



THE CITY RECORD

Official Journal of The City of New York

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

Printed on paper containing
40% post-consumer material

VOLUME CXXXVI NUMBER 93

THURSDAY, MAY 14, 2009

PRICE \$4.00

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

MARTHA K. HIRST, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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

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

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

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

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

AGING

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 21, 2009, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 9:30 A.M. on the following:

IN THE MATTER of one (1) proposed contract between the Department for the Aging of the City of New York and the Contractor listed below to provide transportation services to the elderly. The contract term shall be from July 1, 2009 to June 30, 2010, with no renewal option. The contract amount and the Community District in which the program is located is identified below.

Contractor/Address

Recreation Rooms and Settlement, Inc.
717 East 105th St., Brooklyn, NY 11236

PIN# 12510TRNA208 **Amount** \$186,991
Boro/CD Bklyn, 18

The proposed contract is being funded through a Negotiated Acquisition pursuant to Section 3-04 of the PPB Rules.

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 21, 2009, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of five (5) proposed contracts between the Department for the Aging of the City of New York and the Contractors listed below to provide various senior services, e.g., case assistance, information, friendly visiting, etc. to the elderly. The contract terms shall each be from July 1, 2009 to June 30, 2010, each with no renewal options. The contract amounts and the Community Districts in which the programs are located are identified below.

Contractor/Address

1. Neighborhood Self-Help By Older Persons Project, Inc.
953 Southern Blvd., Bronx, NY 10459

PIN# 12510VRNA11G **Amount** \$434,159
Boro/CD Bronx, CDs 1-3, 5-8, 11 & 12

2. Bronx Jewish Community Council, Inc.
2930 Wallace Ave., Bronx, NY 10467

PIN# 12510VRNA12F **Amount** \$498,000
Boro/CD Bronx, CDs 7-9 & 11

3. Jewish Association for Services for the Aged
132 W 31st St, 10th floor, NY, NY 10001

PIN# 12510VRNA129 **Amount** \$139,042
Boro/CD Bronx, Borowide

4. One Stop Senior Services
747 Amsterdam Ave, 3rd Fl., NY, NY 10025

PIN# 12510VRNA333 **Amount** \$341,613
Boro/CD Manhattan, CDs 7 & 9

5. Community Agency for Senior Citizens, Inc.
56 Bay St., SI, NY 10301

PIN# 12510VRNA505 **Amount** \$618,813
Boro/CD SI, CD 1, 2, 3

The proposed contracts are being funded through a Negotiated Acquisition pursuant to Section 3-04 of the PPB Rules.

A draft copy of each of the proposed contracts are available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, 4th floor, New York, New York 10007, on business days, from May 14, 2009 to May 21, 2009, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

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

m14

QUEENS BOROUGH PRESIDENT

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on Thursday, May 14, 2009 at 10:30 A.M., in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

CD07 - BSA# 246-01 BZ - IN THE MATTER of an application submitted by Eric Palatnik, PC on behalf of Bodhi Fitness Center, Inc. pursuant to Section 73-11of the NYC Zoning Resolution, for a waiver of the Rules of Practice, a reopening to reflect the new owner/operator, and an extension of the term for a previously granted special permit for a physical culture establishment, which expired on June 1, 2008 in an M1-1/C2-2 district located at 35-11 Prince Street, Block 4958, Lot 1, Zoning Map 10a, Flushing, Borough of Queens.

CD07 - BSA# 41-06 BZ - IN THE MATTER of an application submitted by Akerman Senterfitt Stadtmauer Bailkin on behalf of New York Hospital Queens pursuant to Sections 72-01 and 72-22of the NYC Zoning Resolution, to legalize the relocation of the most northwestern portion of the parking structure, creating a 4'-8" side yard at the northwest corner which does not comply with the BSA-approved plans and ZR§ 33-25 in an R2/C1-2 district located at 139-24 Booth Memorial Avenue, Block 6401, Lot 19, Zoning Map 10b, Flushing, Borough of Queens.

CD 08 - BSA #24-09 BZ - IN THE MATTER of an application submitted by Sheldon Lobel, P.C. on behalf of Meadow Park Rehabilitation and Health Care Center LLC, pursuant to Section 72-21 of the NYC Zoning Resolution, for a bulk variance to allow expansion of an existing nursing care facility located in an R3-2 district at 78-10 164th Street, Block 6851, Lots 9, 11, 12, 23 & 24, Zoning Map 14c, Borough of Queens.

CD06 - ULURP# C 070429 MMQ - IN THE MATTER of an application submitted by the 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 of the City Map involving the elimination, discontinuance and closing of 70th Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70th Avenue and 70th Road in R3-2 and M1-1 districts, Block 3886, Lots 340 and 558 and Block 3897, Lot 12, Zoning Map 14b, Glendale, Borough of Queens.

CD05 - ULURP# C 090382 ZMQ - IN THE MATTER of an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map of approximately 300 blocks in west-central Queens, roughly bounded by the Queens-Midtown Expressway, Woodhaven Boulevard, Forest Park, Mt. Carmel Cemetery, Cypress Hills Cemetery, Fresh Pond Road and 59th Street, Zoning Maps 13c, 13d, 14a, 14b, 17c, Middle Village, Glendale and Maspeth, Borough of Queens.

m14

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, May 20, 2009, commencing at 10:00 A.M.

BOROUGH OF MANHATTAN

Nos. 1, 2 & 3

ARC RAILROAD PASSENGER STATION

No. 1

CDs 4 & 5 **N 090262 ZSM**
IN THE MATTER OF an application submitted by the Port Authority of New York and New Jersey, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan.

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

Article VII Chapter 4 Special Permits by the City Planning Commission

* * *

74-60 PUBLIC SERVICE OR TRANSPORTATION FACILITIES

* * *

74-62 Railroad Passenger Stations

(a) In all districts, the City Planning Commission may permit the construction of railroad passenger stations, provided that the following findings are made:

- (a1) that the principal access for such #use# is not located on a local #street#;
- (b2) that such #use# is so located as to draw a

minimum of vehicular traffic to and through local #streets# in #residential# areas; and

- (e3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than the #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

- (1) that the principal access for such railroad passenger station is not located on a local #street#;
- (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas;
- (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
- (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
- (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
- (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:

- (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
- (ii) that the design of the facility will blend harmoniously with the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the City Planning Commission. The proposed site plan shall be referred to the affected Community Board, the local Council Member and the Borough President. The Chairperson shall not accept such site plan prior to sixty days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of

transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) this Section.

CDs 4 & 5 **No. 2** **C 090263(A) ZSM**
IN THE MATTER OF an application submitted by the Port of Authority of New York and New Jersey and the New Jersey Transit pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 74-62(b)* of the Zoning Resolution to allow:

- 1. to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station; and
- 2. to modify the height and setback requirements of Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35th Street, Broadway, Avenue of the Americas, West 33rd Street and Ninth Avenue, West 34th Street, Ninth Avenue, West 33rd Street and Tenth Avenue, and West 29th Street, Eleventh Avenue, West 28th Street and Twelfth Avenue, in C5-2, C6-4, C6-4.5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts.

*Note: Section 74-62 is proposed to be change under a related concurrent application N 090263 ZRM for an amendment of the Zoning Resolution.

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

NOTE: A May 2009 environmental review technical memorandum has been prepared for this modified application. The technical memorandum concludes that the modified application would not result in any new or different significant adverse impacts than for the designs considered in the January 2009 NEPA FEIS and January 2009 Technical Memorandum.

CDs 4 & 5 **No. 3** **C 090263 ZSM**
IN THE MATTER OF an application submitted by the Port of Authority of New York and New Jersey and the New Jersey Transit pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-62(b)* of the Zoning Resolution to allow:

- 3. to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station; and
- 4. to modify the height and setback requirements of Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35th Street, Broadway, Avenue of the Americas, West 33rd Street and Ninth Avenue, West 34th Street, Ninth Avenue, West 33rd Street and Tenth Avenue, and West 29th Street, Eleventh Avenue, West 28th Street and Twelfth Avenue, in C5-2, C6-4, C6-4.5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts.

*Note: Section 74-62 is proposed to be change under a related concurrent application N 090263 ZRM for an amendment of the Zoning Resolution.

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

Nos. 4, 5 & 6
PIERS 92 AND 94
No. 4

CD 4 **C 090220 PPM**
IN THE MATTER OF an application submitted by the New

York City Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties located at Piers 92 and 94, westerly of route 9A (Miller Highway) between West 51st and 55th streets (Block 1109, Lots 5 and 30) and p/o Marginal Street, Wharf or Place), pursuant to zoning.

No. 5
CD 04 **C 090221 ZSM**
IN THE MATTER OF an application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow a trade exposition facility with a rated capacity in excess of 2,500 persons within an existing building at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

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

No. 6
CD 04 **C 090222 ZSM**
IN THE MATTER OF an application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-734(b) of the Zoning Resolution to modify the height and setback and length requirements of Section 62-342 (Developments on Piers) for a structure on a pier in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

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

No. 7
111 8TH AVENUE **C 080088 ZSM**
CD 4 **IN THE MATTER OF** an application submitted by 111 8th Avenue Parking LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 625 spaces on portions of the ground floor and cellar of an existing 17-story commercial building on property located at 111 8th Avenue (Block 39, Lot 1), in an M1-5 District.

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

BOROUGH OF QUEENS
No. 8
GLENDALE YARDS

CD 6 **C 070429 MMQ**
IN THE MATTER OF an application submitted by the 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 70th Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70th Avenue and 70th Road,

in accordance with Map No. 4998, dated December 15, 2008, and signed by the Borough President.

No. 9
COLLEGE POINT DISPOSITION

CD 7 **C090320 PPQ**
IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of nine (9) city-owned properties in the College Point Corporate Park, pursuant to zoning.

A list and description of the properties can be seen in the Queens Office of the Department of City Planning, 120-55 Queens Boulevard, Kew Gardens, Queens 11424.

CITYWIDE
No. 10
INCLUSIONARY HOUSING TEXT

CITYWIDE **N 090316 ZRY**
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to modifications of Section 23-90 (Inclusionary Housing Program); and various related Sections of the Zoning Resolution.

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

12-10
DEFINITIONS
Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

* * *

Inclusionary Housing designated area (7/25/07)

An "Inclusionary Housing designated area" is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth in Section 23-90

(INCLUSIONARY HOUSING), inclusive. The locations of such #Inclusionary Housing designated areas# are identified in Section 23-922 Appendix A of Article II, Chapter 3 of this Resolution or in Special Purpose Districts, as applicable.

* * *

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

* * *

**23-144
In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-9452 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas) Appendix A of this Chapter.

| Community District | Zoning District |
|---------------------------------|-----------------|
| Community District 1, Brooklyn | R6 R6A R6B R7A |
| Community District 2, Brooklyn | R7A |
| Community District 3, Brooklyn | R7D |
| Community District 7, Brooklyn | R8A |
| Community District 6, Manhattan | R10 |
| Community District 7, Manhattan | R9A |
| Community District 2, Queens | R7X |

* * *

**23-15
Maximum Floor Area Ratio in R10 Districts**

R10
In the district indicated, except in #Inclusionary Housing designated areas#, the #floor area ratio# for any #building# on a #zoning lot# shall not exceed 10.0, except as provided in Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# in R10 Districts, except R10A or R10X Districts, shall be limited to a maximum #floor area ratio# of 10.0.

* * *

**23-90
INCLUSIONARY HOUSING**

**23-91
General Provisions**

An Inclusionary Housing program is established in those areas designated in Section 23-92 (Applicability) to preserve and to promote a mixture of low to upper income housing in neighborhoods experiencing a shift to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-96.

**23-92
Applicability**

**23-921
R10 Districts**
The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions relating to such designated areas, and in all other R10 Districts, subject to the provisions of Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

**23-922
Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

(a) In Community District 1, in the Borough of Brooklyn, in Waterfront Access Plan BK 1, as set forth in Section 62-352, and in the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

(map deleted)

**Map 1
Portion of Community District 1, Brooklyn**

(map deleted)

**Map 2
Portion of Community District 1, Brooklyn**

(b) In Community District 1, in the Borough of Brooklyn, in the R7-D Districts within the area shown on the following Map 2:

(map deleted)

**Map 3
Portion of Community District 1, Brooklyn**

(c) In Community District 7, in the Borough of Brooklyn, in the R8A District within the area shown on the following Map 4:

(map deleted)

**Map 4
Portion of Community District 7, Brooklyn**

(d) In Community District 2, in the Borough of Queens, in the R7X Districts within the areas shown on the following Maps 5 and 6:

(map deleted)

**Map 5
Portion of Community District 2, Queens**

(map deleted)

**Map 6
Portion of Community District 2, Queens**

(e) In Community District 2, in the Borough of Brooklyn, in the R7A Districts within the areas shown on the following Maps 7, 8 and 9:

(map deleted)

**Map 7
Portion of Community District 2, Brooklyn**

(map deleted)

**Map 8
Portion of Community District 2, Brooklyn**

(map deleted)

**Map 9
Portion of Community District 2, Brooklyn**

(f) In Community District 7, in the Borough of Manhattan, in the R9A Districts within the areas shown on the following Map 10:

(map deleted)

**Map 10
Portion of Community District 7, Manhattan**

(g) In Community District 3, in the Borough of Brooklyn, in the R7D Districts within the areas shown on the following Maps 11 and 12:

(map deleted)

**Map 11
Portion of Community District 3, Brooklyn**

(map deleted)

**Map 12
Portion of Community District 3, Brooklyn**

(h) In Community District 6, in the Borough of Manhattan, in the R10 Districts within the areas shown on the following Map 13:

(map deleted)

**Map 13
Portion of Community District 6, Manhattan**

(i) In Community District 3, in the Borough of Manhattan, in the R7A, R8A and R9A Districts within the areas shown on the following Map 14:

(map deleted)

**Map 14
Portion of Community District 3, Manhattan**

The Inclusionary Housing Program shall apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

**23-93
Definitions**

For the purposes of the inclusionary housing program this Section 23-90 (INCLUSIONARY HOUSING), inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

**23-911
General Definitions**

The following definitions shall apply throughout this Section 23-90 (INCLUSIONARY HOUSING), inclusive:

Administering agent

The An “administering agent” is the entity or entities identified in the #lower income housing plan# as responsible for ensuring, pursuant to a #regulatory agreement#:

(a) that each subject rental #affordable housing unit# is rented in compliance with such plan #regulatory agreement# at #rent-up# and upon each subsequent vacancy; or

(b) that each subject #homeownership affordable housing units# is owned and occupied in compliance with such #regulatory agreement# at #sale# and upon each #resale#.

The #administering agent# shall be a not for profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not for profit organization as the #administering agent# was unsuccessful. However, in #Inclusionary Housing designated areas#, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

Affordable floor area

(a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site#, other than any #super’s unit#, are #affordable housing units#, all of the #residential floor area#, or #community facility floor area# for a #supportive housing project#, in such #generating site# is “affordable floor area”.

(b) Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super’s unit#, are not #affordable housing units#, the “affordable floor area” in such #generating site# is the sum of:

(1) all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site#; plus

(2) a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #generating site# by a fraction, the numerator of which is all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super’s unit#, that are not #affordable housing units#.

Affordable housing

“Affordable housing” consists of:

(a) #affordable housing units#; and

(b) #eligible common areas#.

Affordable housing plan

An “affordable housing plan” is a plan approved by #HPD# to #develop#, rehabilitate or preserve rental or #homeownership affordable housing# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Affordable housing unit

An “affordable housing unit” is:

(a) a #dwelling unit#, other than a #super’s unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:

(1) #low income households#;

(2) where permitted by Section 23-953 (Special provisions in specified areas), either #low income households# or a combination of #low income households# and #moderate income households# or #middle income households#; or

(3) upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable;

(b) a #rooming unit#, other than a #super’s unit#, that is used for class B occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by a #low income households#; or

(c) a #supportive housing unit# within a #supportive housing project#.

#Affordable housing units# that are restricted to #homeownership#, as defined in Section 23-913, pursuant to a #regulatory agreement#, must be #dwelling units#.

Capital element

“Capital elements” are, with respect to any #generating site#, the electrical, plumbing, heating and ventilation systems in such #generating site#, any air conditioning system in such #generating site# and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such #generating site# and any other portions of such #generating site# specified in the #guidelines#.

Compensated development

A “compensated development” is a #development#, an #enlargement# of more than 50 percent of the #floor area# of an existing #building# or, where permitted by the provisions of Section 23-953(d), a conversion of a non-#residential building#, or portion thereof, to #dwelling units#, that is located within a #compensated zoning lot# which receives an increased #floor area ratio# as a result of satisfying the requirements of the inclusionary housing program.

