



THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD U.S.P.S. 0114-660
Printed on paper containing 30% post-consumer material

VOLUME CXLV NUMBER 233

WEDNESDAY, DECEMBER 5, 2018

Price: \$4.00

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THE CITY RECORD

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

Subscription \$500 a year, \$4.00 daily (\$5.00 by mail). Periodicals Postage Paid at New York, NY
POSTMASTER: Send address changes to
THE CITY RECORD, 1 Centre Street,
17th Floor, New York, NY 10007-1602

Editorial Office/Subscription Changes:
The City Record, 1 Centre Street, 17th Floor,
New York, NY 10007-1602 (212) 386-0055

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOROUGH PRESIDENT - QUEENS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing, will be held by the Borough President of Queens, Melinda Katz, on **Thursday, December 6, 2018**, at 10:30 A.M., in the Borough President's Conference Room, located at 120-55 Queens Boulevard, Kew Gardens, NY 11424, on the following items:



CD Q07 - BSA #149-97 BZ

IN THE MATTER OF an application submitted by Decampo, Diamond & Ash on behalf of Martin A. Gleason Funeral Home LLC, pursuant to Section 11-411 of the NYC Zoning Resolution, for an amendment and extension of the term of a previously approved variance, for an additional term of 20 years, for the proposed accessory open parking lot, for an existing funeral establishment in an R2A district, located at **150-19 11th Avenue**, Block 4515, Lot 52, Zoning Map 7d, Whitestone, Borough of Queens.

CD Q03 - BSA #2018-33 BZ

IN THE MATTER OF an application submitted by Arthur Yellin on behalf of Luisa E. McLennan Beneby, pursuant to Section 72-21 of the NYC Zoning Resolution, for a variance to facilitate the construction of a two-story two-family dwelling in an R4-1 District, located at **31-41 97th Street**, Block 1409, Lot 48, Zoning Map 9d, East Elmhurst, Borough of Queens.

CD 06 - ULURP #180447 ZMQ

IN THE MATTER OF an application submitted by Eric Palatnik, Esq. on behalf of Auberge Grand Central LLC, pursuant to Sections 197-c and 201 of the NYC Charter, for an amendment of the Zoning Map, Section No. 14a:

1. Changing from an R1-2A District to an R7A District property bounded by 70th Road, a line 100 feet northeasterly of 113th Street, the northeasterly prolongation of the southeasterly street line of 71st Avenue, 113th Street, 71st Avenue, and a line 135 feet southwesterly of 113th Street; and
2. Changing from an R1-2A District to an R7X District property bounded by 70th Road, the southwesterly service road of the Grand Central Parkway, the northeasterly prolongation of the southeasterly street line of 71st Avenue, and a line 100 feet northeasterly of 113th Street;

Borough of Queens Community District 6, as shown on a diagram (for illustrative purposes only), dated September 24, 2018, and subject to the conditions of CEQR Declaration E-502. (Related item: ULURP #N180448 ZRQ)

CD 06 - ULURP #N180448 ZRQ

IN THE MATTER OF an application submitted by Eric Palatnik, Esq.

on behalf of Auberge Grand Central LLC, pursuant to Sections 197-c and 201 of the NYC Charter for a zoning text amendment to Appendix F of the NYC Zoning Resolution to designate the Project Area a Mandatory Inclusionary Housing Designated Area (MIH), Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only), dated September 24, 2018, and subject to the conditions of CEQR Declaration E-502. (Related item: ULURP #180447 ZMQ)

CD 07 – ULURP #C190095 ZSQ

IN THE MATTER OF an application submitted by Troutman Sanders LLP., on behalf of CPEOA Limited Partnership and Mattone Group Retail, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant to Section 74-922 of the NYC Zoning Resolution, to allow large retail establishments (Use Group 6 and/or 10A uses), with no limitation on floor area per establishment within an existing 2-story building and proposed to be enlarged, on property, located at **134-01 20th Avenue** (Block 4138, Lots 1 and 50), in an M1-1 District, within the Special College Point District, Borough of Queens, Community District 7.

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



n30-d6

CHARTER REVISION COMMISSION

MEETING

The New York City Charter Revision Commission 2019, will hold a public meeting at 6:00 P.M., on Monday, December 10, 2018. The meeting will be held at City Hall in Council Chambers, City Hall, New York City, NY 10007.

The New York City Charter serves as the local constitution and provides the structure of City government. The Commission has held public hearings in each borough of the City of New York and has received public comments, proposals and recommendations for possible revisions to the Charter, which it is considering.

This meeting is open to the public. Because this is a public meeting and not a public hearing, the public will have the opportunity to observe the Commission's discussions, but not testify before it. There will be opportunities for testimony by members of the public at future public hearings of the Commission.

If you are not able to attend, but wish to watch the meeting, all public hearings and meetings will be livestreamed at the Commission's website found here: www.charter2019.nyc.

What if I need assistance to observe the meeting?

This location is accessible to individuals using wheelchairs or other mobility devices. With advance notice, American Sign Language interpreters will be available and members of the public may request induction loop devices and language translation services. Please make induction loop, language translation or additional accessibility requests by 5:00 P.M., December 5, 2018, by emailing the Commission at info@charter2019.nyc, or calling (212) 482-5155. All requests will be accommodated to the extent possible.

Find out more about the NYC Charter Revision Commission 2019 by visiting us at our website: www.charter2019.nyc.

Follow us on Twitter @charter2019nyc, Instagram @charter2019nyc and Facebook at [facebook.com/Charter2019/](https://www.facebook.com/Charter2019/)

Accessibility questions: info@charter2019.nyc (212) 482-5155, by: Wednesday, December 5, 2018, 5:00 P.M.



d4-10

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters, to be held at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, December 5, 2018, at 10:00 A.M.

BOROUGH OF THE BRONX

Nos. 1, 2 & 3

BELMONT COVE REZONING

No. 1

CD 6

C 190049 ZMX

IN THE MATTER OF an application submitted by NYC Department of Housing Preservation and Development and Proxy Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, changing from an M1-4 District to an R7X District property, bounded by Belmont Avenue, East 176th Street, Crotona Avenue and the northeasterly boundary line of a park and its southeasterly prolongation, a northwesterly boundary line of a park, and a northeasterly boundary line of a park and its northwesterly prolongation, as shown on a diagram (for illustrative purposes only) dated September 24, 2018.

No. 2

CD 6

N 190050 ZRX

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Housing Inclusionary area.

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

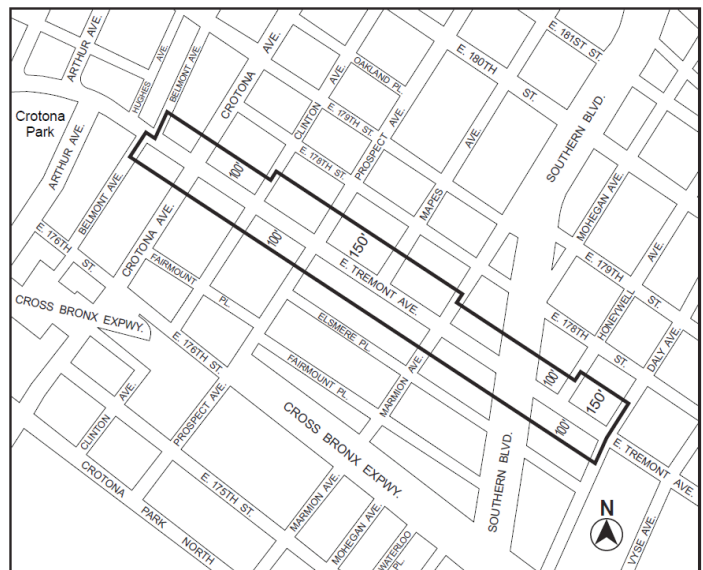
* * *

Community District 6

* * *

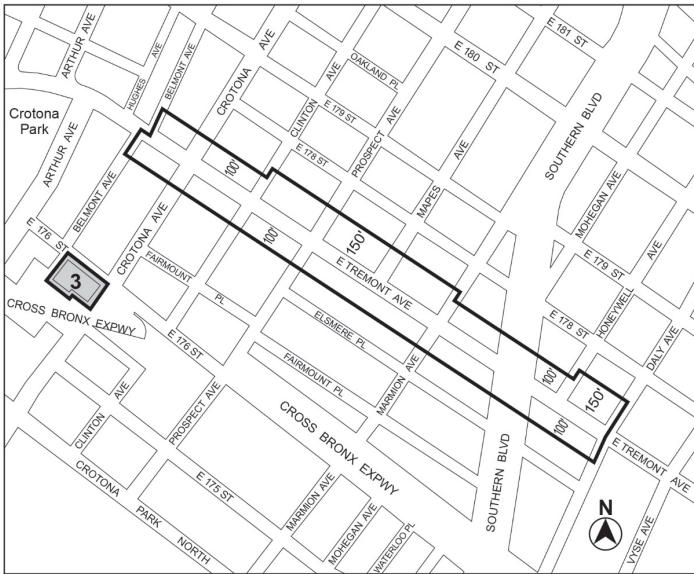
Map 4 - [date of adoption]

[EXISTING MAP]



Inclusionary Housing designated area

[PROPOSED MAP]



Inclusionary Housing designated area
 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
 Area 3 — [date of adoption] MIH Program Option 1

* * *

No. 3

CD 6 **C 190051 PPX**
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of two City-Owned properties, located on the south side of East 176th Street between Belmont and Crotona Avenues (Block 2945, Lots 65 and 66), pursuant to zoning.

BOROUGH OF BROOKLYN
Nos. 4 & 5
CATON PARK NURSING HOME REZONING
No. 4

CD 14 **C 180393 ZMK**
IN THE MATTER OF an application submitted by Caton Park Rehabilitation and Nursing Center, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 16d, by changing from an R3X District to an R6A District, property bounded by Caton Avenue, Rugby Road, a line perpendicular to the westerly street line of Rugby Road distant 170 feet southerly (as measured along the street line) from the point of intersection of the southeasterly street line of Caton Avenue and the westerly street line of Rugby Road, and a line 100 feet westerly of Rugby Road, as shown on a diagram (for illustrative purposes only), dated August 20, 2018, and subject to the conditions of the CEQR Declaration E-492.

No. 5

CD 14 **N 180394 ZRK**
IN THE MATTER OF an application submitted by Caton Park Rehabilitation and Nursing Center, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

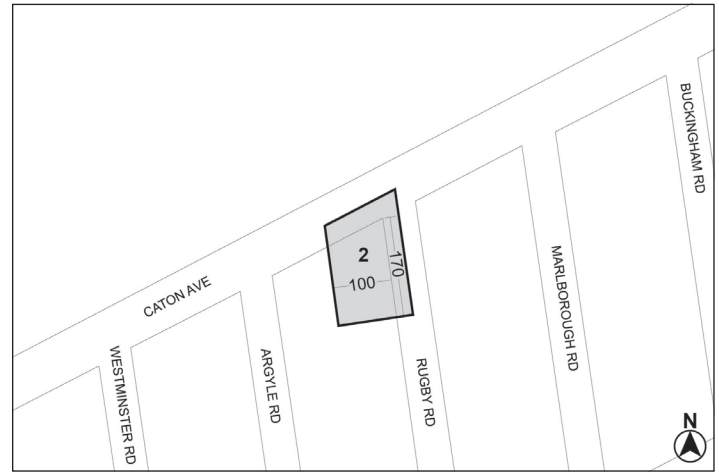
Brooklyn

* * *

Brooklyn Community District 14

* * *

Map 4 – (date of adoption)



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

Portion of Community District 14, Brooklyn

* * *

Nos. 6, 7 & 8
12 FRANKLIN STREET
No. 6

CD 1 **C 180387 ZSK**
IN THE MATTER OF an application submitted by 12 Franklin Property Co LLC, 12 Franklin 230 LLC and 12 Franklin 197 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-962 of the Zoning Resolution to increase the maximum permitted floor area ratio of Section 43-12 (Maximum Floor Area Ratio) in connection with a proposed 7-story commercial building within an Industrial Business Incentive Area, on property located at 12 Franklin Street (Block 2614, Lots 1, 3 and 8), in an M1-2 District.

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

No. 7

CD 1 **N 180388 ZRK**
IN THE MATTER OF an application submitted by 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission).

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

ARTICLE VII: ADMINISTRATION

Chapter 4
Special Permits by the City Planning Commission

* * *

74-96
Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas

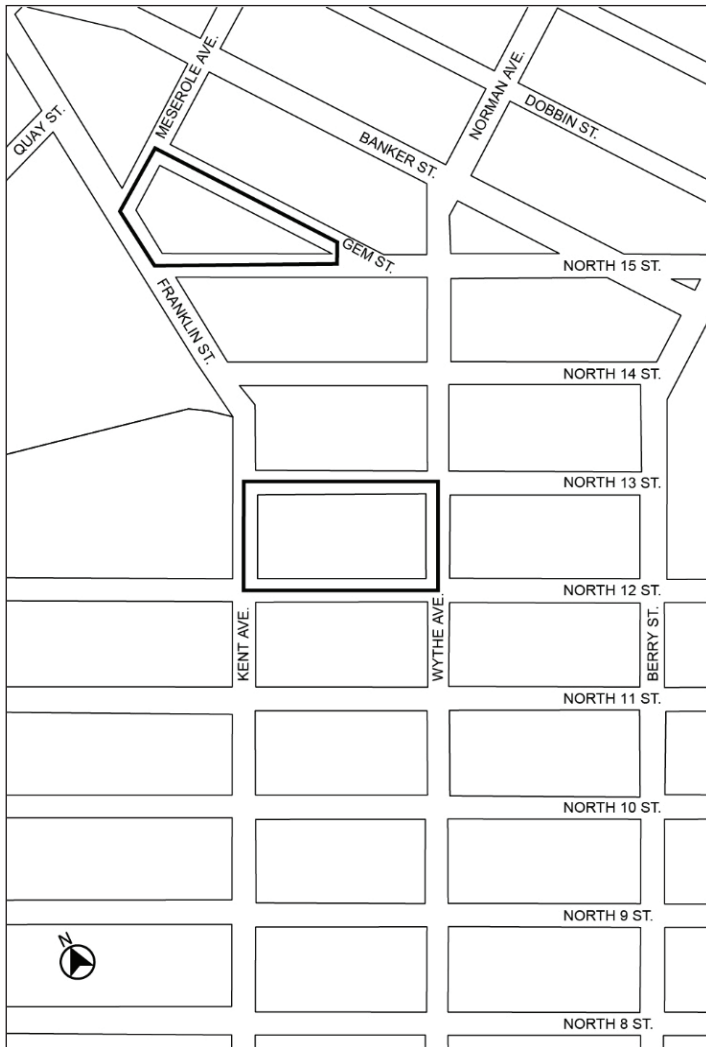
For #developments# or #enlargements# on #zoning lots# located within any Industrial Business Incentive Area specified on the map in this Section, the City Planning Commission may increase the maximum permitted #floor area ratio# and modify the #use#, #bulk# and #public plaza# regulations as set forth in Section 74-962 (Floor area increase and public plaza modifications in Industrial Business Incentive Areas). The Commission may also modify parking and loading requirements for such #developments# or #enlargements#, pursuant to Section 74-963 (Parking and loading modifications in Industrial Business Incentive Areas).


