please call 1-347-921-5612, Access Code: 778919078# no later than 9:55 A.M. If you need further accommodations, please let us know at least five business days in advance of the Public Hearing via e-mail at noahs@dep.nyc.gov.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by September 15, 2021, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Requests should be made to Mr. Noah Shieh via email at noahs@dep.nyc.gov.

← s22

SPECIAL MATERIALS

CITY PLANNING

■ NOTICE

NOTICE OF COMPLETION OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT

343 Madison Avenue

Project Identification

CEQR No. 21DCP020M
ULURP Nos. C 210369ZSM and
C 210370ZSM
SEQR Classification: Type I

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Contact Person

Stephanie Shellooe, AICP, Deputy Director (212) 720-3328
Environmental Assessment and Review Division
New York City Department of City Planning

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the action described below. The proposal involves an action by the City Planning Commission and Council of the City of New York. Copies of the FEIS are available for public inspection at the office of the undersigned as well as online at <https://www1.nyc.gov/site/planning/applicants/eis-documents.page>. A public hearing on the Draft Environmental Impact Statement (DEIS) for the proposal was held on August 18, 2021, at 10:00 A.M., at the City Planning Commission Hearing Room, Lower Level, 120 Broadway, New York, NY 10271, and accessible remotely in conjunction with the City Planning Commission's Citywide public hearing pursuant to ULURP. Written comments from the public were requested by the Lead Agency through August 30, 2021. The FEIS addresses all substantive comments made on the DEIS during the public hearing and subsequent comment period.

BP 347 Madison Associates, LLC, (BP) and the Metropolitan Transportation Authority (MTA) are seeking from the City Planning Commission (CPC) two Vanderbilt Corridor Subarea special permits, pursuant to Zoning Resolution § 81-633 (Grand Central public realm improvements) and 81-634 (modifications to bulk regulations and mandatory district plan elements), in order to redevelop the property located at 341-347 Madison Avenue (the Project Site).

Located within the Vanderbilt Corridor and Grand Central Core Area of the Special Midtown District's East Midtown Subdistrict, the Project Site is owned by the Metropolitan Transportation Authority (MTA), from whom BP is seeking approval of a net lease on the property. These actions (issuance of the special permits and approval of the net lease) together comprise the Proposed Action, and MTA and BP are referred to, collectively, as the Applicant.

The Proposed Action would facilitate the redevelopment of the Project Site with the Proposed Project, a new, approximately 925,630-gross-square-foot (gsf) commercial office building up to 1,050 feet tall (including the bulkhead), with ground floor retail uses and below-grade space (i.e., mechanical and back-of-house space). The project would provide transportation improvements on-site that create new pedestrian access to, and egress from, the Long Island Rail Road (LIRR) East Side Access (ESA) concourse (the existing connection from 45th Street to the Grand Central Terminal (GCT) Roosevelt Passageway would remain adjacent to the site at 52 Vanderbilt). It would also provide off-site improvements that would improve passenger circulation at the Grand Central – 42nd Street Subway Station, including improvements to passenger connections to the IRT Flushing Line (#7 Train) platform.

The reasonable worst case development scenario (RWCDS) assumes that absent the Proposed Project, in the future No-Action condition, the current buildings would be demolished and a 15 FAR, 477,599 gsf (376,560 zsf) commercial office and retail building would be constructed. The building would contain 6,144 gsf of ground floor retail space, 411,540 gsf of commercial office space above, and 56,848 sf of below-grade and mechanical space. It would also include an easement for possible future ESA circulation, to be built by the MTA. The building would be 472 feet high and 30 stories and feature a tower on a 114-foot-tall podium. The tower would have one set back at 194 feet. The ventilation structure on Lot 25 would remain under existing conditions. For the purpose of the environmental analyses, the No-Action condition represents the future absent the Proposed Action and serves as the baseline by which the future with the proposed project (or With-Action condition) is compared to determine the potential for significant environmental impacts.

The FEIS assesses whether development resulting from the Proposed Actions could result in significant adverse environmental impacts. The FEIS identifies potential significant adverse impacts related to transportation (traffic, transit, and pedestrians).