Compensated zoning lot

A “compensated zoning lot” is a #zoning lot# that contains a #compensated development# and receives an increased #floor area ratio# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Completion notice

A “completion notice” is a notice from #HPD# to the Department of Buildings stating that the #affordable housing# in all or a portion of any #generating site# is complete and stating the #affordable floor area# of such #affordable housing#.

Development

For the purposes of this program, a “development” is a #development# as defined in Section 12-10, or an #enlargement# of more than 50 percent of the #floor area# of an existing #building#.

Fair rent

At initial occupancy of #lower income housing#, “fair rent” (the “Section 8 Standard”) is an annual rent for each such housing equal to not more than either the public assistance shelter allowance if the #family# receives public assistance, or 30 percent of the annual income of the tenant of such housing, provided that such tenant is a #lower income household# at the time of initial occupancy pursuant to the provisions of this program.

Upon renewal of a lease for an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (a) the then currently applicable "Section 8 Standard"; or
- (b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income household# responsible for the payment of utilities as long as the sum of:

- (1) the initial #fair rent#; and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment do not exceed 30 percent of said #lower income household's# income.

However, in #Inclusionary Housing designated areas#, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of #lower income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and rentals shall be subject to the higher of the then currently applicable Section 8 Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing#, no portion of the #fair rents# shall be for the payment of the principal or interest on any debt, and the #lower income housing# shall not secure any debt and shall be free of all liens, except liens for real estate taxes, water charges and sewer rents and other governmental charges for which payment is not yet due. #Fair rents# may be used for the payment of principal or interest of debt only if such debt was incurred after the date of initial occupancy and is for a capital improvement to such #lower income housing# other than those capital improvements set forth in the #lower income housing plan#.

In #Inclusionary Housing designated areas#, at initial occupancy of any #lower income housing#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-05, paragraph(c), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Inclusionary Housing designated areas

"Inclusionary Housing designated areas" shall be those areas specified in Section 23-022 (Inclusionary Housing designated areas).

Lower income household

A "lower income household" is a #family# having an income equal to or less than the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

In #Inclusionary Housing designated areas#, #lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U. S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

"Lower income housing" are #standard units# occupied or to be occupied by #lower income households#. #Lower income housing# shall not include #standard units# assisted under city, state or federal programs, except where such assistance is in the form of:

- (a) real estate tax abatements and exemptions which are specifically limited to the #lower income housing#; or
- (b) operating assistance that the Commissioner of the Department of Housing Preservation and

Development determines will be used to enable households with incomes of not more than 62.5 percent of the "80 Percent of SMSA Limits" to afford such #lower income housing#.

However, in #Inclusionary Housing designated areas#, #lower income housing# shall include #standard units# assisted under City, State or Federal programs.

Lower income housing plan

The "lower income housing plan," is the plan accepted by the Commissioner of Housing Preservation and Development, which sets forth the developer's plans for creating and maintaining the specified #lower income housing# pursuant to this program, including but not limited to, choice of #administering agent#, tenant selection, rent levels in the #lower income housing# and income verification of tenants pursuant to paragraphs (b), (c) and (d) of Section 23-05.

Standard unit

A "standard unit" is a:

- (a) #dwelling unit#;
- (b) #rooming unit#; or
- (c) room used for sleeping purposes in a non profit institution with sleeping accommodations, which room is acceptable to the Commissioner of Housing Preservation and Development as meeting the intent of the Inclusionary Housing program.

In each case, it shall be free of violations (and located in a #building# in which the common areas are free of violations) under the City of New York Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution as noted in or issued by a city or state agency as of the date of acceptance of the #lower income housing plan#.

In #standard units#, all windows shall be double glazed.

Eligible common area

"Eligible common area" includes any #residential floor area# in a #generating site# that is located within the perimeter walls of a #super's unit#, and also includes any #residential floor area# in such #generating site# that is not located within the perimeter walls of any other #dwelling unit# or #rooming unit#, except any #residential floor area# for which a user fee is charged to residents of #affordable housing units#.

Floor area compensation

"Floor area compensation" is any additional #residential floor area# permitted in a #compensated development# pursuant to the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Generating site

A "generating site" is a #building# or #building segment# containing either #residential affordable floor area#, or a #supportive housing project#, that generates #floor area compensation#. Non-#residential floor area# on a #generating site#, other than a #supportive housing project#, may not generate #floor area compensation#.

Grandfathered tenant

A "grandfathered tenant" is any #household# that:

- (a) occupied an #affordable housing unit# in #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date# pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and
- (b) has not been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#; or
- (c) in #homeownership preservation affordable housing# or #homeownership substantial rehabilitation affordable housing#, has been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

Guidelines

The "guidelines" are the guidelines adopted by #HPD# pursuant to paragraph (k) of Section 23-96 (Requirements for Generating Sites).

Household

Prior to #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons occupying such #affordable housing unit#.

HPD

"HPD" is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

Income index

The "income index" is 125 percent of the income ceiling established by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for low-income

families receiving housing assistance payments in New York City, as adjusted for #household# size. #HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by #HUD# or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income ceiling or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#, in a manner consistent with the standards and methodology in effect on [date of enactment].

Initial occupancy

"Initial occupancy" is:

- (a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or
- (b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, "initial occupancy" is the #regulatory agreement date#.

Low income floor area

The "low income floor area" is the #affordable floor area# that is provided for #low income households# or, upon #resale# as defined in Section 23-913, #eligible buyers#.

Low income household

A "low income household" is a #household# having an income less than or equal to the #low income limit# at #initial occupancy#, except that, with regard to #low income floor area# within #preservation affordable housing# or #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #low income household#.

Low income limit

The "low income limit" is 80 percent of the #income index#.

Middle income floor area

The "middle income floor area" is the #affordable floor area# that is provided for #middle income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

Middle income household

A "middle income household" is a #household# having an income greater than the #moderate income limit# and less than or equal to the #middle income limit# at #initial occupancy#, except that, with regard to #middle income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #middle income household#.

Middle income limit

The "middle income limit" is 175 percent of the #income index#.

Moderate income floor area

The "moderate income floor area" is the #affordable floor area# that is provided for #moderate income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

Moderate income household

A "moderate income household" is a #household# having an income greater than the #low income limit# and less than or equal to the #moderate income limit# at #initial occupancy#, except that, with regard to #moderate income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #moderate income household#.

Moderate income limit

The "moderate income limit" is 125 percent of the #income index#.

New construction affordable housing

"New construction affordable housing" is #affordable housing# that:

- (a) is located in a #building# or portion thereof that did not exist on a date which is 36 months prior to the #regulatory agreement date#;
- (b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #regulatory agreement date#; and
- (c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

Permit notice

A "permit notice" is a notice from #HPD# to the Department of Buildings stating that building permits may be issued to a #compensated development# to utilize #floor area compensation# from all or a portion of the #affordable floor area# on a #generating site#. Any #permit notice# shall:

- (a) state the amount of #low income floor area#, #moderate income floor area#, or #middle income floor area# attributable to such #generating site#;
- (b) state whether the #affordable housing# comprising

such #low income floor area#, #moderate income floor area#, or #middle income floor area# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#;

(c) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# has utilized #public funding#; and

(d) specify the amount of such #affordable housing# that the #compensated development# may utilize to generate #floor area compensation#.

Preservation affordable housing

"Preservation affordable housing" is #affordable housing# that:

(a) is a #generating site# that existed and was legally permitted to be occupied on the #regulatory agreement date#, except as permitted in the #guidelines#; and

(b) complies with the provisions of Section 23-961(e) (Special requirements for rental #preservation affordable housing#) or Section 23-962(f) (Special requirements for #homeownership preservation affordable housing#), as applicable.

Public funding

"Public funding" is any grant, loan or subsidy from any federal, state or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. "Public funding" shall not include the receipt of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, or an exemption or abatement of real property taxes pursuant to Section 420-a, Section 420-c, Section 421-a, Section 422, Section 488-a, or Section 489 of the Real Property Tax Law, Article XI of the Private Housing Finance Law or such other programs of full or partial exemption from or abatement of real property taxation as may be specified in the #guidelines#.

Regulatory agreement

A "regulatory agreement" is an agreement between #HPD# and the owner of the #affordable housing# that requires compliance with all applicable provisions of an #affordable housing plan#, Section 23-90 (INCLUSIONARY HOUSING), inclusive and the #guidelines#.

Regulatory agreement date

The "regulatory agreement date" is, with respect to any #affordable housing#, the date of execution of the applicable #regulatory agreement#. If a #regulatory agreement# is amended at any time, the "regulatory agreement date" is the original date of execution of such #regulatory agreement#, without regard to the date of any amendment.

Regulatory period

The "regulatory period" is, with respect to any #generating site#, the entire period of time during which any #floor area compensation# generated by the #affordable floor area# on such #generating site# is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings or is otherwise under construction or in #use# in a #compensated development#.

Substantial rehabilitation affordable housing

"Substantial rehabilitation affordable housing" is #affordable housing# that:

(a) is a #generating site# that existed on the #regulatory agreement date#, and

(b) complies with the provisions of Section 23-961(f) (Special requirements for rental #substantial rehabilitation affordable housing#) or Section 23-962(g) (Special requirements for #homeownership substantial rehabilitation affordable housing#), as applicable.

Super's unit

A "super's unit" is, in any #generating site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

23-912

Definitions Applying to Rental Affordable Housing
The following definitions shall apply to rental #affordable housing#:

Legal regulated rent

A "legal regulated rent" is, with respect to any #affordable housing unit#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in accordance with paragraph (b) of Section 23-961 (Additional Requirements for Rental Affordable Housing), as subsequently adjusted in accordance with #rent stabilization#.

Maximum monthly rent

The "maximum monthly rent" is:

(a) 30 percent of the #low income limit# for an #affordable housing unit# restricted to occupancy by #low income households#, divided by 12, minus the amount of any applicable #utility allowance#; and

(b) 30 percent of the #moderate income limit# for an #affordable housing unit# restricted to occupancy by #moderate income households#, divided by 12, minus the amount of any applicable #utility allowance#; and

(c) 30 percent of the #middle income limit# for an #affordable housing unit# restricted to occupancy by #middle income households#, divided by 12, minus the amount of any applicable #utility allowance#.

Monthly Rent

The "monthly rent" is the monthly amount charged, pursuant to paragraph (b) of Section 23-961 (Additional Requirements for Rental Affordable Housing), to a tenant in an #affordable housing unit#.

Rent stabilization

"Rent stabilization" is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, "rent stabilization" shall be defined as set forth in the #guidelines#.

Rent-up

"Rent-up" is the first rental of vacant #affordable housing units# on or after the #regulatory agreement date#, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, "rent-up" shall have the same meaning as #regulatory agreement date#.

Rent-up date

The "rent-up date" is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the "rent-up date" is the #regulatory agreement date#.

Supportive housing project

A "supportive housing project" is a non-profit institution with sleeping accommodations as specified in Section 22-13 (Use Group 3), where:

(a) 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#; and

(b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and

(c) such #generating site# is not a #compensated development#.

Supportive housing unit

A "supportive housing unit" is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

Utility allowance

A "utility allowance" is a monthly allowance set by #HPD# for the payment of utilities where the tenant of an #affordable housing unit# is required to pay all or a portion of the utility costs with respect to such #affordable housing unit# in addition to any payments of #monthly rent#.

23-913

Definitions Applying to Homeownership Affordable Housing

The following definitions shall apply to #homeownership affordable housing#, where #homeownership# is as defined in this Section 23-913:

Appreciated price

The "appreciated price" for any #homeownership affordable housing unit# is the #initial price# of such #homeownership affordable housing unit# plus the product of such #initial price# and the #appreciation index# at the time of #resale#.

Appreciation cap

The "appreciation cap" is the #resale# price at which the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid by the #homeowner# would be equal to 30 percent of:

(a) 125 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #low income households# at #sale#; or

(b) 175 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #moderate income households# at #sale#; or

(c) 200 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #middle income households# at #sale#.

Appreciation Index

The "appreciation index" is a fraction expressing the permitted increase in the #resale# price of #homeownership affordable housing units#. The numerator of such fraction represents the percentage increase since the initial #sale# permitted pursuant to the annual rate of increase established by #HPD# for the #resale# price of #homeownership affordable housing units#, plus 100, and the denominator is 100. #HPD# shall initially set such annual rate of increase at 5 percent per year and may adjust such rate not more than once every two years in accordance with the #guidelines#.

Commencement date

The "commencement date" is the date upon which #sales# for a percentage of #homeownership affordable housing units# in

a #generating site# set forth in the #guidelines# have been completed, except that, where one or more #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the "commencement date" is the #regulatory agreement date#.

Condominium Association

A "condominium association" is an organization of condominium #homeowners#, with a form of governance specified in the #guidelines#, that manages the common areas and #capital elements# of a #generating site#.

Cooperative corporation

A "cooperative corporation" is any corporation organized exclusively for the purpose of providing housing accommodations to shareholders who are persons or families entitled, by reason of ownership of shares in such corporation, to residential occupancy.

Down Payment

The "down payment" is a payment that is not secured by any form of debt, made on or before the #sale date# by the #eligible buyer# approved by the #administering agent# to purchase an #homeownership affordable housing unit#.

Eligible Buyer

An "eligible buyer" is a #household# that qualifies to buy a specific #homeownership affordable housing unit#. Such a #household# shall:

(a) except in the case of #succession#:

(i) be, at initial #sale#, a #low income household#, #moderate income household#, or #middle income household# for which, at the #initial price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income; or

(ii) be, at #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household#, or #middle income households#, any #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income;

(iii) have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#; and

(iv) meet such additional eligibility requirements as may be specified in the #guidelines#.

(b) in the case of #succession#:

(i) have an income no greater than product of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to the #homeownership affordable housing unit# at #initial sale#, and taking into account any subsequent adjustments, multiplied by the #appreciation index#; and

(ii) meet such additional eligibility requirements as may be specified in the #guidelines#.

A #grandfathered tenant# is not an #eligible buyer# unless such #grandfathered tenant# has been certified by the #administering agent# to have an annual income at or below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #homeownership affordable housing unit#.

Family Member

"Family member" shall have the meaning set forth in the #guidelines#.

Homeowner

A "homeowner" is a person or persons who:

(a) owns a condominium #homeownership affordable housing unit# and occupies such condominium #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#, or

(b) owns shares in a #cooperative corporation#, holds a proprietary lease for an #homeownership affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

Homeownership

"Homeownership" is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a #cooperative corporation# pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized subletor pursuant to the #guidelines#.

Initial price

The "initial price" is the price at which a #homeownership affordable housing unit# may be offered for #sale# for the first time pursuant to a #regulatory agreement#.

Maximum resale price

The #maximum resale price# for a #homeownership affordable housing unit# is the lesser of the #appreciated price# or the #appreciation cap# for such #homeownership affordable housing unit#.

Monthly Fees

The "monthly fees" are any payments charged to a #homeowner# by a #cooperative corporation# or #condominium association# to provide for the reimbursement of the applicable #homeownership affordable housing unit#'s share of the expenses of such #cooperative corporation# or #condominium association# as permitted by the #regulatory agreement#.

Mortgage

An "mortgage" is a mortgage loan, or a loan to purchase shares in a #cooperative corporation#, that has been approved by the #administering agent# and that has a fixed rate of interest, a term of at least 30 years, a value not exceeding 90 percent of the #sale# price of such #homeownership affordable housing unit# at the time of the initial #sale# or 90 percent of the #maximum resale price# of such #homeownership affordable housing unit# at any time after the initial #sale#, and that is otherwise in compliance with the #guidelines#.

Mortgage Payment

The "mortgage payment" is any monthly repayment of principal and interest on a #mortgage#.

Resale

A "resale" is any transfer of title to a condominium #homeownership affordable housing unit# after the first #sale# or any transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# after the first #sale#.

Sale

A "sale" is the first transfer of title to a condominium #homeownership affordable housing unit# or the first transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# on or after the #regulatory agreement date#.

Sale date

A "sale date" is the date of the #sale# or #resale# of any #homeownership affordable housing unit#. However, for #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# occupied by #grandfathered tenants# on the #regulatory agreement date#, the initial #sale date# shall be the #regulatory agreement date#.

Succession

"Succession" is a #resale# from a #homeowner# to a #family member# of such #homeowner#.