For #developments# or #enlargements# receiving a #floor area# increase, pursuant to this Section, Section 43-20 (YARD REGULATIONS), inclusive, shall be modified as follows: #rear yard# regulations shall not apply to any #development# or #enlargement# on a #through lot#.

Map of Industrial Business Incentive Areas specified:

Community District 1, Borough of Brooklyn: The block bounded by North 12th Street, Kent Avenue, North 13th Street and Wythe Avenue

[PROPOSED MAP]



 Industrial Business Incentive Area
 Portion of Community District 1, Borough of Brooklyn

* * *
No. 8

CD 1 C 180389 ZSK

IN THE MATTER OF an application submitted by 12 Franklin Property Co LLC, 12 Franklin 230 LLC, and 12 Franklin 197 LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant Section 74-963 of the Zoning Resolution to reduce the off-street parking requirements of Section 44-20 (Required accessory off-street parking spaces for manufacturing, commercial or community facility uses) and the loading berth requirements of Section 44-50 (Off-street loading regulations), in connection with a proposed 7-story commercial building within an Industrial Business Incentive Area, on property, located at 12 Franklin Street (Block 2614, Lots 1, 3 and 8), in an M1-2 District.

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

**Nos. 9, 10 & 11
570 FULTON STREET
No. 9**

CD 2 N 180457 ZRK

IN THE MATTER OF an application submitted by 570 Fulton Street Property LLC and One Flatbush Avenue Property LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article X, Chapter 1 (Special Downtown Brooklyn District).

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;

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

**ARTICLE X
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Downtown Brooklyn District**

* * *

**101-20
SPECIAL BULK REGULATIONS**

* * *

**101-21
Special Floor Area and Lot Coverage Regulations**

R7-1 C6-1 C6-4.5 C6-6 C6-9

* * *

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0, and the maximum #residential floor area ratio# shall be 12.0. No #floor area# bonuses shall be permitted.

However, in in the C6-9 Districts bounded by Flatbush Avenue, State Street, Fourth Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential floor area ratio# shall be 9.0. No #floor area# bonuses shall be permitted. However, on a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed#, pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 12.0. Up to 46,050 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

* * *

**101-80
SPECIAL PERMITS**

* * *

**101-81
Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts**

* * *

**101-82
Modification of Bulk Regulations for Certain Buildings on Irregularly Shaped Sites**

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after [date of adoption], for #developments# or #enlargements# on irregularly shaped sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that:

- (a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;
- (b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;
- (c) the proposed modifications are limited to the minimum needed to relieve such difficulties;
- (d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and
- (e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

**Appendix A
Atlantic Avenue Subdistrict: Buildings Conforming to the Specified Building Type**

* * *

No. 10

CD 2 C 180458 ZSK
IN THE MATTER OF an application submitted by 570 Fulton Street Property LLC and One Flatbush Avenue property LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 101-82* of the Zoning Resolution to modify the height and setback requirements and tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 33-26 (Minimum Required Rear Yards) and Section 23-47 (Minimum Required Rear Yards), and to modify the inner court recess requirements of Section 23-852(b) (Inner court recesses), in connection with a proposed mixed use development on property located at 570 Fulton Street a.k.a. 1-25 Flatbush Avenue (Block 2106, Lots 26, 35, & p/o 24), in a C6-9** District, within the Special Downtown Brooklyn District.

*Note: a zoning text amendment is proposed to modify several sections of Article X, Chapter 1 (Special Downtown Brooklyn District) under a concurrent related application (N 180457 ZRK).

**Note: the development site is proposed to be rezoned by changing a C6-4 District to a C6-9 District, under a concurrent related application (C 180459 ZMK).

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

No. 11

CD 2 C 180459 ZMK
IN THE MATTER OF an application submitted by 570 Fulton Street Property LLC and One Flatbush Avenue Property LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from a C6-4 District to a C6-9 District property, bounded by Fulton Street, a line perpendicular to the southwesterly street line of Fulton Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Fulton Street and the westerly streetline of Rockwell Place, a line perpendicular to the northeasterly street line of Flatbush Avenue distant 190 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Flatbush Avenue and the southeasterly street line of Hudson Avenue, and Flatbush Avenue, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-490.

Nos. 12, 13 & 14
461 ALABAMA AVENUE
No. 12

CD 5 C 190037 ZSK
IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with a proposed seven-story building on property, located at 461 Alabama Avenue (Block 3803, Lot 6), in an R6 District.

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

No. 13

CD 5 C 190038 HAK
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
a) the designation of property, located at 461 Alabama Avenue (Block 3803, Lot 6) as an Urban Development Action Area; and
b) as an Urban Development Action Area Project for such area; and
2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate a mixed-use affordable housing development containing approximately 70 units and community facility space.

No. 14

CD 5 C 190039 HUK
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the Fourth Amendment to the East New York I Urban Renewal Plan.

Nos. 15 & 16
WEST 22ND - WEST 23RD STREET REZONING
No. 15

CD 13 C 170458 ZMK
IN THE MATTER OF an application submitted by West 16-22 St Properties LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 28d:

- 1. changing from an R5 district to an R6A district property, bounded by a line perpendicular to the easterly street line of West 23rd Street distant 200 feet southerly (as measured along the street line) from the point of intersection of the southeasterly street line of Surf Avenue and easterly street line of West 23rd Street, a line 110 feet easterly of West 23rd Street, the northerly boundary line of a park and its westerly prolongation, and West 23rd Street;
2. changing from an existing R5 district to an R7D district property, bounded by Surf Avenue, West 22nd Street, the northerly boundary line of a park, a line 110 feet easterly of West 23rd Street, a line perpendicular to the easterly street line of West 23rd Street distant 200 feet southerly (as measured along the street line) from the point of intersection of the southeasterly street line of Surf Avenue and the easterly street line of West 23rd Street, and West 23rd Street;
3. establishing within a proposed R6A district a C2-4 district bounded by a line perpendicular to the easterly street line of West 23rd Street distant 200 feet southerly (as measured along the street line) from the point of intersection of the southeasterly street line of Surf Avenue and easterly street line of West 23rd Street, a line 110 feet easterly of West 23rd Street, the northerly boundary line of a park and its westerly prolongation, and West 23rd Street;
4. establishing within a proposed R7D district a C2-4 district bounded by Surf Avenue, West 22nd Street, the northerly boundary line of a park, a line 110 feet easterly of West 23rd Street, a line perpendicular to the easterly street line of West 23rd Street distant 200 feet southerly (as measured along the street line) from the point of intersection of the southeasterly street line of Surf Avenue and easterly street line of West 23rd Street, and West 23rd Street; and
5. establishing a Special Coney Island district (CI), bounded by Surf Avenue, West 22nd Street, a line 150 feet northerly of former Highland View Avenue and its easterly prolongation, a line 110 feet easterly of West 23rd Street, a line perpendicular to the easterly street line of West 23rd Street distant 245 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West 23rd Street and the northerly boundary line of Riegelmann Boardwalk, and West 23rd Street;

as shown on a diagram (for illustrative purposes only) dated August 20th, 2018, and, subject to the conditions of CEQR Declaration E-488.

No. 16

CD 13 N 170459 ZRK
IN THE MATTER OF an application submitted by West 16-22 St Properties LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XIII, Chapter 1 (Special Coney Island District), APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and APPENDIX I to extend the Transit Zone in Transit Zone Map 15.

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

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Coney Island District

131-00
GENERAL PURPOSES

* * *

131-04
Applicability

* * *

131-044
Inclusionary Housing

For the purpose of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 or 23-90, inclusive, as modified in this Chapter, #Inclusionary Housing Designated areas# and #Mandatory Inclusionary Housing areas# within the #Special Coney Island District# are shown on the maps in APPENDIX F of this Resolution.

131-044 045
Physical culture or health establishments

* * *

131-045 046
Modification of use and bulk regulations

* * *

131-10
SPECIAL USE REGULATIONS

* * *

131-132
Coney North and Coney West Subdistricts

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

* * *

From Use Groups 10A, 10B and 10C:

Depositories for storage, and wholesale offices or showrooms

From Use Group 11:

All #uses#

From Use Groups 12A and 12B:

Trade expositions

From Use Groups 12C and 12D:

All #uses#

From Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

* * *

131-30
FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

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

* * *

131-32
Coney, West, Coney North and Mermaid Avenue Subdistrict

131-321
Special floor area regulations for residential uses

R6A R7A R7D R7X

(a) Applicability of Inclusionary Housing Program

R6A, R7A, R7D and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, or #Mandatory Inclusionary Housing areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Sections 23-154 or 23-90, inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the table in this Section.

For #zoning lots# in #Inclusionary Housing designated areas#, the base #floor area ratio# shall be as set forth in Column 1 of the table in this paragraph. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Column 2 of the table through the provision of #affordable housing#, pursuant to the provisions for #Inclusionary Housing designated areas#, as set forth in paragraph (b) of Section 23-154 (Inclusionary Housing) Section 23-90 (INCLUSIONARY HOUSING), inclusive.

For #MIH developments# on #MIH sites# where a #zoning lot# contains all the #affordable floor area# required for such #MIH development#, pursuant to paragraph (d)(3) of Section 23-154, the maximum #floor area ratio# is set forth in Column 3 of the table. For #zoning lots# in #Mandatory Inclusionary Housing areas#, the maximum #floor area ratio# for #zoning lots# containing #residences# subject to the provisions of paragraph (d)(4) of Section 23-154 is set forth in Column 4 of the table.

For #zoning lots# containing #affordable independent residences for seniors#, the maximum #floor area ratio# shall be as set forth

in Section 23-155 (Affordable Independent Residences for Seniors).

Parcels A through F and Parcel H, located within R6A or R7D Districts, are shown on Map 1 (Special Coney Island District and Subdistricts) in Appendix A of this Chapter.

FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

[EXISTING TABLE]

Table with 4 columns: Subdistrict/Parcels ratio#, Zoning District, Base #floor area ratio#, Maximum #floor area ratio#. Rows include Coney West Parcels A, B, C, D (R7D, 4.35), Coney West Parcels E, F (R7D, 4.12), Coney North (R7X, 3.75), and Mermaid Avenue (R7A, 3.45).

[PROPOSED TABLE]

Table with 6 columns: Subdistrict/Parcels, Zoning District, #Inclusionary Housing designated areas# (Column 1, Column 2), #Mandatory Inclusionary Housing areas# (Column 3, Column 4). Rows include Coney West Parcels A, B, C, D; Parcels E, F; Parcel H; Coney North; and Mermaid Avenue.

(c) Coney West #floor area# distribution

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

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

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

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of Section 23-664 (Modified height and setback regulations for certain buildings) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

* * *

131-40
HEIGHT AND SETBACK REGULATIONS

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

* * *

131-43
Coney West Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6

(Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

**131-431
Coney West District, Surf Avenue**

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 200 feet of Surf Avenue on Parcel H and within 100 feet of Surf Avenue on other parcels.

* * *

(b) #Building# base

A #street wall# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the Surf Avenue #block# front bounded by West 21st Street and West 22nd Street frontages of Parcels A and H, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

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

All portions of a #building or other structure# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street line# at least 10 feet.

(c) Transition height and maximum #building# height for parcels other than Parcel H

Above the maximum base height a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that such #street walls# are set back a minimum distance of 10 feet from the Surf Avenue #street line#. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Subdistrict towers).

(d) Maximum building height for Parcel H

On Parcel H, all portions of #buildings or other structures# that exceed the maximum base height set forth in paragraph (b) of this Section shall comply with the tower provisions of Section 131-434.

**131-432
Along all other streets, other than Riegelmann Boardwalk**

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

(a) #Street wall# location

The #street wall# of a #building# base, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line# except that, to allow portions of towers, where permitted, to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower. In addition, for #street walls# facing Ocean Way, #building# entrances providing direct access to the lowest #story# located above the #base flood elevation# may be recessed up to a depth of 10 feet as measured from the #street line#, provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#.

* * *

(b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 200 feet of Surf Avenue on Parcel H and beyond 100 feet of Surf Avenue on other parcels, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is

15 feet, as measured from the #street line#. All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# at least 10 feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition heights and maximum #building# height for parcels other than Parcel H

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

* * *

(d) Maximum #building# heights for Parcel H

Any #building or other structure#, or portions thereof, located within 100 feet of Surf Avenue or within 100 feet of West 22nd Street shall comply with the tower provisions of Section 131-434. Within the remainder of Parcel H, the maximum height for #buildings or other structures# or portions thereof shall be 85 feet.

* * *

**131-434
Coney West Subdistrict towers**

For the purpose of applying the provisions of this Section, all #stories# of a #building# or portions of other structures located partially or wholly above a transition height, or #building# base height, as applicable, shall be considered a "tower" and shall comply with the provisions of this Section.

* * *

(b) Maximum length and or height

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

Where #affordable housing# is provided on such parcels, pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided that either:

* * *

On Parcel H, the maximum height of a #building or other structure# within 100 feet of Surf Avenue or within 100 feet of West 22nd Street shall be 150 feet.

