



THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD
U.S.P.S. 0114-660

Printed on paper containing
40% post-consumer material

VOLUME CXXXVII NUMBER 239

WEDNESDAY, DECEMBER 15, 2010

PRICE \$4.00

TABLE OF CONTENTS

PUBLIC HEARINGS & MEETINGS

| | |
|--------------------------------|-------|
| Bronx Borough President | .3493 |
| City Planning Commission | .3493 |
| Community Boards | .3493 |
| Loft Board | .3494 |
| Office of the Mayor | .3494 |
| Board of Standards and Appeals | .3494 |
| Transportation | .3495 |
| Voter Assistance Commission | .3495 |

PROPERTY DISPOSITION

| | |
|----------------------------------|-------|
| Citywide Administrative Services | .3495 |
| Municipal Supply Services | .3495 |
| Sale by Auction | .3495 |
| Sale by Sealed Bid | .3495 |
| Police | .3495 |

PROCUREMENT

| | |
|----------------------------------|-------|
| City University | .3495 |
| Citywide Administrative Services | .3496 |
| Municipal Supply Services | .3496 |
| Vendor Lists | .3496 |

| | |
|-------------------------------------|-------|
| Comptroller | .3496 |
| Audit | .3496 |
| Education | .3496 |
| Contracts and Purchasing | .3496 |
| Environmental Protection | .3496 |
| Health and Hospitals Corporation | .3496 |
| Health and Mental Hygiene | .3496 |
| Agency Chief Contracting Officer | .3496 |
| Homeless Services | .3497 |
| Office of Contracts and Procurement | .3497 |
| Housing Authority | .3497 |

| | |
|-------------------------|-------|
| Juvenile Justice | .3497 |
| Parks and Recreation | .3497 |
| Contract Administration | .3497 |

AGENCY PUBLIC HEARINGS

| | |
|----------------------|-------|
| Aging | .3497 |
| Parks and Recreation | .3497 |

AGENCY RULES

| | |
|------------|-------|
| Loft Board | .3497 |
|------------|-------|

SPECIAL MATERIALS

| | |
|--------------------------------------|-------|
| City Planning | .3502 |
| Health and Mental Hygiene | .3503 |
| Housing Preservation and Development | 3503 |

| | |
|---------------|-------|
| READERS GUIDE | .3504 |
|---------------|-------|

THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

Published Monday through Friday, except legal holidays by the Department of Citywide Administrative Services of the City of New York under Authority of Section 1066 of the New York City Charter.

Subscription—\$500 a year; daily, \$4.00 a copy (\$5.00 by mail) Periodicals Postage Paid at New York, N.Y.
POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, Room 2208, New York, N.Y. 10007 - 1602

Editorial Office
1 Centre Street, Room 2208
New York N.Y. 10007-1602
Telephone (212) 669-8252

Subscription Changes/Information
1 Centre Street, Room 2208
New York N.Y. 10007-1602
Telephone (212) 669-8252

The City of New York Home Page
provides Internet access via the WORLD
WIDE WEB to solicitations and awards
<http://www.nyc.gov/cityrecord>

PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BRONX BOROUGH PRESIDENT

■ PUBLIC HEARING

A PUBLIC HEARING IS BEING CALLED by the President of the Borough of the Bronx, Honorable Ruben Diaz Jr. on Tuesday, December 21, 2010 commencing at 1:00 P.M. (please note later start time) in the offices of the Borough President Room 206, 851 Grand Concourse the Bronx, New York 10451 on the following items:

CD #3-ULURP APPLICATION NO: C 110114 HUX - IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the second amendment to the Melrose Commons Urban Renewal Plan for the Melrose Commons Urban Renewal Area, Borough of the Bronx, Community District 3.

CD #3-ULURP APPLICATION NO: C 110115 ZMX - IN THE MATTER OF AN application submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

- changing from an R7-2 District to an R7A District property bounded by East 163rd Street, a line 100 feet northwesterly of Melrose Avenue, East 162nd Street, and Courtlandt Avenue;
- changing from an R7-2 District to an R8 District property bounded by East 163rd Street, Melrose Avenue, East 162nd Street, and a line 100 feet northwesterly of Melrose Avenue; and
- establishing within the proposed R8 District a C1-4 District bounded by East 163rd Street, Melrose Avenue, East 162nd Street, and a line 100 feet northwesterly of Melrose Avenue;

Borough of the Bronx, Community District 3, as shown on a diagram (for illustrative purpose only) dated October 25, 2010.

CD #5 - ULURP APPLICATION NO: C 110091 HAX - IN THE MATTER OF AN application submitted by the NYC Department of Housing Preservation and Development (HPD):

Pursuant to Article 16 of the General Municipal Law of New York State for:

- a) the designation of property located at

2311 Tiebout Avenue (Block 3146, Lot 67) 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 selected by HPD;

To facilitate development of a 7-story building with approximately 20 dwelling units.

CD #6 - ULURP APPLICATION NO: C 110100 ZSX - IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681(a)(2) of the Zoning Resolution to allow that portion of the right-of-way or yard where a railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development on property located at 1175 East Tremont Avenue a.k.a. 1160 Lebanon Street (Site A, Block 4007, Lot 15), in an M1-1 District, Borough of the Bronx, Community District 6.

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

CD #6 - ULURP APPLICATION NO: C 110101 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 properties located at 1157-1167 East 178th Street a.k.a. 1172 East Tremont Avenue (Site B, Block 3909, Lot 8 and 1160 Lebanon Street a.k.a. 1175 East Tremont Avenue (Site A, Block 4007, Lot 15) 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 selected by HPD;

To facilitate development of three mixed use building with a total of approximately 141 dwelling units.

CD #6-ULURP APPLICATION NO: C 110103 ZSX- IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 (a)(2) of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area for a proposed mixed-use development on property located at 1157-1167 East 178th

Street a.k.a. 1172 East Tremont Avenue (Site B, Block 3909, Lot 8) in an M1-1 District, Borough of the Bronx, Community District 6.

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

ANYONE WISHING TO SPEAK AT THIS PUBLIC HEARING MAY REGISTER AT THE HEARING. PLEASE DIRECT ANY QUESTIONS CONCERNING THESE MATTERS TO THE BRONX BOROUGH PRESIDENT'S OFFICE 718-590-6124

d14-20

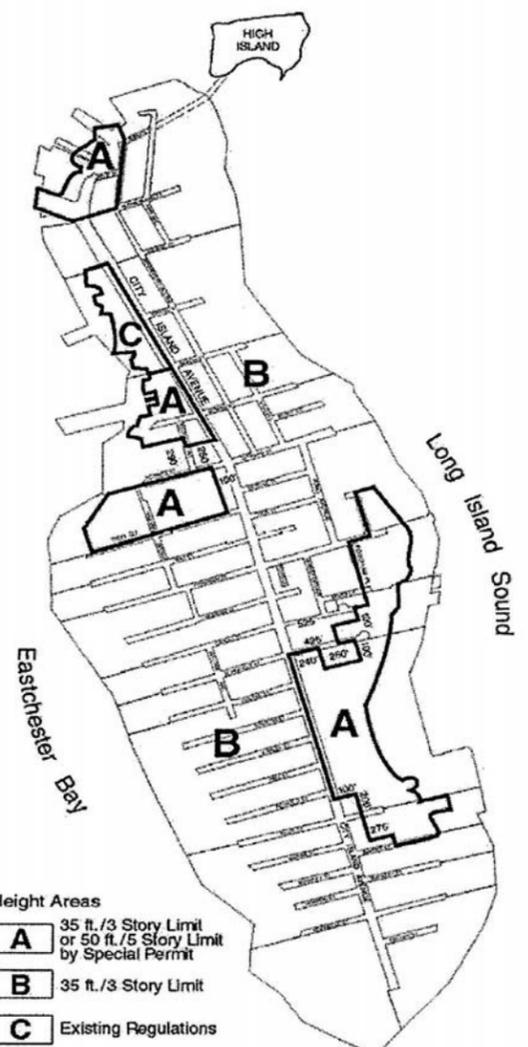
CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, December 15, 2010 at 10:00 A.M.

BOROUGH OF THE BRONX No. 1 SEA BREEZE ESTATES

CD 10 N 070384 ZRX
IN THE MATTER OF an application submitted by G.B.G. Inc pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 2 (Special City Island District), Appendix A (Special City Island District – Height Areas).



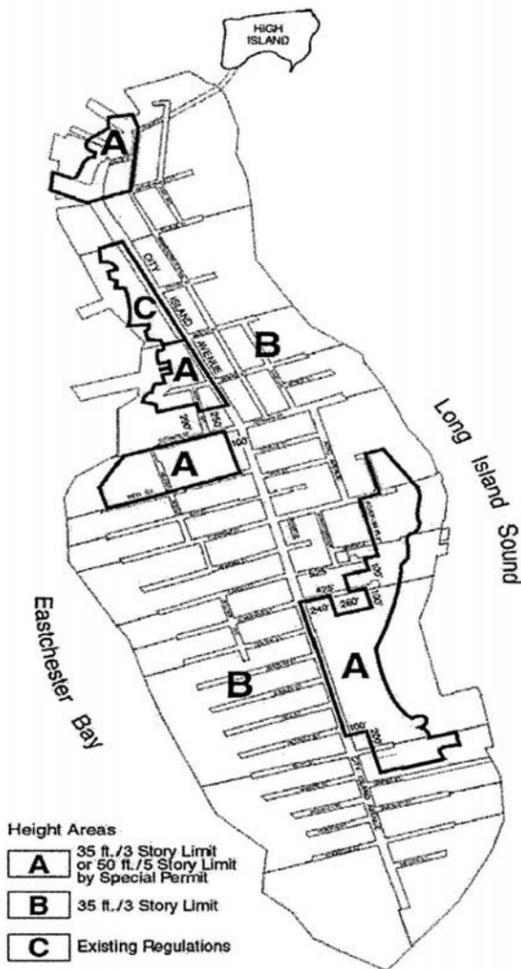
Height Areas

A 35 ft./3 Story Limit or 50 ft./5 Story Limit by Special Permit

B 35 ft./3 Story Limit

C Existing Regulations

To be deleted:



To be added

BOROUGH OF MANHATTAN
No. 2
1182 BROADWAY

CD 5 **C 080361 ZSM**

IN THE MATTER an application submitted by Mocal Enterprises, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Sections 15-021(c), 42-133(a) and 42-00 to allow residential use (Use Group 2) on the 6th - 16th floors and penthouse of an existing 16-story and penthouse building on property located at 1182 Broadway (Block 830, Lot 26), in an M1-6 District, within the Madison Square North Historic District.

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

BOROUGH OF QUEENS
No. 3
36TH STREET

CD 1 **C 100468 MMQ**

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation and the Department of Citywide Administrative Services, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 36th Street between 35th Avenue and 34th Avenue; and
- the delineation of a sewer corridor,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5012, dated September 17, 2010 and signed by the Borough President.

CITYWIDE
No. 4

KEY TERMS TEXT AMENDMENT

CITY WIDE **N 110090 ZRY**

IN THE MATTER OF an application 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, pertaining to the clarification of key terms including development and "building" and the clarification of other regulations throughout the Zoning Resolution.

The proposed text amendment may be seen at the City Planning web site: (www.nyc.gov/planning).

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

d2-15

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 03 - Tuesday, December 21, 2010, 6:30 P.M., Public School 20, 166 Essex Street (E. Houston and Stanton Sts.), New York, NY

#110140HAM

Application for UDAAP designation and project approval, related disposition of city-owned property, to facilitate the construction of a new 12-story mixed-use building with approximately 16 residential units.

#110141PQM

Acquisition of property to facilitate the proposed new construction.

#110165ZRM

Amendment to the Zoning Resolution, Section 23-962, to enable the proposed new building to be constructed on property which is currently city-owned.

#110124ZCM

Certification, pursuant to Zoning Resolution Section 95-04, as to whether a transit easement volume is required.

d15-21

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 18 - Wednesday, December 15, 2010, 8:00 P.M., Kings Plaza Community Room, Flatbush Ave. and Avenue V, Brooklyn, NY

An application by YAI National Institute for People with Disabilities, 460 West 34th Street, under the auspices of the New York State Office for People with Developmental Disabilities (OPWDD). To establish a residence for six (6) individuals with intellectual disabilities, 1681 East 52nd Street, between Avenues N and O.

N 100405ECK

Premises: Karabinis Diner Corp., d/b/a Oasis Diner/3132 Flatbush Avenue

A public hearing pursuant to Section 366-A(c) of the New York City Charter, of the grant of a revocable consent to construct and operate a sidewalk cafe with 15 tables and 46 seats.

d9-15

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 05 - Wednesday, December 15, 2010 at 7:00 P.M., Christ the King High School (Cafeteria), 68-02 Metropolitan Avenue, Middle Village, NY

N# 100330ECQ

IN THE MATTER OF an application from the Pollos Mario Woodhaven Corp., doing business as Pollos Mario, for review pursuant to Section 366-a(c) of the New York City Charter, of the grant of a renewal of a revocable consent to operate an enclosed sidewalk cafe with 10 tables and 40 seats at 63-20 Woodhaven Boulevard, Queens.

d9-15

LOFT BOARD

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN PURSUANT TO ARTICLE 7 OF THE PUBLIC OFFICERS LAW that the New York City Loft Board will have its monthly Board meeting and a public hearing on the amendments to Sections 2-05 and 2-08 to comport with Multiple Dwelling Law 281(5) on **Thursday, January 20, 2011. The meeting will be held at 2:00 P.M. at Spector Hall, 22 Reade Street, 1st Floor.** The proposed agenda will include cases and general business.

The general public is invited to attend and observe the proceedings. Written comments regarding the proposed amended rules may be sent to the New York City Loft Board at 100 Gold Street, 2nd Floor, New York, NY 10038 to the attention of Ms. Alexander on or before January 14, 2011. Persons seeking to testify are requested to notify Ms. Alexander at 100 Gold Street, 2nd Floor, New York, NY 10038 or by telephone at (212) 566-5663.

d15-17

OFFICE OF THE MAYOR

■ PUBLIC HEARINGS

NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAWS

PURSUANT TO STATUTORY REQUIREMENT, NOTICE IS HEREBY GIVEN that proposed local laws numbered and titled hereinafter have been passed by the Council and that a public hearing on such proposed local laws will be held in the Blue Room at City Hall, Borough of Manhattan, New York City, on **Monday, December 20, 2010 at 12:00 P.M.:**

Int-257-A - in relation to unlawful sidewalk ATM's.

Int-343-A - in relation to amending the New York city energy conservation code.

Int-396-A - in relation to the powers and duties of the commission on human rights.

Int-428-A - in relation to the naming of 67 thoroughfares and public places...