23-92

General Provisions

The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and thus to promote the general welfare. The requirements of this program are set forth in this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

23-93

Applicability

23-931

Lower income housing plans approved prior to (date of enactment)

Any #lower income housing plan#, as defined by Section 23-93 of this Resolution prior to (date of enactment), that has been approved by #HPD# prior to such date, and results, within one year after such approval, in the execution of a restrictive declaration pursuant to Section 23-95(e), as such Section existed prior to (date of enactment), shall be governed solely by the regulations in effect prior to (date of enactment) unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, Sections 23-954(b) and (c) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after (date of enactment).

The #floor area ratio# of a #compensated development# may be increased in exchange for #lower income housing#, pursuant to a #lower income housing plan#, as both terms were defined by Section 23-93 of this Resolution prior to (date of enactment), provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to (date of enactment), except as provided in this Section. Where such a #compensated development# is located in an R10 district outside of #Inclusionary Housing designated areas#, the provisions of Section 23-951 (Floor area compensation in R10 districts other than Inclusionary Housing designated areas) shall not apply, and paragraph (a) of Section 23-94 (Floor Area Compensation) as such section existed prior to (date of enactment) shall apply;

Any previously approved #lower income housing plan#, as such term was defined prior to (date of enactment), and any

legal document related thereto, may be modified by #HPD#, to apply the provisions of Section 23-961(b) (Monthly Rent) to such #lower income housing plan#.

23-932

R10 Districts

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of Section 23-952. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of Section 23-951 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

23-933

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in #inclusionary housing designated areas#.

The Inclusionary Housing Program shall also apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district.

#Inclusionary Housing designated areas# are listed in Appendix A of this Chapter.

23-94

Methods of Providing Affordable Housing

(a) #Affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#.

(b) When determining whether #affordable housing# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# in order to calculate #floor area compensation#, or when making a determination of which #building# or #building segment# constitutes a #generating site#, #HPD# may separately consider each #building# or #building segment# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.

(c) The amount of #affordable floor area# in any #generating site# shall be determined based upon plans for such #generating site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential# uses. However, for #generating sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the guidelines.

(d) The amount of #low income#, #moderate income# and #middle income floor area# in a #generating site# shall be determined in the same manner as the calculation of #affordable floor area#.

(e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

23-95

Floor Area Compensation Compensated Zoning Lots

23-941951

Floor area compensation in R10 districts other than Inclusionary Housing designated areas

The #residential floor area ratio# of a #compensated zoning lot development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if the developer of such #compensated zoning lot development# provides #lower income affordable housing# that is restricted to #low income floor area# pursuant to Section 23-95 (Lower Income Housing Requirements).

For each square foot of #floor area# provided for #lower income a type of #affordable housing# listed in Column A and which meets the requirements set forth in Section 23-95, the #floor area# of the #compensated zoning lot development# may be increased by the number of square feet set forth in Column B. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS

| | |
|---|----------|
| Column A | Column B |
| On-site Without #public funding#: | |
| #New Construction Affordable Housing# or #Substantial Rehabilitation Affordable Housing# Without #public funding#: | 3.75 |
| #Preservation Affordable Housing# With #public funding#: | 2.0 |
| #New Construction Affordable Housing#, #Substantial Rehabilitation Affordable Housing# or #Preservation Affordable Housing# | 1.25 |

| | |
|--|-----|
| On-site Substantial Rehabilitation | 3.2 |
| Off-site New Construction (Private Site) | 4.0 |
| Off-site New Construction (Public Site)* | 2.5 |
| Off-site Substantial Rehabilitation (Private Site) | 3.7 |

* — Public sites are those made available for this program by a public agency at nominal cost.

Each structure erected and recorded as a separate #building# at the Department of Buildings as of January 1, 1987, may be considered individually in determining if #lower income housing# provided pursuant to this program shall be considered as substantial rehabilitation or preservation.

23-9452

Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in the #Inclusionary Housing designated areas# set forth in Section 23-922, except within Waterfront Access Plan BK 1 and in R7-3 Districts within Community District 1, Borough of Brooklyn.

(a) Maximum #residential floor area ratio#

The #residential floor area# of a #development# or #enlargement# #zoning lot# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased on a #compensated zoning lot# by one and one quarter 1.25 square feet for each square foot of #low income floor area# provided for #lower income#, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income low income floor area# required to receive such bonus #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in on the #building compensated zoning lot#. In addition, the following rules shall apply:

| District | Base #floor area ratio# | Maximum #floor area ratio# |
|----------|-------------------------|----------------------------|
| R6* | 2.2 | 2.42 |
| R6** R6A | 2.7 | 3.6 |
| R6A | 2.7 | 3.6 |
| R6B | 2.0 | 2.2 |
| R7A | 3.45 | 4.6 |
| R7D | 4.2 | 5.6 |
| R7X | 3.75 | 5.0 |
| R8, R8A | 5.40 | 7.2 |
| R9 | 6.0 | 8.0 |
| R9A | 6.5 | 8.5 |
| R10 | 9.0 | 12.0 |

* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

** for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

(b) Height and setback

(1) Except in #Special Mixed Use Districts#, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.

(2) In #Special Mixed Use Districts#, where the #residence district# designation has a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to paragraph (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

(c) #Lower income housing# requirements

The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements).

23-953

Special floor area compensation provisions in specified areas

(ad) Optional provisions for #general large-scale developments# in C4-6 or C5 Districts

Within a #general large-scale development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (ad), inclusive, modify the provisions of paragraphs (a) and (c) of this Section, Section 23-93 (Definitions) and Section 23-95 (Lower Income Housing Requirements)952 (In inclusionary housing designated areas):

(1) For the purposes of this paragraph, (d), inclusive, the definitions of #moderate income household# and #fair rent# in Section 23-231 (Definitions) shall apply. "Moderate income housing" shall be

defined as #standard units# occupied or to be occupied by #moderate income households#, and "middle income housing" shall be defined as #standard units# occupied or to be occupied by #middle income households#. #Moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of the definition of #lower income housing plan# in Section 23-92.

(2) The #residential floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the table in Section 23-942, except that the #floor area# of a #development# or #enlargement# may be increased up to the maximum #floor area ratio# specified in the table in 23-942, as follows:

(i) the #floor area# of a #development# or #enlargement# may be increased by one and one quarter square feet for each square foot of #floor area# provided for #lower income housing#;

(ii) the #floor area# of a #development# or #enlargement# may be further increased by 0.833 square feet for each one square foot of #moderate income floor area# provided for #moderate income housing#, or by 0.625 square feet for each one square foot of #middle income floor area# provided for #middle income, provided that for each square foot of such #floor area compensation# increase pursuant to this paragraph, (d)(2)(ii), there is one square foot of #floor area compensation# increase pursuant to paragraph (d)(2)(i) of this Section 23-952;

(iii)(2) However, the amount of #affordable lower income housing# #moderate income housing# and #middle income housing# required to receive such #bonus# #floor area compensation# need not exceed the amounts specified in this paragraph (d)(2)(iii). If #affordable housing# is provided for both #low income and #moderate income housing# and #lower income housing# are provided households#, the amount of #moderate income housing floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #lower #low income housing floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income housing households# and #lower income housing# are provided households#, the amount of #middle income housing floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #lower income #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph (a), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(3) The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements), except that:

(i) the provisions of paragraphs (a), (b) and (c)(i) of Section 93-233 shall apply; and

(ii) #moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of Sections 23-951, 23-952 and 23-953.

(b) Within R6 and R8 districts in Waterfront Access Plan BK-1 and R7-3 Districts within Community District 1, Borough of Brooklyn, #affordable housing# may be provided that is restricted to #moderate income floor area#, in accordance with the provisions of Section 62-352.

(c) Within the #Special Hudson Yards District# and the #Special West Chelsea District#, #affordable housing# may be provided that is restricted to #moderate income floor area# or #middle income floor area#, in accordance with the provisions of Sections 93-23 and 98-26, respectively.

(d) Within the #Special West Chelsea District#, conversions of non-#residential buildings#, or portions thereof, to #dwelling units#, that exceed the maximum #floor area ratio# specified in Section 98-22, shall be subject to the provisions of Section

23-90 (INCLUSIONARY HOUSING), inclusive, as modified by Section 98-26.

23-954

Additional requirements for compensated developments

(a) Height and setback in #inclusionary housing designated areas#

(1) In #inclusionary housing designated areas#, except within #Special Mixed Use Districts#, the #compensated development# must comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.

(2) In #inclusionary housing designated areas# within #Special Mixed Use Districts#, where the #residence district# designation has a letter suffix, the #compensated development# must comply with the provisions of paragraph (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the #compensated development# must comply with the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

(b) Compensated Development Building Permits

(1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation# based on the #affordable housing# described in such #permit notice#.

(2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of (i) the #regulatory agreement date#, or (ii) the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development#.

(c) Compensated Development Certificates of Occupancy

(1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation#. However, where any #story# of a #compensated development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.

(2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# unless:

(i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked, or

(ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is

thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

23-956

Lower Income Housing Requirements for Generating Sites

To qualify for the increased #floor area#, #compensated developments# must provide #lower income housing# for the life of the increased #floor area# in the #compensated development# pursuant to one or more of the options listed in Sections 23-951, 23-952 and 23-953, and such #lower income housing# must meet each of the following requirements:

(a) Standards

All #lower income housing# shall be in #standard units#. Except in #buildings# in which all #standard units# are occupied by #lower income housing#, the #floor area# devoted to #lower income housing# shall be considered only the #floor area# within the perimeter walls of the #standard units# of the #lower income housing# and a pro-rata share of the common areas of the #building# exclusive of those common areas for which a fee is charged to #lower income households# for its use. In #buildings# in which all of the #standard units# are occupied by #lower income housing#, all of the #residential floor area# shall be considered as devoted to #lower income housing#.

(b) Tenant selection

All incoming households of #standard units# in #lower income housing# must be #lower income households#.

Sublessees of a #lower income household# must also be #lower income households#. The #administering agent# shall verify the income of such sublessee households prior to their occupancy of the #lower income housing#, to assure that such households are #lower income households#. On and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty:

- (1) to maintain in a habitable condition all #lower income housing#; and
- (2) to rent such housing to #lower income households#.

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower income households# or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(c) Rent levels

All #standard units# in #lower income housing# shall be rented at #fair rents#. The total average annual rent for all #lower income housing# approved pursuant to a #lower income housing plan# shall not exceed an amount equal to the reasonable maintenance, operation, administration and contingency costs for such year as determined by the Commissioner of the Department of Housing Preservation and Development.

(d) Income verification

Prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower income households#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower income households#.

(e) Lower income housing plan

A #lower income housing plan# acceptable to the Commissioner of Housing Preservation and Development shall be prepared and followed by the developer.

Such plan shall include the building plans, indicate the #floor area# devoted to #lower income housing# and shall demonstrate the feasibility of creating and maintaining the specified #lower income housing# required in accordance with the Inclusionary Housing program, including demonstrating that:

- (1) the #lower income housing# will be managed and operated by a responsible #administering agent#;
- (2) there will be sufficient income to provide for adequate maintenance, operation and administration of the #lower income housing#; and
- (3) tenant selection will be on an equitable, non-discriminatory basis and achieves a

reasonable range of tenant incomes within the permitted income levels and rent levels established pursuant to this program.

A restrictive declaration, satisfactory to the Commissioner of Housing Preservation and Development, shall be recorded against the #zoning lot# on which the #lower income housing# is constructed and shall set forth the obligations, running with such #zoning lot#, of the owner and all its successors in interest to provide #lower income housing# in accordance with the #lower income housing plan#.

No later than the date on which a #lower income housing plan# is first submitted to the Department of Housing Preservation and Development, a copy of the plan shall be submitted to the affected Community Board(s). Such Community Board(s) shall have 45 days to review said plan.

A copy of any #lower income housing plan# that is accepted by the Commissioner of Housing Preservation and Development within 24 months of May 21, 1987, shall be furnished by the developer to the Department of City Planning immediately after such acceptance.

(f) Permits and certificates of occupancy

No building permit for the #compensated development# shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any part of the #compensated development# until a temporary certificate of occupancy for each unit of #lower income housing# has been issued or, in #R6, R7 and R8 designated areas#, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

No permanent certificate of occupancy shall be issued for any part of the #compensated development# until a permanent certificate of occupancy for each unit of the #lower income housing# has been issued or, in #R6, R7 and R8 designated areas#, if the #building# has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. Prior to the issuance of any temporary or permanent certificate of occupancy for the #compensated development#, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

(g) Insurance

The #administering agent# of the #lower income housing# shall have said housing insured against any damage or destruction in an amount equal to no less than the replacement value of such housing. Any insurance proceeds received as a result of damage or destruction of all or part of such housing shall be used first for restoring such damaged or destroyed housing to #lower income housing#, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution. However, in #R6, R7 and R8 designated areas#, the Commissioner of Housing Preservation and Development may modify this requirement to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.

(h) Obligations for life of increased #floor area#

The obligation to provide a specified amount of #lower income housing# shall run with the #zoning lot# containing such #lower income housing# for the life of the increased #floor area# of the #compensated development#. In the event any portion of such housing is damaged or destroyed, no #floor area# may be replaced on said #zoning lot# unless such #floor area# contains the specified amount of #lower income housing#.

(i) Single #building# for #lower income housing#

Any #building# may contain #lower income housing# that satisfies the requirements of this program for more than one #compensated development#, provided that no #floor area# in the #lower income housing# is counted more than once in determining the amount of increased #floor area# for #compensated developments#.

(j) Subsequent compensation

The Commissioner of Housing Preservation and Development may certify that a #lower income housing plan# is in compliance with the requirements of this program and that #lower income housing# is in compliance with said plan prior to the filing of plans for a #compensated development#. #Developments# may subsequently be compensated with additional #floor area# under this program for such #lower income housing#.

(k) Applicability to rent regulation

Notwithstanding the provisions herein, no provision shall be applicable to tenants occupying units subject to the rent stabilization law or the rent control law, if such provision would be inconsistent with the rights of such tenants.

To provide for the effective implementation of the Inclusionary Housing program, guidelines consistent with and in furtherance of the purposes and intent of such program shall be adopted, and may be modified, as follows:

The Commissioner of Housing Preservation and Development shall develop guidelines for #lower income housing plans#, in consultation with the Board of Estimate, which shall be submitted to the Board of Estimate in time for consideration by the Board at its next regular meeting following the adoption of this Section. Such guidelines shall take effect as submitted, unless modified by the Board at the next meeting following such meeting, in which case the guidelines shall take effect as modified. The guidelines may be modified from time to time by the Commissioner of Housing Preservation and Development, provided, however, that the Commissioner of Housing Preservation and Development shall, within one year of initial adoption of the guidelines, submit the then existing guidelines to the Board, and the Board may, within thirty days of the first regular meeting following submission, modify such guidelines. If the Board does not modify such guidelines as herein provided, the then existing guidelines shall continue in effect. Thereafter, the Board may, not more frequently than once a year, request the Commissioner of Housing Preservation and Development to submit the then existing guidelines to the Board.

The Board may, within thirty days of the first regular meeting following submission modify such guidelines. If the Board does not modify such guidelines as herein provided, the then existing guidelines shall continue in effect. Any plan submitted to the Commissioner of Housing Preservation and Development under the then existing guidelines shall not be affected by any subsequent modification thereto.

23-051

On-site new construction option

To qualify for this option, the designated #lower income housing# shall meet the following requirements:

(a) The #lower income housing# shall be located in newly constructed #floor area# in the #compensated development#. The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.

(b) #Dwelling units# designated as #lower income housing# shall be distributed throughout the #development#. No #story# shall contain more than two such units unless at least 80 percent of all #stories# contains two such units. The size of the designated #lower income housing# units shall at least be distributed among the various size units in proportion to the total distribution of unit size within the #building# in the following categories of unit sizes:

- under 600 net square feet
- 600 – 749 net square feet
- 750 – 949 net square feet
- 950 – 1149 net square feet
- 1150 or more net square feet

In #Inclusionary Housing designated areas#, if the #lower income housing# is subject to the requirements of City, State or Federal programs assisting the #lower income housing# that have size and distribution requirements conflicting with the size and distribution requirements of this paragraph, (b), then the size and distribution requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.

23-052

Substantial rehabilitation and off-site new construction options

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

(a) The #lower income housing# shall be located either:

- (1) within the same Community District as the #compensated development#; or
- (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in

an adjacent Community District in the Borough of Brooklyn.

For the new construction option the #lower income housing# shall be in a new #building#. For the substantial rehabilitation options, the #lower income housing# shall be in an existing #building# in which, prior to the submission of the #lower income housing plan# pursuant to this Section, any #residential# portion not in public ownership had been entirely vacant for not less than three years.