Transportation: The Proposed Project would result in significant adverse transportation impacts related to traffic (two intersections), transit (one station element), and pedestrians (four pedestrian elements).

The Proposed Project would result in significant adverse traffic impacts at two of the four intersections analyzed (at Madison Avenue and East 44th Street and at Madison Avenue and East 45th Street), including one intersection (at two traffic movements) during the AM and midday peak hours, and two intersections (at three traffic movements) during the PM peak hour. At the intersection of Madison Avenue and East 44th Street, impacts to the northbound right turn movement could not be mitigated during the AM and PM peak hours; these impacts could only be partially mitigated during the AM and PM peak hours and

could be fully mitigated during the midday peak hour. The other intersections with significant adverse impacts could be fully mitigated. Mitigation measures, such as signal timing modifications, parking regulation changes to add additional travel lanes, and lane restriping, are standard traffic capacity improvements that are typically implemented by the New York City Department of Transportation (NYC DOT).

Transit analyses were conducted for the 42nd Street – Grand Central subway station elements (stairways, escalators, fare control areas, and passageways) during the AM and PM commuter peak hours, and identified one significant transit impact for the ES208 escalator (at the west end of the Flushing platform) during the PM peak hour. Although the Proposed Project would include increased circulation capacity on the Flushing line platform through the widening of the U2/U4, U6/U8, and PL9 stairways and construction of two new stairs, impacts to the ES208 escalator would remain unmitigated. This impact could potentially be mitigated by increasing the escalator operating speed from 90 feet per minute to 100 feet per minute. Replacement of the ES208 escalator as part of MTA's Capital Program is expected to be completed by 2025 and would allow for the increase of the escalator operating speed to 100 feet per minute. However, if in future it is determined that there is crowding in the immediate switchback landing as passengers transfer between escalators, then NYCT would have to potentially lower the escalator operating speed back to 90 feet per minute, in which case, the impact would remain unmitigated.

For pedestrian conditions, the Proposed Project would result in significant adverse pedestrian impacts at four pedestrian elements (two crosswalks and two corners) during the AM and midday peak hours, and two pedestrian elements during the PM peak hour (two crosswalks), out of the ten pedestrian elements analyzed. There would be no significant impacts to any sidewalks analyzed in any analysis period. Potential mitigation measures have been identified for the impacted elements during all three peak hours. Potential mitigation measures identified were widening of the east crosswalks at the intersection of Madison Avenue at East 44th and at East 45th Streets, and corner curb extensions at the two impacted corners. Implementation of the pedestrian mitigation measures are within the jurisdiction of NYC DOT.

The FEIS considers two alternatives – a No-Action Alternative, and a No Unmitigated Significant Adverse Impact Alternative. The No-Action Alternative examines future conditions within the Project Area but assumes the absence of the Proposed Actions (i.e., none of the discretionary approvals proposed as part of the Proposed Actions would be adopted). The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the Proposed Project's potential unmitigated significant adverse impacts to transportation could be eliminated.

The project approvals would also include recordation of an (E) designation (E-584) and Restrictive Declaration to codify commitments made related to the environmental review.

Copies of the FEIS may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31st Floor, New York, NY 10271, Stephanie Shelloe, AICP, Deputy Director (212) 720-3328; and on the New York City Department of City Planning's website, located at <https://www1.nyc.gov/site/planning/applicants/env-review/343-madison.page>.

◀ s22

COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT, TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on 10/5/2021, to the person or persons legally entitled an amount as certified, to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	1790	44
3	1790	28
4	1790	46

Acquired in the proceeding entitled: FIFTEENTH AMENDED HARLEM-EAST HARLEM URBAN RENEWAL PLAN (EAST 125TH STREET), STAGES 1 AND 2 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

s21-o4

HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT

Notice Date: September 14, 2021

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
169 Quincy Street, Brooklyn	60/2021	August 19, 2018 to Present
611 West 112 th Street, Manhattan	61/2021	August 19, 2018 to Present
337 West 84 th Street, Manhattan	71/2021	September 1, 2018 to Present
43 Monroe Street, Brooklyn	74/2021	September 1, 2018 to Present

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038**, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277 or (212) 863-8211**.