Michael R. Bloomberg
Mayor

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of City Legislative Affairs, 253 Broadway, 14th Floor, New York, NY 10007, (212) 788-3678, no later than five business days prior to the public hearing.

d15

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARINGS

JANUARY 11, 2011, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 11, 2011, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1095-64-BZ

APPLICANT - Garo Gumusvan, R.A., for 605 Apartment Corporation, owner; Park & 65 Garage Corporation, lessee. SUBJECT - Application August 31, 2010 - Extension of Term permitting the use of no more than 20 unused and surplus tenant parking spaces, within an accessory garage, for transient parking granted by the Board pursuant to §60 (3) of the Multiple Dwelling Law (MDL) which is set to expire on March 9, 1980. R8B & R-10 zoning district. PREMISES AFFECTED - 605 Park Avenue, south east corner of Park Avenue and East 65th Street, Block 1399, Lot 74, Borough of Manhattan.
COMMUNITY BOARD #4M

433-65-BZ

APPLICANT - Andrea Claire/Peter Hirshman, for 15 West 72 Owner Corporation, owner; Mafair Garage Corporation, lessee. SUBJECT - Application July 22, 2010 - Extension of Term for transient parking in an accessory parking garage of a multiple dwelling building which expired on June 22, 2010. R8B/R10A zoning district. PREMISES AFFECTED - 15 West 72nd Street, 200'-2½ west of Central Park West 72nd Street, Block 1125, Lot 24, Borough of Manhattan.
COMMUNITY BOARD #7M

749-65-BZ

APPLICANT - Sheldon Lobel, P.C., for Henry Koch, owner. SUBJECT - Application October 14, 2010 - Extension of Term of a previously granted Variance (§72-21) for the continued operation of a UG16 Gasoline Service Station (Getty) with accessory uses which expired on November 3, 2010; Extension of Time to obtain a Certificate of Occupancy which expired on December 19, 2002; Waiver of the Rules. R3X zoning district. PREMISES AFFECTED - 1820 Richmond Road, southeast corner of Richmond Road and Stobe Avenue, Block 3552, Lot 39, Borough of Staten Island.
COMMUNITY BOARD #2SI

119-07-BZ

APPLICANT - Sheldon Lobel, P.C., for SCO Family of Services, owner. SUBJECT - Application November 15, 2010 - Extension of Time to obtain a Certificate of Occupancy of a previously granted Variance (§72-21) permitting a (UG4A) four-story community facility building which expires on January 27, 2011. M1-2 zoning district. PREMISES AFFECTED - 443 39th Street, rectangular mid-block lot with 35' of frontage on the north side of 39th Street, 275' west of 5th Avenue, Block 705, Lot 59, Borough of Brooklyn.
COMMUNITY BOARD #7BK

238-07-BZII

APPLICANT - Goldman Harris LLC, for OCA Long Island City LLC; OCAII & III c/o O'Connor Capital, owner. SUBJECT - Application July 1, 2010 - In-Part Legalization for an Amendment of minor modification of a previously approved Variance (§72-21) to allow the Mixed Use Building or the Dormitory Building to be constructed and occupied prior to the construction and occupancy of the other building. M-4/R6A (LIC) and M1-4 zoning districts. PREMISES AFFECTED - 5-11 47th Avenue, 46th Road at north, 47th Avenue at south, 5th Avenue at west, Vernon Boulevard at east. Block 28, Lot 12, 15, 17, 18, 21, 38. Borough of Queens.
COMMUNITY BOARD #2Q

APPEALS CALENDAR

216-10-A

APPLICANT - Kramer Levin Naftalis & Frankel LLP, for 1466 Broadway LP c/o Highgate Holdings, Incorporated, owner. SUBJECT - Application November 12, 2010 - Appeal filed pursuant to Section 310(2) of the Multiple Dwelling Law seeking a variance of the court requirements under Section 26 of the Multiple Dwelling Law. C6-7 Zoning District. PREMISES AFFECTED - 1466 Broadway, southeast corner of Broadway and West 42nd Street, Block 994, Lot 54, Borough of Manhattan.
COMMUNITY BOARD #5M

JANUARY 11, 2011, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 11, 2011, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

31-10-BZ

APPLICANT - Eric Palatnik, P.C., for 85-15 Queens Realty, LLC, owner. SUBJECT - Application March 16, 2010 - Variance (§72-21) to allow for a commercial building, contrary to use (§22-00), lot coverage (§23-141), front yard (§23-45), side yard (§23-464), rear yard (§33-283), height (§23-631) and location of uses within a building (§32-431) regulations. C1-2/R6, C2-3/R6, C1-2/R7A, R5 zoning districts. PREMISES AFFECTED - 85-15 Queens Boulevard aka 51-35 Reeder Street, north side of Queens Boulevard, between Broadway and Reeder Street, Block 1549, Lot 28, 41, Borough of Queens.
COMMUNITY BOARD #4Q

127-10-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Aleksandr Goldshmidt and Inna Goldshmidt, owners.

SUBJECT – Application July 12, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space, lot coverage (§23-141), exceeds the maximum perimeter wall height (§23-631) and less than the required rear yard (§23-47). R3-1 zoning district.
PREMISES AFFECTED – 45 Coleridge Street, east side of Coleridge Street, between Shore Boulevard and Hampton Avenue, Block 8729, Lot 65, Borough of Brooklyn.
COMMUNITY BOARD #15BK

173-10-BZ
APPLICANT – Nasir J. Khanzada, for Olympia Properties, LLC., owner.
SUBJECT – Application August 26, 2010 – Special Permit (§73-30) to legalize the operation of a physical culture establishment (*Olympia Spa*) located in a C2-4/R6B zoning district.
PREMISES AFFECTED – 65-06 Fresh Pond Road, west side of Fresh Pond Road, 45.89’ south of corner of Linden Street and Fresh Pond Road, Block 3526, Lot 67, Borough of Queens.
COMMUNITY BOARD #5Q

Jeff Mulligan, Executive Director

☛ d15-16

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, December 22, 2010. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 122 Washington Place LLC to continue to maintain and use a stoop on the north sidewalk of Washington Place, east of Barrow, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

For the period from July 1, 2010 to June 30, 2020 - \$25/annum

the maintenance of a security deposit in the sum of \$1,200 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing Farid Jaber to maintain and use a fenced-in planted area on the south sidewalk of Jewel Avenue, east of 112th Street and on the east sidewalk of 112th Street, south of Jewel Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021 and provides among other terms and condition for compensation payable to the city according to the following schedule:

For the period from the date of Approval by the Mayor to June 30, 2021 - \$936/annum.

the maintenance of a security deposit in the sum of \$10,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing 346 West 17th Street, LLC to construct, maintain and use a snowmelt system, under the north sidewalk of West 16th Street, east of Ninth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021 and provides among other terms and conditions for compensation payable to the following schedule:

From the date of Approval by the Mayor to June 30, 2011 - \$8,823/annum

For the period July 1, 2011 to June 30, 2012 - \$ 9,093
 For the period July 1, 2012 to June 30, 2013 - \$ 9,363
 For the period July 1, 2013 to June 30, 2014 - \$ 9,633
 For the period July 1, 2014 to June 30, 2015 - \$ 9,903
 For the period July 1, 2015 to June 30, 2016 - \$10,173
 For the period July 1, 2016 to June 30, 2017 - \$10,443
 For the period July 1, 2017 to June 30, 2018 - \$10,713
 For the period July 1, 2018 to June 30, 2019 - \$10,983
 For the period July 1, 2019 to June 30, 2020 - \$11,253
 For the period July 1, 2020 to June 30, 2021 - \$11,523

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

#4 In the matter of a proposed revocable consent authorizing Roswell Avenue Homeowners Association, Inc. to construct, maintain and use a force main, together with a manhole, under, across and along the roadway of Melvin Avenue, northeasterly of Wild Avenue, in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021 and provides among other terms and condition for compensation payable to the city according to the following schedule:

From the date of Approval by the Mayor to June 30, 2011 - \$5,942 /annum

For the period July 1, 2011 to June 30, 2012 - \$6,124
 For the period July 1, 2012 to June 30, 2013 - \$6,306
 For the period July 1, 2013 to June 30, 2014 - \$6,488
 For the period July 1, 2014 to June 30, 2015 - \$6,670
 For the period July 1, 2015 to June 30, 2016 - \$6,852
 For the period July 1, 2016 to June 30, 2017 - \$7,034
 For the period July 1, 2017 to June 30, 2018 - \$7,216
 For the period July 1, 2018 to June 30, 2019 - \$7,398
 For the period July 1, 2019 to June 30, 2020 - \$7,580
 For the period July 1, 2020 to June 30, 2021 - \$7,762

the maintenance of a security deposit in the sum of \$10,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing Central Park Properties, LLC to construct, maintain and use a fenced-in planted areas and a trash enclosure on the north sidewalk of West 85th Street, between Amsterdam and Columbus Avenues, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date to June 30, 2021 and provide among other terms and conditions for compensation payable to the city according to the following schedule:

For the period from the date of Approval by the Mayor to June 30, 2021 - \$100/annum.

the maintenance of a security deposit in the sum of \$1,500 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#6 In the matter of a proposed revocable consent authorizing United Jewish Appeal-Federation of Jewish Philanthropies of New York, Inc. to construct, maintain and use security bollards and a subsurface security wall on and under the south sidewalk of East 59th Street between Park Avenue and Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2021.

There shall be no compensation required for this revocable consent.

the maintenance of a security deposit in the sum of \$20,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

d1-22

VOTER ASSISTANCE COMMISSION

■ PUBLIC HEARINGS

VAC Annual Public Hearing hosted at: Mayor’s Office of Cultural Affairs, Thursday, December 16, 2010, 4:30 P.M. at 31 Chambers Street, 2nd Floor, Room 209.

d10-16

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

■ SALE BY AUCTION

PUBLIC AUCTION SALE NUMBER 11001-K

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, January 5, 2011 (SALE NUMBER 11001-K). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

http://www.nyc.gov/autoauction
 or
 http://www.nyc.gov/autoauctions

Terms and Conditions of Sale can also be viewed at this site.

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

d8-j5

■ SALE BY SEALED BID

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

S.P.#: 11014 **DUE:** December 21, 2010

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007.
 For sales proposal, contact Gladys Genoves-McCauley (718) 417-2156.

d8-21

POLICE

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

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

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

INQUIRIES

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

FOR MOTOR VEHICLES

(All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

PROCUREMENT

“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.”

CITY UNIVERSITY

■ SOLICITATIONS

Goods

LENS EDGER AND TRACER BLOCKER EQUIPMENT

– Sole Source – Available only from a single source - PIN# 041004121006 – DUE 12-28-10 AT 3:00 P.M. – New York City College of Technology will be entering into a purchase order contract with Gerber Coburn Optical, Inc. for the purchase of a Mr. Blue Tracer/Blocker and Mr. Blue Edger. These equipment facilitates automatic and manual binocular tracing of lenses, automatic and manual centering, drilling, milling, beveling and grooving of high base optical lenses. This notice is not an invitation for competition or interest, but is intended to meet the requirement to give public notice of a Soles Source purchase. This is as per New York State Finance Law, Section 163 which authorizes Sole Source purchases without a formal competitive process in certain circumstances.

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.
 New York City College of Technology, 11th Fl., 25 Chapel St., Brooklyn, NY 11201. Paula Morant (718) 473-8960, fax: (718) 473-8997, pmorant@citytech.cuny.edu

d14-20

NOBEL PROCERA CAD/CAM RESTORATIVE DENTISTRY SYSTEM

– Sole Source – Available only from a single source - PIN# 041004121005 – DUE 12-27-10 AT 3:00 P.M. – New York City College of Technology will be entering into a purchase order contract with Nobel Biocare USA, LLC for the purchase of a NobelProcera CAD/CAM System. NobelProcera CAD/CAM System facilitates design of a full range of prosthetics, from highly esthetic crowns and bridges to complex implant related restorations. This system adds a new level of efficiency, precision and cost-effectiveness to dental laboratories. This notice is not an invitation for competition or interest, but is intended to meet the requirement to give public notice of a Sole Source purchase without a formal competitive process in certain circumstances.

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.
 New York City College of Technology, 11th Fl., 25 Chapel St., Brooklyn, NY 11201. Paula Morant (718) 473-8960, fax: (718) 473-8997, pmorant@citytech.cuny.edu

d13-17

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

■ VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION

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

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

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

COMPTROLLER

AUDIT

■ VENDOR LISTS

Services (Other Than Human Services)

PREQUALIFIED LIST - CPA FIRMS – NOTICE OF INVITATION TO APPLY FOR PREQUALIFIED LIST - CPA FIRMS

The New York City Office of Comptroller maintains a LIST OF PREQUALIFIED CPA FIRMS to provide auditing services and other services to City agencies. Agencies are required to solicit external CPA audit services from firms on this list.

In order to be considered for placement on the List, firms must:

1. Be registered with the New York State Education Department to practice in the State of New York, under the firm's current organizational status.
2. Have had a System peer review of the firm's auditing practice within the last 3 years, in accordance with AICPA Standards, and received an unmodified opinion.
3. Submit completed City Vendex Vendor and Principal Questionnaires to both the Comptroller's Office and Mayor's Office of Contract Services.

Applications to be considered for placement on the List may be downloaded from the New York City Office of the Comptroller's website at <http://www.comptroller.nyc.gov/bureaus/audit/cpaquestionnaire.shtm> (Application for the CPA List). You may also contact Mr. Dennis J. Hochbaum, Director Quality Assurance, at (212) 669-8887, or write to his attention at: The City of New York, Office of the Comptroller Bureau of Audit, One Centre Street, Room 1100 North, New York, NY 10007.

PPB Rule Section 3-10 (E)(K)

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.
Comptroller's Office, 1 Centre Street, Room 1100N New York, NY 10007. Dennis Hochbaum (212) 669-8887 fax: (212) 669-8652, DHochba@comptroller.nyc.gov

d13-17

EDUCATION

CONTRACTS AND PURCHASING

■ SOLICITATIONS

Goods

INSTRUCTIONAL LEARNING MATERIALS – Competitive Sealed Bids – PIN# B1403040 – DUE 01-04-11 AT 4:00 P.M. – This is a bid requesting unit prices for specific Instructional Learning Materials, as well as Percentage (percent) Discount Off the Manufacturers List Price or a Percentage (percent) increase over the Confidential Dealer Cost Price for all other items in the Manufacturer's catalog. If you cannot download this bid, please send an e-mail to VendorHotline@schools.nyc.gov with the bid number and title in the subject line of your e-mail. For all questions related to this bid, please send an e-mail to cgallagher@schools.nyc.gov with the bid number and title in the subject line of your e-mail.

Bid opening: Wednesday, January 5th, 2011 at 11:00 A.M.

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

Department of Education, 65 Court Street, Room 1201 Brooklyn, NY 11201. Vendor Hotline (718) 935-2300 vendorhotline@schools.nyc.gov

d15

Services (Other Than Human Services)

LEARNING-TO-WORK PROGRAMS FOR YOUNG ADULT BOROUGHS CENTERS, TRANSFER SCHOOLS, NEW PATHWAYS SCHOOLS AND GED PROGRAMS – Competitive Sealed Bids – PIN# R0878040 – DUE 01-11-11 AT 1:00 P.M. – The New York City Department of Education (NYCDOE) is seeking proposals from experienced organizations eligible to provide specialized support services to students who are over-age and under-credited in our secondary schools. The purpose is to provide direct services to students who need additional support in order to successfully complete appropriate academic requirements, as well as assisting the students in the development of career readiness skills and planning for post-secondary experiences. If you cannot download this RFP, please send an e-mail to VendorHotline@schools.nyc.gov with the RFP number and title in the subject. For all questions related to this RFP, please send an e-mail to [sstamo@schools.nyc.gov](mailto:ssstamo@schools.nyc.gov) with the RFP number and title in the subject line of your e-mail.

A pre-proposal conference will be held on December 17th, 2010, at 1:00 P.M., located at Brooklyn Borough Hall, 209 Joralemon Street, Courtroom, Brooklyn, NY 11201.

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

Department of Education, 65 Court Street, Room 1201 Brooklyn, NY 11201. Stephen Stamo (718) 935-2300 vendorhotline@schools.nyc.gov

d15

■ INTENT TO AWARD

Goods

TURBINE MINI LAB SYSTEM FOR AVIATION HIGH SCHOOL – Other – PIN# B1810040 – DUE 12-29-10 AT 3:00 P.M. – The Department of Education intends to enter into a sole source goods procurement with Turbine Technologies, LTD for a Turbine Mini Lab System. This system offers experimental and teaching opportunities for thermodynamic related courses and research. This Mini Lab system will enable aviation students to study the macroscopic variables of jet engines. Should you be able to provide these products please respond in writing via: email to: nlabetti@schools.nyc.gov by Wednesday, December 29th, 2010.