Furthermore, in #Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

(b) The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area#.

(c) On-site substantial rehabilitation units shall be those units on the same #zoning lot# as the #compensated development#.

23-053

Preservation option

To qualify for this option, the designated #lower income housing# shall meet the following requirements:

(a) The #lower income housing# shall be located either:

- (1) within the same Community District as the #compensated development#; or
- (2) within an adjacent Community District and within a one-half mile radius of the #compensated development#, except that #lower income housing# located within a one-half mile radius of a #compensated development# in Community District 1, Borough of Brooklyn, shall be located in an adjacent Community District in the Borough of Brooklyn.

The #lower income housing# shall be in an existing occupied #residential# or #mixed building#. Only #standard units# occupied by #lower income households# shall be #lower income housing#. For each #standard unit# designated as #lower income housing# the #administering agent# shall verify the income of the household in tenancy.

Furthermore, in #Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

(b) Rent charged to #lower income households# shall not be increased to reflect the costs of any renovation made in order to qualify such units under the Inclusionary Housing program, even though such increases may be permitted under other laws regulating maximum rent levels in these units.

(c) The Commissioner of Housing Preservation and Development may require any improvements to the #building# or to the housing necessary to ensure that, with normal maintenance, the #lower income housing# will continue to provide a decent, safe and sanitary living environment for the life of the increased #floor area# in the #compensated development#.

(d) The #lower income housing# shall be maintained and leased to #lower income households# for the life of the increased #floor area# in the #compensated development#.

(e) The developer of a #compensated development# must demonstrate to the satisfaction of the Commissioner of Housing Preservation and Development that, for three years prior to the submission of the #lower income housing plan#, no harassment occurred that resulted in removal of previous tenants of units proposed to become #lower income housing# preserved pursuant to this Section.

#Affordable housing# in a #generating site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#.

(a) Location of Generating Site and Compensated Zoning Lot

Where a #generating site# is not located within the #compensated zoning lot# for which it generates #floor area compensation#:

- (1) the #generating site# and the #compensated zoning lot# shall be located within the same Community District; or
- (2) the #generating site# and the #compensated zoning lot# shall be located in adjacent Community Districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#. However, where the #compensated zoning lot# is located in

Community District 1, Borough of Brooklyn, such adjacent Community District shall be located in the Borough of Brooklyn; in the #Special Downtown Jamaica District#, #affordable housing# shall be located in accordance with the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, #affordable housing# shall be located in accordance with the provisions of Section 125-22 (Newtown Creek Subdistrict).

(b) Distribution of Affordable Housing Units

In #new construction affordable housing# or #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#:

- (1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #generating site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#, and
- (2) not more than 33 percent of the #dwelling units# and #rooming units# on any #story# of such #generating site# shall be #affordable housing units#, unless not less than 33 percent of the #dwelling units# and #rooming units# on each #residential story# of such #generating site# are #affordable housing units#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

(c) Bedroom Mix of Affordable Housing Units

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, either:
 - (i) the #dwelling units# in the #generating site# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units# in the #generating site#, other than any #super's unit#, that are not #affordable housing units#; or
 - (ii) not less than 50 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain one or more bedrooms.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that either is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section; or is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction affordable housing# and #substantial rehabilitation affordable housing# are #affordable housing units#, not less than 50 percent of such #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of such #affordable housing units# shall contain one or more bedrooms. However, #HPD# may waive these requirements for any #affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.

- (3) All of the #supportive housing units# in a #generating site# shall be #affordable housing units# and shall contain such configuration as #HPD# shall require.

(d) Size of Affordable Housing Units

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# shall contain not less than:
 - (i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#; or
 - (ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#; or
 - (iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or
 - (iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing# as specified in the guidelines.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction# or #substantial rehabilitation affordable housing# are #affordable housing units#, #HPD# may waive such square footage requirements for any #affordable housing unit# that is participating in a federal, state or local program where such #generating site# cannot comply with both the regulations of such federal, state or local program and those of this Section. In addition, #HPD# may waive such square footage requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.

- (3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) Administering Agent

- (1) #HPD# shall approve each #administering agent# and may revoke such approval at any time before or during the #regulatory period#.
- (2) An #administering agent# shall be a not-for-profit entity and shall not be, or be an affiliate of, an owner or managing agent of the #generating site#, unless #HPD# approves such owner, managing agent or affiliate to serve as the #administering agent# upon a determination that either (i) the #affordable housing# is participating in a federal, state or local program that provides adequate independent means of ensuring compliance with the #regulatory agreement#, or (ii) the owner and any such managing agent or affiliate are not-for-profit entities and there are adequate safeguards to ensure that such entities comply with the #regulatory agreement#.
- (3) For a period of time specified in the #guidelines#, the #administering agent# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#. The #administering agent# shall maintain such records, and such other records as #HPD# may require, at the offices of the #administering agent# or at such other location as may be approved by #HPD#. The #administering agent# shall make such records, and all facets of the operations of the #administering agent#, available for inspection and audit by #HPD# upon request.

(f) Regulatory Agreement

- (1) The #regulatory agreement# shall require compliance with and shall incorporate by reference the #affordable housing plan# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.
- (2) The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of

#affordable floor area#. For #new construction affordable housing# or #substantial rehabilitation affordable housing#, such documentation shall include, but shall not be limited to, plans meeting the requirements of Section 23-94(c).

- (3) The #regulatory agreement# shall be recorded against all tax lots comprising the the portion of the #zoning lot# within which the #generating site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing plan# for the entire #regulatory period#.
- (4) #Affordable housing# may serve to secure debt with the prior approval of #HPD#. Any lien securing such debt shall be subordinated to the #regulatory agreement#.
- (5) The #regulatory agreement# may, but shall not be required to, provide that such #regulatory agreement# may be terminated prior to the issuance of a temporary or permanent certificate of occupancy for any #compensated development# by the Department of Buildings.
- (6) Where all of the #dwelling units#, #rooming units# or #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, the #regulatory agreement# shall provide that, following a default and any applicable opportunity to cure, #HPD# may, in addition to any other remedies provided therein or by applicable law,
 - (i) appoint a receiver to manage such #generating site# or
 - (ii) take control of the board of directors of any housing development fund company or not-for-profit corporation that owns, controls or operates such #generating site#.
- (7) Where applicable in accordance with Section 23-96(g) (Monthly Rent), the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.

(g) Housing Standards

Upon the date that #HPD# issues the #completion notice#, the #generating site# shall be entirely free of violations of record issued by any city or state agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may be otherwise provided in the #guidelines# with respect to non-hazardous violations in occupied #affordable housing units# of #preservation affordable housing# or #substantial rehabilitation affordable housing#.

(h) Insurance

The #affordable housing# in a #generating site# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#. Any insurance proceeds resulting from damage or destruction of all or part of the #generating site# containing such #affordable housing# shall be used first to restore any damaged or destroyed #affordable housing#, except that #HPD# may provide priority for lenders participating in the financing of #affordable housing# that is assisted under city, state or federal programs.

(i) Duration of Obligations

The obligation to provide and maintain a specified amount of #affordable housing# on a #generating site# shall run with the #zoning lot# containing such #generating site# for not less than the #regulatory period#. If any portion of such #affordable housing# is damaged or destroyed, no #floor area# shall be #developed#, reconstructed or repaired on such #zoning lot#, and no #development#, #enlargement#, extension or change of #use# shall occur on such #zoning lot#, unless

- (1) the amount of such #floor area# devoted to #affordable housing# is not less than the #floor area# of the #affordable housing# that was damaged or destroyed, or
- (2) one hundred percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.

(j) One Generating Site May Satisfy Requirements for Multiple Compensated Zoning Lots

Any #generating site# may contain #affordable housing# that satisfies the requirements of this Section 23-90 (INCLUSIONARY HOUSING),

inclusive, for more than one #compensated development#, provided that no #affordable floor area# shall be counted more than once in determining the amount of #floor area compensation# for such #compensated developments#.

(k) Guidelines

#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of this Section 23-90 (INCLUSIONARY HOUSING), inclusive.

23-961

Additional Requirements for Rental Affordable Housing

The following additional requirements shall apply #to rental #affordable housing# on a #generating site# for the entire #regulatory period#:

(a) Tenant Selection

- (1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #low income households#, #moderate income households# and #middle income households#, as applicable. No lease or sublease of an #affordable housing unit# shall be executed, and no tenant or subtenant shall commence occupancy of an #affordable housing unit#, without the prior approval of the #administering agent#.
- (2) A tenant may, with the prior approval of the #administering agent#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #regulatory agreement#.
- (3) A #low income household# may rent an #affordable housing unit# that is restricted to occupancy by #moderate income# or #middle income households#, provided that the #administering agent# determines that such #low income household# is able to utilize rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, to afford the applicable #monthly rent#.

(b) Monthly Rent

- (1) The #regulatory agreement# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# within 60 days following the #rent-up date# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy. However, the #regulatory agreement# may permit an alternative date by which any #affordable housing units# that are vacant on the #rent-up date# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD#.
 - (i) However, any #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #regulatory agreement date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #regulatory agreement date# and shall thereafter be subject to #rent stabilization# as provided herein.
 - (ii) The #regulatory agreement# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#, except as may be otherwise provided in the #guidelines# with respect to #affordable housing units#

receiving project-based rental assistance pursuant to Section 8 of the United States Housing Act of 1937, as amended. However, the #regulatory agreement# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #regulatory agreement date#.

- (2) The #regulatory agreement# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#, except as may be otherwise provided in the #guidelines# with respect to #affordable housing units# receiving project-based rental assistance pursuant to Section 8 of the United States Housing Act of 1937, as amended. However, the #regulatory agreement# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #regulatory agreement date#.
- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that the #monthly rent# registered and charged for each #affordable housing unit# complied with the applicable #monthly rent# requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.
- (5) The #regulatory agreement# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to (i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount, (ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts, (iii) the nature of the tenant, or (iv) any other reason.
- (6) The #regulatory agreement# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.
- (7) The #regulatory agreement# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

(c) Income

- (1) Each #affordable housing unit# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, for the entire #regulatory period#.
- (2) The #administering agent# shall verify the #household# income of the proposed tenant prior to leasing any vacant

#affordable housing unit# in order to ensure that it is a #low income household#, #moderate income household# or #middle income household#, as applicable.

- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# occupying an #affordable housing unit# complied with the applicable income eligibility requirements at the time of #initial occupancy#.
 - (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.
- (d) Affordable Housing Plan
- (1) An #affordable housing plan# shall designate the initial #administering agent#, include the agreement with the initial #administering agent#, state how #administering agents# may be removed, state how a new #administering agent# may be selected upon the removal or other departure of any #administering agent#, include the building plans, state the number and bedroom mix of the #affordable housing units# to be #developed#, rehabilitated or preserved, indicate how tenants will be selected at #rent-up# and upon each subsequent vacancy of an #affordable housing unit#, indicate how the #household# income of each prospective tenant will be verified prior to such #household#'s #initial occupancy# of an #affordable housing unit# and include such additional information as #HPD# deems necessary.
 - (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #affordable housing# in accordance with this Section 23-90 (INCLUSIONARY HOUSING), inclusive, including that:
 - (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
 - (ii) #affordable housing units# will be leased to eligible #households# by a responsible #administering agent# at #rent-up# and upon each subsequent vacancy; and
 - (iii) tenants will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
 - (3) A copy of any proposed #affordable housing plan# shall be delivered to the affected Community Board, which may review such proposal and submit comments to #HPD#. #HPD# shall not approve a proposed #affordable housing plan# until the earlier of:
 - (i) the date that the affected Community Board submits comments regarding such proposal to #HPD# or informs #HPD# that such Community Board has no comments, or
 - (ii) 45 days from the date that such proposal was submitted to the affected Community Board.
- (e) Special requirements for rental #preservation affordable housing#

The following additional requirements shall apply to rental #preservation affordable housing#:

- (1) all of the #dwelling units#, #rooming units# and #supportive housing units# in the #generating site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #low income households# for the entire #regulatory period#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed

30 percent of the #low income limit# divided by 12;

(3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;

(5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and

(6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(f) Special requirements for rental #substantial rehabilitation affordable housing#

The following additional requirements shall apply to rental #substantial rehabilitation affordable housing#:

(1) such #affordable housing# shall be created through the rehabilitation of a #generating site# at a cost per completed #affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;

(2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

(3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;

(5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and

(6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

23-962 Additional Requirements for Homeownership Affordable Housing

The following additional requirements shall apply to #homeownership affordable housing# on a #generating site# for the entire #regulatory period#:

(a) Homeowner Selection

(1) Upon #sale# #homeownership affordable housing units# shall only be occupied by #eligible buyers# that are #low income households#, #moderate income households# and #middle income

households#, as applicable. Upon any subsequent #resale# for the entire #regulatory period#, #homeownership affordable housing units# shall be sold to and occupied by #eligible buyers# at or below the #maximum resale price# on the #sale date#, as applicable. No #homeownership affordable housing unit# shall be sold to or occupied by any #household# or any other person without the prior approval of the #administering agent#.

(2) A #homeowner# may, with the prior approval of the #administering agent#, sublet an #homeownership affordable housing unit# to another #low income household#, #moderate income household#, #middle income household#, or #eligible buyer#, as applicable, for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes paid by the sublessor.

(3) A #homeowner# shall reside in the #homeownership affordable housing unit# except as provided in paragraph (a)(2) of this Section.

(4) The restrictions in this Section 23-962(a) on the ownership of #homeownership affordable housing units# shall not prevent the exercise of a valid lien by a #mortgage# lender, #cooperative corporation#, #condominium association# or any other entity authorized by the #regulatory agreement# to take possession of a #homeownership affordable housing unit# in the event of default by the #homeowner#. However, any #sale# or #resale# by such lien holder shall be to an #eligible buyer#, in accordance with this Section 23-962(a) and the #guidelines#.

(b) Price

(1) The #initial price# or #maximum resale price# of any #homeownership affordable housing unit# shall be set assuming a #mortgage#, as defined in section 23-913 (Definitions Applying to Homeownership Generating Sites).

(2) The #regulatory agreement# shall establish the #initial price# for each #homeownership affordable housing unit#. #HPD# shall set the #initial price# to ensure that the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid directly by the #homeowner# will not exceed 30 percent of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable.

(3) Prior to any #resale# of an #homeownership affordable housing unit#, the #administering agent# shall set the #maximum resale price# for such #homeownership affordable housing unit#.

(4) The #administering agent# shall not approve any #resale# unless the selected #eligible buyer# provides a #down payment# as specified in the #guidelines#.

(5) An #homeownership affordable housing unit#, or any shares in a #cooperative corporation# appurtenant thereto, shall not secure any debt unless such debt is a #mortgage# that has been approved by the #administering agent#.

(c) Income

(1) The #administering agent# shall verify the #household# income of a proposed #homeowner#, in accordance with the #guidelines#, prior to the #sale date# of any #homeownership affordable housing unit# in order to ensure that, upon #sale#, it is a #low income household#, #moderate income household# or #middle income household#, as applicable, and that upon #resale#, it is an #eligible buyer#.

(2) The #administering agent# shall meet reporting requirements on each #sale and #resale# as set forth in the #guidelines#.

(3) Each year after the #commencement date#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #resale# of an #homeownership affordable housing unit# during the preceding year complied with

all applicable requirements on the #resale date#.

(d) Affordable Housing Plan

(1) An #affordable housing plan# shall include the building plans, state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, rehabilitated or preserved, indicate how #homeowners# will be selected upon each #sale# or #resale# of a #homeownership affordable housing unit#, indicate how the #household# income of #eligible buyers# will be verified prior to such #household's initial occupancy# of a #homeownership affordable housing unit# and include such additional information as #HPD# deems necessary.

(2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #homeownership affordable housing#, including that:

(i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;

(ii) #affordable housing units# will be sold under the supervision of a responsible #administering agent# to #eligible buyers# at each #sale# and #resale#; and

(iii) #homeowners# will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.

(3) The requirements of Section 23-961(d)(3) shall apply.

(e) Housing Standards

The requirements of Section 23-96(g) shall apply. In addition, each #homeowner# shall be obligated to maintain each #homeownership affordable housing unit# in accordance with minimum quality standards set forth in the #guidelines#. Prior to any #resale#, #HPD#, or its designee as specified in the #guidelines#, shall inspect the #affordable housing unit# and shall either require the #homeowner# to remedy any condition that violates such minimum quality standards before the #sale date#, or require the retention of a portion of the #resale# proceeds to pay the cost of remedying such condition.