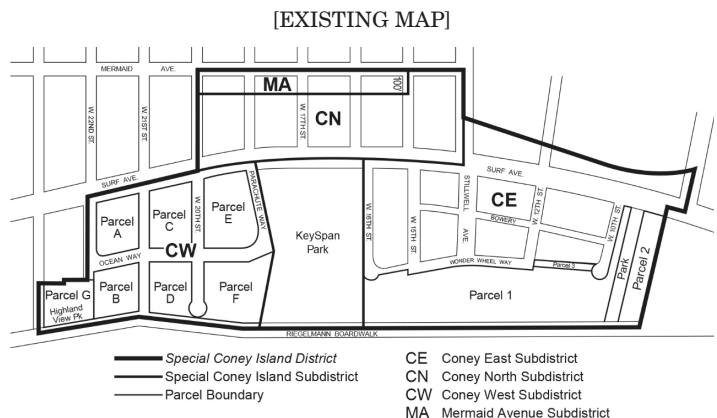
All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

* * *

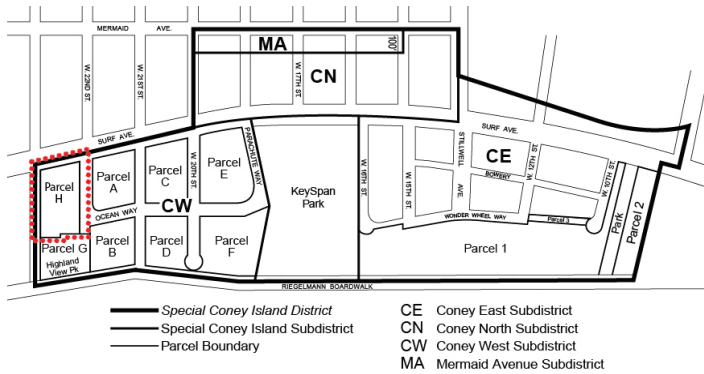
Appendix A

Coney Island District Plan

Map 1 – Special Coney Island District and Subdistricts

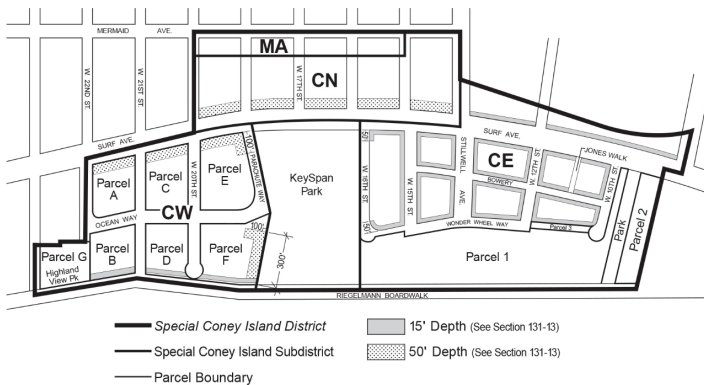


[PROPOSED MAP]

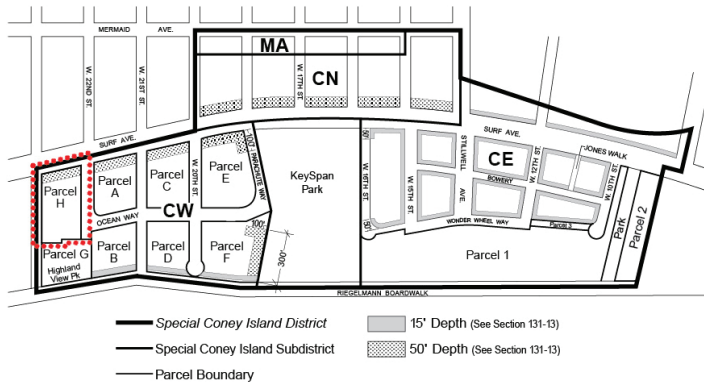


Map 2 - Mandatory Ground Floor Use Requirements

[EXISTING]

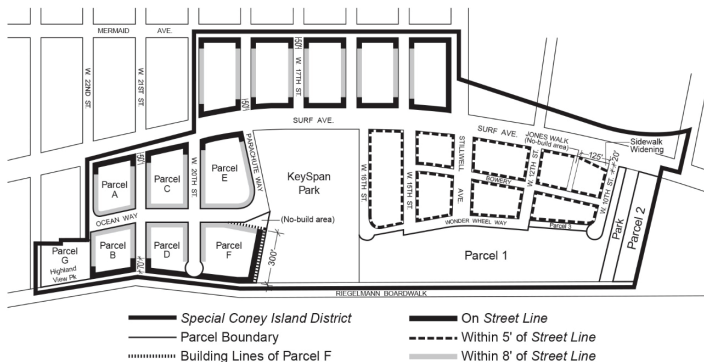


[PROPOSED]



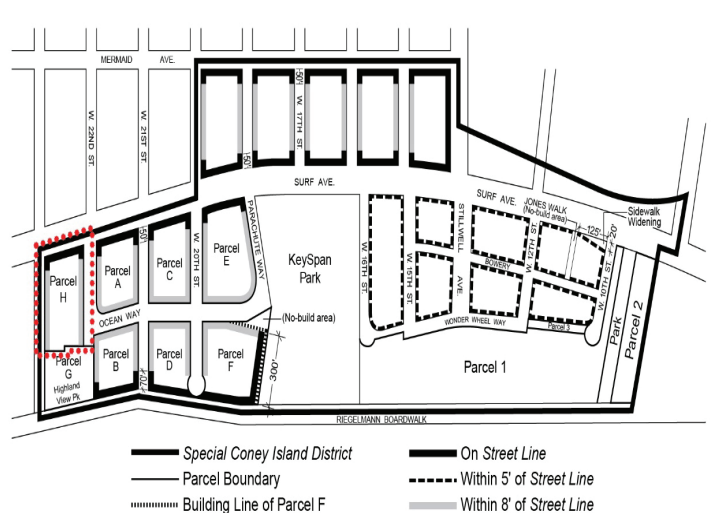
Map 4 - Street Wall Location

[EXISTING]



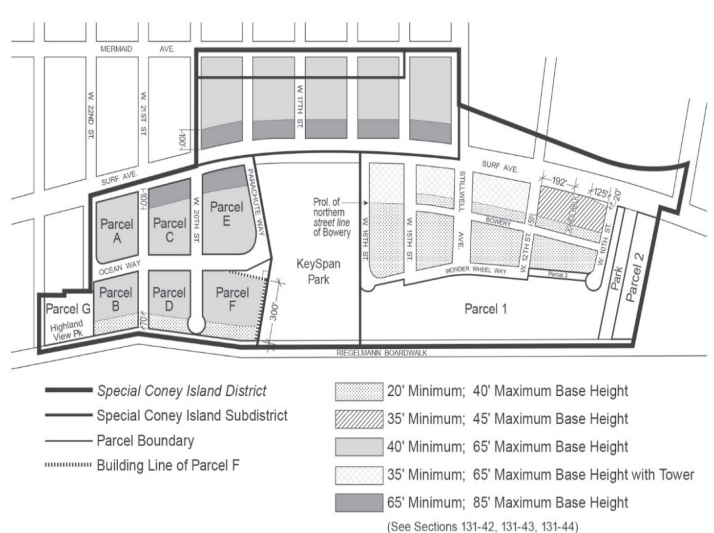
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[PROPOSED]

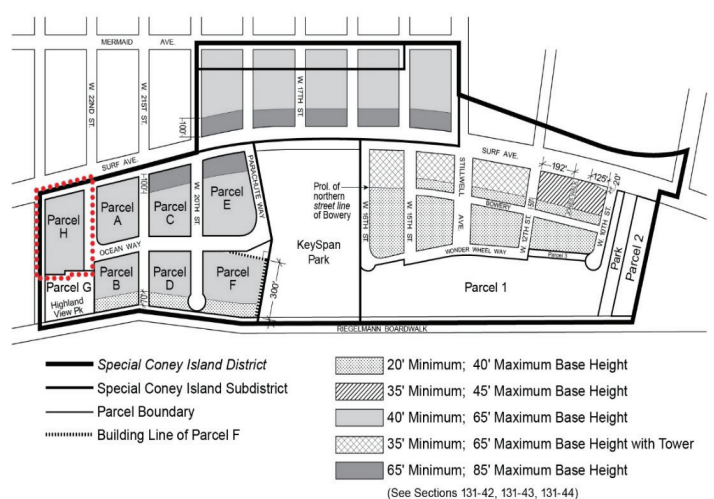


Map 5 - Minimum and Maximum Base Heights

[EXISTING]

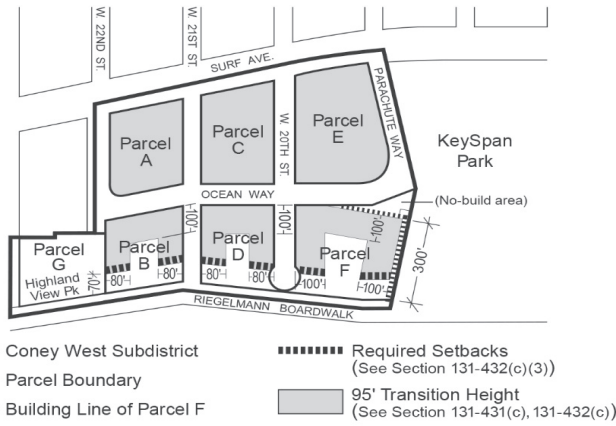


[PROPOSED]



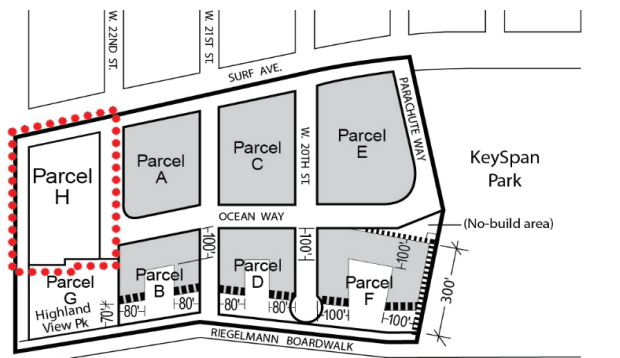
Map 6 - Coney West Subdistrict Transition Heights

[EXISTING]



- Coney West Subdistrict
- Parcel Boundary
- Building Line of Parcel F
- Required Setbacks (See Section 131-432(c)(3))
- 95' Transition Height (See Section 131-431(c), 131-432(c))

[PROPOSED]



- Coney West Subdistrict
- Parcel Boundary
- Building Line of Parcel F
- Required Setbacks (See Section 131-432(c)(3))
- 95' Transition Height (See Section 131-431(c), 131-432(c))

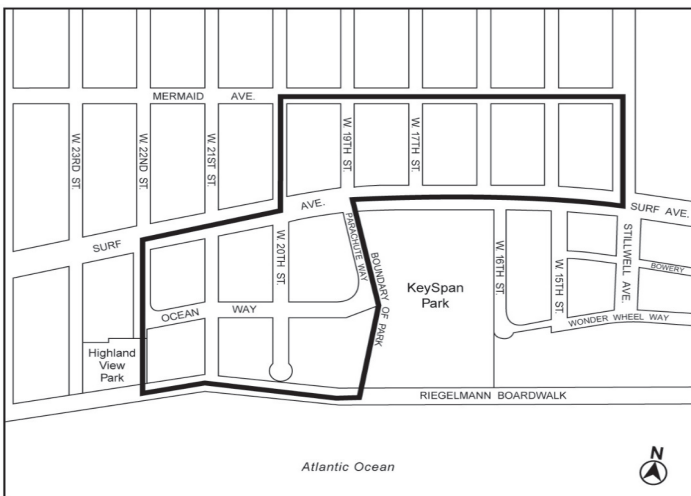
APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

BROOKLYN

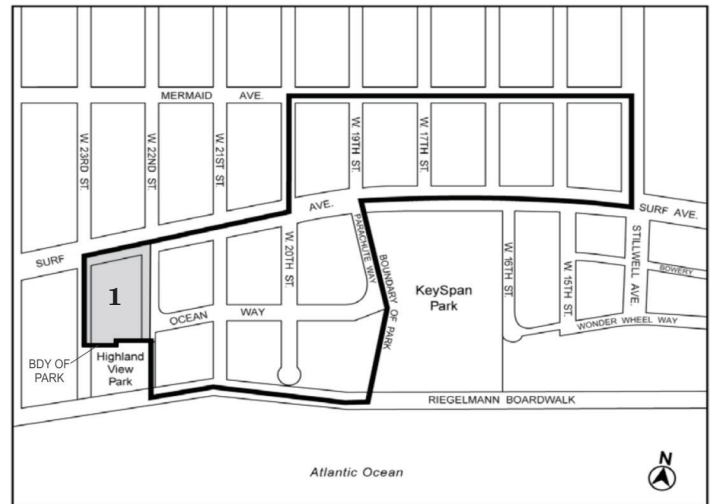
Brooklyn Community District 13

Map 1 - [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



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

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

Portion of Community District 13, Brooklyn

* * *

APPENDIX I
Transit Zone

* * *

Transit Zone Map 15

[EXISTING MAP]



[PROPOSED MAP]



**BOROUGH OF MANHATTAN
No. 17
59 GREENWICH AVENUE**

CD 2 C 190070 ZSM

IN THE MATTER OF an application submitted by 59 Greenwich LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the use regulations of Section 32-421 (Limitation on floors occupied by commercial uses) to allow Use Group 6 uses (retail uses) on a portion of the second floor; and
2. the minimum distance between legally required windows and lot lines regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines);

in connection with the re-construction and enlargement of an existing four-story mixed use building on property located at 59 Greenwich Avenue (Block 613, Lot 60), in a C2-6 District, within the Greenwich Village Historic District.

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

**BOROUGH OF QUEENS
No. 18
EAST VILLAGE HOUSING**

CD 3 C 190069 HAM

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

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

- a) the designation of properties located at 204 Avenue A and 535 East 12th Street (Block 406 Lots 6 and 47) 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 properties to a developer to be selected by HPD; to facilitate two buildings containing approximately 21 units of affordable housing and commercial space.

**No. 19
NYPD 116TH PRECINCT DEMAPPING**

CD 13 C 190004 MMQ
IN THE MATTER OF an application submitted by The New York City Department of Transportation, 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 a southerly portion of North Conduit Avenue from Francis Lewis Boulevard to a point 374.67 feet west of Hook Creek Boulevard;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5031 dated August 20, 2018 and signed by the Borough President.

**Nos. 20 & 21
DOUGLASTON PARKWAY REZONING
No. 20**

CD 11 C 060432 ZMQ

IN THE MATTER OF an application submitted by 241-15 Northern LLC and North Shore Realty Group Corp., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11a:

1. changing from an R1-2 District to an R6A District property, bounded by a southeasterly boundary lines of a park and its northeasterly prolongation, Douglaston Parkway, Northern Boulevard, a northeasterly boundary line of a park and its southeasterly prolongation, a line 95 feet northwesterly of Northern Boulevard, and a line 170 feet southwesterly of Douglaston Parkway; and
2. establishing within a proposed R6A District a C1-2 District, bounded by a line 95 feet northwesterly of Northern Boulevard, Douglaston Parkway, Northern Boulevard and a northeasterly boundary line of a park and its southeasterly prolongation;

as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-494.

No. 21

CD 11 N 180281 ZRQ

IN THE MATTER OF an application submitted by 241-15 Northern LLC and North Shore Realty Group Corp., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

* * *

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

* * *

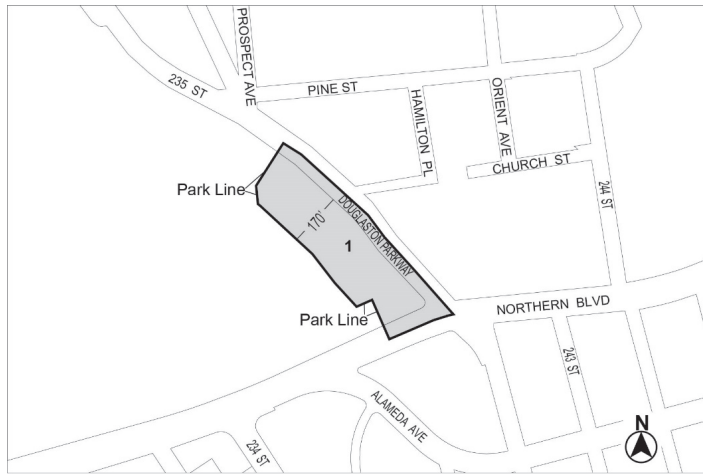
QUEENS

* * *

Queens Community District 11

Map 1 – [date of adoption]

[PROPOSED MAP]



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

Portion of Community District 11, Queens

* * *

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



n20-d5

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters to be held at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, December 19, 2018, at 10:00 A.M.