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

Department of Education, 65 Court Street, Room 1201 Brooklyn, NY 11201. Nick Labetti (718) 935-2300 nlabetti@schools.nyc.gov

d10-16

ENVIRONMENTAL PROTECTION

■ SOLICITATIONS

Construction / Construction Services

RECONSTRUCTION OF PLANT OUTFALL AT CONEY ISLAND WPCP, BROOKLYN – Competitive Sealed Bids – PIN# 82611WP01205 – DUE 01-18-11 AT 11:30 A.M. – Project No. CI-21. Document Fee: \$100.00. There will be a pre-bid conference on 12/21/10 at the Resident Engineers Building at 10:00 A.M., 2610 Knapp Street, Brooklyn, N.Y. 11235. Stanley Joseph, Project Manager, (718) 595-7800. Please be advised that this contract is subject to the Project Labor Agreement.

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

Department of Environmental Protection 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373. Greg Hall (718) 595-3236, ghall@dep.nyc.gov

d15

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New

York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

■ SOLICITATIONS

Goods

TWO (2) 2010/11 FORD BUSES – Competitive Sealed Bids – PIN# RB11-553255 – DUE 12-28-10 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Kings County Hospital Center, 451 Clarkson Avenue, S.O.B. Room# S218, Brooklyn, NY 11203.
Rup Bhowmick (718) 245-2122, fax: (718) 735-5486, rup.bhowmick@nychhc.org

d15

Construction / Construction Services

RENOVATION OF UTILIZATION MANAGEMENT B-BLDG. – Competitive Sealed Bids – PIN# KCB06/11 – DUE 01-31-11 AT 3:00 P.M. – There will be a pre-bid meeting followed by walk-thru on Thursday, January 6, 2011 at 10:30 A.M. and on Tuesday, January 11, 2011 at 10:30 A.M. in the Facilities Management E-Bldg., Conference Room, E-2236, 2nd Floor, but is not mandatory.

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

Prospective bidders are strongly advised to purchase bid documents prior to attending walk-thru.

Bid security in the form of a bid bond will be required in the amount of 10 percent of the bid price.

The entire bid package must be completed and returned to KCHC, Purchasing Department.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Kings County Hospital Center, 451 Clarkson Avenue, S.O.B. Room# S218, Brooklyn, NY 11203.
Rup Bhowmick (718) 245-2122, fax: (718) 735-5486, rup.bhowmick@nychhc.org

d15

Services (Other Than Human Services)

VARIOUS HEMATOLOGY COAGULATION SUPPLIES

– Competitive Sealed Bids – PIN# 111-11-042 – DUE 12-29-10 AT 2:00 P.M. – Bellevue and Metropolitan Hospital Centers are soliciting bids for one (1) year with the option to renew for two (2) additional one year periods.

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.
Bellevue Hospital Center, Purchasing, 462 First Avenue, Room# 12 East 25, New York, NY 10016.
Claire Joseph (212) 562-2892, fax: (212) 562-4998, claire.joseph@bellevue.nychhc.org

d15

HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATIONS

Human / Client Services

NEW YORK/NY III SUPPORTED HOUSING CONGREGATE

– Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 81608PO076300R0X00-R – DUE 03-22-12 AT 4:00 P.M. – The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York III Supported Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. The RFP is available on-line at <http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynycongregate-20070117-form.shtml>. A pre-proposal conference was held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, N.Y. Any questions regarding this RFP must be sent in writing in advance to Contracting Officer at the above address or fax to (212) 219-5865. All proposals must be hand delivered at the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, NY 10013, no later than March 22, 2012.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Mental Hygiene, 93 Worth Street, Room 812 New York, NY 10013. Huguette Beauport (212) 219-5883 fax: (212) 219-5890, hbeaupor@health.nyc.gov

o1-m21

HOMELESS SERVICES**OFFICE OF CONTRACTS AND PROCUREMENT****SOLICITATIONS***Human/Client Services*

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals – PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

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

Department of Homeless Services, 33 Beaver Street
13th Floor, New York, NY 10004.
Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j6-20

HOUSING AUTHORITY**SOLICITATIONS***Construction/Construction Services*

ELEVATOR REHABILITATION AND MAINTENANCE AND SERVICE FOR TWO (2) ELEVATORS AT DE HOSTOS APARTMENTS – Competitive Sealed Bids – PIN# EV1022816 – DUE 01-06-11 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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

Housing Authority, 90 Church Street, 11th Floor, New York, NY 10007. Gloria Guillo, MPA, CPPO, (212) 306-3121, fax: (212) 306-5151, gloria.guillo@nycha.nyc.gov

d15

JUVENILE JUSTICE**SOLICITATIONS***Human/Client Services*

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals – PIN# 13010DJJ000 – DUE 06-30-11 AT 5:00 P.M. – ACS Division of Youth and Family Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 5:00 P.M. on 6/30/11.

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

Department of Juvenile Justice, 150 William Street, 9th Floor, New York, NY 10038. Patricia Chabla (212) 341-3505, fax: (212) 341-3625, Patricia.chabla@dfa.state.ny.us

d15-j29

PARKS AND RECREATION**CONTRACT ADMINISTRATION****SOLICITATIONS***Construction/Construction Services*

ADAPTIVE OF THE COMFORT STATION AS A LITTLE LEAGUE FACILITY AND PUBLIC RESTROOM – Competitive Sealed Bids –

PIN# 8462011M058C01 – DUE 02-09-11 AT 10:30 A.M. – Located at Mount Morris Park West in Marcus Garvey Park, Manhattan, known as Contract #M058-107MA2.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

“Bidders are hereby advised that this contract is subject to the Project Labor Agreement (“PLA”) covering specified renovation and rehabilitation of City Owned Buildings and Structures entered into between the City and the Building and Construction Trades Council of Greater New York (“BCTC”) affiliated local unions. Please refer to the bid documents for further information.”

A pre-bid meeting is scheduled for Tuesday, January 18, 2011, at 11:00 A.M. at the Olmsted Center, Design Conference Room.

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

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

Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov

d15

AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

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

AGING**PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Wednesday, December 29, 2010 in the Conference Room, 2 Lafayette Street, 4th Floor, Borough of Manhattan commencing at 10:00 A.M. on the following:

IN THE MATTER of five (5) proposed contracts between the Department for the Aging of the City of New York and the Contractors listed below, for the provision of Transportation Services to Seniors. The contract term shall be from July 1, 2010 to March 31, 2012. The contract amounts and the Community Districts in which the programs are located are identified below.

No. Contractor/Address

- ARC XVI Fort Washington, Inc.
4111 Broadway, New York, New York 10033

E-PIN# 12511R0003001 **Amount** \$181,800
Boro/CD Bronx, CDs 1, 2, 3

- Jewish Community Council of Greater Coney Island, Inc.
3001 West 37th Street, Brooklyn, New York 11224

E-PIN# 12511R0003002 **Amount** \$181,800
Boro/CD Brooklyn, CDs 1, 10, 11, 12, 13, 14, 15

- New York Foundation for Senior Citizens, Inc.
11 Park Place, Suite 1416, New York, New York 10007

E-PIN# 12511R0003003 **Amount** \$181,800
Boro/CD Manhattan CDs 1, 2, 3, 4, 5, 7, 8

- Hellenic American Neighborhood Action Committee, Inc.
49 West 45th Street, 4th Floor, New York, New York 10036

E-PIN# 12511R0003004 **Amount** \$181,800
Boro/CD Queens CDs 1, 2, 3, 4, and 7

- Community Agency for Senior Citizens, Inc.
56 Bay Street, Staten Island, New York 10301

E-PIN# 12511R0003005 **Amount** \$181,800
Boro/CD Staten Island CDs All

The proposed contracts are being funded pursuant to Section 1-02 (d) of the Procurement Policy Board Rules.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Betty Lee, Agency Chief Contracting Officer at the Department for the Aging (DFTA), 2 Lafayette St., 4th Floor, NY, NY 10007. If DFTA receives no written request to speak within the prescribed time, DFTA reserves the right not to conduct the Public Hearing.

A draft copy of the proposed contract is available for public inspection at the office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette St., Room 400, New York, New York 10007, on business days, from December 15, 2010 to December 29, 2010, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

d15

PARKS AND RECREATION**PUBLIC HEARINGS****CANCELLATION OF PUBLIC HEARING**

PUBLIC HEARING in the matter of a proposed contract between the City of New York Parks & Recreation (Parks) and Infor Global Solutions (Michigan) Inc., 13560 Morris Road, Suite 4100, Alpharetta, GA 30004, to provide services to: (a) reconfigure the Inspections Module, (b) deploy the educational curriculum, (c) support server performance enhancements, (d) integrate with the City 311 system, (e) create certain custom reports, (f) provide processes for data storeroom management, and (g) deliver ongoing project management services. The contract amount shall be \$614,120.00. The contract term shall be from February 7th, 2011 to February 6th, 2013. PIN#: 84611S0003.

The proposed contractor has been selected by means of a Sole Source Procurement process, pursuant to Section 3-05 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at Parks - Arsenal West, Purchasing & Accounting, 24 West 61st Street, 3rd Floor, New York, NY 10023, from December 3rd, 2010 to December 16th, 2010, excluding Weekends and Holidays, from 9:00 A.M. to 5:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by Parks within 5 business days after publication of this notice. Written requests should be sent to Lisa Tellason, Supervisor of Contracts, 3rd Floor, 24 West 61st Street, New York, NY 10023, or lisa.tellason@parks.nyc.gov. If Parks receives no written requests to speak within the prescribed time, Parks reserves the right not to conduct the

public hearing. In such case, a notice will be published in The City Record canceling the public hearing.

Close the Hearing.

d14-16

AGENCY RULES**LOFT BOARD****NOTICE****NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULES**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor’s Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board intends to amend section 2-05 of Title 29 of the Rules of the City of New York, to be consistent with the amendment to Article 7-C of the Multiple Dwelling Law that went into effect as of June 21, 2010.

Written comments regarding this proposed rule may be sent to the New York City Loft Board, 100 Gold Street, 2nd Floor, New York, New York 10038 on or before January 14, 2011. A public hearing will be held on January 20, 2011 at 22 Reade Street, First Floor, New York, NY, commencing at 2:00 P.M. Persons seeking to testify are requested to notify the Loft Board at the foregoing address or by telephone at (212) 566-5663. Persons who require a sign language interpreter and persons who require a reasonable accommodation for a disability at the hearing are asked to notify the Loft Board by January 14, 2011. Persons may also submit comments on the proposed rule electronically through NYC RULES at www.nyc.gov/nycrules, by January 14, 2011. Written comments and an audiotape of oral comments received at the hearing will be available for public inspection, in a timely manner, between the hours of 10:00 A.M. to 4:00 P.M. at the offices of the Loft Board.

This proposed rule is not listed in the Loft Board’s Regulatory Agenda because it was not anticipated at the time.

Section 2-05 of Title 29 of the Rules of the City of New York is amended to read as follows:

§2-05 Registration.**(a) Definitions.**

Landlord. As used in these rules [regulations], the term “landlord” shall mean the owner of an interim multiple dwelling (“IMD”), the lessee of a whole building, part of which [is an interim multiple dwelling] contains IMD units, or the agent, executor, assignee of rents, receiver, trustee, or other person having direct or indirect control of such a dwelling.

Residential Occupant. As used in these rules [regulations], the term “residential occupant” shall mean an occupant of an IMD [interim multiple dwelling] unit eligible for protection under Article 7-C of the New York State Multiple Dwelling Law (“MDL”).

Agent. As used in § 284(2) of the MDL and these rules, the term “agent” or “managing agent” shall mean the person in control of and responsible for the maintenance and operation of the IMD building, which person shall be an individual, 21 years of age or older and shall reside within the New York City or customarily and regularly attend a business office located in New York City.

(b) Procedure. The following instructions [“Information and Instruction to Owners, Lessees and Agents of Interim Multiple Dwellings”] constitute the procedures for registration of IMD buildings, structures or portions thereof, [Interim Multiple Dwellings] pursuant to MDL § 284(2) [of Article 7-C of the New York State Multiple Dwelling Law]. Applications for registration shall be certified by the landlord in a form prescribed [promulgated] by the Loft Board.

Instructions—Interim Multiple Dwelling Registration Application Form [—Part A].

(1) Print [, using black ink only,] all information in completing the registration application form and return it [. Detach this information and instruction sheet and return copies of the form, when completed] to: [“I.M.D.”] “IMD REGISTRATION”, at the [New York City] Loft Board’s office, together with a check covering the registration and code-compliance monitoring fees, in accordance with subparagraph (3) below.

The initial registration application form must be filed for all buildings, structures, or portions thereof seeking Article 7-C coverage by the certain date listed in § 1-06.1(a) of these rules and on the Loft Board’s website. This date is 6 months after the date the Loft Board adopted all rules necessary to implement the provisions of the chapter of the laws of 2010, which added MDL § 281(5).

Any initial registration application forms filed after the foregoing deadline will not be accepted, notwithstanding that such residential units may otherwise meet the qualifying criteria for an IMD unit pursuant to MDL § 281, unless the landlord is directed to file a registration form pursuant to a Loft Board order finding coverage.

[Registration forms must be filed for all Interim Multiple Dwellings by January 31, 1983 to avoid payment of an initial registration fee.]

The landlord must also serve a copy of the registration application form on ALL occupants including residential, commercial and manufacturing occupants in the building. Service shall be made by regular mail delivered to each occupant at the occupant’s unit; or a different address in accordance with the terms for delivery of the notice in the occupant’s lease. The registration application form must specify which residential units are being registered as IMD units, include the unit designations and location in the building. All occupants seeking additional information

regarding the terms and provisions of Article 7-C of the MDL shall be directed to the Loft Board's website, at www.nyc.gov/loftboard, and to the Loft Board's phone number, as designated on the Loft Board website. Certification of such service shall be attached to the registration application form filed with the Loft Board.

(2) The information requested on the registration application form [and Rider(s) are] is required pursuant to MDL §§ 284(2) and 325 [of the New York State Multiple Dwelling Law], and these rules. Additional information may be required pursuant to rules and regulations which shall be promulgated by the New York City Loft Board.

(3) Pursuant to MDL § 282, the Loft Board may charge and collect reasonable fees. Registration and code compliance monitoring fees shall be payable to the Loft Board in accordance with § 2-11 of these rules. [NO FEE is required if application is filed by January 31, 1983. However, a fee may be imposed if registration forms are filed after January 31, 1983. A renewal registration fee may be established by the Loft Board pursuant to §282 of the Multiple Dwelling Law.]

(4) Completion and submission of a registration [this] application form does not constitute a waiver of the applicant's right to contest before the Loft Board the coverage of the premises described therein as an IMD building under Article 7-C of the MDL [Multiple Dwelling Law as an interim multiple dwelling]. Nor shall the act of filing [of] the registration application form constitute evidence before the Loft Board that the building [the premises] described therein [are an interim multiple dwelling] constitutes an IMD building. Notwithstanding the foregoing, the failure to contest the issuance of an IMD Registration Number within 45 calendar days after such issue date, shall constitute a "waiver" to contest coverage of the units registered, and shall preclude the landlord from contesting such coverage status for purposes of subparagraph (c) below.

In the event the Loft Board or its staff subsequently discovers that a building, structure or portion thereof registered as an IMD does not qualify as an IMD subject to coverage under Article 7-C, in whole or in part, then the Executive Director may revoke such IMD status for the individual unit, or the building in its entirety, as applicable, effective upon notice to the owner and the building occupants listed on the registration application form. Any and all applications by a landlord or building occupant to challenge the denial of a registration application form or the revocation of IMD status of a building or a unit by the Executive Director shall be governed by the terms and provisions of §1-07.1 of these rules.