(f) Special requirements for #homeownership preservation affordable housing#.

The following additional requirements shall apply to #homeownership preservation affordable housing#:

(1) on the #regulatory agreement date#, the #generating site# shall be an existing #residential building#.

(2) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

(3) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;

(4) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

(5) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and

(6) such #affordable housing# shall comply

with such additional criteria as may be specified by #HPD# in the #guidelines#.

(g) Special requirements for #homeownership substantial rehabilitation affordable housing#.

The following additional requirements shall apply to #homeownership substantial rehabilitation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #building#;
- (2) such #affordable housing# shall be created through the rehabilitation of such existing #building# at a cost per completed #homeownership affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (3) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (4) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (6) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

APPENDIX A INCLUSIONARY HOUSING DESIGNATED AREAS

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix A. The #residence districts# listed for such areas shall include #commercial districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

(a) In Community District 1, in the Borough of Brooklyn, Waterfront Access Plan BK-1, as set forth in Section 62-352, and the R6, R6A, R6B and R7A Districts within the areas shown on the following Maps 1 and 2:

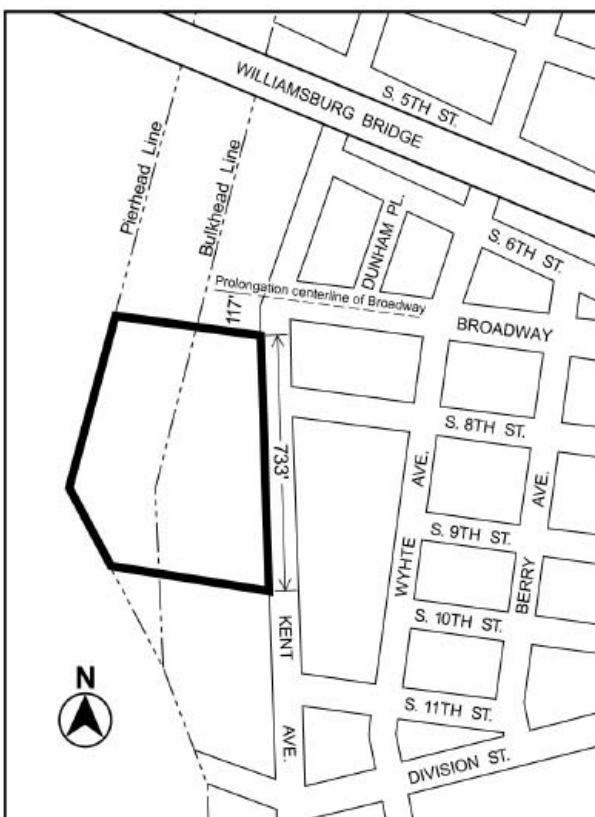


Map 1 Portion of Community District 1, Brooklyn



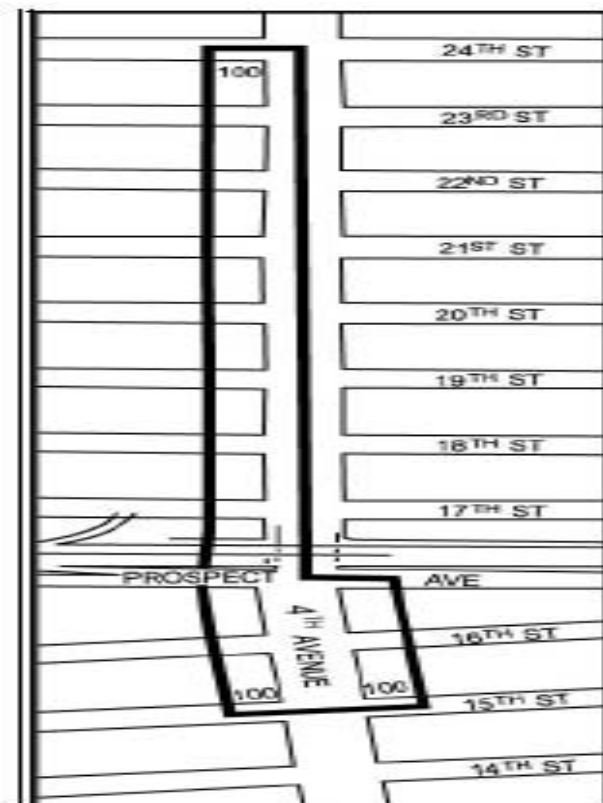
Map 2 Portion of Community District 1, Brooklyn

(b) In Community District 1, in the Borough of Brooklyn, the R7-3 Districts within the area shown on the following Map 3:



Map 3 Portion of Community District 1, Brooklyn

(c) In Community District 7, in the Borough of Brooklyn, the R8A District within the area shown on the following Map 4:

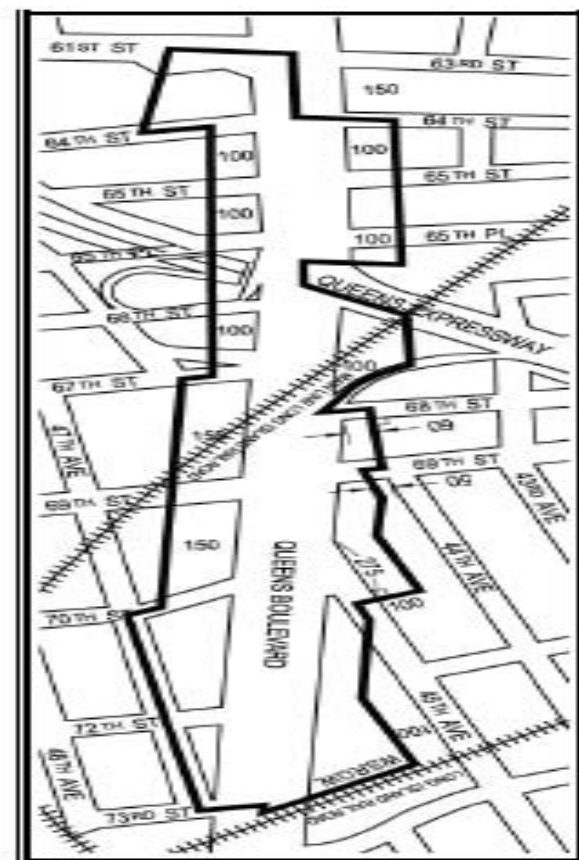


Map 4 Portion of Community District 7, Brooklyn

(d) In Community District 2, in the Borough of Queens, the R7X Districts within the areas shown on the following Maps 5 and 6:

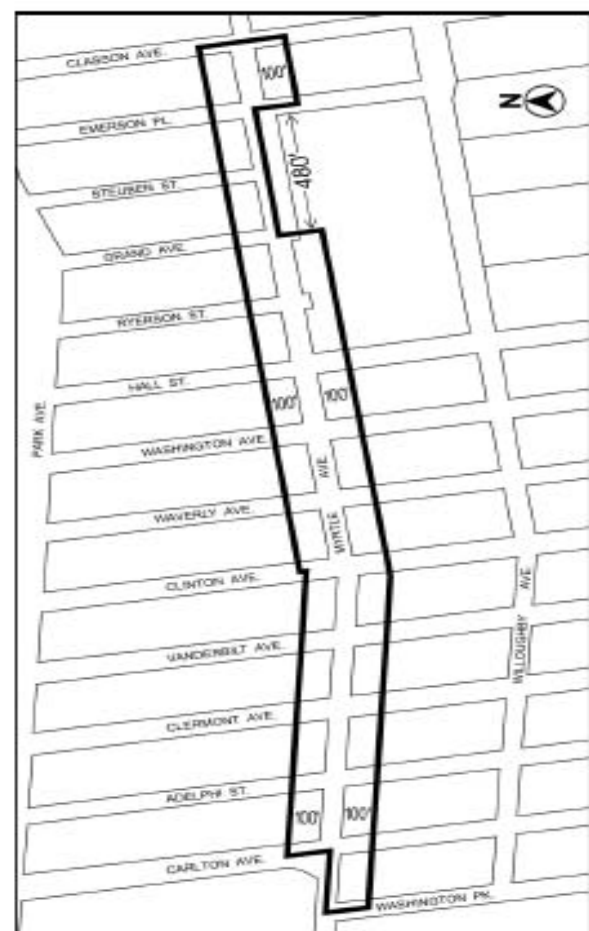


Map 5 Portion of Community District 2, Queens

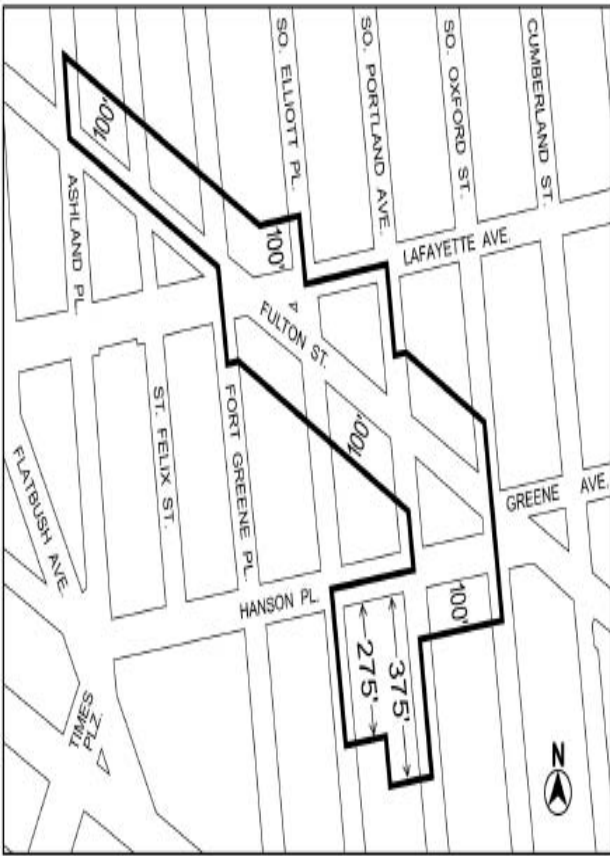


Map 6 Portion of Community District 2, Queens

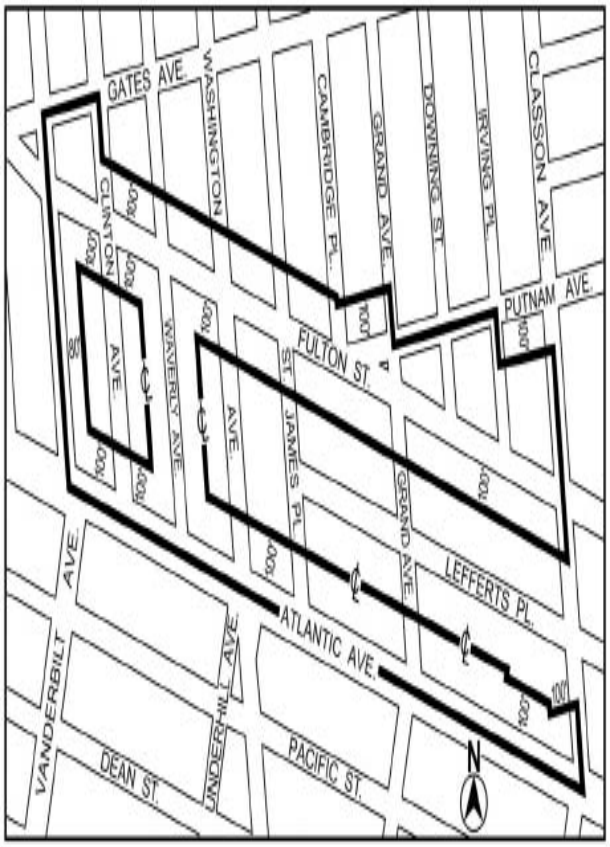
(e) In Community District 2, in the Borough of Brooklyn, the R7A Districts within the areas shown on the following Maps 7, 8 and 9:



Map 7 Portion of Community District 2, Brooklyn

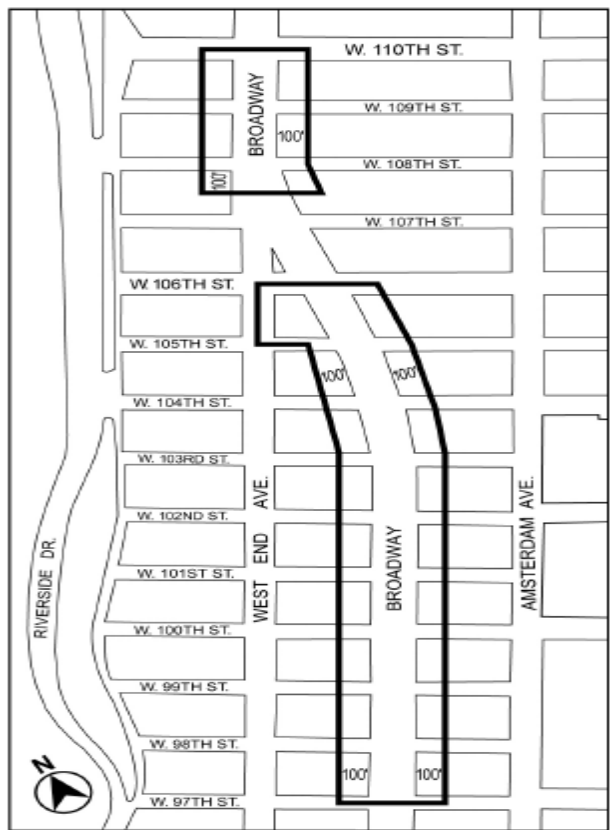


Map 8
Portion of Community District 2, Brooklyn



Map 9
Portion of Community District 2, Brooklyn

(f) In Community District 7, in the Borough of Manhattan, the R9A Districts within the areas shown on the following Map 10:



Map 10
Portion of Community District 7, Manhattan

(g) In Community District 3, in the Borough of Brooklyn, the R7D Districts within the areas shown on the following Maps 11 and 12:

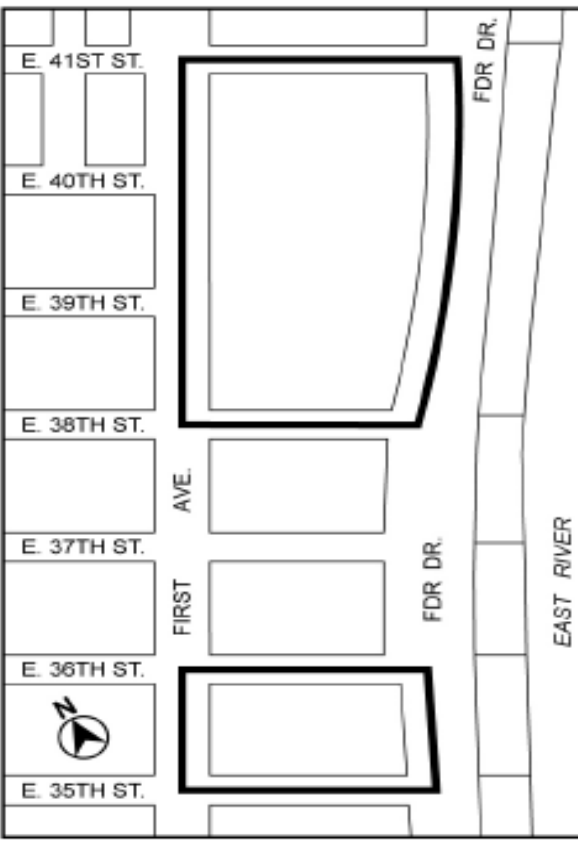


MAP 11
Portion of Community District 3, Brooklyn



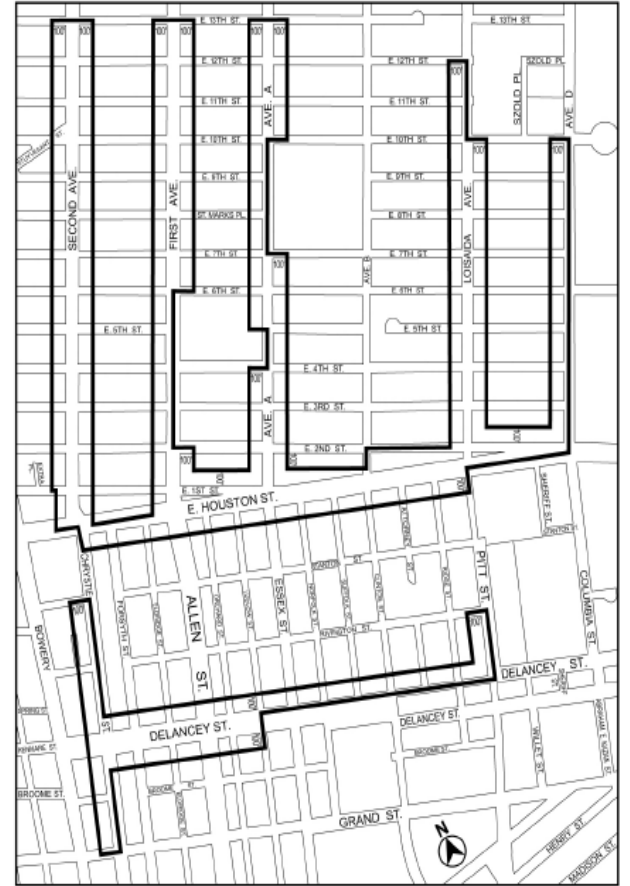
MAP 12
Portion of Community District 3, Brooklyn

(h) In Community District 6, in the Borough of Manhattan, the R10 Districts within the areas shown on the following Map 13:



MAP 13
Portion of Community District 6, Manhattan

(i) In Community District 3, in the Borough of Manhattan, the R7A, R8A and R9A Districts within the areas shown on the following Map 14:



Map 14
Portion of Community District 3, Manhattan

In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within the special purpose district:

- (1) Special Hudson Yards District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (2) Special West Chelsea District – see Section 98-26 (Modifications of Inclusionary Housing Program)
- (3) Special Downtown Jamaica District – see Section 115-211 (Special Inclusionary Housing Regulations)
- (4) Special 125th Street District – see Section 97-421 (Inclusionary Housing)
- (5) Special Long Island City Mixed Use District – see Section 117-631 (Floor area ratio and lot coverage modifications)
- (6) Special Garment Center District – see Section 93-23 (Modifications of Inclusionary Housing Program)
- (7) Special Southern Hunters Point District – see Section 125-22 (Newtown Creek Subdistrict)

* * *

**24-161
Maximum floor area ratio for zoning lots containing community facility and residential uses**

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7D R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the #Inclusionary Housing designated areas# set forth in Section 23-022 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

* * *

**35-31
Maximum Floor Area Ratio for Mixed Buildings**

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive.