BOROUGH OF THE BRONX
Nos. 1 & 2
WILLIAMSBRIDGE ROAD REZONING
No. 1

CD 11 **C 180261 ZMX**

IN THE MATTER OF an application submitted by 2712 Radcliff Yates Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4a:

- changing from a C8-1 district to an R7A District property, bounded by a line perpendicular to the northeasterly street line of Williamsbridge Road, distant 245 feet northwesterly (as measured along the street line) from the point of intersection of the westerly street line of Colden Avenue, and the northeasterly street line of Williamsbridge Road, a line midway between Colden Avenue and Williamsbridge Road, a line perpendicular to the westerly street line of Colden Avenue, distant 275 feet northerly (as measured along the street line), from the point of intersection of the westerly street line of Colden Avenue, and the northeasterly street line of Williamsbridge Road, Colden Avenue, and Williamsbridge Road; and
- establishing within the proposed R7A District, a C2-3 District, bounded by a line perpendicular to the northeasterly street line of Williamsbridge Road, distant 245 feet northwesterly (as measured along the street line), from the point of intersection of the westerly street line of Colden Avenue and the northeasterly street line of Williamsbridge Road, and a line 80 feet northeasterly of Williamsbridge Road, Colden Avenue, and Williamsbridge Road;

as shown on a diagram (for illustrative purposes only) dated September 4, 2018 and subject to the conditions of CEQR Declaration E-498.

No. 2

CD 11 **N 180262 ZRX**

IN THE MATTER OF an application submitted by 2712 Radcliff Yates Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Housing Inclusionary area.

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

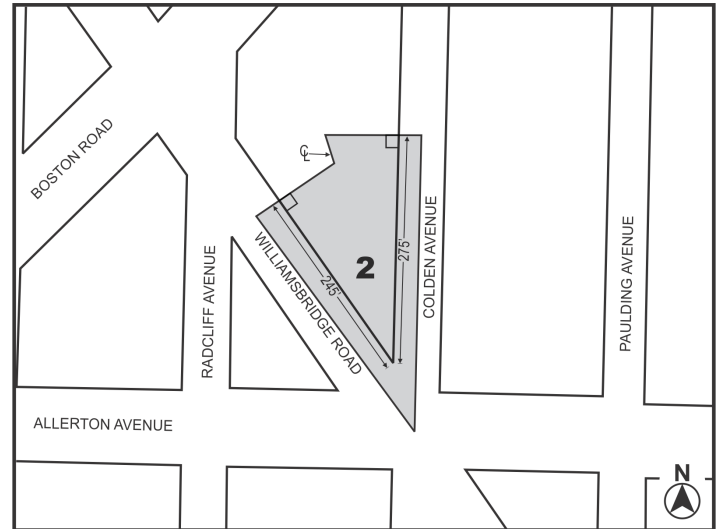
* * *

Bronx Community District 11

* * *

Map 2 - [date of adoption]

[PROPOSED MAP]



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

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

Portion of Community District 11, The Bronx

* * *

Nos. 3 & 4
BETANCES VI
No. 3

CD 1 **C 190143 ZMX**

IN THE MATTER OF an application submitted by New York City Housing Authority, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6a:

- eliminating from within an existing R6 District a C1-4 District, bounded Willis Avenue, East 147th Street, a line 100 feet southeasterly of Willis Avenue, and East 146th Street;
- changing from an R6 District to an R7X District property, bounded by Willis Avenue, East 147th Street, a line 175 feet southeasterly of Willis Avenue, a line midway between East 147th Street and East 146th Street, a line 100 feet southeasterly of Willis Avenue, and East 146th Street; and
- establishing within the proposed R7X District a C2-4 District, bounded by Willis Avenue, East 147th Street, a line 100 feet southeasterly of Willis Avenue, and East 146th Street; as shown on a diagram (for illustrative purposes).

No. 4

CD 1 **N 190144 ZRX**

IN THE MATTER OF an application submitted by the New York City Housing Authority, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

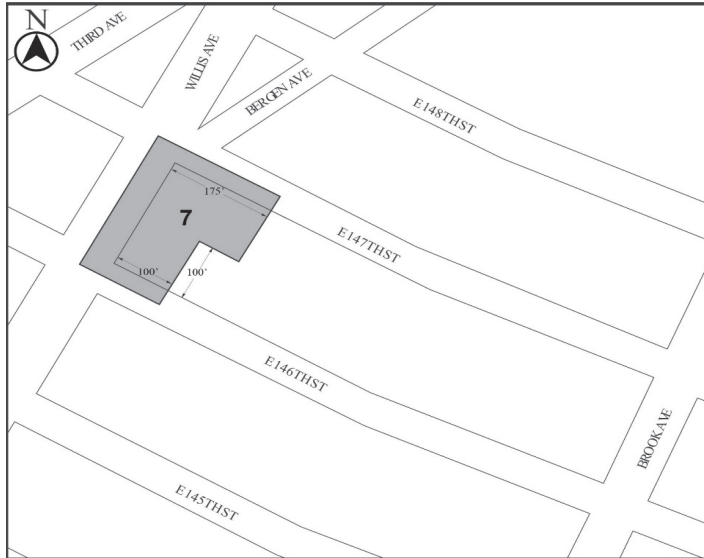
THE BRONX

* * *

The Bronx, Community District 1

* * *

Map 6 – (date of adoption)



■ Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
 Area 7 — [date of adoption] MIH Program Option 2

Portion of Community District 1, the Bronx

* * *

BOROUGH OF MANHATTAN
No. 5
FRANK WHITE MEMORIAL GARDEN

CD 9 C 180404 PCM

IN THE MATTER OF an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property, located at 510 West 143rd Street (Block 2074, Lot 146) for use as a community garden.

BOROUGH OF QUEENS
Nos. 6 & 7
FORMER PARKWAY HOSPITAL SITE REZONING

CD 6 C 180447 ZMQ

IN THE MATTER OF an application submitted by Auberge Grand Central, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a:

1. changing from an R1-2A District to an R7A District property, bounded by 70th Road, a line 100 feet northeasterly of 113th Street, the northeasterly prolongation of the southeasterly street line of 71st Avenue, 113th Street, 71st Avenue, and a line 135 feet southwesterly of 113th Street; and
2. changing from an R1-2A District to an R7X District property, bounded by 70th Road, the southwesterly service road of the Grand Central Parkway, the northeasterly prolongation of the southeasterly street line of 71st Avenue, and a line 100 feet northeasterly of 113th Street;

as shown on a diagram (for illustrative purposes only) dated September 24, 2018, and subject to the conditions of CEQR Declaration E-502.

No. 7

CD 6 N 180448 ZRQ

IN THE MATTER OF an application submitted by Auberge Grand Central LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

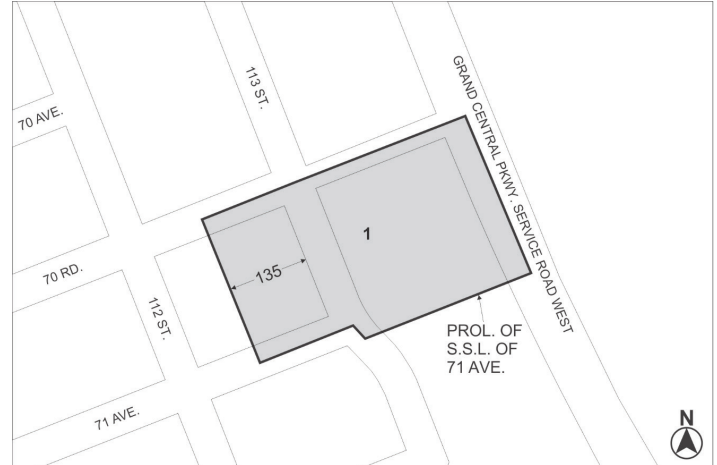
QUEENS

* * *

Queens Community District 6

Map 1 – (date of adoption)

[PROPOSED MAP]



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

Portion of Community District 6, Queens

* * *

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



d5-19

CITYWIDE ADMINISTRATIVE SERVICES

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT A REAL PROPERTY ACQUISITIONS AND DISPOSITIONS PUBLIC HEARING, in accordance with Section 824 of the New York City Charter, will be held on December 19, 2018 at 10:00 A.M. in Conference Room B, 20th Floor, 1 Centre Street, Borough of Manhattan.

IN THE MATTER OF a lease for the purpose of continuing the tenancy of the City of New York, as tenant, on the entire 2nd floor of the building, located at 11 Park Place (Block 124, Lot 4), in the Borough of Manhattan for the Department of Buildings to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine.

The proposed lease shall be for a period of fourteen and one half (14.5) years for the term June 1, 2018 to November 30, 2032, at an annual rent of \$637,000 for the period June 1, 2018 to November 30, 2018, then an annual rent of \$652,925 for the period December 1, 2018 to November 30, 2019, then an annual rent of \$669,248 for the period December 1, 2019 to November 30, 2020, then an annual rent of \$685,980 for the period December 1, 2020 to November 30, 2021, then an annual rent of \$703,128 for the period December 1, 2021 to November 30, 2022, then an annual rent of \$751,332 for the period December 1, 2022 to November 30, 2023, then an annual rent of \$770,115 for the period December 1, 2023 to November 30, 2024, then an annual rent of \$789,368 for the period December 1, 2024 to November 30, 2025, then an annual rent of \$809,102 for the period December 1, 2025 to November 30, 2026, then an annual rent of \$829,330 for the period December 1, 2026 to November 30, 2027, then an annual rent of \$880,688 for the period December 1, 2027 to November 30, 2028, then an annual rent of \$902,705 for the period December 1, 2028 to November 30, 2029, then an annual rent of \$925,273 for the period December 1, 2029 to November 30, 2030, then an annual rent of \$948,405 for the period December 1, 2030 to

November 30, 2031, then an annual rent of \$972,115 for the period December 1, 2031 to November 30, 2032 payable in equal monthly installments at the end of each month. The Base Rent shall be abated for the period beginning June 1, 2018 and ending August 31, 2018. The first month's rent shall include a lump sum payment to the landlord for the period beginning December 1, 2017 and ending May 31, 2018 equal to \$67,850.00 (which represents the difference in the value of (a) \$53,083.33/month (\$637,000.00) - which is the rent in effect under the new Lease and (b) \$41,775.08/month (\$501,301.00) - which is the current rent paid under the Tenant Not a Holdover provision.

The lease may be terminated by the Tenant in its entirety only effective any time after November 30, 2029, provided the Tenant gives the Landlord 12 months' prior written notice. In the event that the lease is terminated by the Tenant, the Tenant shall pay to the Landlord the unamortized portion of Landlord's contribution to tenant work costs and free rent for the space being terminated.

The Landlord shall prepare final architectural plans and engineering plans and make alterations and improvements in accordance with preliminary architectural plans and specifications which are attached to the lease. The alterations and improvements consist of Landlord Base Building Work, which the Landlord shall perform at its sole cost and expense, and Tenant Work, which the Landlord shall perform and the cost of which Tenant shall partially reimburse Landlord. The total cost of the Tenant Work shall not exceed \$1,959,182 of which the Landlord shall contribute \$781,550 and the balance up to \$1,177,632 ("Tenant's Contribution") will be paid by the Tenant. The Tenant shall reimburse the Landlord for Tenant's Contribution in accordance with the terms of Article 6 of the lease.

Further information, including public inspection of the proposed lease may be obtained at One Centre Street, Room 2000 North, New York, NY 10007. To schedule an inspection, please contact Chris Fleming, at (212) 386-0315.

Individuals requesting Sign Language Interpreters/Translators should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than TEN (10) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call VERIZON relay services.



d5

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 18 - Wednesday, December 19, 2018, 7:00 P.M., Community Board Meeting Room 1097, Bergen Avenue, Brooklyn, NY 11234.

#645-59 BZ
108-24 Flatlands Avenue, Block 8235, Lot 2.

An application for a Variance, pursuant to Section 11-411, of the Zoning Resolution of the City of New York, to waive the Rules of Practice and Procedure and to extend the term of a previously granted Variance, which expired on October 7, 2015, to authorize the existing use of the Premises as a gasoline service station and convenience store, for an additional ten (10) years to October 7, 2025.

d3-7

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

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 06 - Monday, December 10, 2018, 6:30 P.M., NYU School of Dentistry, Room 220, 433 1st Avenue, NY.

#C180481ZMM

An application submitted by 245 East 53rd Street LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 8d, by establishing within an existing R8B District a C2-5 District, bounded by a line 150 feet easterly of Third Avenue, a line midway between East 54th Street and East 53rd Street, a line 100 feet westerly of Second Avenue, a line midway between East 53rd Street and East 52nd Street, a line 160 feet easterly of Third Avenue, and East 53rd Street, as shown on a diagram (for illustrative purposes only), dated October 29, 2018, and subject to the conditions of CEQR Declaration E-511.



n26-d7

COMPTROLLER

MEETING

The City of New York Audit Committee Meeting, is scheduled for Wednesday, December 5, 2018, from 9:30 A.M., to NOON, at 1 Centre Street, Room 1005, North, New York, NY 10007. The meeting is open to the general public.

n28-d5

HOUSING AUTHORITY

MEETING

The next Board Meeting of the New York City Housing Authority, is scheduled for Wednesday, December 19, 2018, at 10:00 A.M., in the Board Room, on the 12th Floor of 250 Broadway, New York, NY (unless otherwise noted). Copies of the Calendar are available on NYCHA's website, or can be picked up at the Office of the Corporate Secretary, at 250 Broadway, 12th Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes are also available on NYCHA's website, or can be picked up at the Office of the Corporate Secretary, no earlier than 3:00 P.M., on the Thursday after the Board Meeting.

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

The meeting is open to the public. Pre-Registration at least 45 minutes before the scheduled Board Meeting, is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard, or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

For additional information, please visit NYCHA's website, or contact (212) 306-6088.

Accessibility questions: Office of the Corporate Secretary (212) 306-6088, or corporate.secretary@nycha.nyc.gov, by: Wednesday, December 5, 2018, 1:00 A.M.



n28-d19

OFFICE OF LABOR RELATIONS

NOTICE

The New York City Deferred Compensation Plan Board, will hold its next meeting on Wednesday, December 5, 2018, from 10:00 A.M., to 12:00 P.M. The meeting will be held, at 40 Rector Street, 4th Floor, New York City.

d3-5

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320), on Tuesday, December 11, 2018, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Preservation Commission, no later than five (5) business days before the hearing or meeting.

**48-14 39th Avenue - Sunnyside Gardens Historic District
LPC-19-20582 - Block 133 - Lot 41 - Zoning: R4
CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style rowhouse, designed by Clarence Stein and Henry Wright, and built in 1927. Application is to legalize the installation of a door, without Landmarks Preservation Commission permit(s).

215 Manor Road - Douglaston Historic District
LPC-19-26941 - Block 8034 - Lot 57 - **Zoning:** R1-2
CERTIFICATE OF APPROPRIATENESS
 An English Cottage style house, designed by Louis O. Rohland, and built in 1926. Application is to replace windows.