(5) Any and all applications filed by a landlord or building occupant to contest coverage of a building[s] or individual units under Article 7-C [by owners, lessees or agents] must be received by the Loft Board within [30] 45 calendar days after [of] the issue date of the IMD registration number [or within 30 days after promulgation of coverage regulations by the Loft Board, whichever is later]. Such applications [Applications, by letter in duplicate,] must set forth the extent of coverage being contested and [set forth] the facts and rationale upon which coverage is being contested. [Notice of the filing] A copy of the application must be served on ALL residential, commercial and manufacturing occupants of the building pursuant to § 1-06(b) of these rules and the application [to] filed with the Loft Board must state and include proof that such service has been made. [The notice of application must state that copies of the full application are available for inspection at the Loft Board and that a copy of the full application will be furnished by the landlord upon the written request of an occupant. Until the Loft Board determines otherwise by rule or regulation, service shall be effected in the manner prescribed by Real Property Actions and Proceedings Law §735. Failure of an owner, lessee or agent to contest coverage within 30 days of the issuance of an IMD Registration Number or within 30 days of the promulgation of coverage regulations by the Loft Board, whichever is later, precludes said applicant from contesting coverage.]

[It is the intent of the Loft Board to provide those wishing to contest coverage an opportunity to do so within 30 days after the promulgation of regulations which directly address the issue upon which the coverage dispute or contestation is predicated.] Failure to contest the denial of a registration application form, or the revocation of IMD status of a building or unit within 45 calendar days after the mailing date of the Executive Director's determination, shall preclude any party served with notice from contesting such determination pursuant to § 1-07.1.

(6) [Please be advised that other affected parties] Any occupant in the building may apply for [or contest] coverage under Article 7-C. Such applications shall [should] be filed in accordance with [made following] the procedures set forth in [§2-05(b)(5) above] § 1-06 of these rules, and shall be subject to the terms and provisions of the MDL and these rules, including, without limitation the deadline for filing coverage applications set forth in MDL § 282-a, § 1-06.1, and the Loft Board website [except that notice of filing of the application must be served on the landlord not the occupants].

(7) Registration application[s] forms, if accepted [by the Loft Board], will be effective until such time as determined by the [New York City] Loft Board or its staff.

(8) [A] Registration application[s] forms must be completed in their [its] entirety. Legible copies of: (i) the current lease for each residential unit claimed to be covered under Article 7-C, or, where there is no current lease, the most recent lease agreement, [(including all executed riders, amendments, modifications and extensions)], (ii) the lease that was in effect during the qualifying window period set forth in MDL § 281 for each residential unit claimed to be covered under Article 7-C, and (iii) any lease for a unit engaged in commercial activity in the building on June 21, 2010, [for all residentially occupied units] must be attached [regardless of the commercial, residential or manufacturing nature of the lease]. If no lease exists or existed, the owner must attach a signed statement outlining the most recent lease or rental agreement in effect for such unit - including party names, monthly rent, a description of the premises, use of the premises, and the services provided by the landlord.

For cooperatives, legible copies of [one of] the proprietary lease[s] and of all coversheets for all units, including the units engaged in commercial activity on June 21, 2010, must be attached. If any units are rented, [attach] copies of those subleases or rental agreements must be attached. For condominiums, legible copies of all leases for units that are rented must be attached.

[All personal and confidential information on leases (including all information which could lead to the identification of the premises, landlords and occupants) will not be available under the Freedom of Information Act.]

[An] A registration application form will not be accepted, and an IMD Registration Number will not be [assigned] issued, unless all questions set forth on the registration

application form are answered in full, and all required leases or signed statements are attached. If a particular question or piece of information is inapplicable, [or not available] enter "Not Applicable," or if the information is unavailable, enter "Not Available," and attach a signed statement explaining the reasons such information is inapplicable or unavailable. The content of [an] a registration application form will be reviewed prior to issuance of an IMD Registration Number [acceptance].

In the space provided on the registration application form, an owner must specify which units it seeks to register with the Loft Board for coverage under Article 7-C. Enter the number of residential units occupied for residential purposes by families living independently from one another, the periods of such residential occupancy, and indicate the units' location [and the number of floors] in the building. A "family" is defined in MDL § 4(5), and may consist of a person or persons, regardless of whether they are related by marriage or ancestry. [Enter the number of residentially occupied units on each floor so occupied. Rider A which specifically identifies each of the units in the building must be completed and returned with the application.]

(9) The acceptance of the registration application form in no way legalizes the residential occupancy. If the registration application form is accepted by the Loft Board staff, a copy of the form with the assigned [I.M.D.] IMD Registration Number will be returned to the applicant [you]. That number must be included on all future correspondence regarding the building with the [office] Loft Board. The Loft Board reserves the right to reject, revoke or amend an [I.M.D.] IMD Registration Number for a building. The Loft Board also reserves the right to revoke at any time the Article 7-C coverage for a unit in a building issued an IMD Registration Number.

(10) For each building potentially subject to Article 7-C, the owner, the lessee of the whole building, if applicable, and the agent [or other person having control of the premises] must each sign the [file a separate] registration application form thereby certifying to the truth, accuracy and completeness of the information contained therein. If the building has more than one [is known by other addresses] address, list each address on [them on a separate sheet of paper and attach to] the application form.

If the owner, lessee of the whole building, or agent [or other person] is a corporation, other than a corporation listed as exempt from the provisions of the [Multiple Dwelling Law] MDL § 325, the names, business, and residence addresses and phone numbers of each of its officers must be listed on the form.

Other officers, including treasurer or chief fiscal officer, and stockholders who own or control at least 10 percent of the corporation's stock must be listed on a separate attachment.

If the owner, lessee of the whole building or agent [or other person] is other than an individual or a corporation, the names, business and residential addresses and phone numbers for each general partner or participant in a partnership or joint venture must be listed on a separate attachment.

At least one of the phone numbers entered as part of the registration application [on the] form must be a confidential telephone number where a responsible party can reasonably be expected to be reached 24 hours a day, 7 days a week [at all times] for emergencies. Such number(s) must be within 50 miles radius of New York City limits, and must be indicated on [a separate signed sheet of paper and attached to] the registration application form. Any changes of address shall be sent to the Loft Board within 5 days thereof. Such responsible party shall be twenty-one years or older, and shall reside within New York City or customarily and regularly attend a business office located in New York City.

(11) All [owners, lessees of whole buildings, and agents or other persons having control of the premises] landlords who file a registration application form [for I.M.D. Registration Numbers] agree to provide the minimum housing maintenance standards established [or to be established by the Loft Board] by § 2-04 of these rules, as it may be amended from time to time, to all residentially occupied units covered under Article 7-C of the MDL [for as long as the I.M.D. Registration Number is valid].

(12) [The "managing agent" defined as the person in control of and responsible for the maintenance and operation of the dwelling, must be an individual over 21 years of age with a business office or residence in New York City] Reserved.

(13) An identification sign, in form prescribed by the Loft Board, [containing the building address, the I.M.D. Registration Number assigned by the Loft Board for the purpose of identifying the building and the owner and managing agent] as designated on the Loft Board's website, shall be posted in the lobby of [in] every IMD building [interim multiple dwelling] within five (5) business days after the issuance of the [I.M.D.] IMD Registration Number. Failure to post such sign may subject the landlord to civil penalties of up to \$17,500 per day. [A sample sign with instructions will be sent to you when the IMD Number is issued.] Such identification sign must contain:

- (A) the building address;
- (B) the IMD Registration Number assigned by the Loft Board for the purpose of identifying the building;
- (C) the contact information for the owner and managing agent; and
- (D) the Loft Board's phone number.

(14) If additional space is required to respond to any of the questions set forth on the registration application form, the applicant may attach a signed separate sheet of paper identifying the question(s) [being answered] to complete the response.

(c) *Rent claims.* A [Landlords] landlord of [interim multiple dwellings] a building for which an IMD Registration Number has been issued, shall be [deemed to be compliance with the registration provisions of Article 7-C and shall be] entitled to claim rents becoming due after the date of issuance of the IMD Registration Number, in summary proceedings, pursuant to MDL § 285(1) [of Article 7-C of the Multiple Dwelling Law], provided that such landlords are in compliance with the terms and provisions of Article 7-C and these rules.

Finding that there are a significant number of ongoing disputes between landlords and residential occupants in loft dwellings over payment of past due rents and that Article 7-C did not intend to authorize landlords to recover past due rents from residents occupying premises which may not qualify for coverage under Article 7-C, the Loft Board believes that landlords' right to recover for past due rents pursuant to MDL §285(1) [of the Multiple Dwelling Law] should be stayed until the question of coverage of an IMD has been resolved.

Landlords who waive their right to contest coverage by executing a written waiver in a form acceptable to the Loft Board, fail to contest coverage within 45 calendar days following issuance of an IMD Registration Number or whose coverage dispute has been resolved by a determination that the premises in question are covered by Article 7-C, and who have met the requirements of subdivision (b) of this section shall be deemed in full compliance with the registration provisions of Article 7-C in order to claim past due rent payable from residential occupants pursuant to MDL §285(1)

[of the Multiple Dwelling Law].

(d) *Confidentiality of lease information.* All personal and confidential information contained in leases submitted together with the registration application forms pursuant to this section, [(including all information which could lead to the identification of the premises, landlords, [and] or tenants,)] shall be confidential pursuant to the Freedom of Information Law (Public Officers Law § 84, et. seq.) as amended from time to time [Filed with the City Clerk: August 2, 1983]. Notwithstanding the foregoing, the current owner of the building may have access to such unit's information, and the current occupant of the unit may also have access to such information, as necessary in connection with an application filed with the Loft Board.

(e) *Initial Registration Application Form Filing Deadlines.* Effective July 27, 1987, Article 7-C of the MDL [Multiple Dwelling Law] was amended, in part, to extend coverage to certain residentially occupied buildings, structures or portions thereof that were excluded from the protections of Article 7-C because they did not meet the zoning requirements of MDL §§281(2)(i), (iii) or (iv). Now, pursuant to MDL §281(4), any building, structure or portion thereof which contains units that were residentially occupied on May 1, 1987, since December 1, 1981, that were used for residential purposes since April 1, 1980, is an [interim multiple dwelling] IMD covered by Article 7-C regardless of the zoning requirements of MDL §§281(2)(i), (iii) and/or (iv), if the building otherwise meets the criteria set forth in MDL §281(1) and these rules. MDL §281(1) defines an "interim multiple dwelling" as a building, structure or portion thereof which at any time was occupied for manufacturing, commercial or warehouse purposes; and which on December 1, 1981 was occupied for residential purposes since April 1, 1980 as the residence or home of any three or more families living independently of one another; lacks a certificate of compliance or occupancy pursuant to MDL §301. Pursuant to MDL §281(4), an interim multiple dwelling shall include any building within the City of New York which meets these qualifications, regardless of whether there are currently three or more qualifying units. Thus, a reduction in the number of occupied residential units in a building after December 1, 1981 since April 1, 1980, shall not result in the elimination of the protections of Article 7-C to any remaining residential occupants qualified for such protection whose units were residentially occupied on May 1, 1987 since April 1, 1980.

(1) The provisions of these rules, §2-05, shall be fully applicable to IMD buildings [interim multiple dwellings] or additional covered units, which are subject to coverage under Article 7-C pursuant to MDL §281(4), except as provided below:

(i) Pursuant to MDL § 284(2), all residential units that qualify for coverage under Article 7-C [requires registration of all interim multiple dwellings within sixty days of the date of the enactment. Interim multiple dwellings or additional covered units subject to Article 7-C solely] pursuant to MDL §§ 281(1) or 281(4) were required to [shall] be initially registered on or before August 21, 1982, or September 25, 1987, respectively. The initial registration period for such qualifying units under § 281(4) [ends] ended on June 30, 1988.

Pursuant to MDL § 282-a, all residential units that qualify for coverage under Article 7-C shall file an initial registration application form on or before the date listed in § 1-06.1(a) and on the Loft Board website, which constitutes 6 months after the Loft Board shall have adopted all rules necessary in order to implement the provisions of the chapter of the laws of 2010 which added MDL § 281(5).

Thereafter, renewal of registration pursuant to § 2-11(b)(1)(i)(A) of these rules shall be required annually on July 1st. Prior to the processing of the registration renewal application, the landlord is [owner, lessee of a whole building and the agent are] required to pay all unpaid registration and code compliance monitoring fees for prior registration periods at the rate [then established by the Loft Board] set forth in § 2-11(b)(9)(i) of these rules, as may be amended from time to time. Failure to timely pay such registration and code compliance monitoring fees may result in the imposition of late fees, and other civil penalties, in accordance with the terms and provisions of these rules, including, without limitation, § 2-11(b)(1)(i)(D).

(ii) In addition to the requirements set forth in §2-05(b)(8) of these rules, the landlord shall submit legible copies of all leases (including all executed riders, amendments, modifications and extensions) for residentially occupied units for the period April 1, 1980 through May 1, 1987.]

(f) No applications filed by or on behalf of a landlord of an IMD building [interim multiple dwelling] shall be processed by the Loft Board unless the registration renewal application is current and all applicable fees and penalties have been paid in full, as of [on] the date of filing [of] such application. An application is not deemed filed until payment of all outstanding fees, fines and penalties has been received by the Loft Board.

Statement of Basis and Purpose:

Pursuant to § 282 of Article 7-C of the MDL ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. Effective as of June 21, 2010, the Legislature amended the Loft Law by enacting Chapters 135 and 147 of the Laws of 2010, which, among other things, added §§ 281(5) and 282-a. Section 281(5) expands the window period under which residential units may qualify for coverage as interim multiple dwellings ("IMDs") under the Loft Law. This section also provides certain restrictions that buildings must satisfy in order to qualify for protection under the Loft Law. Section 282-a provides a statute of limitations for the filing of a registration application

The proposed amendments to this rule, which outlines the registration requirements, adds a section that authorizes the Executive Director to rescind or revoke a registration or any part thereof if he or she determines that a unit or building does not qualify as an IMD under the amended Loft Law. It also incorporates the new statute of limitations for registration applications as provided in § 282-a. The proposed amendments also provide that an owner is subject to a civil penalty for failure to post the registration information. Finally, it removes outdated provisions and integrates the changes made over the years into a more cohesive form and changes the service and filing requirements to be consistent with the requirements set forth in §§ 1-06 and 1-07.1, as amended.

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULES

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter that, the New York City Loft Board intends to amend section 2-08 of Title 29 of the Rules of the City of New York, to conform the Loft

Board's rules to the amendments made to Article 7-C of the Multiple Dwelling Law, effective as of June 21, 2010.

Written comments regarding this proposed rule may be sent to the New York City Loft Board, 100 Gold Street, 2nd Floor, New York, New York 10038 on or before January 14, 2011. A public hearing will be held on January 20, 2011 at 22 Reade Street, First Floor, New York, NY, commencing at 2:00 P.M. Persons seeking to testify are requested to notify the Loft Board at the foregoing address or by telephone at (212) 566-5663. Persons who require a sign language interpreter and persons who require a reasonable accommodation for a disability at the hearing are asked to notify the Loft Board by January 14, 2011. Persons may also submit comments on the proposed rule electronically through NYC RULES at www.nyc.gov/nycrules by January 14, 2011. Written comments and an audiotape of oral comments received at the hearing will be available for public inspection, in a timely manner, between the hours of 10:00 A.M. to 4:00 P.M. at the offices of the Loft Board.

This proposed rule is not listed in the Loft Board's Regulatory Agenda because it was not anticipated at the time.