In the #Inclusionary Housing designated areas# set forth in Section 23-022 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for

#zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

* * *

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

* * *

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-35
Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn

* * *

62-352
Inclusionary Housing

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in R7-3 Districts in Community District 1, Borough of Brooklyn, and in R6, R7D and R8 Districts within Waterfront Access Plan BK-1, as modified in this Section.

(a) Definitions

For the purposes of this Section, matter in italics is defined in Sections 12-10, or in Section 23-90 (INCLUSIONARY HOUSING), inclusive or in this Section, as modified.

Fair rent

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then-current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board, or its successor, for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

(1) the then currently applicable "30 Percent Standard"; or

(2) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income# or #moderate income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income# or #moderate income household's# income:

(i) the initial #fair rent#; and

(ii) the monthly costs of a reasonable compensation for these utilities, by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income household's# income and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

Lower income housing

For the purposes of this Section, "lower income housing" shall include #standard units# occupied, or to be occupied, by #lower income# or #moderate income households#.

Moderate income household

For the purposes of this Section, a "moderate

income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80

(b) #Floor area compensation# increase

(1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0, provided that:

(i) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#; or

(ii) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #moderate income households#.

(2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75, provided that:

(i) the amount of #low income floor area# is equal to at least 7.5 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#; or

(ii) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #moderate income households#.

Where #lower# or moderate #income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households, pursuant to this Section, shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonused pursuant to this Section.

For the purposes of determining the amount of #lower income housing# required to increase the maximum permitted #floor area# pursuant to this paragraph, (b), community facility #floor area# used as a philanthropic or not for profit institution with sleeping accommodations shall be considered #residential floor area#.

For the purposes of this paragraph (b), inclusive, #low income floor area# may be considered #moderate income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning lot lines# or district boundaries pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.

(c) #Lower Income Housing# Requirements

#Developments# that increase #floor area# in

accordance with the provisions of this Section shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this paragraph, (c).

(1) The provisions of Section 23-95, paragraph (b), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate income households#, and sublessees of a #moderate income household# may also be a #moderate income household#.

Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to lower or #moderate income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower# or #moderate income households#, as provided in this Section or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(2) The provisions of Section 23-95, paragraph (d), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower# or #moderate income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are lower or #moderate income households# as required by the provisions of this Section and in the approved #lower income housing# plan.

(3) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower# or #moderate income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, Section 23-953, paragraph (a), shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing# plan.

(d) Permits and certificate of occupancy

The requirements of paragraphs (b) and (c) of Section 23-954 shall not apply. In lieu thereof, the provisions of this paragraph (d), shall apply be modified as follows:

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until the #HPD Commissioner# of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.

No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan regulatory agreement# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #HPD Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations has issued a #completion notice# with respect to the #lower income affordable housing#. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# which utilizes the increased height for #developments# that provide

Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the #Commissioner# has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, the #Commissioner# of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

* * *
ARTICLE IX
SPECIAL PURPOSE DISTRICTS

* * *
Chapter 3
Special Hudson Yards District

* * *
93-23
Modifications of Inclusionary Housing Program
 The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall be applicable within Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, except as modified in this Section. However, the modifications set forth in this Section shall not be applicable in the area bounded by West 35th Street, Eighth Avenue, West 32nd Street, and a line 100 feet east of and parallel to Ninth Avenue, where the underlying provisions of Section 23-90, (INCLUSIONARY HOUSING), inclusive, shall apply shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts.

93-231
Definitions
 For the purposes of this Chapter, matter in italics is defined in Sections 12-10; or in Section 23-90 (INCLUSIONARY HOUSING), inclusive, the following definitions in Section 23-93 shall be modified:

Administering agent

The "administering agent" is the entity or entities identified in the #lower income housing plan# as responsible for ensuring compliance with such plan.

The #administering agent# shall be a not for profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not for profit organization as the #administering agent# was unsuccessful. However, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

If an entity other than a not for profit organization is proposed to serve as the #administering agent#, and the affected Community Board objects during its review period to the approval of the proposed entity, the Commissioner shall respond in writing to the Community Board's objections prior to approving the proposed entity to serve as #administering agent#.

Fair rent

"Fair rent" shall be as defined in Section 23-93 with respect to #standard units# occupied by #lower income households#, except that the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered "fair rent," provided that such rents do not exceed 30 percent of a #lower income household's# income, and provided further that upon expiration or termination of the requirements of the city, state or federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable Section 8 Standard or the Rent Stabilization Standard.

The following definition of "fair rent" shall apply to #moderate income households# and #middle income households#. At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, #fair rent# shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") is not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# is not more than the higher of:

- (a) the then currently applicable "30 Percent Standard"; or
- (b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following does not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income:

- (1) the initial #fair rent#, and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

The Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

At initial occupancy of any #lower income housing# occupied by a #moderate income# or #middle income household#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (e) of Section 23-95 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Lower income household

#Lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

For the purposes of Section 93-23 (Modifications of Inclusionary Housing Program), inclusive, "lower income housing", as defined in Section 23-93, shall include #standard units# assisted under City, State or federal programs. #Lower income housing# shall also include #standard units# occupied or to be occupied by #lower income households#, as defined in Section 23-93, and #moderate income# or #middle income households#, as defined in this Section.

Moderate income household

For the purposes of Section 93-23, inclusive, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.

Middle income household

For the purposes of Section 93-23, inclusive, a "middle income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

93-232
Floor area increase
 The provisions of Section 23-9452 (Floor Area Compensation in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts

B, C, D and E) or 121-31 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# for #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing program may be increased, as follows:

- (a) The permitted #floor area ratio# may be increased from 6.5, or as otherwise specified in Section 93-22, to a maximum of 9.0, provided that:
 - (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#; or
 - (2) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot# inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#; or
 - (3) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.
- (b) The permitted #floor area ratio# may be increased from 9.0 to a maximum of 12.0, provided that:
 - (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#; or
 - (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#; or
 - (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.

For the purposes of this Section 93-232, inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#. Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the compensated #development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such compensated #development#, inclusive of #floor area# bonused pursuant to this Section.

Lower income housing requirements
 #Developments# that increase #floor area# in accordance with the provisions of this Section shall comply with the lower income housing requirements of Section 23-95, except as modified in this Section.

(a) The provisions of paragraph (b) (Tenant selection) of Section 23-95 shall apply, except that, in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#. Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent# if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this

Section and in the approved #lower income housing plan#, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(b) The provisions of paragraph (d) (Income verification) of Section 23-95 shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section and in the approved #lower income housing plan#. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.

(c) The provisions of paragraph (e) (Insurance) of Section 23-95 may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.

(d) Permits and certificate of occupancy
The requirements of paragraph (f) of Section 23-95 shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply. No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued, or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued or, if the building has a valid certificate of occupancy and no new certificate of occupancy is required under the preservation option, until the Commissioner has certified to the Department of Buildings that the applicant has fulfilled its obligations with respect to the #lower income housing#.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

(e) The provisions of Sections 23-951 (On site new construction option), 23-952 (Substantial rehabilitation and off site new construction option) and 23-953 (Preservation option) shall apply, except as follows:

(i) with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b), and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#;

(ii) if the #lower income housing# is subject to the requirements of city, state or federal programs assisting the lower income housing that have size and distribution requirements conflicting with the size and distribution requirements of Section 23-951, paragraph (b), then the size and distribution requirements of Section 23-951, paragraph (b) may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#; and

(iii) Section 23-953 (a) shall be modified to provide that the #administering agent#

shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

* * *
**Chapter 7
Special 125th Street District**

* * *
4/30/08

**97-42
Floor Area Bonuses**
The maximum #floor area ratio# for a #development# or #enlargement# within the #Special 125th Street District# may be increased by a floor area bonus, pursuant to Sections 97-421 and 23-90 (INCLUSIONARY HOUSING), inclusive, or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

4/30/08

**97-421
Inclusionary Housing**
Within the #Special 125th Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Sections 23-90 (INCLUSIONARY HOUSING), inclusive.

* * *
**Chapter 8
Special West Chelsea District**

* * *
**98-26
Modifications of Inclusionary Housing Program**

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive are incorporated and modified within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing program regulations of Section 23-90, inclusive, applicable as modified within the Special District, as set forth in this Section, inclusive.

**98-261
Definitions**
For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The following definitions in Section 23-93 shall be modified:

Administering agent

The "administering agent" is not required to be a not for profit organization if the #floor area# of the #standard units# comprising the #lower income housing# constitutes less than half of the total #residential floor area# or community facility #floor area used# as a not for profit institution with sleeping accommodations in the #building#.

Fair rent

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# or a #middle income household# as defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

Upon renewal of a lease for such an existing tenant in #lower income housing#, #fair rent# (the "Rent Stabilization Standard") shall be not more than the then current #fair rent# for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board, or its successor, for units subject to the rent stabilization law.

After initial occupancy, upon rental of #lower income housing# to a new tenant, #fair rent# shall be not more than the higher of:

- (a) the then currently applicable "30 Percent Standard"; or
- (b) the Rent Stabilization Standard.

In order for rent to be #fair rent#, the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a #lower income housing plan# making a #lower income#, #moderate income# or #middle income household# responsible for the payment of utilities as long as the sum of the following do not exceed 30 percent of said #lower income#, #moderate income# or #middle income household's# income:

- (1) the initial #fair rent#, and
- (2) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

However, the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of a #moderate income# or #middle income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rents shall be subject to the higher of the then currently applicable 30 Percent Standard or the Rent Stabilization Standard.

#Fair rent# shall include, in addition to that rent permitted pursuant to Section 23-93, the payment of principal and interest on mortgage debt, and #lower income#, #moderate income# or #middle income housing# may secure such debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of paragraph (e) (Rent levels) of Section 23-95 (Lower Income Housing Requirements), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Lower income household

"Lower income households" shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

For the purposes of this Section, "lower income housing" shall include #standard units# assisted under City, State or Federal programs, where such housing is occupied, or to be occupied, by #lower income#, #moderate income# or #middle income households#.

Moderate income household

For the purposes of this Section, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.

Middle income household

For the purposes of this Section, a "middle income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

**98-262
Floor area increase**

For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for conversions of non-#residential buildings#, or portions thereof, to #dwelling units# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing program as modified in Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:

- (a) In C6-4 Districts:
 - (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#;
 - (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #moderate income floor areas# equal to at least 15 percent of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#; or
 - (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #middle income households#.

- (b) In C6-3 Districts:
 - (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#;
 - (2) the amount of #low income floor area# is equal to at least 5 five percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#; or
 - (3) the amount of #low income floor area# is equal to at least 5 five percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# is occupied by #middle income households#.

Where #lower#, #moderate# or #middle income housing# is provided on a #zoning lot# other than the #zoning lot# occupied by the #compensated development#, the percentage of #residential floor area# required to be occupied by such households pursuant to this Section shall be determined as a percentage of the #residential floor area# on the #zoning lot# of such #compensated development#, inclusive of #floor area# bonus pursuant to this Section.
 For the purposes of this Section 98-262, inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

- (c) Affordable Housing Fund

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the #development#, acquisition or rehabilitation of #lower#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

Lower income housing requirements

#Developments# that increase #floor area# in accordance with the provisions of Section 98-262 shall comply with the #lower income housing# requirements of Section 23-95, except as modified in this Section.

- (a) The provisions of Section 23-95, paragraph (b) (Tenant selection), shall apply, except that in addition, incoming households of #standard units# in #lower income housing# may be #moderate# and #middle income households#, and sublessees of a #moderate# or #middle income household# may also be a #moderate# or #middle income household#.

Furthermore, on and after the issuance of a certificate of occupancy for #lower income housing#, the #administering agent# shall have a duty to rent such housing to #lower#, #moderate# or #middle income households#, as provided in this Section and in the approved #lower income housing plan#.

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section, or has, in good faith, made a continuing public offer to rent such units at rents no greater

than the rents authorized by this program or otherwise at law.

- (b) The provisions of Section 23-95, paragraph (d) (Income verification), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing# are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.

- (e) The provisions of Section 23-95, paragraph (g) (Insurance), may be modified by the Commissioner of Housing Preservation and Development to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.

- (d) Permits and certificate of occupancy

The requirements of Section 23-95, paragraph (f), shall not apply. In lieu thereof, the provisions of this paragraph, (d), shall apply.

No building permit for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to Section 98-262 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

No temporary certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to Section 98-262 until a temporary certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued. No permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to Section 98-262 until a permanent certificate of occupancy for each unit of #lower income housing# that is the subject of the #lower income housing plan# accepted by the Commissioner of Housing Preservation and Development has been issued.

Prior to the issuance of any temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area# bonus pursuant to Section 98-262, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

- (e) The provisions of Sections 23-951, 23-952 and 23-953 shall apply, except that with respect to Sections 23-951, paragraph (a), 23-952, paragraph (b) and 23-953, paragraph (a), #lower income housing# shall be maintained and leased to #lower#, #moderate# or #middle income households#, as provided in this Section, for the life of the increased #floor area#, and in accordance with the approved #lower income housing plan#. Furthermore, the size and distribution requirements of Section 23-951, paragraph (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#, and Section 23-953, paragraph (a), shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

* * *
**ARTICLE XI
 SPECIAL PURPOSE DISTRICTS**

* * *
**Chapter 5
 Special Downtown Jamaica District**

* * *
**115-211
 Special Inclusionary Housing regulations**

- (a) Applicability

R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.
- (b) Maximum #floor area ratio#

The maximum #floor area ratio# for any #building# containing #residences# shall not exceed the base #floor area ratio# set forth in the following table,

except that such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Section 23-9542 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

| District | Base #Floor Area Ratio# |
|-----------|-------------------------|
| R7A C4-4A | 3.45 |
| R7X C4-5X | 3.75 |
| R8 C6-2 | 5.4 |
| R9 C6-3 | 6.0 |
| R10 C6-4 | 9.0 |

- (c) Modification of location requirements

The requirements of paragraph (a) of Section 23-9526 (Requirements for Generating Sites Substantial rehabilitation and off site new construction options) shall be modified as follows: A #Lower income housing generating site# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.
- (d) Height and setback

The height and setback regulations of paragraph (ba) of Section 23-94254 shall not apply. In lieu thereof, the special height and setback regulations of Section 115-22, inclusive, of this Chapter shall apply.