240-01 42nd Avenue - Douglaston Hill Historic District
LPC-19-27672 - Block 8105 - Lot 1 - **Zoning:** R1-2
CERTIFICATE OF APPROPRIATENESS
 A free-standing Neo-Colonial style house, with Arts and Crafts style elements, designed by Henry A. Erdmann and built in 1921. Application is to construct a gazebo in the yard.

165 Columbia Heights - Brooklyn Heights Historic District
LPC-19-30140 - Block 234 - Lot 28 - **Zoning:** R6
CERTIFICATE OF APPROPRIATENESS
 A carriage house built in the 1880s. Application is to modify a rooftop addition, replace windows, and install paving and railings.

270 Carroll Street - Carroll Gardens Historic District
LPC-19-27671 - Block 450 - Lot 19 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS
 A rowhouse, designed by William J. Bedell, and built in 1873. Application is to construct a rear yard addition.

85 Franklin Street - Tribeca East Historic District
LPC-19-31178 - Block 174 - Lot 22 - **Zoning:** C6-2A
CERTIFICATE OF APPROPRIATENESS
 A Moderne style commercial building, originally built as a store in lofts building in 1860-62, and altered in 1936, by Thomas White Lamb. Application is to alter the façade, and construct a streetwall rooftop addition.

484 Broome Street - SoHo-Cast Iron Historic District
LPC-18-7060 - Block 487 - Lot 1 - **Zoning:** M1-5A
CERTIFICATE OF APPROPRIATENESS
 A Romanesque style warehouse, designed by Alfred Zucker, and built in 1891. Application is to modify a storefront.

39 and 41 Worth Street - Individual Landmark
LPC-19-25982 - Block 176 - Lot 11 & 10 - **Zoning:** C6-2A
CERTIFICATE OF APPROPRIATENESS
 Two Italianate style store and loft buildings, designed by Isaac F. Duckworth, and built c. 1865-1866. Application is to construct rooftop additions and install a roof ladder.

424 Broadway - SoHo-Cast Iron Historic District Extension
LPC-19-31086 - Block 209 - Lot 7501 - **Zoning:** M1-5B
CERTIFICATE OF APPROPRIATENESS
 An Italianate style store and lofts building, designed by Henry Engelbert, and built in c. 1868. Application is to replace storefront infill.

770 Broadway, 133-147 East 8th Street, 42-58 4th Avenue, and 74 86 East 9th Street - NoHo Historic District
LPC-19-25194 - Block 554 - Lot 1 - **Zoning:** C6-2
CERTIFICATE OF APPROPRIATENESS
 A Renaissance Revival style department store building, designed by D.H. Burnham & Co., and built in 1903-07, with an addition built in 1924-25. Application is to install illuminated signage.

155 Mercer Street - SoHo-Cast Iron Historic District
LPC-19-33268 - Block 513 - Lot 28 - **Zoning:** M1-5A
CERTIFICATE OF APPROPRIATENESS
 A "Fireman's Hall", designed by Field & Correja, and built in 1854. Application is to legalize the installation of neon lighting, without Landmarks Preservation Commission permit(s).

302 West 45th Street - Interior Landmark
LPC-19-33009 - Block 1035 - Lot 37 - **Zoning:** C6-2/C6-4
CERTIFICATE OF APPROPRIATENESS
 A Moorish-inspired theater, designed by Martin Beck, and built in 1923-24. Application is to modify the interior lobby.

220 East 42nd Street - Individual and Interior Landmark
LPC-19-32614 - Block 1315 - Lot 7501 - **Zoning:** C5-2
CERTIFICATE OF APPROPRIATENESS
 An Art Deco style skyscraper, designed by Raymond Hood, and built in 1929-30. Application is to install entrance infill and a canopy.

227 Riverside Drive, aka 340 West 95th Street - Riverside - West End Historic District
LPC-19-23273 - Block 1253 - Lot 48 - **Zoning:** R10A
CERTIFICATE OF APPROPRIATENESS
 A Neo-Renaissance style apartment building, designed by John Woolley, and built in 1897-98. Application is to modify a barrier-free access ramp installed, without Landmarks Preservation Commission permit(s).

508 Columbus Avenue - Upper West Side/Central Park West Historic District
LPC-19-31008 - Block 1215 - Lot 33 - **Zoning:** C1-8
CERTIFICATE OF APPROPRIATENESS
 A Queen Anne/Romanesque Revival style apartment and commercial building, designed by John G. Prague, and built in 1893-1894. Application is to construct a barrier-free access ramp.

121 West 88th Street - Upper West Side/Central Park West Historic District
LPC-19-27561 - Block 1219 - Lot 121 - **Zoning:** R7-2
CERTIFICATE OF APPROPRIATENESS
 A Renaissance Revival style rowhouse, designed by Alonzo B. Kight, and built in 1898. Application is to construct rear yard and rooftop additions, and modify masonry openings.

n28-d11

MAYOR'S OFFICE OF CONTRACT SERVICES

■ MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

-NOTICE OF MEETING-

PUBLIC NOTICE IS HEREBY GIVEN, that the Franchise and Concession Review Committee, will hold a public meeting on Wednesday, December 12, 2018, at 2:30 P.M., at 2 Lafayette Street, 14th Floor Auditorium, New York, NY 10007.

NOTE: This location is accessible to individuals using wheelchairs or other mobility devices. For further information on accessibility, or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS), via email at DisabilityAffairs@mocs.nyc.gov, or via phone at (212) 788-0010. Any person requiring reasonable accommodation for the public meeting, should contact MOCS at least three (3) business days in advance of the meeting to ensure availability.

d3-12



CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

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

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

Vehicles can be viewed in person by appointment at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214. Phone: (718) 802-0022

m30-s11

OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

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

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

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

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

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j2-d31

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property, appear in the Public Hearing Section.

jy6-j7

POLICE

■ NOTICE

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

The following list of properties is in the custody of the Property Clerk Division without claimants: 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. Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

INQUIRIES

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

FOR MOTOR VEHICLES (All Boroughs):

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

FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j2-d31

PROCUREMENT

“Compete To Win” More Contracts!

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

- *Win More Contracts at nyc.gov/competetowin*

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

HHS ACCELERATOR

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

Important information about the new method

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

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

Participating NYC Agencies

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

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

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

ADMINISTRATION FOR CHILDREN’S SERVICES

■ AWARD

Human Services/Client Services

- **COMMUNITY PARTNERSHIP PROGRAM** - Request for Proposals - PIN#06818I0006005 - AMT: \$1,050,000.00 - TO: Hunts Point Alliance for Children, 1231 Lafayette Avenue, Bronx, NY 10474.
- **COMMUNITY PARTNERSHIP PROGRAM** - Request for Proposals - PIN#06818I0006007 - AMT: \$1,050,000.00 - TO: Little Flower Children’s and Family Services of New York, 2450 North Wading River Road, Wading River, NY 11792.
- **COMMUNITY PARTNERSHIP PROGRAM** - Request for Proposals - PIN#06818I0006006 - AMT: \$2,100,000.00 - TO: Jewish Child Care Association of New York, 858 East 29th Street, Brooklyn, NY 11210.

• d5

CITY UNIVERSITY

■ SOLICITATION

Services (other than human services)

INTERNATIONAL TRIP FOR THE ZICKLIN SCHOOL OF BUSINESS EXECUTIVE PROGRAMS SPRING 2019 - Request for Proposals - PIN#2019000094189 - Due 2-1-19 at 4:00 P.M.

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

City University, 17 Lexington Avenue, New York, NY 10010. Kelema Bradford (646) 660-6159; Fax: (646) 660-6161; baruchcollegebids@baruch.cuny.edu

☛ d5

BRONX COMMUNITY COLLEGE

SOLICITATION

Services (other than human services)

BLOOMBERG OPEN USER LICENSE - Sole Source - Available only from a single source - PIN#042632019006 - Due 12-27-18 at 10:00 A.M.

For multiple users in the Business Information Systems Program. Prospective vendors must be able to sell/resell a software license for the above-mentioned product for a period of 2 years with an additional option period of 3 years. Prospective vendors that are authorized by Bloomberg Corporation to sell/resell a license to this software must meet at a minimum, the product requirements described above. Vendors are invited to submit no later than the date set forth below: 1) documentation verifying that your company can meet the minimum product requirements; and 2) A letter from the Bloomberg Corporation verifying your company's authority to sell/resell the license to the software.

Any purchase that results from this advertisement shall be governed by the University's standard Terms and Conditions, Purchase Order, and the Standard Clauses for New York State Contracts (Appendix A).

Under the requirements of the Procurement Lobbying Act (PLA), all communications regarding advertised projects are to be channeled through the Designated Contact. Communication with respect to this procurement initiated by or on behalf of an interested vendor through others than the Designated Contact may constitute an "impermissible contact" under NYS law and could result in disqualification of that vendor.

Vendor shall complete, sign and submit the following forms if they are selected.

- 1. "Offerer's Affirmation of Understanding of and Agreement, pursuant to State Finance Law § 139-j (3) and § 139-j (6) (b)"
2. "Offerer's Disclosure of Prior Non-Responsibility Determinations and Certification of Compliance with State Finance Law §139-j and §139-k"

For rules and regulations, and more information on the PLA, please visit: http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/Faq.htm (Advisory Council FAQs) http://www.jcope.ny.gov/law/lob/lobbying2.html (New York State Lobby)

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.

City University, 2155 University Avenue, Colston Hall, 8th Floor, Room 821, Bronx, NY 10453. Nelda Alvarez (718) 298-5801; Fax: (718) 289-6466; nelda.alvarez@bcc.cuny.edu

☛ d5

CITYWIDE ADMINISTRATIVE SERVICES

AWARD

Goods

HEAVY EQUIP- ROLLERS- DOT - Intergovernmental Purchase - Other - PIN#8571800343 - AMT: \$3,239,500.00 - TO: H.O. Penn Machinery Co. Inc., 669 Brush Avenue, Bronx, NY 10465.

OGS Contr PC66988 Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: (518) 474-6717.

☛ d5

CITYWIDE HEARING CONSERVATION SERVICE - Renewal - PIN#857100004 - AMT: \$625,000.00 - TO: U S Mobile Health Exams Inc., 9310 Old Kings Road South, Suite 704, Jacksonville, FL 32257-6178.

☛ d5

OFFICE OF CITYWIDE PROCUREMENT

SOLICITATION

Goods

HELICOPTER, MOSQUITO CONTROL - DOHMH - Competitive Sealed Bids - PIN#8571900002 - Due 1-9-19 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online site at www.nyc.gov/cityrecord. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcaadmssbids@dcas.nyc.gov, by telephone at (212) 386-0044 or by fax at (212) 669-7603.

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

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Joseph Vacirca (212) 386-6330; Fax: (212) 313-3295; jvacirca@dcas.nyc.gov

Accessibility questions: DCAS Diversity and EEO Office (212) 386-0297, by: Tuesday, December 18, 2018, 5:30 P.M.



☛ d5

AWARD

Goods and Services

COMPUTER SOFTWARE AND SERVICES - Innovative Procurement - Other - PIN# 85619RQ0944 - AMT: \$32,489.92 - TO: Compulink Technologies, Inc., 260 West 39 Street, Suite 302, New York, NY 10018.

M/WBE Innovative Procurement, for awards from \$20K up to \$150K to certified M/WBEs.

☛ d5

INTENT TO AWARD

Services (other than human services)

X-RAY MACHINE MAINTENANCE AND REPAIR SERVICES - Sole Source - Available only from a single source - PIN#85619S0001 - Due 12-6-18 at 10:00 A.M.

This request is to provide parts, maintenance, and repair services for all of our AS and E X-Ray Machines throughout the City of New York for the Department of CityWide Administrative Services (DCAS).

DCAS, intends to enter into a Sole Source negotiation with Rapidsan Systems for the above noted services.

Any firm which believes that it can also provide the service and is an authorized technician to provide such service to the AS and E X-Ray machines is invited to express an interest by letter, which must be received no later than 10:00 AM on December 6th, 2018 to the attention of Andrew Dworjan, Administrative Procurement Analyst, Office of CityWide Purchasing.

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

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Andrew Dworjan (212) 386-5028; adworjan@dcas.nyc.gov

n29-d5

DESIGN AND CONSTRUCTION

CONTRACTS

INTENT TO AWARD

Construction Related Services

HL82BRKLN, BROOKLYN ANIMAL CARE CENTER - NEW BUILDING - Negotiated Acquisition - Available only from a single source - PIN#8502019HL0001P - Due 12-20-18 at 4:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, DDC, intends to use the Negotiated Acquisition process, to ensure continuity of architectural and engineering and construction related services, for the Brooklyn Animal Care Center. The term of the contract will be 1,551 consecutive calendar days from the date of registration. It is the intention of the agency to enter into negotiations with the firm, Smith-Miller plus Hawkinson Architects (SMH plus).

Firms may express interest in future procurements by contacting Peter Cabrera, Contract Manager, at 30-30 Thomson Avenue, Long Island City, NY 11101, or by calling (718) 391-1632, between the hours of 9:00 A.M. and 5:00 P.M. on business days. The firms are advised to register with the New York City Payee Information Portal (www.nyc.gov/pip), to be placed on the Citywide bidders list, for future contracting opportunities.

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.

Design and Construction, 30-30 Thomson Avenue, Long Island City, NY 11101. Peter Cabrera (718) 391-1632; Fax: (718) 391-1886; cabrera@ddc.nyc.gov

n30-d6

ENVIRONMENTAL PROTECTION

ENGINEERING DESIGN AND CONSTRUCTION

■ AWARD

Services (other than human services)

PRE-SELECTION OF EMERGENCY GENERATORS AND SWITCHGEAR, JAMAICA WWTP - Competitive Sealed Bids - PIN#82616WP01379001 - AMT: \$11,920,146.00 - TO: H.O. Penn Machinery Co., Inc., 699 Brush Avenue, Bronx, NY 10465.

Contract Number: JA-179PS

← d5

WATER SUPPLY QUALITY

■ AWARD

Construction Related Services

KENSICO ROAD CLOSURE TRAFFIC IMPROVEMENT MEASURES - Competitive Sealed Bids - PIN#82618B0015001 - AMT: \$4,948,000.00 - TO: Transit Construction Corp., 618 Saw Mill River Road, Yonkers, NY 10710. Project Number: CRO-502

← d5

HOUSING AUTHORITY

SUPPLY MANAGEMENT

■ SOLICITATION

Construction Related Services

SMD REPAIR OF STEEL STAIRWAY SYSTEM - REDFERN HOUSES, QUEENS - Competitive Sealed Bids - PIN#67850 - Due 12-18-18 at 10:00 A.M.

Fabricate and install new steel replacement steps in the first-floor lobby entrance, at 15-40 Hassock Street, and welding of the metal landing between the 2nd and 3rd floors, in 14-68 Beach Channel Drive.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, please make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing" followed by "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

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

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

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Mimose Julien (212) 306-8141; Fax: (212) 306-5109; mimose.julien@nycha.nyc.gov

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Goods

GLASS, TRANSPARENT DOUBLE STRENGTH - Competitive Sealed Bids - PIN#67772 - Due 12-27-18 at 12:00 P.M.