Section 2-08 of Title 29 of the Rules of the City of New York is amended to read as follows:

§2-08 Coverage and Issues of Status.

Registration as an interim multiple dwelling (hereinafter "IMD") with the New York City Loft Board (hereinafter "Loft Board") shall be required when a building, structure or portion thereof meets the criteria for an IMD set forth in §281 of Article 7-C of the Multiple Dwelling Law (hereinafter "MDL") as further delineated in the following [regulations] rules.

(a) Definitions.

1. Building.

(i) As defined in §12-10 of the Zoning Resolution, a building is any structure which:

- (A) is permanently affixed to the land;
- (B) has one or more floors and a roof; and
- (C) is bounded by either open area or the lot lines of a zoning lot

(D) (ii) A building may be a row of structures and have one or more structures on a single zoning lot.
(iii) In deciding whether a structure is a single building, as distinguished from more than one building for purposes of IMD determination, the Loft Board shall employ the definition set forth above and consider *inter alia* the following factors:

- (A) whether the structure is under common ownership;
- (B) whether contiguous portions of the structure within the same zoning lot are separated by individual load-bearing walls, without openings for the full length of their contiguity, as distinguished from non-loadbearing partitions;
- (C) whether the structure has been operated as a single entity, having one or more of the following:
 - (a) a common boiler;
 - (b) a common sprinkler system;
 - (c) internal passageways;
 - (d) common fire escapes; or
 - (d)e other indicia of operation as a single entity.
- (D) whether the owner or a predecessor has at any time represented in applications or other official papers that the structure was a single building;
- (E) whether a single certificate of occupancy has been requested or issued for the structure; and
- (F) the pattern of usage of the building during the applicable qualifying window periods: (i) from April 1, 1980, to December 1, 1981, for buildings seeking coverage under Article 7-C pursuant to MDL § 281(1), (ii) from April 1, 1980 to May 1, 1987, for buildings seeking coverage under Article 7-C pursuant to MDL § 281(4), or (iii) January 1, 2008 to December 31, 2009, for buildings seeking coverage under Article 7-C pursuant to MDL § 281(5).

2. **Grandfathering.** For purposes of these [regulations] rules, "grandfathering" means the administrative process by which a residential unit, located where residential use is not otherwise permitted by the Zoning Resolution, is determined by the agency designated in the Zoning Resolution, to have been residentially occupied on a specified date, and is therefore a legal residential use as of right, eligible for Article 7-C coverage.* Grandfathering may also be accomplished by a special permit process defined in subdivision (ii) below, which requires a further discretionary approval in addition to determination of occupancy on a specified date.

(i) **Minor modification and an administrative certification.** A "minor modification" and an "administrative certification" as found in MDL § 281(2)(i) [of the Multiple Dwelling Law] are terms which refer to various procedures which may be specified in the Zoning Resolution in addition to the grandfathering determinations of occupancy concerning non-discretionary actions by the agency to which an application must be made.

(ii) **Special permit.** A "special permit" as found in MDL § 281(2)(iv) [of the Multiple Dwelling Law] is a term referring to a grandfathering procedure specified in the Zoning Resolution which involves a discretionary determination and approval by the City Planning Commission, to which the application must initially be made, and by the Board of Estimate or any entity which succeeds it in this function.**

3. **Living Independently.** For purposes of MDL § 281 and these rules, "living independently" means having attributes of "independent living" by a family in each residential unit, such as:

- (i) a separate entrance providing direct access to the residential unit from a street or public area, such as a hallway, elevator or stairway within a building;
- (ii) one or more rooms such as a kitchen area, a bathroom, a sleeping area and a living room area arranged to be occupied exclusively by the members of a family and their guests, which room or rooms are separated and set apart from all other rooms within a building; and
- (iii) such other indicia of independent living which demonstrate the residential unit's use as a residence of a family living independently.

4. **Residential unit.** [For purposes of these regulations the residence or home of a "family" as defined in Multiple Dwelling Law §4(5)** shall be deemed a residential unit.] (i) In order for a residential unit to be deemed [qualify as] an IMD [residential] unit qualifying for coverage under Article 7-C, the unit must [have attributes of independent living such as:

A separate entrance providing direct access to the unit from a street or public area, such as a hallway, elevator or stairway within a building;

One or more rooms arranged to be occupied by the members of a family, which room or rooms are separated and set apart from all other rooms within a building; and
Such other indicia of independent living which demonstrate the unit's use as a residence of a family.];

(A) be the residence or home of a "family" as defined in MDL § 4(5) that is living independently;

(B) be located in a building, a portion of which was occupied at any time for manufacturing, commercial or warehouse purposes;

(C) be located in a building that lacks a residential certificate of occupancy pursuant to MDL § 301, as further delineated in § 2-08(b) of these rules;

(D) except as set forth below in §§ 2-08(a)(4)(ii) and (iii), be located in a geographical area in which the Zoning Resolution permits residential use as of right or in which the residential use may become a use as of right as a result of approval of a grandfathering application, in accordance with MDL §§ 281(2)(i) or (iv); or is located in a study area designated by the Zoning Resolution for possible rezoning to permit residential use, in accordance with MDL § 281(2)(iii);

(E) be located in a building that is not municipally owned;

(F) except as set forth below in §§ 2-08(a)(4)(ii) and (iii), be occupied by a family living independently for residential purposes on December 1, 1981, since April 1, 1980 for coverage under § 281(1) and

(G) pursuant to MDL § 282-a, either (i) have been registered as part of an IMD building, structure or portion thereof by the landlord of such building, or (ii) have been included as part of an application for coverage filed by a residential occupant of the building, structure or portion thereof, of which the residential unit is located, in each case, by that certain date which is 6 months after the date the Loft Board shall have adopted all rules necessary in order to implement the provisions of the chapter of the laws of 2010 which added MDL § 281(5).

(ii) In addition to the criteria set forth in subparagraph (i) of this § 2-08(a)(4), in order for a residential unit to qualify for coverage under Article 7-C pursuant to MDL § 281(4), such residence or unit must have been occupied by a family living independently for residential purposes on May 1, 1987, since December 1, 1981, and occupied for residential purposes since April 1, 1980, regardless of whether the building is located in a geographical area in which the Zoning Resolution permits residential use as of right, or through grandfathering as defined in § 2-08(a)(2) of these rules or because the building is located in a study area as defined in § 2-08(a)(5) of these rules.

(iii) Notwithstanding the foregoing, in order for a residential unit to qualify for coverage under Article 7-C pursuant to MDL § 281(5), as set forth in these rules, a residential unit is not required to have been residentially occupied between April 1, 1980 through December 1, 1981, but is required to have been occupied by a family living independently for residential purposes during a period of twelve consecutive months between January 1, 2008 through December 31, 2009, as further delineated in §§ 2-08(c)(3) and 2-08(c)(4) of these rules, regardless of whether the building is geographically located in an area in which the Zoning Resolution permits residential use. In addition to the criteria set forth in subparagraph (A), (B), (C), (E) and (G) of § 2-08(a)(4)(i), in order for a residential unit to qualify as an IMD unit for purposes of coverage under Article 7-C pursuant to MDL § 281(5), such residence or home must:

(A) not be located in a "cellar" or "basement," as such terms are defined in MDL §§ 4(37) and 4(38) respectively;

(B) have a means of access from a street or public area, such as a hallway, elevator or stairway, and the unit must not require passage through another residence or unit to obtain access;

(C) contain at least 1 window that opens onto a street, lawful yard or court;

(D) contain at least 550 square feet in area;

(E) not be located in an industrial business zone, as such term is defined in chapter 6-D of Title 22 of the New York City Administrative Code, except for buildings located in the:

- (i) Williamsburg/Greenpoint Industrial Business Zone;
- (ii) North Brooklyn Industrial Business Zone; or
- (iii) Long Island City Industrial Business Zone, provided that the residential units meet the qualifying criteria set forth above and the buildings are located in the following areas of a Long Island City industrial business zone:
 - (a) have frontage on either side of 47th Avenue¹,
 - (b) be located north of 47th Avenue and south of Skillman Avenue, or
 - (c) be located north of 44th Drive, south of Queens Plaza north and west of 23rd Street; and

(F) not be located in the same building that contained, as of June 21, 2010, a use actively and currently pursued that is determined by the Loft Board to be inherently incompatible with residential use.

¹ The New York State Legislature made a typographical error in § 281(5) by listing 47th Street as in the Long Island City Industrial Business Zone. The intended street name is 47th Avenue not 47th Street. The correct name is listed herein.

5. **Study area.** A study area as found in MDL § 281(2)(iii) [of the Multiple Dwelling Law] is a term referring to an area, defined in § 42-02 of the Zoning Resolution, which is currently zoned as manufacturing and under study by the City Planning Commission for a determination of the appropriateness of the zoning.

(b) Certificate of occupancy.

(1) Registration as an IMD shall not be required of any building, structure or portion thereof for which a final, as distinguished from a temporary, residential certificate of occupancy was issued pursuant to MDL § 301 [of the Multiple Dwelling Law] prior to: (i) June 21, 1982, with respect to buildings, structures or portions thereof covered under Article 7-C solely pursuant to MDL § 281(1); (ii) July 27, 1987, with respect to buildings, structures or portions thereof covered under Article 7-C solely pursuant to MDL § 281(4); or (iii) June 21, 2010, with respect to buildings, structures or portions thereof covered under Article 7-C pursuant to MDL § 281(5), shall not be required for such units designated as residential on the certificate of occupancy. Such units shall be exempt from Article 7-C coverage unless the residential certificate of occupancy is revoked.

(2) Registration as an IMD with the Loft Board shall be required of:

(i) Any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in (A) MDL § 281(1) [of the Multiple Dwelling Law] and these [regulations] rules, for all residentially-occupied units which lacked a final residential certificate of occupancy issued pursuant to § 301 of the [Multiple Dwelling Law] MDL prior to June 21, 1982, (B) MDL § 281(4) and these rules for all residentially-occupied units which lacked a final certificate of occupancy issued pursuant to § 301 of the MDL prior to July 27, 1987, or (C) MDL § 281(5), and these rules, for all residentially-occupied units which lacked a final certificate of occupancy issued pursuant to MDL § 301, prior to June 21, 2010. Issuance of a [residential] certificate of occupancy pursuant to MDL § 301 for such units on or after June 21, 1982, July 27, 1987, or June 21, 2010, as applicable, will not be the basis for exemption from Article 7-C coverage;

(ii) Any building, structure or portion thereof which meets the criteria for an IMD set forth in MDL § 281 [of the Multiple Dwelling Law] and these [regulations] rules, for all residentially occupied units which obtained a temporary, but not final, residential certificate of occupancy issued pursuant to MDL § 301 [of the Multiple Dwelling Law] prior to: June 21, 1982 for units covered under MDL § 281(1), July 27, 1987 for units covered under MDL § 281(4) and June 21, 2010 for units covered under MDL § 281(5). Issuance of a temporary residential certificate of occupancy for such units prior to these dates will not be the basis for exemption from Article 7-C coverage, [if on or after June 21, 1982 a period of time of any length existed for whatever reason whatsoever during which a temporary or final certificate of occupancy issued pursuant to §301 of the Multiple Dwelling Law was not in effect for such units.]

(iii) Any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281 [of the Multiple Dwelling Law] and these [regulations] rules, for all residentially occupied units for which a [temporary or] final [residential] certificate of occupancy issued pursuant to MDL § 301 has been revoked. The prior issuance of a [temporary or] final certificate of occupancy which has been revoked [for such units] will not be the basis for exemption from Article 7-C coverage.

(iv) Any building, structure or portion thereof that otherwise meets the criteria for an IMD set forth in MDL § 281 and these rules, and contains residential units which were subsequently converted to non-residential use following the applicable time period required to qualify such unit for coverage under Article 7-C. Current commercial use or commercial use after the qualifying window period shall not be the basis for exemption from Article 7-C coverage.

(c) Qualifying period of occupancy.

(1) Registration [as an IMD] with the Loft Board shall be required of any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281(1) [of the Multiple Dwelling Law] and these [regulations] rules, and had at least three units residentially occupied on December 1, 1981, since April 1, 1980. If the building, structure or portion thereof contained three units so occupied on December 1, 1981, and on April 1, 1980, and if such residential use is permissible under the Zoning Resolution as of right, or through grandfathering, or the units are in a study area as defined in § 2-08(a)(5) ["Study area"] of these [regulations] rules, there shall be a presumption that the building is an IMD and that such units are covered under Article 7-C. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit between April 1, 1980, and December 1, 1981, such unit shall not be counted for purposes of determining whether the building qualifies for coverage as [is] an IMD pursuant to MDL § 281(1). The occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the owner of the building for the presumption of IMD coverage to be rebutted.

(2) Registration [as an IMD] with the Loft Board shall also be required of any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281(4) and these rules, that had one or more units residentially occupied on May 1, 1987, since December 1, 1981, that was occupied for residential purposes since April 1, 1980, regardless of whether residential use is permitted under the Zoning Resolution as of right, or through grandfathering as defined in § 2-08(a)(2) ["Grandfathering"] of these rules, or because the building is located in a study area as defined in § 2-08(a)(5) ["Study area"] of these rules. Residential occupancy of one or more units of the building, structure or portion thereof, as described in this paragraph, on May 1, 1987, on December 1, 1981 and on April 1, 1980, shall create a presumption that the building is an IMD or that such unit or units are covered under Article 7-C. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit between April 1, 1980, and December 1, 1981 or between December 1, 1981 and May 1, 1987, such unit shall not be counted for purposes of determining whether the building qualifies for coverage as [is] an IMD pursuant to MDL § 281(4). The occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the owner of the building for the presumption of IMD coverage to be rebutted.

(3) Registration with the Loft Board shall also be required of any building, structure or portion thereof which otherwise meets the criteria for an IMD set forth in MDL § 281(5) and these rules that contained at least three units residentially occupied by families living independently from one another for a period of twelve consecutive months between January 1, 2008 through December 31, 2009, regardless of whether residential use is permitted under the Zoning Resolution. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit during such qualifying twelve consecutive month window period, such unit shall not be counted for purposes of determining whether the building qualifies for coverage as an IMD pursuant to MDL § 281(5). The occupant of any unit which changed to a bona fide exclusively non-residential use, must have been a party distinct and independent of the owner of the building for the presumption of IMD coverage to be rebutted. It is not required that the units that seek coverage under MDL § 281(5) occupy their respective units during the same twelve month period to be granted Article 7-C coverage.

(4) Registration with the Loft Board shall also be required of any building, structure or portion thereof located in that certain area of Manhattan bounded on the south by West 24th Street, on the north by West 27th Street, on the east by Tenth Avenue and on the west by Eleventh Avenue, which contain at least two units residentially occupied by families living independently from one another for a period of twelve consecutive months between January 1, 2008 through December 31, 2009, regardless of whether residential use is permitted under the Zoning Resolution. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit during such qualifying twelve consecutive month window period, such unit shall not be counted for purposes of determining whether the building qualifies for coverage as an IMD pursuant to MDL § 281(5). The occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the owner of the building for the presumption of IMD coverage to be rebutted.

(3) Neither vacancies of any duration for units residentially occupied on: (i) December 1, 1981, and on April 1, 1980 as set forth in § 2-08(c)(1) above, or (ii) [for units occupied on] May 1, 1987, [on] December 1, 1981 and [on] April 1, 1980 as set forth in § 2-08(c)(2) above, or (iii) at any time prior to or following the qualifying twelve consecutive month window period between January 1, 2008 through December 31, 2009, as set forth in §§ 2-08(c)(3) or (c)(4) above, nor a change or changes [or] of residential occupants in any such units during the intervening period(s) will be the basis for exemption from Article 7-C coverage.