* * *
Article XI - Special Purpose Districts

**Chapter 7
 Special Long Island City Mixed Use District**

- * * *
**117-631
 Floor area ratio and lot coverage modifications**
- (a) In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#.
 - (b) Maximum #floor area ratio# and lot coverage for #residential uses#
 - (1) M1-2/R5B designated district

The maximum #floor area ratio# for #residential use# shall be 1.65.

The maximum #lot coverage# for a #residential building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.
 - (2) M1-3/R7X designated district
 - (i) Inclusionary Housing Program

Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.
 - (ii) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #building# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0 as set forth in Section 23-942 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

- (i) Inclusionary Housing Program

Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be an #Inclusionary Housing designated area# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.
- (ii) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #building# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0 as set forth in Section 23-942 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

* * *
Article XII - Special Purpose Districts

**Chapter 3
 Special Mixed Use District**

* * *
**123-64
 Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings**

- (a) Maximum #floor area ratio#
 - (1) Manufacturing or commercial portions

The maximum #floor area ratio# permitted for the #manufacturing# or #commercial# portion of a #mixed use building# in #Special Mixed Use

Districts# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial buildings# under the provisions of Section 43-12, in accordance with the designated M1 District.

(2) Community facility portion

The maximum #floor area ratio# permitted for the #community facility# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #community facility buildings# in #Residence Districts# under the provisions of Section 24-11, in accordance with the designated #Residence District#.

(3) #Residential# portion

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Sections 23-14 and 23-141, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for the #residential# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Section 123-63, in accordance with the designated #Residence District#.

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# in #Special Mixed Use Districts# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in the #Inclusionary Housing designated areas# set forth in Section 23-022 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, the maximum #floor area ratios# permitted for #zoning lots# containing #residential# and #commercial#, #community facility#, or #manufacturing uses# shall be the base #floor area ratio# set forth in of Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive (In Inclusionary Housing designated areas) shall apply.

* * * Article XII - Special Purpose Districts

Chapter 5 Special Southern Hunters Point District

125-22 Newtown Creek Subdistrict

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this Section.

(a) #Floor area# bonus for public amenities

For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from 2.75 to a maximum permitted #floor area ratio# of 3.75, provided that the Chairperson of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Section 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and Section 125- 45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).

(b) #Floor area# increase for Inclusionary Housing

(1) Within the #Special Southern Hunters Point District#, the Newtown Creek Subdistrict shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23- 90, inclusive, and this Section, applicable within the Special District.

(2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor

area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:

(i) the height and setback regulations of paragraph (ba) of Section 23-94254 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30 (HEIGHT AND SETBACK REGULATIONS), inclusive, of this Chapter shall apply; and

(ii) the provisions of paragraph (a)(2) of Section 23- 9526 (Substantial rehabilitation and off-site new construction options Requirements for Generating Sites) shall be modified to require that in the event the #lower income housing# is not located within the same Community District as the #compensated development zoning lot#, it shall be located within a one-half mile radius of the #compensated development zoning lot# in an adjacent Community District in the Borough of Queens.

YVETTE V. GRUEL, Calendar Officer City Planning Commission 22 Reade Street, Room 2E, New York, New York 10007 Telephone (212) 720-3370 m6-20

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 4 - Tuesday, May 19, 2009 at 6:00 P.M., Bronx Lebanon Hospital - Murray Cohen Auditorium, 1650 Grand Concourse, Bronx, NY

#C 090365ZMX IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the zoning map, eliminating from within an existing R7-1 district a C1-4 district bounded by Morris Avenue a line 100 feet northeasterly of East 161st Street, a line 100 feet southeasterly of Morris Avenue, and East 161st Street.

m13-19

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 18 - Wednesday, May 20, 2009 at 8:00 P.M., Kings Plaza Community Room, Flatbush Avenue and Avenue V, Brooklyn, NY

BSA #49-09-BZ Premises affected - 1323 East 32nd Street A public hearing on an application filed pursuant to Section 72-21 of the Zoning Resolution, to waive Section 24-35(a), side yard requirements for a bulk variance to allow the enlargement of a synagogue that is currently under construction at the subject premises located in an R4 zoning district.

m14-20

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 7 - Saturday, May 16, 2009 at 1:00 P.M., Our Lady of Perpetual Help School Auditorium, 6th Avenue betw. 59th and 60th Streets, Brooklyn, NY

C #090387ZMK A Public Hearing on the Sunset Park Rezoning. m12-15

BOARD OF CORRECTION

MEETING

Please take note that the next meeting of the Board of Correction will be held on May 14, 2009 at 9:00 A.M., in the Conference Room of the Board of Correction. Located at: 51 Chambers Street, Room 929, New York, NY 10007.

At that time, there will be a discussion of various issues concerning New York City's correctional system. m7-14

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, May 19, 2009 at 9:30 A.M. in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF QUEENS 09-8066 - Block 8066, lot 60-237-17 38th Road - Douglaston Historic District A Contemporary Colonial Revival style house built 1961 and altered in 2008. Application is to legalize work completed in non-compliance with Certificate of Appropriateness 07-8128, and alterations to the front yard without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-8164 - Block 175, lot 18-39 White Street - Tribeca East Historic District A Greek Revival style converted dwelling with Italianate style additions, built in 1831-32 and 1860-61. Application is to construct a rooftop addition. Zoned C6-2A.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-6531 - Block 145, lot 12-125-131 Chambers Street, aka 95-99 West Broadway; and 101-107 West Broadway, aka 113 Reade Street - Tribeca South Historic District A Gothic Revival/Italianate style hotel building built in 1844-1845, with additions built in 1852-53, 1867-1868 and 1869, and altered in 1987-1989, and a two story building, constructed in 1967-1968. Application is to modify the entrance and construct a rooftop bulkhead on 125 Chambers Street, and to demolish 101 West Broadway and construct a six story building. Zoned C6-3A.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-6675 - Block 620, lot 71-234 West 4th Street - Greenwich Village Historic District An apartment house originally built in 1891 and altered in 1927. Application is to replace windows and to establish a master plan governing the future installation of through-window air conditioning units.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-8552 - Block 572, lot 62-37-39 West 8th Street - Greenwich Village Historic District A loft building remodeled to its present appearance in 1908, and a loft building built in 1910, with a later addition. Application is to enlarge window openings, install a door and infill, and install rooftop railings.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-8102 - Block 550, lot 1-1 Washington Square North - Greenwich Village Historic District A Greek Revival style rowhouse built in 1833. Application is to install a flagpole.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-5560 - Block 634, lot 53-763 Greenwich Street - Greenwich Village Historic District A Greek Revival style house built in 1838 and subsequently altered. Application is to install mechanical equipment and a railing at the roof, and to construct a rear yard addition and excavate at the rear yard. Zoned C1-6.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-7077 - Block 738, lot 80-56 9th Avenue - Gansevoort Market Historic District A Greek Revival style rowhouse with stores, built c. 1841-1842. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-7107 - Block 642, lot 1-113 Jane Street - American Seamen's Friend Society Sailor's Home-Individual Landmark A neo-Classical style building designed by William A. Boring and built in 1907-08. Application is to construct rooftop additions. Zoned C6-2.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-6816 - Block 699, lot 5-547 West 27th Street, aka 548 West 28th Street - West Chelsea Historic District An American Round Arch style factory building designed by William Higginson and built in 1899-1900. Application is to install storefront infill and stretch banners.

BINDING REPORT BOROUGH OF MANHATTAN 09-7692 - Block 719, lot 3-469 West 21st Street - Chelsea Historic District An Italianate style rowhouse built in 1853. Application is to install lightposts, construct rear yard and rooftop additions, alter the rear facade, and install mechanical equipment on the roof. Zoned R7B.

CERTIFICATE OF APPROPRIATENESS BOROUGH OF MANHATTAN 09-8128 - Block 822, lot 58-30-32 West 21st Street - Ladies' Mile Historic District A neo-Renaissance style store and loft building designed by Buchman & Fox and built in 1907, and a vacant lot. Application is to install a fence, HVAC equipment, paving, and planters.

BINDING REPORT

BOROUGH OF MANHATTAN 09-8603 - Block 922, lot 1- Stuyvesant Square Park – Stuyvesant Square Historic District
A public park originally designed circa 1840s and redesigned in 1946. Application is to install gates and remove paving.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8585 - Block 1016, lot 51- 236 West 45th Street - The Plymouth Theater-Interior Landmark, Individual Landmark
A theater designed by Herbert J. Krapp, and built in 1917-18. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8310 - Block 1305, lot 1- 109 East 50th Street - St. Bartholomew's Church and Community House-Individual Landmark
A Byzantine style church designed by Bertram Goodhue and built in 1914-19. Application is to install new paving at the terrace.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7948 - Block 1125, lot 24- 13-25 West 72nd Street, aka 14-18 West 73rd Street - Upper West Side/Central Park West Historic District
A modern style apartment building designed by Horace Ginsbern & Associates and built in 1961-63. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7556 - Block 1200, lot 9, 10- 43-45 West 86th Street - Upper West Side/Central Park West Historic District
Two Georgian Revival style rowhouses designed by John H. Duncan, and built in 1895-96. Application is to combine two buildings, construct rooftop and rear yard additions, and alter the facades. Zoned R10A.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6808 - Block 1229, lot 35- 452 Amsterdam Avenue - Upper West Side/Central Park West Historic District
A Romanesque Revival style flats building designed by Gilbert A. Schellenger and built in 1891. Application is to replace storefront infill.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8545 - Block 1378, lot 22- 713 Madison Avenue - Upper East Side Historic District
A neo-Grec style rowhouse designed by Charles Baxter, built in 1877 and altered in 1915. Application is to install a new storefront.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 07-7900 - Block 1906, lot 28- 101 West 121st Street - Mount Morris Park Historic District
A rowhouse designed by John Burne and built in 1890. Application is to alter the areaway and rear yard, construct a rooftop bulkhead, replace the entrance door, and legalize the removal of stained glass transoms without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-6415 - Block 154, lot 17- 372 Fulton Street - Gage & Tollner Restaurant-Interior Landmark, Individual Landmark.
A late-Italianate style townhouse with restaurant built circa 1870. Application is to modify interior features.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-1475 - Block 2111, lot 11- 321 Ashland Place - Brooklyn Academy of Music Historic District
A Classically inspired institutional building designed by Voorhees, Gmelin & Walker, and built in 1927. Application is to demolish a portion of the existing building, and construct an addition. Zoned C6-1.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-7535 - Block 291, lot 25- 224 Clinton Street - Cobble Hill Historic District
A transitional Greek Revival/Italianate style house built in 1847-48. Application is to alter the areaway.

BINDING REPORT

BOROUGH OF THE BRONX 09-7382 - Block 3222, lot 62- 2060 Sedgwick Avenue - Gould Memorial Library-Interior Landmark-Individual Landmark
A Roman Classical style library interior designed by Stanford White, and built in 1897-1899. Application is to install an interior fire egress door.

m6-19



PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 09001 - W & X

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans and light duty vehicles to be held on Wednesday, May 13, 2009 (SALE NUMBER 09001-W). This auction is held every other

Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

NOTE: The auction scheduled for Wednesday, May 27, 2009 (SALE NUMBER 09001-X) has been cancelled.

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

A listing of vehicles to be offered for sale in the next auction can be viewed on our web site, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>
Terms and Conditions of Sale can also be viewed at this site.

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

m5-27

■ SALE BY SEALED BID

SALE OF: 12 LOTS OF ROLL-OFF CONTAINERS, USED.

S.P.#: 09020 DUE: May 19, 2009

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

m6-19

SALE OF: 1 LOT OF 28,800 LBS. OF ONCE FIRED ASSORTED CALIBER CARTRIDGE CASES.

S.P.#: 09021 DUE: May 21, 2009

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

m8-21

SALE OF: 50,000 LBS. OF UNCLEAN BRASS WATER METERS.

S.P.#: 09019 DUE: May 26, 2009

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

m12-26

SALE OF: BI-ANNUAL SCRAP METAL REMOVAL CONTRACT from DEP Remsen Avenue Brooklyn site from July 1, 2009 to June 30, 2011.

S.P.#: 09017 DUE: May 28, 2009

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

m14-28

POLICE

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

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

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

INQUIRIES

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

FOR MOTOR VEHICLES

(All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

■ AUCTION

PUBLIC AUCTION SALE NUMBER 1158

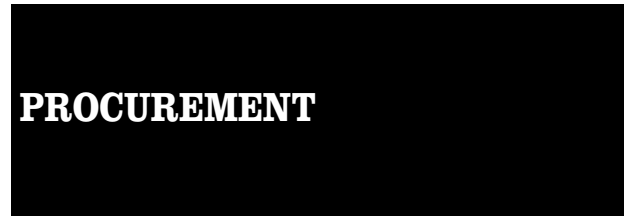
NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is May 18, 2009 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on May 19, 2009 at approximately 9:30 A.M.

Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

m6-19



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

ADMINISTRATION FOR CHILDREN'S SERVICES

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Goods & Services

ON-CALL REPAIR/REPLACEMENT OF ELECTRICAL SECURITY SYSTEMS – Competitive Sealed Bids – DUE 06-11-09 AT 3:00 P.M. – PIN# 068-09-ADM-0001 - Manhattan and Queens
PIN# 068-09-ADM-0002 - Brooklyn and Staten Island
PIN# 068-09-ADM-0003 - Bronx

Optional pre-bid date: Thursday, May 28, 2009 at 10:00 A.M. at 150 William Street, Room 8B1, New York, NY 10038.

Bid forms and specifications may be obtained, free of charge, from the ACS website, any time before the bid date (recommended method). Copy the link into your browser to go to the appropriate page <http://nyc.gov/html/acs/html/business/business.shtml>. In the event that you are unable to download this bid, a bid package may be requested via e-mail. Send all e-mail requests to accoadm@nyse.mail.state.ny.us. Please type the PIN above and type of service into the subject line. Also type the name of the company, complete address, contact name, phone and fax numbers into the body of the e-mail. If all else fails, you may call (212) 341-3747 to make arrangements to pick up a bid package in person.

** This contract is subject to apprenticeship program requirements as described in the solicitation materials.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038.
Rachel Pauley (212) 341-3458, accoadm@nysemail.state.ny.us

m14

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ VENDOR LISTS

Goods

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

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91

12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

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

j4-17

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

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

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

j4-17

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

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

j4-17

DESIGN & CONSTRUCTION

CONTRACT SECTION

■ SOLICITATIONS

Construction / Construction Services

NYC POLICE MUSEUM EXTERIOR ENVELOPE RESTORATION, MANHATTAN – Competitive Sealed Bids – PIN# 8502009PV0021C – DUE 06-12-09 AT 2:00 P.M. – PROJECT NO.: PV467-POL. Contract documents will not be sold after Thursday, May 28, 2009. There will be a mandatory pre-bid walk-thru on Friday, May 29, 2009 at the NYC Police Museum located at 100 Old Slip, New York, NY 10005.

Bid documents are available at: <http://www.nyc.gov/buildnyc> Special Experience requirements.

This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at www.nyc.gov/buildnyc see "Bid Opportunities." For more information about M/WBE certification, please call 311 or go to www.nyc.gov/getcertified. Vendor Source ID#: 59969.

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. Bid document deposit - \$35.00 per set. Company check or money order only. No cash accepted. Late bids will not be accepted. Department of Design and Construction 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614.

m14

■ AWARDS

Construction / Construction Services

INSTALLATION OF SIDEWALKS, ADJACENT CURBS AND PEDESTRIAN RAMPS IN VARIOUS LOCATIONS, MANHATTAN – Competitive Sealed Bids – PIN# 8502009HW0003C – AMT: \$2,766,160.00 – TO: Vales Construction Corporation, 64 Cross Pond Road, Pound Ridge, New York 10576. PROJECT NO.: HWS2009M.

m14

EDUCATION

DIVISION OF CONTRACTS AND PURCHASING

■ SOLICITATIONS

Goods & Services

ENERGY EFFICIENT BOILER DEVICES – Competitive Sealed Bids – PIN# B1026040 – DUE 06-15-09 AT 5:00 P.M. – This is a requirements contract and is intended to furnish and supply Energy Efficient Boiler Devices to approximately twelve hundred (1,200) facilities throughout New York City under the jurisdiction of the Department of Education for the Division of School Facilities (DSF). The Department of Education (DOE) plans to install fuel economizers and/or catalysts on over eight hundred (800) existing boilers using #4 oil, #6 oil and potentially natural gas, #2 oil and/or dual fuel to make them more efficient. These devices are part of the DOE's plan to comply with the energy initiatives outlined in PlaNYC to reduce energy consumption and greenhouse gas emissions by thirty percent (30%) within ten (10) years. DSF plans to use contractors or its skilled workforce to install the devices. Energy Efficient Boiler Devices include but are not limited to the following:

- A. Commercial Steam Heating System Fuel Economizer
- B. Light Commercial Hot Water Heating System Fuel Economizer
- C. Fuel Catalyst

Minimum Qualifications:

Proposers must be actively and normally engaged for the past five (5) years in providing the services requested in this RFP and may be required to provide a list of major accounts similar in size and complexity. All required licenses, certificates and permits shall be valid at the time of contract award and for the duration of the contract. The NYCDOE reserves the right to verify qualification requirements before and after award of this contract.