This is a RFQ for 3-year blanket order agreement. The awarded bidder/vendor agrees to have GLASS, TRANSPARENT DOUBLE STRENGTH readily available for delivery within 15 days after receipt of order, on an "as needed basis" during the duration of the contract period. The quantities provided are estimates based on current usage and the New York City Housing Authority may order less or more depending on our needs. All price adjustable RFQ'S are fixed for one year after award date. One price adjustment per year will be allowed with mfg. supporting documentation only. Please note: NYCHA reserves the right to make award by class as indicated. Samples may be required to be provided within 10 days of request. Failure to do so will result in bid being considered non-responsive.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

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

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

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10008. Gerard Valerio (212) 306-4724; valeriog@nycha.nyc.gov



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PARKS AND RECREATION

■ VENDOR LIST

Construction Related Services

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

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

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

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

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

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

* Firms that are in the process of becoming a New York City-Certified M/WBE, may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

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

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

Parks and Recreation, Olmsted Center Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; dmwbe.capital@parks.nyc.gov

j2-d31

CONTRACTS

■ SOLICITATION

Construction / Construction Services

CONSTRUCTION OF A PLAYGROUND - Competitive Sealed Bids - PIN#BG-39100-117M - Due 12-28-18 at 10:30 A.M.

In the Schoolyard at IS 228, located at Avenue S, between West 4th Street and West 5th Street, Borough of Brooklyn.

E-PIN# 84618B0271.

This procurement is subject to participation goals for MBEs and/or WBEs, as required by Local Law 1 of 2013.

This Contract is subject to Apprenticeship Program Requirements.

Bid Security: Bid Bond in the amount of 10 percent of Bid Amount or Bid Deposit in the amount of 5 percent of Bid Amount.

The Cost Estimate Range is: \$1,000,000.00 to \$3,000,000.00.

To request the Plan Holder's List, please call the Blue Print Room, at (718) 760-6576.

To manage your vendor name and commodity codes on file with the City of New York, please go to New York City's Procurement and Sourcing Solutions Portal (PASSPort), at <https://a858-login.nyc.gov/osp/a/t1/auth/saml2/sso>. To manage or update your email, address or contact information, please go to New York City's Payee Information Portal, at <https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService>.

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 New York, 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 number and email address information 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. Kylie Murphy (718) 760-6855; kylie.murphy@parks.nyc.gov

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REVENUE

■ SOLICITATION

Services (other than human services)

RFB FOR THE OPERATION OF TENNIS PROFESSIONAL CONCESSIONS AT VARIOUS LOCATIONS CITYWIDE - Competitive Sealed Bids - PIN#CWTP-2018 - Due 1-7-19 at 11:00 A.M.

In accordance with Section 1-12 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks"), is issuing, as of the date of this notice, a non-significant Request for Bids ("RFB"), for the operation of tennis professional

concessions at various locations Citywide.

Hard copies of the RFB can be obtained, at no cost from November 28, 2018 through January 7, 2019, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at, 830 Fifth Avenue, Room 407, New York, NY 10065. All bids submitted in response to this RFB must be submitted by no later than January 7, 2018, at 11:00 A.M.

The RFB is also available for download, from November 28, 2018 through January 7, 2019, on Parks' website. To download the RFB, visit: www.nyc.gov/parks/businessopportunities, click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFB's description.

For more information related to the RFB, contact Sofiya Minsariya, at (212) 360-8230 or via email: Sofiya.Minsariya@parks.nyc.gov.

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

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

Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Sofiya Minsariya (212) 360-8230; Fax: (212) 360-3434; sofiya.minsariya@parks.nyc.gov

n28-d11

REVENUE AND CONCESSIONS

■ SOLICITATION

Services (other than human services)

FOOD CONCESSION AT TREMONT PARK - Request for Proposals - PIN# X10A-SB2018 - Due 1-11-19 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, a RFP for the development, operation and maintenance of a food service concession and up to three (3) optional mobile Food Units at Tremont Park, in the borough of the Bronx.

There will be a recommended on-site proposer meeting and site tour on December 14, 2018, at 11:00 A.M. We will be meeting at the proposed concession site (Block # 2943 and Lot # 1), which is located at East Tremont Avenue and Arthur Avenue. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

Hard copies of the RFP can be obtained, at no cost, commencing December 3rd, 2018, through January 11, 2019, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at 830 Fifth Avenue, Room 407, New York, NY 10065. All proposals submitted in response to this RFP must be submitted by no later than Friday, January 11, 2019, at 3:00 P.M.

The RFP is also available for download December 3rd, 2018 through January 11, 2019, at Parks' website. To download the RFP, visit www.nyc.gov/parks/businessopportunities, click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFP's description.

For more information related to the RFP, contact Angel Williams, at (212) 360-3495 or via email: Angel.Williams@parks.nyc.gov.

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

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

Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Angel Williams (212) 360-3495; Fax: (212) 360-3434; angel.williams@parks.nyc.gov

d3-14

PROBATION

■ INTENT TO AWARD

Human Services / Client Services

JUSTICE PLUS NEGOTIATED ACQUISITION - Negotiated Acquisition - Other - PIN# 78119N0002 - Due 12-10-18 at 2:00 P.M.

Pursuant to Section 3-04(b)(2)(i)(D) of the Procurement Policy Board Rules, the Department of Probation, intends to enter into a contract

with the following vendors, to ensure continued provision of Justice Plus wraparound services. The contract term will be from July 1, 2018 through June 30, 2019.

Vendor Names:

- Getting Out and Staying Out (Anticipated Contract Amount: \$129,400.00)
- Fund for the City of New York/Center for Court Innovation (Anticipated Contract Amount: \$517,600.00)
- Urban Youth Alliance International, Inc. (Anticipated Contract Amount: \$129,400.00)
- Good Shepherd Services (Anticipated Contract Amount: \$129,400.00)
- Center for Alternative Sentencing and Employment Services, Inc. (Anticipated Contract Amount: \$129,400.00)
- Man Up, Inc. (Anticipated Contract Amount: \$258,800.00)
- Rockaway Development Revitalization Corp (Anticipated Contract Amount: \$129,400.00)

This ad is for information purposes only, anyone who would like additional information regarding this procurement or future like procurements may send an email to ACCO@probation.nyc.gov, no later than 2:00 P.M., on December 10, 2018.

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.

Probation, 33 Beaver Street, 21st Floor, New York, NY 10004. Eileen Parfrey-Smith (212) 510-3790; Fax: (212) 510-3794; acco@probation.nyc.gov

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SANITATION

AGENCY CHIEF CONTRACTING OFFICE

■ AWARD

Goods and Services

IT ACCESSORIES - Innovative Procurement - Other - PIN# 20191600072 - AMT: \$39,857.00 - TO: Compulink Technologies, 260 West 39th Street, New York, NY 10018.

MWBE AWARD FOR SCREENS, STYLUSES, AND STRAPS.

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TRANSPORTATION

BRIDGES

■ AWARD

Construction Related Services

TD AND CSS REHABILITATION OF THREE TUNNELS (FREEDOM, 1ST AVE AND PARK AVE), MANHATTAN - Request for Proposals - PIN#8411MNBR130 - AMT: \$5,358,766.28 - TO: WSP USA, Inc., 1 Penn Plaza, New York, NY 10119.

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TRAFFIC

■ AWARD

Services (other than human services)

FURNISH SERVICE INTERNET CONNECTION TRAFFIC MANAGEMENT - Renewal - PIN#84115QUTR868 - AMT: \$190,800.00 - TO: Stealth Communications Services LLC, 50 Broad Street, New York, NY 10004.

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CONTRACT AWARD HEARINGS

NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA EMAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 788-0010. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.



ADMINISTRATION FOR CHILDREN'S SERVICES

■ NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held, at the Administration for Children's Services, 150 William Street, 9th Floor (9C1), Borough of Manhattan, on Friday, December 14, 2018, commencing at 10:00 A.M. on the following:

IN THE MATTER OF one (1) proposed contract between the Administration for Children's Services of the City of New York, and the contractor listed below, for the provision of Child Care Services. The term of the contract will be from July 1, 2018 to June 30, 2019.

Contractor/Address	E-PIN #	Amount
Bethany Day Nursery, Inc. 224 West 152 nd Street New York, NY 10039	06819L0003001	\$709,605.00

The proposed contractor is being funded through the City Council Discretionary Funds Appropriation, pursuant to Section 1-02(e) of the Procurement Policy Board Rules.

A copy of the draft agreement is available for inspection, at the New York City Administration for Children's Services, Office of Procurement, 150 William Street, 9th Floor, Borough of Manhattan, on business days from Wednesday, December 5, 2018 through Friday, December 14, 2018, exclusive of holidays, between the hours of 10:00 A.M. and 4:00 P.M. Please contact Onajite Edah of the Office of Procurement, at (212) 341-3641, to arrange a visitation.

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AGING

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, December 13, 2018, at 1 Centre Street, Mezzanine, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER OF a Purchase Order/Contract between the City of New York Department for the Aging and SilverBills LLC, located at 34 Bayberry Lane, New Rochelle, NY 10804-3441, for the provision of financial services for seniors. The program will be serving all Community Districts in the Boroughs of The Bronx, Brooklyn, Manhattan, Queens and Staten Island. The contract amount is \$150,000. The contract term shall be from January 1, 2019 to December 31, 2021. PIN #: 12519SILVERB.

The Vendor has been selected pursuant to Section 3-12 (e) of the Procurement Policy Board Rules.

A draft copy of the Purchase Order/Contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, Room 400, New York, NY 10007, on business days, from December 5, 2018 to December 13, 2018, excluding Holidays, from 10:00 A.M. to 4:00 P.M.



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PARKS AND RECREATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Wednesday, December 12, 2018, at NYC Department of Parks and Recreation, Olmsted Center Annex, Bid Room, Flushing Meadows-Corona Park, Flushing, NY 11368, commencing at 11:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the City of New York, Department of Parks and Recreation and U.S. Department of the Army, U.S. Army Corps of Engineers, located at 26 Federal Plaza, New York, NY 100278, for the placement of dredged sand between Beach 92nd Street to Beach 103rd Street, Rockaway Beach, NY. PIN #: 84619T0002001.

The proposed contract is with another government, public authority or public benefit corporation, pursuant to Section 1-02 (f)(1) of the Procurement Policy Board Rules.

A draft copy of the proposed contract will be available for public inspection at the NYC Department of Parks and Recreation, Olmsted Center Annex, Bid Room, Flushing Meadows-Corona Park, Flushing, NY 11368, from December 5, 2018 to December 12, 2018, excluding weekends and Holidays, from 9:00 A.M. to 4:00 P.M. (EST).

Accessibility questions: susana.hersh@parks.nyc.gov, by: Wednesday, December 12, 2018, 10:00 A.M.



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AGENCY RULES

ADMINISTRATIVE TRIALS AND HEARINGS

■ NOTICE

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Office of Administrative Trials and Hearings (OATH) in accordance with Sections 1049 and 1043 of the New York City Charter that OATH repeals and restates Section 6-19 of Subchapter D of Chapter 6, and amends Section 5-04 of Chapter 5 of Title 48 of the Rules of the City of New York, concerning the appellate procedures at OATH. The proposed rule was published in *The City Record* on August 27, 2018, and a public hearing was held on September 26, 2018.

No one testified at the public hearing concerning this rule and OATH did not receive any written comments. Upon further review, OATH made one additional amendment adding a new Paragraph (4) to Section 6-19(d) that clarifies that a request for an extension to file an appeal does not extend the time by which a respondent must pay the penalty pursuant to Section 6-18 of Title 48. This reflects OATH's current practice of requiring proof of payment of a penalty when a Respondent files a request for an extension of time to file an appeal.

Statement of Basis and Purpose of Final Rule

The Office of Administrative Trials and Hearings ("OATH") repeals and restates Section 6-19 of Subchapter D of Chapter 6 of the Rules of the City of New York, concerning OATH's appellate procedures. The restated Section 6-19 clarifies the appellate procedures, simplifies the language, and re-organizes the rules to make them easier to read and understand. In addition to providing clearer appellate procedures, OATH also made the following substantive changes to the rules:

- A respondent who has chosen to perform community service instead of paying a monetary penalty is not required to pay the penalty as a condition to filing an appeal. This comports with Section 7-06(a) of OATH's rules on community service.
- A party who requests an extension of time to file an appeal or respond to an appeal will be granted one automatic extension of thirty (30) days. A request for an audio recording of the hearing will no longer provide an automatic extension of a party's time to appeal. After the automatic extension has been granted, any additional requests for an extension of time will be granted for good cause shown.

- Additional submissions by either party on an appeal other than the appeal and response will not be considered unless requested by the Appeals Unit.
- Former Section 6-19(b) provided that the Appeals Unit only considered evidence that was presented to a hearing officer at the hearing. Now, upon good cause shown, the Appeals Unit may consider dispositive government records, such as a death certificate or deed to establish a material fact or defense.

OATH also amends Section 5-04 of Chapter 5 of Title 48 of the Rules of the City of New York so that the requirement in Section 19-506.1(c) of the New York City Administrative Code that respondents are not required to pay penalties, fines, or restitution in order to file an appeal is reflected in OATH's rules.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Section 6-19 of Subchapter D of Chapter 6 of Title 48 of the Rules of the City of New York is REPEALED and restated to read as follows:

(a) Filing an appeal.

(1) A party may appeal a decision of a Hearing Officer in whole or in part. An appeal will be considered by the Tribunal only upon timely completion of the following requirements:

- (i) The party seeking to appeal the decision of a Hearing Officer must file the appeal with the Tribunal within thirty (30) days of the date of the Hearing Officer's decision, or within thirty-five (35) days if the decision was mailed, and the filing must contain proof that the appealing party served a copy of the appeal on the non-appealing party;
- (ii) The appeal must be in writing and contain a concise statement of the issues, which must include specific objections to the findings of fact and conclusions of law in the Hearing Officer's decision, and the points of law and facts that support each objection. The appeal may be on a form prescribed by the Tribunal.
- (iii) Where a respondent appeals, that respondent must indicate in writing that payment of any fines, penalties or restitution imposed by the decision has been made in full, unless:
 - (A) Respondent is granted a waiver of prior payment of fines or penalties due to financial hardship, as provided in subdivision (b) of this section;
 - (B) Respondent received a waiver of prior payment of fines or penalties as otherwise provided in law, rules or regulations;
 - (C) Respondent opted for community service in lieu of a monetary penalty at the hearing; or
 - (D) The agency responsible for collecting payment of the fines or penalties imposed enters into a payment plan with the Respondent prior to or at the time of the filing of the appeal.

(2) A party may not appeal a decision rendered on default, a denial of a request for new hearing after default (motion to vacate a default), or a plea admitting the violations charged.

(b) Financial hardship.