(d) Calculation of residential units.

(1) [Registration as an IMD with the Loft Board shall be required of any building, structure or portion thereof which has a minimum of three residential units, except as provided in subparagraph (v) of paragraph 1 of this subdivision, and which otherwise meets the criteria for an IMD set forth in § 281 of the Multiple Dwelling Law and these regulations.] For purposes of counting residential units to determine whether a building qualifies for coverage as an IMD building and must be registered, the following types of units may qualify for Article 7-C coverage, provided that each unit satisfies the criteria set forth in § 2-08(a)(4) of these rules for coverage under MDL §§ 281(1), 281(4) and 281(5) [term “residential unit” shall include]:

(i) Any unit which meets the criteria of § 281(1) of the Multiple Dwelling Law in that:

(A) a portion of the building or structure within which the unit is located was occupied at any time for manufacturing, commercial or warehouse purposes;

(B) it lacked a residential certificate of occupancy pursuant to § 301 of the Multiple Dwelling Law as further delineated in §§ 2-08(b)(1) and (2) of these regulations;

(C) it was occupied for residential purposes on December 1, 1981, since April 1, 1980, as further delineated in § 2-08(c) of these regulations; and

(D) it is located in a geographical area in which the Zoning Resolution permits residential use as of right or in which the residential use may become a use as of right as a result of approval of a grandfathering application, in accordance with § 281(2)(i) or (iv) of the Multiple Dwelling Law as defined in § 2-08 (a) “Grandfathering” of these regulations; or is located in a study area designated by the Zoning Resolution for possible rezoning to permit residential use, in accordance with § 281(2)(iii) of the Multiple Dwelling Law, as defined in § 2-08(a) “Study area” of these regulations;

(ii) Any (i) any residential unit designated as “Artist in Residence” (A.I.R.) pursuant to directives of the Department of Buildings, creating such status;

(iii) Any (ii) any residential unit designated as “joint living work quarters for artists” [pursuant to the Zoning Resolution] except as provided below in § 2-08(d)(2)(ii) of this subsection;

(iv) Any (iii) any residential unit [residentially-] occupied by a subtenant or assignee of the prime tenant of such unit.

(v) Registration as an IMD with the Loft Board shall also be required of any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281, which has one or more residential units that were residentially occupied on May 1, 1987, since December 1, 1981, that were occupied for residential purposes since April 1, 1980, as further delineated in § 2-08(c)(2) of these rules, regardless of whether the building is located in a geographical area in which the Zoning Resolution permits residential use as of right, or through grandfathering as defined in § 2-08(a) “Grandfathering” of these rules or because the building is located in a study area as defined in § 2-08(a) “Study area” of these rules. However, for (iv) For a unit to qualify as a [“]residential IMD unit[“] pursuant to this subparagraph, the building in which it is located must meet the criteria of MDL §§ 281(1) and 281(2)(ii) in that: (A) a portion of the building or structure was occupied at any time for manufacturing, commercial or warehouse purposes; (B) the building lacked a residential certificate of occupancy pursuant to MDL § 301 as further delineated in §§ 2-08(b)(1) and (2) of these rules; (C) except as otherwise set forth in MDL § 281(5) and these rules, it contained at least three units residentially occupied on December 1, 1981, since April 1, 1980; and (D) it is not municipally owned.

(2) For purposes of counting to determine whether a building qualifies as an IMD and is covered under Article 7-C, residential units described as follows shall not be included:

(i) [A]ny units designated as residential on a final certification of occupancy issued pursuant to MDL § 301 [of the Multiple Dwelling Law] prior to June 21, 1982;

(ii) [A]ny units designated as “joint living work quarters for artists” on a final certificate of occupancy issued prior to June 21, 1982;

(iii) [A]ny units designated for a commercial use with an accessory residential use on a final certificate of occupancy issued prior to June 21, 1982.

(e) Zoning regulations.

(1) Registration as an IMD building shall be required of any building, structure or portion thereof, which meets the criteria for an IMD as set forth in MDL § 281(1) [of the Multiple Dwelling Law] and [the] these [regulations] rules including, without limitation, § 2-08(a)(4) [issued pursuant thereto], except that any building located in a zoning district designated as manufacturing in the Zoning Resolution, for

which district there are no “grandfathering” provisions as defined in these [regulations] rules shall not qualify as an IMD. This exception, however, shall not apply to buildings, structures or portions thereof which otherwise meet the criteria of:

(i) MDL § 281(1) [for an IMD], if such IMD building is located in a “Study area” as defined in § 2-08(a)(5) [“Study area”] of these [regulations] rules and the registration of such building shall be required.] or

(ii) [This exception shall also not apply to buildings, structures or portions thereof which otherwise meet the criteria of] MDL § 281(1), if such IMD building also meets the requirements of MDL § 281(4) and the rules issued pursuant thereto or

(iii) MDL § 281(5), and these rules.

Except for a building or structure or portion thereof which qualifies for coverage under Article 7-C solely by reason of MDL §§ 281(4) or 281(5), the zoning regulations, and the grandfathering provisions for the district in which a building or structure is located [will] determine whether and when the owner of such building, which otherwise meets the criteria for an IMD set forth in MDL § 281(1) and [the] these [regulations] rules issued pursuant thereto, is mandated to meet the compliance requirements for legalization set forth in MDL § 284(1).

(2) Any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281(1) [of the Multiple Dwelling Law] and these [regulations] rules and is located in an area which permits residential use as of right, shall be obligated to meet the compliance requirements for legalization by the dates designated in MDL § 284(1), except as provided in §§ 2-08(e)(4)(i) and (iii) infra and as further delineated in § 2-01(a) of these rules. The term “residential use as of right” as employed in MDL § 281(2) [of Article 7-C] means that the New York City Zoning Resolution permits residential use in the area in which the building is located [zoning regulations permit residential use without requiring further approvals pursuant to the Zoning Resolution].

(3) Any IMD unit designated as “joint living work quarters for artists” in a zoning district which does not otherwise permit residential use as of right, and which is currently occupied by a resident or residents who cannot qualify as certified artists, as defined in § 276 of [7-C] Article 7-B of the MDL, shall qualify for Article 7-C coverage, if the building in which such unit is contained,] otherwise meets the criteria for an IMD set forth in MDL § 281(1) of the Multiple Dwelling Law and these [regulations] rules. The non-artist status of the current occupant shall not be the basis for exemption from Article 7-C coverage [including the legalization requirements of § 284(1)]. At the time of issuance of the final certificate of occupancy, the occupant of such a unit must be in compliance with the Zoning Resolution or the unit must be vacant.

(4) Legalization compliance timetable.

(i) For any building, structure or portion thereof, which contains fewer than three residential units as of right and one or more residential units eligible for coverage by employing one of the grandfathering procedures set forth in MDL §§ 281(2)(i) or (iv) [of the Multiple Dwelling Law] and defined in § 2-08(a)(2) [“Grandfathering”] (i) and (ii) of these [regulations] rules, the timing of the compliance requirements of MDL § 284(1) [of the Multiple Dwelling Law] shall commence upon approval of the grandfathering application of the unit which becomes the third eligible residential unit for purposes of calculation of residential units qualifying the building as an IMD.

(ii) For any registered building in the category described in § 2-08 [(e)(4)(i) of these [regulations] rules, for which denial of a grandfathering application reduces the number of qualifying residential units below three, IMD status for such building expires, and the other residential units in such building cease to be covered by Article 7-C, unless the building qualifies for coverage under Article 7-C pursuant to MDL §§ 281(4) or (5) and [the] these rules [issued pursuant thereto].

(iii) Any building, structure or portion thereof which contains three or more residential units as of right, and one or more additional units eligible for coverage by employing one of the grandfathering provisions of MDL §§ 281(2)(i) or (iv) [of the Multiple Dwelling Law], shall be obligated to meet the compliance requirements for legalization by the dates designated in MDL § 284(1) [of the Multiple Dwelling Law], as further delineated in § 2-01(a) of these rules [issued pursuant thereto], for such as of right residential units. The timing of the compliance requirements for the other eligible units shall commence as follows:

(A) Where an application for grandfathering for such unit is made pursuant to one of the procedures designated as a “minor modification” or “administrative certification” in MDL § 281(2)(i) [of the Multiple Dwelling Law], upon a determination of residential occupancy on the date designated in the particular grandfathering provision of the Zoning Resolution;

(B) Where an application for grandfathering for such unit is made pursuant to a “special permit application as designated in MDL § 281(2)(iv) [of the Multiple Dwelling Law], upon the granting of such special permit.

(iv) For any unit eligible for coverage by employment of one of the grandfathering procedures set forth in MDL §§ 281(2)(i) or (iv) [of the Multiple Dwelling Law] and defined in §§ 2-08(a)(2) [“Grandfathering”] (i) and (ii), the final denial of a grandfathering application or the failure to apply for grandfathering within the time period specified in the Zoning Resolution will terminate coverage for such unit unless such unit qualifies for coverage under Article 7-C pursuant to MDL § 281(4).

(v) For any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281(1) [of the Multiple Dwelling Law] and these [regulations] rules, but is located in an area designated by the Zoning Resolution as a study area, the timing of the compliance requirements of MDL § 284(1) shall commence upon rezoning of such study area to permit residential use as of right. If the rezoning permits residential use only through grandfathering procedures, the timing of the compliance requirements of MDL § 284(1) and the rules issued pursuant thereto shall commence upon the approval of the grandfathering application of the unit which becomes the third eligible residential unit for purposes of calculation of units qualifying the building as an IMD.

For any registered building in a study area as described in § 2-08(a)(5) [“Study area”] of these [regulations] rules, for which the City Planning Commission [has] approved neither

rezoning nor grandfathering by December 31, 1983, IMD status for such building expires, and all of the units in such building cease to be covered by Article 7-C, unless there is a recommended extension of such deadline by the City Planning Commission. If the Board of Estimate, or its successor, disapproves rezoning for residential use or grandfathering or the extension of such deadline, IMD status for such building expires and all the units in such building cease to be covered by Article 7-C.

[However] Notwithstanding the foregoing, any building, structure or portion thereof which ceased to be covered under Article 7-C as a result of the failure to rezone the study area, permit grandfathering or to extend the deadlines as set forth in the foregoing paragraph shall be covered by Article 7-C if it meets the criteria of MDL §§ 281(4) or 281(5) [of the Multiple Dwelling Law].

(vi) For any building, structure or portion thereof that meets the criteria for an IMD set forth in MDL § 281(5) and these rules, the timing of the code-compliance deadlines set forth in MDL § 284(1) is triggered by the effective date of MDL § 281(5), which is June 21, 2010.

(vii) For any building, structure or portion thereof registered pursuant to MDL § 281(5) for which there is a revocation of IMD status of one or more units in the building by the Executive Director as a result of a determination that such unit(s) did not meet the qualifying criteria set forth in § 2-08(a)(4) of these rules, and such revocation reduces the number of qualifying residential units below three (or two, with respect to an IMD building located in the geographic area described in § 2-08(c)(4) of these rules), the IMD status for the entire such building shall expire and each of the units in the building shall be deemed to be “non-covered units.” As set forth below, occupants of non-covered units are not entitled to the protections of Article 7-C. Residential occupancy of a non-covered unit shall not be permitted in the building until a final residential certificate of occupancy that includes the non-covered unit is obtained.

(f) Municipally owned buildings.

(1) Any building, structure or portion thereof, which otherwise meets the criteria for an IMD as set forth in MDL § [2-09] 281(1) [of the Multiple Dwelling Law] and these [regulations] rules, but is municipally owned, shall be exempt from coverage under [of] Article 7-C.

(2) Any building, structure or portion thereof, which otherwise meets the criteria for an IMD as set forth in MDL §§ 281(1), 281(4) or 281(5) [of the Multiple Dwelling Law] and these [regulations] rules, formerly municipally owned, but for which title passed to a private owner, shall be required to register as an IMD and shall not be exempt from coverage under Article 7-C. The former ownership by the municipality shall not be the basis for exemption from Article 7-C coverage.

(g) Accreted units.

(1) (i) In a building, structure or portion thereof which meets the criteria of MDL §§ 281(1) and 281(2) or 281(4), [of the Multiple Dwelling Law] and these [regulations] rules, thereby qualifying as an IMD building, the occupant or occupants of any additional unit residentially occupied for the first time after April 1, 1980 but prior to April 1, 1981 in such IMD building may also be covered under Article 7-C.

(ii) In a building, structure or portion thereof that meets the criteria of MDL §§ 281(1) and 281(2) or 281(4), and these rules, thereby qualifying as an IMD building, the occupant or occupants of any additional unit residentially occupied during a period of twelve consecutive months between January 1, 2008 through December 31, 2009, in such IMD building may also be covered under Article 7-C.

[In order to qualify for coverage, the occupancy of such unit must be permissible under the Zoning Resolution. For purposes of § 2-09(3) of the Multiple Dwelling Law, occupancy] Occupancy of such additional [units] unit(s) shall be deemed permissible if such additional unit(s) meet the criteria required for an IMD unit set forth in MDL § 281(5) as further delineated in these rules, including, without limitation, § 2-08(a)(4). [.]

(i) the unit is located in a zoning district where residential use as of right is permitted under the Zoning Resolution; or

(ii) the unit is designated as “joint living work quarters for artist” in a zoning district which does not otherwise permit residential use as of right, regardless of whether the occupant or occupants qualify as “certified artists” as defined in § 2-10 of the Zoning Resolution; or

(iii) the unit can qualify as having a legal residential use pursuant to one of the grandfathering provisions of the Zoning Resolution, as defined in § 2-08(a) “Grandfathering” of these regulations; or

(iv) the unit is in a study area, as defined in § 2-08(a) “Study area” of these regulations, for which the City Planning Commission has approved either rezoning for residential use or grandfathering by December 31, 1983.]

(2) Registration of such accreted units as part of the IMD shall be required for all units that qualify for Article 7-C coverage.

(3) Where a building, structure or portion thereof meets the criteria of MDL §§ 281(1), and 281(2), [or] 281(4), or 281(5), [of the Multiple Dwelling Law] and these [regulations] rules, thereby qualifying as an IMD building, it must be registered with the Loft Board. A decrease in the number of [residentially occupied] residential units in a building [which] that qualifies for coverage pursuant to MDL §§ [§] 281(1) and 281(2) to fewer than three (or two, as permitted in accordance with the terms and provisions set forth in MDL § 281(5) and these rules) after the applicable time period required for residential occupancy pursuant to MDL § 281, [December 1, 1981] will not be the basis for exemption from [IMD] Article 7-C coverage. In such instances, the owner, landlord or agent of the building, structure or portion thereof shall be required to obtain a residential certificate of occupancy, unless the building is duly converted into a non-residential building in accordance with the terms and provisions of the MDL, these rules and all applicable law. However, the discontinuance of residential occupancy after December 1, 1981, but prior to May 1, 1987, of a unit which qualifies for coverage under Article 7-C solely by reason of MDL § 281(4) will result in such unit being exempt from [IMD] Article 7-C coverage. Solely with respect to such instances, the [Remaining] remaining residentially occupied units, limited to units in existence during the

qualifying period of occupancy, set forth in MDL § 281(1)(iii) or 281(4) [of the Multiple Dwelling Law], as further delineated in § 2-08(c) of these [regulations] rules, and accreted units as defined in MDL § 281(3) [of the Multiple Dwelling Law] and § 2-08(g)(1) of these [regulations] rules, shall be entitled to the protections of Article 7-C, including the legalization requirements of MDL § 284(1) [of the Multiple Dwelling Law].