For the decision on the Certification of No Harassment Final Determination please visit our website at www.hpd.nyc.gov or call 212-863-8266.

PETICIÓN DE COMENTARIO SOBRE UNA SOLICITUD PARA UN CERTIFICACIÓN DE NO ACOSO

Fecha de notificación: September 14, 2021

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad: Dirección:	Solicitud #:	Período de consulta:
169 Quincy Street, Brooklyn	60/2021	August 19, 2018 to Present
611 West 112 th Street, Manhattan	61/2021	August 19, 2018 to Present
337 West 84 th Street, Manhattan	71/2021	September 1, 2018 to Present
43 Monroe Street, Brooklyn	74/2021	September 1, 2018 to Present

Autoridad: SRO, Código Administrativo §27-2093

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un período de tiempo

especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038** por carta con matasellos no mas tarde que **30 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al **(212) 863-5277** o **(212) 863-8211**.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en www.hpd.nyc.gov o llame al **212-863-8266**.

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REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT

Notice Date: September 14, 2021

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
85 North 6 th Street, Brooklyn	73/2021	October 4, 2004 to Present

Authority: Greenpoint-Williamsburg Anti-Harassment Area, Zoning Resolution §§23-013, 93-90

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038**, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277** or **(212) 863-8211**.

For the decision on the Certification of No Harassment Final Determination please visit our website at www.hpd.nyc.gov or call 212-863-8266.

PETICIÓN DE COMENTARIO SOBRE UNA SOLICITUD PARA UN CERTIFICACIÓN DE NO ACOSO

Fecha de notificación: September 14, 2021

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad: Dirección:	Solicitud #:	Período de consulta:
85 North 6 th Street, Brooklyn	73/2021	October 4, 2004 to Present

Autoridad: Greenpoint-Williamsburg Anti-Harassment Area, Código Administrativo Zoning Resolution §§23-013, 93-90

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar

demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038** por carta con matasellos no mas tarde que **30 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al **(212) 863-5277** o **(212) 863-8211**.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en www.hpd.nyc.gov o llame al **212-863-8266**.

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REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT PILOT PROGRAM

Notice Date: September 14, 2021

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
296 Schaefer Street, Brooklyn	75/2021	September 1, 2018 to Present

Authority: Pilot Program Administrative Code §27-2093.1, §28-505.3

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling on the Certification of No Harassment Pilot Program building list, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038**, by letter postmarked not later than 45 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277** or **(212) 863-8211**.

For the decision on the Certification of No Harassment Final Determination please visit our website at www.hpd.nyc.gov or call 212-863-8266.

PETICIÓN DE COMENTARIO SOBRE UNA SOLICITUD PARA UN CERTIFICACIÓN DE NO ACOSO PROGRAMA PILOTO

Fecha de notificación: September 14, 2021

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad: Dirección:	Solicitud #:	Período de consulta:
296 Schaefer Street, Brooklyn	75/2021	September 1, 2018 to Present

Autoridad: PILOT, Código Administrativo §27-2093.1, §28-505.3

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038** por carta con matasellos no

mas tarde que 45 días después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al (212) 863-5277 o (212) 863-8211.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en www.hpd.nyc.gov o llame al 212-863-8266.

s14-22

CHANGES IN PERSONNEL

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 07/09/21

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

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Parks & Recreation.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Parks & Recreation.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Parks & Recreation.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Parks & Recreation.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Parks & Recreation.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like DONOVAN HUDGINS, DOUGBY, DRAPALA, etc.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like GIARRUSSO, GIBBS, GIBBS, etc.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like JENKINS, JIMENEZ III, JIMENEZ JR, etc.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like JOHNSON, JOHNSON, JOHNSON, etc.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like MARTINEZ, MARTINEZ, MARTIR, etc.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees and their details for the Department of Parks & Recreation.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Continuation of employee list for the Department of Parks & Recreation.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees for the Department of Parks & Recreation.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Continuation of employee list for the Department of Parks & Recreation.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Continuation of employee list for the Department of Parks & Recreation.

DEPT. OF DESIGN & CONSTRUCTION
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees for the Department of Design & Construction.