- (1) An application to the Tribunal for a waiver of prior payment due to financial hardship must be made before or at the time of the filing of the appeal and must be supported by evidence of financial hardship. The Chief Administrative Law Judge or his or her designee has sole discretion to grant or deny a waiver due to financial hardship. Application for a waiver does not extend the time to appeal.
- (2) Notwithstanding the provisions set forth in subdivision (a) (iii), above, payment of restitution is not subject to waiver due to financial hardship. If a Hearing Officer has ordered payment of restitution, the Respondent must, prior to or at the time of filing the appeal, submit proof that the Respondent has deposited the amount of restitution with the agency responsible for collecting payment, pending determination of the appeal.

(c) Responding to an appeal. Except as provided in § 5-04 of this Title, the non-appealing party may file a response to the appeal within thirty (30) days of being served with the appeal, or thirty-five (35) days if served by mail. The response must be in writing, served on the appealing party, and filed with the Tribunal with proof of such service within the time allotted. The response may be on a form prescribed by the Tribunal.

(d) Requests for Extensions of time.

- (1) A party who requests an extension of time to file an appeal or respond to an appeal will receive one automatic extension of thirty (30) days from the date the Appeals Unit grants the request. Any further requests for an extension will be granted for good cause shown.
- (2) All parties are entitled to request a copy of the hearing recording from the Appeals Unit. Any requests for hearing recordings will not further extend the party's time to appeal as set forth in Subsection (1) of this subdivision.
- (3) Requests under Subsection (1) of this subdivision must be made in writing within the time allotted to file an appeal or a response, served on all parties, and timely filed with the Tribunal with proof of service. Requests for an extension may be on a form prescribed by the Tribunal.
- (4) Unless one of the exceptions in Subdivision (a)(1)(iii) of this section applies, a request for an extension of time to file an appeal does not extend the time by which the Respondent must pay the penalty pursuant to Section 6-18 of this title.
- (e) Further filings on an appeal with the Tribunal by either party will not be considered unless requested by the Appeals Unit.
- (f) Review of an Appeal.
- (1) Appeals decisions are made upon the record of the hearing. The record of the hearing includes all items enumerated in § 6-11(g) of this Chapter.
- (2) The Appeals Unit will only consider evidence that was offered to the Hearing Officer at the hearing; provided however, upon good cause shown, the Appeals Unit may consider dispositive government records, such as a death certificate or deed, that establish a material fact or defense.
- (3) In all cases other than those subject to § 5-04 of this Title, the Tribunal will decide an appeal even if there is no hearing recording.
- (g) Appeals Decision.
- (1) When an appeal is filed, the Appeals Unit will determine whether the facts contained in the findings of the Hearing Officer are supported by a preponderance of the evidence in the record, and whether the determinations of the Hearing Officer, as well as the penalties imposed, are supported by law. Except as provided in Sections 3-15, 5-04 and 5-05 of this Title, the Appeals Unit has the power to affirm, reverse, remand or modify the decision appealed from.
- (2) Except as provided in Sections 3-15, 5-04 and 5-05 of this Title, the Appeals Unit will promptly issue a written decision. Such decision is the final determination of the Tribunal, and judicial review of such decision may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules. A copy of the decision will be delivered to the Petitioner and served on the Respondent by mail, stating the grounds upon which the decision is based. Where appropriate, the decision will order the repayment to the Respondent of any penalty that has been paid.
- (3) For summonses returnable to the Tribunal as authorized by the Board pursuant to §1049-a of the New York City Charter and provisions of the New York City Administrative Code, any rules and regulations made thereunder, or provisions of New York State law, any decision of the Appeals Unit is a recommended decision to the Board. The Board or a panel consisting of members thereof will review the recommended decision and issue a final determination pursuant to §3-15 of this Title.

§ 2. A new Subdivision (a) of Section 5-04 of Chapter 5 of Title 48 of the Rules of the City of New York is added and prior Subdivisions (a) through (d) are renumbered to read as follows:

- (a) Pursuant to Administrative Code § 19-506.1(c), a Respondent will not be required to pay the fines, penalties, or restitution imposed in the decision in order to file an appeal.
- [(a)] (b) Expedited appeals. Either party may appeal a decision pursuant to Section 6-19. Where the appeal involves the suspension or revocation of a TLC-issued license, the Appeals Unit will issue an expedited appeal.
- [(b)] (c) A party responding to a request for appeal where the appeal involves the suspension or revocation of a TLC-issued license must file the response with the Tribunal within seven (7) days after being served with the appeal. The responding party must also serve a copy of the response on the appealing party, and file proof of such service with the Tribunal.
- [(c)] (d) Requests for hearing recording. Pursuant to Administrative Code § 19-506.1(d), if a Respondent appealing a decision requests in writing a copy of the hearing recording, the recording will be produced to the Respondent within thirty

(30) days after receipt of the request. If the recording cannot be produced within the thirty (30) day period, the determination being appealed will be dismissed without prejudice.

- [(d)] (e) Finality. A decision of the Appeals Unit becomes the final determination of the Tribunal, unless either party petitions the TLC Chairperson in accordance with § 68-12(e) of Chapter 68 of Title 35 of the Rules of the City of New York (RCNY).

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Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Office of Administrative Trials and Hearings (OATH) in accordance with Sections 1049 and 1043 of the New York City Charter that OATH amends Sections 6-14 and 6-15 of subchapter C of Chapter 6 of Title 48 of the rules of the City of New York, concerning adjournments. The proposed rule was published in *The City Record* on August 27, 2018, and a public hearing was held on September 26, 2018.

No one testified at the public hearing concerning this rule and OATH did not receive any written comments.

Statement of Basis and Purpose of Final Rule

OATH amends Sections 6-14 and 6-15 of subchapter C of Chapter 6 of Title 48 of the rules of the City of New York, concerning adjournments. Former Section 6-14 addressed both general requests for adjournment and requests for adjournment specifically for inspector testimony. OATH amends Sections 6-14 and 6-15 to address separately general requests for adjournment in Section 6-14 and requests for adjournment for inspector testimony in Section 6-15.

Section 6-14 contains minimal amendments to the rules concerning general requests for adjournment, removing unnecessary language and clarifying that a hearing officer should consider whether a party had a reasonable opportunity to prepare for a hearing, instead of simply an opportunity to prepare.

Section 6-15 contains amended versions of the rules formerly in section 6-14(a), (b), and (c) that set forth the limitations to granting an adjournment request for inspector testimony, consistent with the limitations set forth in New York City charter Section 1049-a(b-1)(3).

New material is underlined.

[Deleted material is in brackets.]

Section 1. Section 6-14 of Subchapter C of Chapter 6 of Title 48 of the rules of the City of New York is amended to read as follows:

- (a) [At the time of the scheduled hearing or upon motion, a Hearing Officer may adjourn a hearing for the testimony of the Inspector or a complaining witness only if:
- (1) Respondent consents or the Petitioner appears at the hearing, and
 - (2) the Hearing Officer concludes that the Inspector's or witness's testimony is reasonably likely to be necessary to a fair hearing of the violations charged or of the defenses to those charges.
- (b) If a Hearing Officer has adjourned a hearing:
- (1) solely for the purpose of obtaining the Inspector's testimony, and
 - (2) the Respondent timely appears on the adjourned hearing date, and
 - (3) the Inspector fails to timely appear on the adjourned hearing date,
- the hearing shall not be further adjourned solely to obtain the testimony of such Inspector unless the Respondent consents to the second adjournment or the Hearing Officer determines that extraordinary circumstances warrant the second adjournment. "Extraordinary circumstances" are circumstances that could not have been reasonably foreseen by the Petitioner.
- (c) A Hearing Officer may not adjourn a hearing on more than two (2) occasions because of the unavailability of the Inspector.
- (d) For all other adjournment requests,] At the request of either party during a hearing, a Hearing Officer may [grant a request to] adjourn the hearing [to a later date only after] upon a showing of good cause as determined by the Hearing Officer in his or her discretion.
- (b) In deciding whether there is good cause for an adjournment, the Hearing Officer will consider:

- (1) Whether granting the adjournment is necessary for the party requesting the adjournment to effectively present the case;
- (2) Whether granting the adjournment is unfair to the other party;
- (3) Whether granting the adjournment will cause inconvenience to any witness;
- (4) The age of the case and the number of adjournments previously granted;
- (5) Whether the party requesting the adjournment had [the] a reasonable opportunity to prepare for the scheduled hearing;
- (6) Whether the need for the adjournment is due to facts that are beyond the requesting party's control;
- (7) The balance of the need for efficient and expeditious adjudication of the case and the need for full and fair consideration of the issues relevant to the case; and
- (8) Any other fact that the Hearing Officer considers to be relevant to the request for an adjournment.

[(e)] (c) Once a hearing has been adjourned, neither party may request a reschedule pursuant to Section 6-05 of [these rules] this chapter. A denial of an adjournment request is not subject to [separate or] interim review or appeal.

§ 2. Section 6-15 of Subchapter C of Chapter 6 of Title 48 of the rules of the City of New York is REPEALED and restated to read as follows:

§ 6-15 [Appearances of Inspectors] Adjournments for Inspector Testimony

- (a) Upon request of either party, a Hearing Officer may grant an adjournment for the testimony of an Inspector if the Hearing Officer finds that the Inspector's testimony is likely to be necessary to a fair hearing on the violation(s) charged and/or the defense(s) asserted.
- (b) If a Hearing Officer has adjourned a hearing solely for the purpose of obtaining the Inspector's testimony, and the Respondent timely appears on the adjourned hearing date but the Inspector fails timely to appear, the hearing shall not be further adjourned solely to obtain the testimony of such Inspector, unless the Respondent consents to the second adjournment or the Hearing Officer finds that extraordinary circumstances warrant the second adjournment. "Extraordinary circumstances" are circumstances that could not have been reasonably foreseen by the Petitioner.
- (c) A Hearing Officer may not adjourn a hearing on more than two (2) occasions for the appearance of the Inspector.

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Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Office of Administrative Trials and Hearings (OATH) in accordance with Sections 1049 and 1043 of the New York City Charter that OATH amends Sections 6-09 and 6-24 of Subchapter F of Chapter 6 of Title 48 of the rules of the City of New York, concerning appearances. The proposed rule was published in *The City Record* on August 27, 2018, and a public hearing was held on September 26, 2018.

No one testified at the public hearing concerning this rule. OATH received one written comment from Jack Jaffa & Associates concerning the requirement that attorneys and registered representatives must email OATH no later than noon two business days before a scheduled hearing date, a written list of scheduled cases if a representative plans to appear on fifteen or more summonses on a given hearing date. They stated that this requirement is a detriment as OATH does not allow the addition of cases to the list once it has been submitted to OATH.

The amendments to Section 6-24 do not substantively change the requirement to appear on fifteen or more summonses on a given hearing date, which was originally promulgated so that the OATH Hearings Division could effectively manage the large volume of hearings scheduled for adjudication each day. Each OATH Hearings Division location manages hundreds of hearings a day, requiring procedures and systems to efficiently advance the hearing calendar. By notifying OATH in advance that one registered representative or attorney will appear on fifteen or more summonses, the Tribunal can then determine how to best allocate its resources to expedite hearings and reduce wait time for both self-represented and represented respondents. The two-day advance notice requirement is necessary for OATH to manage its day-to-day operations.

Upon further review, OATH revised Section 6-09(b)(1) so that a respondent may timely appear within three hours of the scheduled hearing time instead of within two hours of the scheduled hearing time. Recognizing that many respondents at OATH are self-

represented, this amendment gives respondents an additional hour to timely appear for a hearing and avoid a default decision that imposes higher penalties. OATH also revised Sections 6-09(b)(1) and 6-24(a)(2) to clarify that this three hour allowance does not apply to registered representatives or attorneys who are appearing on fifteen or more summonses on a given hearing date. OATH also included in Section 6-24(a) the requirement that Notices of Appearance be submitted in advance of the hearing as directed by the Tribunal, which comports with OATH's current process.

Statement of Basis and Purpose of Final Rule

The Office of Administrative Trials and Hearings (OATH) amends Section 6-09 of Subchapter C and Section 6-24 of Subchapter F of Chapter 6 of Title 48 of the rules of the City of New York, concerning appearances.

The amendments to Section 6-09 reorder the subdivisions and clarify the rules about appearing before the Tribunal, as follows:

- Subdivisions (a) and (b) set out who may appear on behalf of a respondent and how a respondent or representative may appear.
- Subdivision (c) explains that if a respondent does not wish to contest the summons, they can pay the penalty before the hearing, which is considered an appearance and admission.
- Subdivision (d) provides the framework for when a current owner of a property may appear on behalf of a prior owner.
- Subdivision (e) provides that the failure of a respondent to timely appear constitutes a default.
- Subdivision (f) references the requirements in § 6-24 for registered representatives who wish to appear on 15 or more summonses on a given hearing date, and provides that failure to comply with § 6-24 will constitute a default.
- Subdivisions (g) and (h) set out how Petitioner may timely appear, and provide that the hearing may proceed without Petitioner.

The amendments to Section 6-09 are intended to expedite hearings and improve the overall efficiency of the Tribunal. These amendments set timeframes for Respondent and Petitioner's appearance to be considered timely. Section 6-09(b)(1) adds the condition that a respondent's appearance is timely if the respondent appears at the scheduled hearing location within three hours of the scheduled time. Section 6-09(g) adds the condition that, if the Petitioner elects to appear at the Tribunal, Petitioner's appearance is timely if Petitioner is ready to proceed within 30 minutes of the timely appearance of the respondent.

The amendments to Section 6-09 also no longer permit a person to move for discretionary intervention, which, if granted, would have allowed an intervenor to participate in a hearing, as a witness but not as a party, at the discretion of the hearing officer. Discretionary intervention was rarely sought and did not grant the intervenor the status of a party to the proceeding.

The amendments to Section 6-24 clarify the requirements for an attorney or registered representative to appear on 15 or more summonses on a given hearing date.

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

Section 1. Subdivisions (a) through (g) of Section 6-09 of Subchapter C of Chapter 6 of Title 48 of the rules of the City of New York are REPEALED and restated, and a new subdivision (h) is added as follows:

- (a) A Respondent may appear for a hearing personally or be represented by:
 - (1) an attorney admitted to practice law in New York State, or
 - (2) a representative registered to appear before the Tribunal pursuant to § 6-23 of this chapter, or
 - (3) any other person authorized by a Respondent to appear at or before the Tribunal on behalf of the Respondent, as set forth in § 6-23(a) of this chapter.
- (b) A Respondent may appear for a hearing by:
 - (1) Appearing in person or by representative at the place, date, and time scheduled for the hearing. Respondent's appearance is timely if Respondent or Respondent's representative appears at the scheduled hearing location and is ready to proceed within three (3) hours of the scheduled hearing time for a summons. However, a representative or attorney appearing on fifteen (15) or more summonses on a given hearing date must comply with the requirements set forth in § 6-24 of this chapter to be considered timely; or
 - (2) Appearing by remote method pursuant to § 6-10 of this chapter, only where the summons indicates that such opportunity is available to a Respondent. Where the

summons requires personal appearance, a Respondent must appear pursuant to subsection (1) of this subdivision.