(h) *Non-covered units [in an IMD].*

(1) Any building that does not meet the statutory requirements set forth in MDL § 281, as further detailed in these rules, is not covered by Article 7-C. [Any space in an IMD which was not previously occupied residentially on or before June 21, 1982, and is subsequently converted to residential use, is not covered by Article 7-C, and the owner of such space must obtain a residential certificate of occupancy before permitting the commencement of such occupancy.]

(2) Notwithstanding the foregoing, if [that] a building qualifies as an IMD,

(i) any residential unit first occupied residentially on or after April 1, 1981, is not covered under Article 7-C, unless such unit meets the criteria qualifying for an IMD pursuant to MDL § 281(5), as set forth in § 2-08(a)(4)(iii). Any residential unit first occupied residentially on or after January 2, 2009 is not covered under Article 7-C.

(ii) any unit that meets the criteria qualifying for an IMD pursuant to MDL § 281 is not covered under Article 7-C if: (a) the owner, lessee or agent failed to register the building as an IMD; or (b) a residential occupant failed to file an application for coverage as an IMD in accordance with the terms and provisions of these rules on or before the date listed in § 1-06.1(a) and on the Loft Board website, which constitutes 6 months after the Loft Board shall have adopted all rules necessary in order to implement the provisions of the chapter of the laws of 2010 which added MDL § 281(5).

Occupants of any [such] non-covered unit are not entitled to the protections of Article 7-C. Residential occupancy of such unit shall not be permitted unless a final residential certificate of occupancy is obtained for the unit.

(i) *De facto multiple dwellings.*

Registration as an IMD with the Loft Board shall be required of any building, structure or portion thereof judicially determined to be a *de facto* multiple dwelling, which otherwise meets the criteria for an IMD, as set forth in MDL § 281 [of the Multiple Dwelling Law] and these [regulations] rules. Such prior judicial determination will not be the basis for exemption from Article 7-C coverage.

(j) [Reserved] **Use Group Rule**

* Grandfathering procedures in this classification are designated in the Zoning Resolution and include, but are not limited to §§ 11-27, 11-28, 15-021(c), 15-021(d), 15-215, 41-141, 42-111D(1)(f), 111-201(a) and 111-201(b); as of April 7, 1983. As well as other sections that have been or will be adopted in the future.

** Grandfathering procedures in this classification are designated in the Zoning Resolution and include, but are not limited to § 74-782; as of April 7, 1983. As well as other sections that have been or will be adopted in the future.

*** A "family" is either a person occupying a dwelling and maintaining a household with not more than four borders, roomers or lodgers or two or more persons occupying a dwelling, living together and maintaining a common household with not more than four borders, roomers or lodgers. See MDL § 4(5).

Statement of Basis and Purpose:

Pursuant to § 282 of Article 7-C of the MDL ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. Effective as of June 21, 2010, the Legislature amended the Loft Law by enacting Chapter 135 and 147 of the Laws of 2010, which, among other things, added §§ 281(5) and 282-a. Section 281(5) expands the window period under which residential units may qualify for coverage as interim multiple dwellings ("IMDs") under the Loft Law. This section also provides certain restrictions that buildings must satisfy in order to qualify for protection under the Loft Law. Section 282-a provides a statute of limitations for the filing of a coverage application.

The proposed amendment details the criteria a residential unit must satisfy in order to be deemed an "IMD" unit pursuant to the newly added Loft Law sections, including § 281(5). The proposed amendment also permits a residential unit that satisfies such criteria to attach to an existing IMD building as an "accreted unit." It also clarifies which residential units are excluded from coverage under the amended Loft Law. Finally, the proposed amendment reorganizes the provisions of § 2-08 into a more unified and cohesive section.

• d15

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULES

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board intends to amend section 2-08 of Title 29 of the Rules of the City of New York, to identify the uses in Use Groups 15 through and including 18 that are deemed inherently incompatible with residential use in the same building.

Written comments regarding this proposed rule may be sent to the New York City Loft Board, 100 Gold Street, 2nd Floor, New York, New York 10038 to the attention of the Loft Board on or before January 14, 2011. A public hearing will be held on January 20, 2011 at 22 Reade Street, First Floor, New York, New York, commencing at 2:00 P.M. Persons seeking to testify are requested to notify the Loft Board at the foregoing address or by telephone at (212) 566-5663. Persons who require a sign language interpreter and persons who require

a reasonable accommodation for a disability at the hearing are asked to notify the Loft Board by January 14, 2011. Persons may also submit comments on the proposed rule electronically through NYC RULES at www.nyc.gov/nycrules by January 14, 2011. Written comments and an audiotape of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 10:00 A.M. to 4:00 P.M. at the offices of the Loft Board.

These rules were not published in the regulatory agenda because they were not anticipated.

[Section 2-08] of Title 29 of the Rules of the City of New York is amended by adding new subdivisions (j)-(s) to read as follows:

(j) The term "Interim Multiple Dwelling" ("IMD") as used in Multiple Dwelling Law § 281(5) shall not include any building in which a use described in subsection (k) of this section is being actively and currently pursued in any unit other than a residential unit of the building. The term "actively and currently pursued" shall refer to commercial, manufacturing or industrial use being conducted in the building on June 21, 2010.

(k) **Uses in Use Groups Inherently Incompatible With Residential Use.** Pursuant to Multiple Dwelling Law § 281(5), the following use groups are inherently incompatible with residential use in the same building:

(1) Those uses in Use Group 16A, Use Group 16C and Use Group 18 listed in Article XII Chapter 3 of the Zoning Resolution of the City of New York in effect on June 21, 2010 ("Zoning Resolution") at 123-223, as set forth in Appendix A to these Rules;

(2) Any use that falls within the uses set forth in Use Groups 15-17, other than those uses described in subparagraph (k)(1) of this Section, and any brewery in Use Group 18 of less than 10,000 square feet of floor area, listed in Article III Chapter 2 and Article IV Chapter 2 of the Zoning Resolution in effect on June 21, 2010, as set forth in Appendix B to these Rules, which:

(i) has or should have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate;

(ii) is or should be required under the Community Right-to-Know Law, at Chapter 7 of Title 24 of the Administrative Code of the City of New York, to file a Risk Management Plan for Extremely Hazardous Substances;

(iii) is or should be classified as High-Hazard Group H occupancy as set forth in Section 307 of the New York City Building Code.

(l) **Residential Unit:** For the purposes of subsections (j) through (s), in addition to the definition of Residential Unit in § 2-08 (a) (4) above, a residential unit may contain a non-residential use that:

(1) is clearly incidental to or secondary to the residential use of the residential unit;
 (2) is carried on within the residential unit, by one or more occupants of such residential unit;
 (3) does not use more than 49 percent of the total floor area of a dwelling unit for the non-residential purposes; and
 (4) has up to three non-residential employees.

(m) **Owner's registration application.** For all applications for registration filed pursuant to § 2-05, the owner seeking coverage under MDL § 281(5) must establish the non-residential uses in the building as of June 21, 2010 by submitting a certification to the Loft Board signed by a New York State licensed and registered architect or engineer that such commercial, manufacturing or industrial use is not an inherently incompatible use under subdivision (k).

(n) **Rejection of owner's registration application.** Where an owner files a registration application for coverage under MDL § 281(5) for a building that has or had a commercial, manufacturing or industrial tenant that was actively pursuing a use on June 21, 2010 that was inherently incompatible with residential use under subsection (k) above, the Executive Director shall determine that the building does not qualify for coverage and reject the registration application.

(o) **Revocation of IMD registration.** The Executive Director may, on written notice to the owner, revoke the IMD registration at any time for failure to meet the requirements set forth in the provisions of Multiple Dwelling Law § 281(5), and this rule, where:

(1) previously undisclosed facts, or misrepresentations or false statements as to material facts in the registration application or submitted documents regarding the information which was the basis for the Loft Board issuance of an IMD registration number are discovered, or
 (2) the Loft Board issued an IMD registration number in error and conditions are such that the IMD registration number should not have been registered.

Such notice will inform the owner of the reasons for the revocation and that the owner has the right to present to the Executive Director or his or her representative within 10 business days of delivery of the notice by hand or 15 calendar days of the posting of the notice by mail, information as to why the registration should not be revoked.

(p) **Use after June 21, 2010.** A commercial, manufacturing or industrial tenant engaged in an inherently incompatible use as described in subdivision (k) after June 21, 2010 shall not disqualify a building from Article 7-C coverage that otherwise qualifies for coverage.

(q) **Tenant applications for coverage.** For all applications for coverage filed pursuant to § 1-06, the applicant seeking coverage under Article 7-C of the Multiple Dwelling Law must establish by a

preponderance of the evidence the non-residential uses in the building as of June 21, 2010. If none of the inherently incompatible uses described in subdivision (k) of this section were actively pursued in the building on June 21, 2010 and the tenant has satisfied all of the other provisions of §281(5) the building shall qualify as an IMD.

(r) **Site visits.** The Executive Director may conduct, or designate a Loft Board staff member to conduct, a site visit to the building for which coverage under Article 7-C of the Multiple Dwelling Law is being sought. The building owner shall arrange for the Executive Director and/or the Loft Board's staff to have access to the non-residential spaces upon reasonable notice. The Executive Director, or his/her staff, may also conduct informal conferences regarding the owner's registration application. The Executive Director may request additional information from the owner, building tenants or government agencies about the non-residential uses in the building on June 21, 2010.

(s) **Appeal of Decision.** If the Executive Director rejects the registration or revokes the IMD registration number issued after the filing of the registration application because a use listed in subdivisions (k) of this section was actively and currently pursued in the unit on June 21, 2010, the applicant may appeal the Executive Director's determination to the Loft Board in accordance with, and subject to the terms of the provisions in § 1-07.1.

Statement of Basis and Purpose:

Pursuant to § 282 of Article 7-C of the MDL ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. Given that the IMD buildings made eligible for coverage under MDL § 281(5) are not required to be located in areas that are zoned for residential use, the legislature dictated that the Loft Board determine whether each use set forth in groups 15 through 18, as defined in the zoning resolution, constitutes a use inherently incompatible with residential use; and amend their rules to ensure greater protection to the residential tenants by determining if buildings contain unsafe commercial, manufacturing or industrial activities. This proposed amendment to the rule clarifies what uses in Use Groups 15 through and including 18 are "inherently incompatible" with residential use. This amendment to the rule determines eligibility of a building to become an IMD, and is not for the purpose of determining eligibility for a Certificate of Occupancy. As a model for determining what uses in Use Group 15 through 18 are inherently incompatible with residential use, the Loft Board has used the criteria set out in the Special Mixed Use District regulations set out in Chapter 3 of Article XII of the NYC Zoning Resolution. The rationale for the use of these regulations is that they reflect the careful assessment after study of the Department of City Planning of what commercial, manufacturing and industrial uses are compatible with residential use.

APPENDIX A

From Use Group 16A:

Animal pounds or crematoriums
Crematoriums, human

From Use Group 16C:

Public transit yards, open or enclosed, including accessory motor fuel pumps

From Use Group 18:

A. Manufacturing establishments

Asphalt or asphalt products
Beverages, alcoholic or breweries that are larger than 10,000 square feet of floor area.
Brick, tile or clay
Cement
Charcoal, lampblack or fuel briquettes

Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, rayon yarns, or hydrochloric, picric, or sulphuric acids or derivatives
Coal, coke or tar products
Excelsior or packing materials
Fertilizers

Foundries, ferrous or non-ferrous
Gelatin, glue or size
Glass or large glass products, including structural or plate glass or similar products
Grain, milling or processing
Graphite or graphite products
Gypsum

Hair, felt, or feathers, bulk processing, washing, curing or dyeing
Incineration or reduction of garbage, offal or dead animals

Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds
Leather or fur tanning, curing, finishing or dyeing
Linoleum or oil cloth
Machinery, heavy, including electrical, construction, mining, or agricultural, including repairs
Matches

Meat or fish products, including slaughtering of meat or preparation of fish for packing
Metal or metal ores, reduction, refining, smelting or alloying
Metal alloys or foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil or similar products

Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing or similar processes
Metal casting or foundry products, heavy, including ornamental iron work or similar products
Monument works, with no limitation on processing
Paint, varnishes or turpentine
Petroleum or petroleum products, refining

Plastic, raw
Porcelain products, including bathroom or kitchen equipment or similar products
Radioactive waste disposal services involving the handling or storage of radioactive waste
Railroad equipment, including railroad cars or locomotives

Rubber, natural or synthetic, including tires, tubes or similar products
Sewage disposal plants
Ship or boat building or repair yards, for ships or

boats 200 feet in length or over
Soaps or detergents, including fat rendering
Steel, structural products, including bars, girders, rails, wire rope or similar products
Solvent extracting
Stock yards or slaughtering of animals or poultry
Stone processing or stone products, including abrasives, asbestos, stone screenings, stone cutting, stone work, sand or lime products, or similar processes or products
Sugar refining
Textile bleaching
Wood or bone distillation
Wood or lumber processing including sawmills or planning mills, excelsior, plywood, or veneer, wood-preserving treatment or similar products or processes
Wood pulp or fiber, reduction or processing, including paper mill operations
Wool scouring or pulling

B. Storage or miscellaneous uses, open or enclosed

Coal or gas storage
Dumps, marine transfer stations for garbage or slag piles
Electric power or steam generating plants
Explosives storage, when not prohibited by other ordinances
Gas manufacturing plants
Grain storage
Junk or salvage yards, including auto wrecking or similar establishments, provided that such yard is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings
Lumber yards, with no limitation on lot area per establishment
Manure, peat or topsoil storage
Petroleum or petroleum products, storage or handling
Refrigerating plants
Scrap metal, junk, paper or rags storage, sorting, or baling, provided that any yard in which such use is conducted is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

C. Accessory uses

APPENDIX B

Use Group 15

Use Group 15 consists of large open commercial amusement establishments which:

- (1) generate considerable noise or traffic; and
- (2) are appropriate only in a few areas designated for open amusement parks.

A.

Amusements
Amusement arcades
Amusement parks, children's, with no limitation on floor area per establishment
Animal exhibits
Ferris wheels, roller coasters, whips, parachute jumps, merry-go-rounds or similar open midway attractions
Freak shows, wax museums, dodgem scooters or similar open or enclosed midway attractions
Open booths with games of skill or chance, including shooting galleries

Use Group 16

Use Group 16 consists of automotive and other necessary semi-industrial uses which:

- (1) are required widely throughout the city; and
- (2) involve offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable influences, making such uses incompatible with residential uses and other types of commercial development.

A. Retail or Service Establishments

Animal hospitals or kennels
Automobile, motorcycle, trailer or boat sales, open or enclosed
Blacksmith shops
Building materials sales, open or enclosed, limited to 10,000 square feet of lot area per establishment, provided that not more than 5,000 square feet of such lot area is used for open storage
Carpentry, custom woodworking or custom furniture making shops
Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 square feet of lot area per establishment
Fuel, ice, oil, coal or wood sales, open or enclosed, limited to 5,000 square feet of lot area per establishment
Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units
Machinery rental or sales establishments
Mirror silvering or glass cutting shops
Motorcycle or motor scooter rental establishments
Poultry or rabbit killing establishments, for retail sale on the same zoning lot only
Riding academies, open or enclosed
Sign painting shops, with no limitation on floor area per establishment
Silver plating shops, custom
Soldering or welding shops
Stables for horses
Tool, die or pattern making establishments, or similar small machine shops
Trade schools for adults

B. Automotive Service Establishments

Automobile, truck, motorcycle or trailer repairs

Automobile laundries, provided that the zoning lot contains reservoir space for not less than 10 automobiles per washing lane
Automotive service stations, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a completely enclosed building

C. Vehicle Storage Establishments

Commercial or public utility vehicle storage, open or enclosed, including accessory motor fuel pumps
Dead storage of motor vehicles

D. Heavy Service, Wholesale, or Storage Establishments

Carpet cleaning establishments
Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, floor area or capacity per establishment
Laundries, with no limitation on type of operation
Linen, towel or diaper supply establishments
Moving or storage offices, with no limitation as to storage or floor area per establishment
Packing or crating establishments
Photographic developing or printing with no limitation on floor area per establishment
Trucking terminals or motor freight stations, limited to 20,000 square feet of lot area per establishment
Warehouses
Wholesale establishments, with no limitation on accessory storage

E. Accessory Uses

Use Group 17

Use Group 17 consists primarily of manufacturing uses which:

- (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.

A. Service or wholesale establishments

Building materials or contractors' yards, open or enclosed, including sales, storage, or handling of building materials, with no limitation on lot area per establishment, except that lumber yards shall be limited to 20,000 square feet of lot area per establishment, and provided that any yard in which such use is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings
Produce or meat markets, wholesale

B. Manufacturing establishments

Adhesives, excluding manufacture of basic components
Advertising displays
Aircraft, including parts
Apparel or other textile products from textiles or other materials, including hat bodies, or similar products
Automobiles, trucks, or trailers, including parts or rebuilding of engines
Beverages, non-alcoholic
Boats less than 200 feet in length, building or repair, open or enclosed, provided that such use or portion thereof may be conducted outside a completely enclosed building only if located at a distance greater than 200 feet from a Residence District boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a Residence District boundary
Bottling work, for all beverages
Brushes or brooms
Cameras or other photographic equipment, except film
Canvas or canvas products
Carpets
Ceramic products, including pottery, small glazed tile, or similar products
Chemicals, compounding or packaging
Cork products
Cosmetics or toiletries
Cotton ginning, or cotton wadding or linters
Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances
Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery
Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies
Film, photographic
Food products, except slaughtering of meat or preparation of fish for packing
Fur goods, not including tanning or dyeing
Glass products from previously manufactured glass
Hair, felt, or feather products, except washing, curing or dyeing
Hosiery
Ice, dry or natural
Ink or inked ribbon
Jute, hemp, sisal or oakum products
Laboratories, research, experimental or testing
Leather products, including shoes, machine belting, or similar products
Luggage
Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products
Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products
Machine tools, including metal lathes, metal

presses, metal stamping machines, woodworking machines, or similar products
Mattresses, including rebuilding or renovating
Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes
Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products
Motorcycles, including parts
Musical instruments, including pianos or organs
Novelty products
Optical equipment, clocks or similar precision instruments
Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances
Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products
Perfumes or perfumed soaps, compounding only
Pharmaceutical products
Plastic products, including tableware, phonograph records, buttons, or similar products
Printing or publishing, with no limitation on floor area per establishment
Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber
Scenery construction
Shoddy
Silverware, plate or sterling
Soap or detergents, packaging only
Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products
Statuary, mannequins, figurines, or religious art goods, excluding foundry operations
Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products
Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Tobacco, including curing or tobacco products
Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products
Toys
Umbrellas
Upholstering, bulk, excluding upholstering shops dealing directly with consumers
Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles
Venetian blinds, window shades, or awnings, with no limitation on production or on floor area per establishment
Wax products
Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

C. Miscellaneous uses

Agriculture, including greenhouses, nurseries or truck gardens
Docks for passenger ocean vessels, other than gambling vessels
Docks for sightseeing, excursion or sport fishing vessels, other than gambling vessels, with no limitation on vessel or dock capacity
Docks for vessels not otherwise listed other than docks for gambling vessels
Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size
Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations
Truck weighing stations, open or enclosed
Trucking terminals or motor freight stations with no limitation on lot area per establishment

E. Accessory uses

Use Group 18

Breweries limited to 10,000 square feet of floor area.

◀ d15

SPECIAL MATERIALS

CITY PLANNING

■ NOTICE

NEGATIVE DECLARATION

Project Identification

CEQR No. 11DCP041Q
ULURP Nos. 110145ZMQ,
N110146ZRQ
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal

South Jamaica Rezoning

The applicant, the NYC Department of City Planning, is proposing to rezone approximately 530 blocks in the South Jamaica and Springfield Gardens neighborhoods of Queens, Community District 12. The proposed action would also include an amendment to the Zoning Text to extend the applicable area of the "Food Retail Expansion to Support Health" (FRESH) program to Community District 12's commercial corridors. The rezoning area is generally bounded by Liberty Avenue, 108th Avenue and South Road to the north, Merrick Boulevard, Nellis Street and Springfield Boulevard to the east, the Southern State/Belt Parkway to the south and Van Wyck Expressway to the west.

The proposed action consists of four components:

- 1) Lower-density Contextual Rezoning: Rezoning of

all or portions of 528 blocks from R2, R3-2, R4, C8-1 and M1-1 to lower-density or lower density contextual zoning districts R2, R3-1, R3-2, R3A, R3X, R4-1, and R4A to better reflect the existing lower density contexts.

2) Medium-density Contextual Rezoning: Rezoning of all or portions of 108 blocks from R3-2, R3A, R4, R4B and C8-1 to R5, R5B, and R5D to reflect existing land use patterns and allow for moderate-density increases along the area's wide streets.

3) Commercial Overlay Modifications: Elimination or reduction of the depths of C1-2 and C2-2 commercial overlays, where appropriate, to prevent commercial intrusion onto residential blocks. Introduction of C1-2, C1-3 and C2-3 commercial overlays where appropriate to reflect current land uses, and reinforce the character of the area's wide streets. The proposed actions are intended to protect the predominant lower density character of the area while allowing for a moderate increase in residential and commercial density along the area's main corridors, including Rockaway, Sutphin and Merrick Boulevards. Updates to commercially zoned districts within the rezoning area are also proposed to reflect existing land use patterns, provide new residential and retail opportunities and improve and reinforce the character of the area's wide streets.

4) Zoning Text Amendment: Extension of the "Food Retail Expansion to Support Health" (FRESH) zoning incentives to all C1 and C2 districts throughout Queens Community District 12 (except where excluded in Article VI, Chapter 3 of the Zoning Resolution). The text amendment also applies the provisions of the Zoning Resolution Section 11-15 (Environmental Requirements), governing (E) designations, to one development site outside of the rezoning area.

In order to assess the impacts associated with the proposed action, a Reasonable Worst-Case Development Scenario was established. In total, 16 projected development sites and 32 potential development sites were identified. The projected development sites are considered more likely to be developed within the ten-year analysis period. Potential sites are considered less likely to be developed over the same period. The incremental difference between the future with-action and the future no-action for all projected development sites is as follows:

- An increase of 293 dwelling units;
- An increase of 122,755 sq ft of retail space (including two FRESH supermarket grocery stores);
- An decrease of 9,487 sq ft of office space; and
- An increase of 9,810 sq ft of community facility space.

Absent the proposed action, 13 of the 16 projected development sites are expected to be developed with a total of 69 dwelling units, 44,239 sq ft of retail space, 13,616 sq ft of office space, and 5,510 sq ft of community facility space.

The build year for the proposed action is 2020.

To avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials, an (E) designation has been incorporated into the proposed action, as described below.

The (E) designation requirements related to air quality would apply to the following development site:

| Block | Lot(s) |
|-------|--|
| 12666 | 1, 103, 104, 105, 106, 107, 108, 109, 110 (Projected Development Site 1) |

The text for the (E) designation related to air quality is as follows:

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

The (E) designation requirements related to noise specify 33 dBA of window/wall attenuation for some sites and 31 dBA of window/wall attenuation for others.

33 dBA of window/wall attenuation would apply to the following development sites:

| Block | Lot(s) |
|-------|---|
| 12516 | 45 (Projected Development Site 4) |
| 12392 | 43, 54, 58 (Potential Development Site 116) |
| 12480 | 9 (Potential Development Site 131) |

The text for the (E) designation related to noise (33 dBA of window/wall attenuation) is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 33 dB(A) window/wall attenuation on all façades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

31 dBA of window/wall attenuation would apply to the following development sites:

| Block | Lot(s) |
|-------|---|
| 12489 | 1, 4, 45 (Potential Development Site 132) |
| 12490 | 1 (Potential Development Site 133) |

The text for the (E) designation related to noise (31 dBA of window/wall attenuation) is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must

provide a closed window condition with a minimum of 31 dB(A) window/wall attenuation on all façades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

The (E) designation requirements related to hazardous materials would apply to the following development sites:

| Block | Lot (s) | |
|-------|-------------------------------------|----------------------------------|
| 12666 | 1,103,104,105,106, 107,108,109, 110 | (Projected Development Site 1) |
| 12516 | 45 | (Projected Development Site 4) |
| 12515 | 14, 18 | (Projected Development Site 5) |
| 12153 | 1, 9 | (Projected Development Site 8) |
| 12188 | 1 | (Projected Development Site 9) |
| 12022 | 13 | (Projected Development Site 10) |
| 12212 | 1 | (Projected Development Site 11) |
| 12059 | 34(A), 34(B), 70 | (Projected Development Site 14) |
| 9898 | 1, 117 | (Projected Development Site 15) |
| 12059 | 24 | (Potential Development Site 101) |
| 12048 | 77 | (Potential Development Site 102) |
| 12008 | 34 | (Potential Development Site 105) |
| 12142 | 1, 5 | (Potential Development Site 110) |
| 12390 | 121 | (Potential Development Site 113) |
| 12392 | 54, 58 | (Potential Development Site 116) |
| 12483 | 2, 51 | (Potential Development Site 117) |
| 12541 | 50, 52, 55 | (Potential Development Site 119) |
| 12983 | 26, 27, 28 | (Potential Development Site 120) |
| 12983 | 31 | (Potential Development Site 121) |
| 12983 | 46, 50 | (Potential Development Site 122) |
| 12392 | 19, 22 | (Potential Development Site 124) |
| 12022 | 23 | (Potential Development Site 127) |
| 12490 | 1 | (Potential Development Site 133) |

The text of the (E) designation for hazardous materials is as follows:

Task 1

The fee owner of the lots restricted by this (E) designation will be required to prepare a scope of work for soil and groundwater sampling and testing to determine whether contamination exists and, if so, the extent of the contamination and the nature and extent of required remediation. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. The scope of work will be submitted to DEP for review and approval prior to implementation, to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sampling sites should be selected to adequately characterize the type and extent of any contamination and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for the choice of sampling sites, sampling procedures, and tests to be performed will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be submitted to DEP after completion of the testing phase and laboratory analysis for review and approval. After reviewing the test results, DEP will determine whether the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, the agency will give written notice.

If DEP determines that remediation is necessary, a proposed remediation plan will be prepared and submitted to DEP for its review and approval. The fee owner of the lots restricted by the (E) designation must perform such remediation as determined by DEP to be necessary. After completing the remediation, the fee owner should provide DEP with proof that the work has been completed satisfactorily. Once DEP determines that the required remediation has indeed been completed satisfactorily, the agency will give written notice.

A DEP-approved construction-related health and safety plan (HASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. The HASP must be submitted to DEP for review and approval prior to implementation.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated November 24, 2010 prepared in connection with the ULURP Application (Nos. 110145ZMQ, N110146ZRQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. The (E) designation for air quality, noise and hazardous materials would ensure that the proposed action would not result in significant adverse impacts.
2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Date: November 24, 2010

Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: November 29, 2010

Amanda M. Burden, FAICP, Chair
City Planning Commission

d15

HEALTH AND MENTAL HYGIENE

NOTICE

Notice of Concept Paper

In advance of the release of a Request for Proposals for a School-Located Mass Influenza Vaccination Campaign, the Department of Health and Mental Hygiene (DOHMH) is issuing a concept paper presenting DOHMH's plan for this new citywide service. The concept paper will be posted from 12/13/10 through 1/26/2011 on the Department's website at <http://www.nyc.gov/health/contracting> and public comment is invited.

d13-17

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

**OFFICE OF ENFORCEMENT & NEIGHBORHOOD SERVICES
CERTIFICATION OF NO HARASSMENT UNIT**

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO LOCAL LAW 19 OF 1983

DATE OF NOTICE: December 10, 2010

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

| Address | Application # | Inquiry Period |
|----------------------------------|---------------|------------------------------|
| 79 West 119th Street, Manhattan | 100/10 | November 15, 2007 to Present |
| 122 West 130th Street, Manhattan | 101/10 | November 16, 2007 to Present |
| 608 8th Avenue, Manhattan | 102/10 | November 18, 2007 to Present |
| 56 West 130 Street, Manhattan | 103/10 | November 18, 2007 to Present |
| 136 West 123 Street, Manhattan | 106/10 | November 22, 2007 to Present |
| 449 51st Street, Brooklyn | 99/10 | November 10, 2007 to Present |
| 1234 Dean Street, Brooklyn | 104/10 | November 19, 2007 to Present |
| 312 Alexander Avenue, Bronx | 105/10 | November 22, 2007 to Present |

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd 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 call (212) 863-5277, (212) 863-8211 or (212) 863-8298.

d10-21

**OFFICE OF PRESERVATION SERVICES
CERTIFICATION OF NO HARASSMENT UNIT**

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO THE SPECIAL CLINTON DISTRICT PROVISIONS OF THE ZONING RESOLUTION

DATE OF NOTICE: December 10, 2010

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

| Address | Application # | Inquiry Period |
|---------------------------------|---------------|-----------------------------|
| 313 West 48th Street, Manhattan | 97/10 | November 9, 1995 to Present |

Prior to the issuance of a permit by the Department of Buildings for the alteration or demolition of residential buildings in certain areas of the **Special Clinton District**, the Department of Housing Preservation and Development is required to certify that: 1) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration or demolition, the owner shall have notified HPD of the owner's intention to alter or demolish the building and 2) the eviction and relocation practices followed by the owner of the building satisfy all applicable legal requirements and that no harassment has occurred.

The owner of the building located at the above-referenced address seeks the issuance of an HPD Certification. The owner has represented and certified to HPD of the owner's intention to alter or demolish the building and that the eviction and relocation practices followed by the owner satisfy all applicable legal requirements and that no harassment has occurred. For your information HPD considers harassment to include, but not be limited to, the threatened or actual use of physical force, deprivation of essential services such as heat, water, gas or electric, or any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy.

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, 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 call (212) 863-5277, (212) 863-8211 or (212) 863-8298.

d10-21

READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE Date Intent to Negotiate Notice was published in CR
- OLB Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS Source required by state/federal law or grant
- SCE Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/**only one source
- RS Procurement from a Required Source/ST/FED
- NA Negotiated Acquisition
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9 New contractor needed for changed/additional work
- NA/10 Change in scope, essential to solicit one or limited number of contractors
- NA/11 Immediate successor contractor required due to termination/default

For Legal services only:

- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F Federal
- IG/S State
- IG/O Other
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A Life
- EM/B Safety
- EM/C Property
- EM/D A necessary service
- AC **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE **Service Contract Extension/**insufficient time; necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a anti-apartheid preference
- OLB/b local vendor preference
- OLB/c recycled preference
- OLB/d other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

| ITEM | EXPLANATION |
|---|--|
| POLICE DEPARTMENT | Name of contracting agency |
| DEPARTMENT OF YOUTH SERVICES | Name of contracting division |
| ■ SOLICITATIONS | Type of Procurement action |
| <i>Services (Other Than Human Services)</i> | Category of procurement |
| BUS SERVICES FOR CITY YOUTH PROGRAM | Short Title |
| CSB | Method of source selection |
| PIN # 056020000293 | Procurement identification number |
| DUE 04-21-03 AT 11:00 am | Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same. |
| <i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i> | Paragraph at the end of Agency Division listing giving contact information, or submit bid/information and Agency Contact address |
| | NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225. |
| ☛ | Indicates New Ad |
| m27-30 | Date that notice appears in City Record |

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.