- (c) Where the terms of a summons authorize a Respondent to do so, a Respondent may also appear by admitting the violation charged on the summons and paying the penalty for the cited violation in the manner and by the time directed in the summons. Payment in full is deemed an admission of liability and no further hearing or appeal will be allowed.
- (d) Current Owner of a Property.
- (1) Notwithstanding the foregoing, if a prior owner of a property is named on the summons, the current owner of a property may appear on behalf of the prior owner if the summons:
- (A) involves a premises-related violation, and
- (B) was issued after title to the property was transferred to the current owner.
- (2) The current property owner may appear for purposes of presenting a deed and indicating when title passed.
- (3) The current owner of the property may also present a defense on the merits of the charge only if the current owner agrees to substitute him or herself for the prior owner and waives all defenses based on service.
- (e) Failure to Appear by Respondent. A Respondent's failure to appear timely pursuant to subsection (1) of subdivision (b) of this section, or to make a timely request to reschedule pursuant to § 6-05 of this chapter, constitutes a default and subjects the Respondent to penalties in accordance with § 6-20 of this chapter.
- (f) Notwithstanding any other provision of this section, attorneys or registered representatives who appear on fifteen (15) or more summonses on a given hearing date must comply with the requirements set forth in § 6-24 of this chapter. Failure to do so constitutes a default and subjects the Respondent to penalties in accordance with § 6-20 of this chapter.
- (g) A Petitioner may appear for a hearing through an authorized representative at the place, date and time scheduled for the hearing or by remote methods when the opportunity to do so is offered by the Tribunal. If Petitioner elects to appear at the Tribunal, Petitioner's appearance for a hearing is considered timely if Petitioner is ready to proceed within thirty (30) minutes of the timely appearance by Respondent.
- (h) Failure to Appear by Petitioner. If Petitioner fails timely to appear at the scheduled place, date and time, pursuant to subdivision (g) of this section, the hearing may proceed without the Petitioner.

§ 2. Section 6-24 of Subchapter F of Chapter 6 of the rules of the City of New York is amended to read as follows:

- (a) No attorney or registered representative may appear on fifteen (15) or more summonses on a given hearing date unless [the attorney or registered representative emails or faxes in advance a written list of all scheduled cases to the Tribunal office in the borough where the cases are scheduled to be heard. This list must be sent no later than noon, two (2) business days before the scheduled hearing date.]:
- (1) No later than noon two (2) business days before the scheduled hearing date, the Tribunal office in the borough where the cases are scheduled to be heard receives from the attorney or registered representative by email a written list of all scheduled cases;
- (2) Notices of Appearance are submitted in advance of the scheduled hearing, as directed by the Tribunal, to the Tribunal office in the borough where cases are scheduled to be heard; and
- (3) the attorney or registered representative appears at or before the scheduled hearing time, at the place and date for the scheduled hearing. The timeliness requirements set forth in § 6-09(b)(1) of this chapter, which allows a Respondent or a Respondent's representative to appear within three (3) hours of the scheduled hearing time, does not apply when an attorney or representative is appearing on fifteen (15) or more summonses on a given hearing date.
- (b) Cases may be added to this list on the day of the hearing at the discretion of the Tribunal.

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Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Office of Administrative Trials and Hearings (OATH) in accordance with Sections 1049 and 1043 of the New York City Charter that OATH amends Section 6-21 of Subchapter E of Chapter 6

of Title 48 of the Rules of the City of New York, concerning requests for new hearings after default. The proposed rule was published in *The City Record* on August 27, 2018, and a public hearing was held on September 26, 2018.

No one testified at the public hearing concerning this rule. OATH received one written comment about this rule from Jack Jaffa & Associates under the heading "Limited Adjournments/Rescheduling," stating that the proposed rule mandates that a second default decision is not subject to review or appeal at the Tribunal. Notably, this amendment is merely a clarification of that fact. The amendments to Section 6-21(e) do not address the processes by which a respondent may request a reschedule or adjournment. OATH did not make any additional amendments to the rule based on this written comment.

Statement of Basis and Purpose of Final Rule

The Office of Administrative Trials and Hearings ("OATH") amends Section 6-21 of Subchapter E of Chapter 6 of Title 48 of the Rules of the City of New York, concerning requests for new hearings after a failure to appear. OATH replaces references to "motion to vacate a default" with "request for a new hearing after default," which is easier for the public to understand and is similar to the terminology on OATH's forms and website. OATH also made amendments to clarify subdivisions (e) and (f) of Section 6-21. Subdivision (e) applies to respondents seeking to file a second request for a new hearing, and subdivision (f) applies to respondents filing a first request for a new hearing at least one year after receipt of the default decision.

The first paragraph of Subdivision (e) clarifies that respondents who have defaulted twice are not eligible to file another request for a new hearing and that the second default decision is the Tribunal's final determination, subject to judicial review pursuant to Article 78 of the New York Civil Practice Law and Rules. The second paragraph of Subdivision (e) clarifies the exception under which the Chief Administrative Law Judge or his or her designee may consider granting a new hearing after the issuance of a second default decision. These amendments make clear that there are no additional administrative procedures to exhaust after the receipt of a second default decision in order to file a petition pursuant to Article 78.

The amendments to Subdivision (f) clarify that the discretion of the Chief Administrative Law Judge or his or her designee to consider a request for a new hearing more than one year from the date of the default decision applies only if it is the first such request made by the respondent.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Section 6-21 of Subchapter E of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

- (a) Form of [Motion] Request. A [motion to vacate a default] request for a new hearing after default (motion to vacate a default) is a [request] motion by a Respondent for a new hearing after the Respondent did not appear and a default decision was issued. The Respondent must make [this motion] the request by application to the Tribunal on a form approved by the Tribunal. The [motion] request must be dated, contain a current mailing address for the Respondent; explain how and when the Respondent learned of the violation and be certified to under the penalties of perjury. If the [motion] request is made by an attorney or other representative, the [motion] request must explain the relationship between the Respondent and the person making the [motion] request.
- (b) A first [motion to vacate a default] request for a new hearing after default by a Respondent that is submitted within sixty (60) days of the mailing or hand delivery date of the default decision will be granted. A [motion to vacate a default] request for a new hearing after default that is submitted by mail must be postmarked within sixty (60) days of the mailing or hand delivery date of the default decision.
- (c) A [motion to vacate a default] request for a new hearing after default that is submitted after sixty (60) days of the date of the mailing or hand delivery date of the default decision must be filed within one (1) year of the date of the default decision and be accompanied by a statement setting forth a reasonable excuse for the Respondent's failure to appear and any documents to support the [motion to vacate the default] request. The Hearing Officer will determine whether a new hearing will be granted.
- (d) Reasons for Failing to Appear. In determining whether a Respondent has shown a reasonable excuse for failing to appear at a hearing, the Hearing Officer will consider:
- (1) Whether the summons was properly served pursuant to applicable law.
- (2) Whether the Respondent was properly named, including

but not limited to:

- (i) Whether the Respondent was cited generally as "Owner" or "Agent" on all copies of the summons served on the Respondent; or
- (ii) Whether the Respondent was an improper party when the summons was issued, such as:
 - (A) An individual who was deceased or legally incompetent on the hearing date upon which the Respondent did not appear; or
 - (B) For a premises-related violation, the Respondent was not the owner, agent, lessee, tenant occupant or person in charge of or in control of the place of occurrence on the date of the offense.
- (3) Whether circumstances that could not be reasonably foreseen prevented the Respondent from attending the hearing.
- (4) Whether the Respondent had an emergency or condition requiring immediate medical attention.
- (5) Whether the matter had been previously adjourned by the Respondent.
- (6) Whether the Respondent attempted to attend the hearing with reasonable diligence.
- (7) Whether the Respondent's inability to attend the hearing was due to facts that were beyond the Respondent's control.
- (8) Whether the Respondent's failure to appear at the hearing can be attributed to the Respondent's failure to maintain current contact information on file with the applicable licensing agency.
- (9) Whether the Respondent has previously failed to appear in relation to the same summons.
- (10) Any other fact that the Tribunal considers to be relevant to the motion to vacate.

(e) Defaulting twice on the same summons.

(1) If, after a request for a new hearing has been previously granted, [and a new default decision has been issued, a motion to vacate the second default decision in relation to the same summons will not be granted.] a Respondent defaults on the same summons, the second default shall not be eligible for a request for a new hearing. The second default decision is the Tribunal's final determination and is not subject to review or appeal at the Tribunal. Judicial review of the decision may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.

(2) Notwithstanding the forgoing, upon application, the Chief Administrative Law Judge or his or her designee [will have the discretion, in] may grant a new hearing after default upon a showing of exceptional circumstances and in order to avoid injustice [, to grant a request for a new hearing].

(f) Except as otherwise stated in § 5-03 of [the] this Title, the Chief Administrative Law Judge or his or her designee will have the discretion, in exceptional circumstances and in order to avoid injustice, to consider a [motion to vacate a default filed] Respondent's first request for a new hearing after default made more than one (1) year from the date of the default decision.

(g) If a [motion to vacate a default] request for a new hearing after default is granted, the Tribunal will send a notice to the Respondent at the Respondent's address provided on the motion. If the Respondent is deceased or legally incompetent, a notice will be sent to Respondent's representative at the address provided by the representative on the motion. Notice will also be sent to the Petitioner upon request. If the Respondent is unable to appear on the hearing date scheduled after such motion is granted, the Respondent may request that the hearing be rescheduled one (1) final time.

(h) If a [motion to vacate a default] request for a new hearing after default is granted and the Respondent has already made a full or partial payment, no request of a refund will be considered until after the hearing is completed and a decision issued.

(i) A decision to grant a [motion to vacate a default] request for a new hearing after default is not a final decision on the issues of whether the Respondent was properly served or a proper party on the date of the offense.

(i) (j) A denial of a [motion to vacate a default] request for a new hearing after default is the Tribunal's final determination and is not subject to review or appeal at the Tribunal. Judicial review of the denial may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.

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OFFICE OF COURT ADMINISTRATION

■ NOTICE

The New York State Unified Court seeks comments to assist in the evaluation of the following Housing Court Judge candidates:

- Clinton J. Guthrie, Esq.
- Norma J. Jennings, Esq.
- Jacob O. Madubuko, Esq.
- Lauren Popper, Esq.
- Malaika Scott-McLaughlin, Esq.
- Malikah Sherman, Esq.
- Susan R. Winograd, Esq.

Please send comments to the Hon. George J. Silver, Deputy Chief Administration Judge for New York City, 111 Centre Street, Room 1240, New York, NY 10013.

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CHANGES IN PERSONNEL

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 10/19/18							
		TITLE					
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
PETERS III	JONATHAN	C 70467	\$83871.0000	PROMOTED	NO	09/28/18	072
PETITO	ANAE	P 10232	\$20.0000	RESIGNED	YES	08/09/18	072
PIENKOWSKI	MATTHEW	70410	\$44333.0000	RESIGNED	NO	09/16/18	072
PITTER-YOUNG	VALERIE	R 70467	\$83871.0000	PROMOTED	NO	09/28/18	072
POLANCO	JONATHAN	70410	\$44333.0000	RESIGNED	NO	10/05/18	072
POUBOURIDIS	GEORGE	A 10232	\$20.0000	RESIGNED	YES	08/16/18	072
POWELL	SHADE	70467	\$83871.0000	PROMOTED	NO	09/28/18	072
RABASSA	JOANNA	G 10232	\$15.0000	RESIGNED	YES	08/09/18	072
RADUCZ	JAMES	A 51274	\$61200.0000	RESIGNED	YES	09/26/18	072
RATCHFORD	LATOYA	M 70467	\$83871.0000	PROMOTED	NO	09/28/18	072
REID	KYMESHA	10232	\$15.0000	RESIGNED	YES	08/10/18	072
RICHARDS	RENE	70467	\$83871.0000	PROMOTED	NO	09/28/18	072
RILEY-BROWN	MALEAH	L 10232	\$20.0000	RESIGNED	YES	08/09/18	072
RIVERA	JUSTIN	M 70410	\$44333.0000	RESIGNED	NO	10/01/18	072
ROBERTSON	ALLIE	M 56058	\$58207.0000	APPOINTED	YES	09/30/18	072
ROBINSON	JAMAL	C 70467	\$83871.0000	PROMOTED	NO	09/28/18	072
ROBINSON	LESLIE	M 70467	\$83871.0000	PROMOTED	NO	09/28/18	072
ROBINSON	ZENOBI	D 10232	\$15.0000	RESIGNED	YES	08/09/18	072
ROSARIO	ANTONINO	M 91212	\$38798.0000	APPOINTED	NO	09/30/18	072
ROWE	KERRY AN	J 70467	\$83871.0000	PROMOTED	NO	09/28/18	072
RUIZ	RHONDA	70467	\$83871.0000	PROMOTED	NO	09/28/18	072
RUSSELL	BARRINGT	70467	\$83871.0000	PROMOTED	NO	09/28/18	072
RUSSELL	HANA	70467	\$83871.0000	PROMOTED	NO	09/28/18	072
SALOMON	ROMAIN	G 70410	\$44333.0000	RESIGNED	NO	10/04/18	072
SAWNEY	NIA	M 10232	\$15.0000	RESIGNED	YES	08/30/18	072
SELLIER	MARION	C 10232	\$15.0000	RESIGNED	YES	08/09/18	072
SESSION	KE'ASIA	T 10232	\$20.0000	RESIGNED	YES	08/09/18	072
SILVERSTEIN	BEATRIZ	70467	\$83871.0000	PROMOTED	NO	09/28/18	072
SIMS	BENITA	J 70410	\$52170.0000	TERMINATED	NO	09/29/18	072
SKRINE	JESSICA	70467	\$83871.0000	PROMOTED	NO	09/28/18	072
SMALLS	CHRISTIN	E 70467	\$83871.0000	PROMOTED	NO	09/28/18	072
SMART	GWENDOLI	70467	\$83871.0000	PROMOTED	NO	09/28/18	072
SMITH	OMAR	70467	\$83871.0000	PROMOTED	NO	09/28/18	072
SMITH	SHADERE	A 70410	\$44333.0000	RESIGNED	NO	09/26/18	072
SOTO	JASON	P 70467	\$83871.0000	PROMOTED	NO	09/28/18	072
STANLEY	RASIJAH	A 12202	\$37030.0000	APPOINTED	YES	09/30/18	072
STEWART	NEREEN	K 10232	\$20.0000	RESIGNED	YES	08/10/18	072
STOKES	RAVEN	J 10232	\$15.0000	RESIGNED	YES	08/30/18	072
THOMAS	ADJUWA	M 10124	\$56798.0000	PROMOTED	NO	09/30/18	072
THOMPSON	NATASHA	70467	\$83871.0000	PROMOTED	NO	09/28/18	072
TOLOSA	ANGELA	R 10056	\$154500.0000	RESIGNED	YES	08/05/17	072

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 10/19/18							
		TITLE					
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
TORELLI	GIORGI	30087	\$85029.0000	INCREASE	YES	09/30/18	072
TURNER	TAMELA	70410	\$44333.0000	RESIGNED	NO	09/22/18	072
VAILLANT	NATALIE	V 10232	\$20.0000	RESIGNED	YES	08/16/18	072