Proposers shall submit at least five (5) references attesting to the proposer and/or its subcontractors' validity, reliability and ability in performance of contracts of similar size and

scope. Proposers must provide the name, title, telephone numbers and email addresses of their references. If you cannot download this BID, please send an e-mail to VendorHotline@schools.nyc.gov with the BID number and title in the subject. For all questions related to this BID, please send an e-mail to aedwards@schools.nyc.gov with the BID's number and title in the subject line of your e-mail.

There will be a Pre-Proposal Conference on May 18, 2009, 11:00 A.M. at 65 Court Street, 12th Floor, Brooklyn, NY 11201. Bid Opening: Tuesday, June 16th, 2009 at 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Education, 65 Court Street, Room 1201 Brooklyn, NY 11201. Ida Rios (718) 935-2300, vendorhotline@schools.nyc.gov

m14

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.

j1-d31

■ SOLICITATIONS

Goods

MICROVASCULAR CLAMPS AND COUPLER SYSTEM – Competitive Sealed Bids – PIN# 11109129 – DUE 05-29-09 AT 3:00 P.M. – Same as or equal to Synovis Sca.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bellevue Hospital Center, Purchasing Department, Room #12 East 32, New York, NY 10016. Matthew Gaumer (212) 562-2887, matthew.gaumer@bellevue.nychhc.org

m14

NEONATAL AND VENTILATOR ACCESSORIES – Competitive Sealed Bids – PIN# 111-09-128 – DUE 05-28-09 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bellevue Hospital Center, 462 First Avenue, Room 12E35 New York, NY 10016. Densil Lett (212) 562-5137.

m14

GENZYME REAGENTS – Sole Source – Available only from a single source - PIN# 231-09-131 – DUE 05-22-09 AT 10:00 A.M. – The North Brooklyn Health Network ("NBHN") intends to enter into a sole source contract for Genzyme Reagents with Genzyme Diagnostics, 115 Summit Drive, Exton, PA 19341.

Any other supplier who is capable of providing this service/product for the NBHN may express their interest in doing so by writing to Abraham Caban, Procurement Analyst, 100 North Portland Avenue, Room C-32, Brooklyn, NY 11205 or abraham.caban@nychhc.org.

m13-19

Goods & Services

PAIN SURGICAL PRODUCTS – Competitive Sealed Bids – PIN# 11209070B – DUE 06-01-09 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Lincoln Hospital Center, 234 East 149th Street, Bronx, NY 10451. Erik Bryan (718) 579-5532.

m14

EMBOSPHERE MICROSPHERE – Competitive Sealed Bids – PIN# 22209128 – DUE 05-28-09 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. Lincoln Hospital Center, 234 East 149th Street, Room 2A2 Bronx, NY 10451. Edwin Iyasere (718) 579-5106.

m14

HOMELESS SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

M & R OF TEMPORARY EMERGENCY GENERATOR – Competitive Sealed Bids – PIN# 071-09S0201382 – DUE 06-18-09 AT 11:00 A.M. – Period of Performance: thirty-six (36) months from date of notice to commence work at Powers Path, 346 Powers Avenue, Bronx, NY 10454. Mandatory pre-bid conference, Tuesday, June 2, 2009 at 10:30 A.M. at DHS, Central Warehouse, 101-07 Farragut Road, Brooklyn, NY 11236. Site visit is available upon 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. Department of Homeless Services, 33 Beaver Street New York, NY 10004. Shirley Fleming-Morris (212) 361-8422 sfleming@dhs.nyc.gov

m14

OFFICE OF CONTRACTS AND PROCUREMENT

■ SOLICITATIONS

Human / Client Service

TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. – The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004. Marta Zmoira (212) 361-0888, mzmoira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

■ SOLICITATIONS

Construction / Construction Services

REQUIREMENTS CONTRACT FOR INSTALLATION OF SIDEWALK SHEDS AT VARIOUS LOCATIONS, MANHATTAN – Competitive Sealed Bids – PIN# BW9004521 – DUE 05-27-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov

m13-19

SENIOR CENTER RENOVATION AT KING TOWERS – Competitive Sealed Bids – PIN# GR6014902 – DUE 05-29-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (718) 306-3121, gloria.guillo@nycha.nyc.gov

m14-20

ROOFING REPLACEMENT AND ASBESTOS ABATEMENT AT LOWER EAST SIDE II HOUSES – Competitive Sealed Bids – PIN# RF7007705 – DUE 05-26-09 AT 10:30 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov

m11-15

REPLACEMENT OF ROOF WATER TANKS AT MORRIS HOUSES – Competitive Sealed Bids – PIN# PL8020294 – DUE 05-27-09 AT 11:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov

m12-18

LOCAL LAW 11 BRICK REPAIR AT VARIOUS LOCATIONS (BROOKLYN AND STATEN ISLAND) – Competitive Sealed Bids – PIN# BW9005668 – DUE 05-21-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov

m8-14

LOCAL LAW 11 BRICK REPAIR AT VARIOUS LOCATIONS (MANHATTAN) – Competitive Sealed Bids – PIN# BW9004497 – DUE 05-28-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Housing Authority, 90 Church Street, 11th Floor New York, NY 10007. Gloria Guillo, MPA, CPPO (212) 306-3121, gloria.guillo@nycha.nyc.gov

m14-20

HOUSING PRESERVATION & DEVELOPMENT

AWARDS

Human/Client Service

ANTI-ILLEGAL EVICTION AND SRO LEGAL SERVICES – BP/City Council Discretionary – PIN# 806099070084 – AMT: \$363,129.00 – TO: Goddard Riverside Community Center, 593 Columbus Avenue New York, NY 10024.

m14

DIVISION OF MAINTENANCE

SOLICITATIONS

Services (Other Than Human Services)

NON-RECRUITMENT ADVERTISING SERVICES – Competitive Sealed Bids – PIN# 806091000721 – DUE 06-12-09 AT 11:00 A.M. – Non-refundable document cost of \$25.00 per bid package shall be payable at time of pick-up. Acceptable forms of payment are money order or certified bank check, only. Sale hours are Monday through Friday, excluding City holidays, between the hours of 9:00 A.M. to Noon and 2:00 P.M. to 4:00 P.M. A pre-bid conference is scheduled for Tuesday, May 26, 2009, at 11:00 A.M. The conference will be held at HPD, 100 Gold Street, New York, NY 10038, in Room 8P6 on the 8th Floor. Attendance is NOT mandatory, but HIGHLY encouraged.

People with disabilities requiring special accommodations to pick up solicitation documents are advised to call Diane Faulkner at (212) 863-7078/7723, so that necessary arrangements can be made. Contract is subject to ALL provisions as may be required by Federal, State, and Local Statutes, Rules and Regulations.

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 Preservation and Development
100 Gold Street, Room 6-M, New York, NY 10038.
Brian Saunders (212) 863-6590, contracts@hpd.nyc.gov*

m14

AWARDS

Services (Other Than Human Services)

LEAD ANALYSIS – BP/City Council Discretionary – PIN# 80609K905693 – AMT: \$100,000.00 – TO: International Asbestos Testing Laboratories, Inc., 9000 Commerce Parkway, Suite B, Mount Laurel, NJ 08054.

m14

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

EXECUTIVE DIVISION

AWARDS

Services (Other Than Human Services)

WIRE CENTER CLEANING SERVICES – Competitive Sealed Bids – PIN# 85808CSB0041 – AMT: \$76,579.50 – TO: C&W Cleaning Service, Inc., 309 Lafayette Avenue, Brooklyn, NY 11238. To provide cleaning services for DoITT/Citynet Wire Center Concentration sites located within the five (5) boroughs.

m14

OFFICE OF THE MAYOR

CRIMINAL JUSTICE COORDINATOR'S OFFICE

INTENT TO AWARD

Human/Client Service

CORRECTION: ADMINISTRATIVE AND SUPPORT SERVICES – Sole Source – Available only from a single source - PIN# 00210DMPS308 – DUE 05-20-09 AT 3:00 P.M. – CORRECTION: The Criminal Justice Coordinator's Office ("CJC"), in accordance with Section 3-05 of the Procurement Policy Board Rules, intends to enter into agreement with the New York City Criminal Justice Agency (CJA) to provide administrative and support services to criminal justice agencies, including recognizance information on defendants for arraignment hearings, bail expedition, and research. The term of the contract will be for two years, from July 1, 2009 to June 30, 2011, with two, two year options to renew, for the period July 1, 2011 to June 30, 2013 and from July 1, 2013 to June 30, 2015.

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.

Mayor's Office, 1 Centre Street, Room 1012, New York, NY 10007. Gerald Foley (212) 788-6833, gfoley@cityhall.nyc.gov

m11-15

NYC & COMPANY

SOLICITATIONS

Services (Other Than Human Services)

LICENSING RIGHTS TO MAJOR MERCHANDISE CATEGORIES – Request for Proposals – PIN# NYCCO-09-0504 – DUE 06-26-09 AT 5:00 P.M. – On behalf of the City of New York, NYC & Company, the City's exclusive licensing agent, is seeking proposals from qualified firms for licensing rights within the major merchandise categories listed below.

Adult Apparel and Accessories
Children's Apparel and Accessories
Souvenirs, Novelties and Collectibles
Plush Products
Replica Vehicles
Licensing Representation outside North America

Official City trademarks to be licensed include NYPD, FDNY, NYC Parks and Recreation, Department of Sanitation, Taxi

and Limousine Commission, Department of Transportation and the Mayor's Office of Film, Theater and Broadcasting as well as a new stylized "NYC" brand.

Proposals will be considered from manufacturers, master licensees, agents or other parties.

As an alternative to requesting the RFP via the contact information listed in this ad, you can view and download a copy of the RFP by registering your contact information on the form provided at the following web address, www.nycgo.com/licensing.

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.

NYC & Company, 810 7th Avenue, 3rd Floor, New York, NY 10019. Kevin Konrad (212) 484-5446, kkonrad@nycgo.com

m4-15

PARKS AND RECREATION

CONTRACT ADMINISTRATION

AWARDS

Construction/Construction Services

RECONSTRUCTION OF PLAYGROUNDS IN SCHOOL YARDS – Competitive Sealed Bids – PIN# 8462009X000C03 – AMT: \$964,355.00 – TO: Michaelangelo Pavers Unlimited Inc., 297 Knollwood Road, White Plains, NY 10607. At PS 8, IS 143 and PS 86, The Bronx, known as Contract #XG-109M.

m14

CONTRACTS UNIT

SOLICITATIONS

Goods & Services

AUTO BODY AND CHASSIS REPAIR – Competitive Sealed Bids – PIN# 84609C000X17 – DUE 06-01-09 AT 11:00 A.M.

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

*Parks and Recreation, Contracts Unit, 24 West 61st Street, 3rd Floor, New York, NY 10023.
Harold Wilson (212) 830-7964, harold.wilson@parks.nyc.gov*

m14

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction/Construction Services

FLOORS REPLACEMENT – Competitive Sealed Bids – PIN# 09-12585D-1 – DUE 05-29-09 AT 3:30 P.M. – P.S. 149/I.S. 310 (Brooklyn). Project Range: \$1,740,000.00 - \$1,831,000.00.

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

*School Construction Authority, 30-30 Thomson Avenue
1st Floor, Long Island City, NY 11101.
Seema Menon (718) 472-8284, smenon@nycsca.org*

m12-18

REINFORCE SUPPORT ELEMENTS – Competitive Sealed Bids – PIN# SCA09-11847D-1 – DUE 06-01-09 AT 11:00 A.M. – PS 33 (Bronx). Project Range: \$3,610,000.00 to \$3,800,000.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

*School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Kevantae Idlett (718) 472-8360
hidlett@nycsca.org*

m11-15

AUDITORIUM / AIR CONDITIONING UPGRADE

Competitive Sealed Bids – PIN# SCA09-08779D-2 – DUE 06-02-09 AT 10:30 A.M. – Project Range: \$1,150,000.00 to \$1,220,000.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

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

m13-19

INT. SPACES/CAFE/PAVED AREAS/ELEC SYS/EXT. MAS

Competitive Sealed Bids – PIN# SCA09-12274D-1 – DUE 06-03-09 AT 11:00 A.M. – Park West HS (Manhattan). Project Range: \$3,230,000.00 to \$3,400,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make checks payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

*School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Rookmin Singh (718) 752-5843
rsingh@nycsca.org*

m13-19

DESIGN BUILD/NEW SCHOOL AND EXISTING BUILDING ALTERATIONS – Competitive Sealed Bids – PIN# SCA09-00077B-1 – DUE 06-16-09 AT 2:30 P.M. – Project Range: \$34,810,000.00 to \$36,642,000.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$250.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Mandatory pre-bid meeting date: May 18, 2009 at 10:00 A.M. at NYC School Construction Authority, 30-30 Thomson Avenue, LIC, NY 11101.

Limited List: Bids will only be accepted from the following Construction Managers/Prime General Contractors (See Attached List); The Morganti Group, Inc.; Petracca and Sons, Inc.; Iannelli Construction Co., Inc.; Arena Construction Co., Inc.; Arnell Construction Corp.; Plaza Construction Corporation, Tishman Construction Corp. of NY; Skanska USA Building, Inc.

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

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

m11-15

SCIENCE LAB UPGRADE – Competitive Sealed Bids – PIN# SCA09-12323D-1 – DUE 05-29-09 AT 10:00 A.M. – IS 71 (Brooklyn). Project Range: \$1,180,000.00 to \$1,242,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

*School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Stephanie Lyle (718) 752-5854
slyle@nycsca.org*

m12-18

NEW SCHOOL – Competitive Sealed Bids – PIN# SCA09-00091B-1 – DUE 06-10-09 AT 3:00 P.M. – P.S. 133 (Brooklyn). Project Range: \$73,630,000.00 to \$77,502,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Limited List: Bids will only be accepted from the following Construction Managers/Prime General Contractors (See Attached List)
Arnell Construction Corp., Bovis Lend Lease LMB Inc., Leon D. DeMatteis Construction, Plaza Construction Corp., Petracca and Sons Inc., Skanska Mechanical and Structural, Turner Construction Co.

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

*School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Anthony Largie (718) 752-5842
alargie@nycsca.org*

m14-20

VENTILATION SYSTEMS REFURBISHMENT

Competitive Sealed Bids – PIN# SCA09-12783D-1 – DUE 06-02-09 AT 11:30 A.M. – Springfield Gardens H.S. (Queens). Ventilation Systems Refurbishment. Project Range: \$1,670,000.00 to \$1,763,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

*School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Anthony Largie (718) 752-5842
alargie@nycsca.org*

m14-20

CONTRACT SERVICES

SOLICITATIONS

Construction/Construction Services

DEMOLITION / NEW FOUR STORY BLDG. WITH CELLAR – Competitive Sealed Bids – PIN# SCA09-00086B-1 – DUE 06-12-09 AT 2:30 P.M. – Maspeth Campus High School IS/HS 582 (Queens). Project Range: \$74,740,000.00 to \$78,680,000.00. Non-refundable bid document charge: \$250.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Limited List: Bids will only be accepted from the following Construction Managers/Prime General Contractors (See Below).

Bovis Lend Lease LMB, Inc., Leon D. DeMatteis Construction Corp., Plaza Construction Corp., Skanska USA Building Inc., Tishman Construction Corp., Turner Construction Co.

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

*School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Lily Persaud (718) 752-5852
lpersaud@nycsca.org*

m11-15

VENTILATION SYSTEMS REFURBISHMENT – Competitive Sealed Bids – PIN# SCA09-12780D-1 – DUE 06-01-09 AT 11:30 A.M. – Erasmus Hall High School (Brooklyn). Project Range: \$1,380,000.00 - \$1,451,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 School Construction Authority, 30-30 Thomson Avenue
 Long Island City, NY 11101. Lily Persaud (718) 752-5852
 lpersaud@nycsca.org

m13-19

AGENCY RULES

ENVIRONMENTAL CONTROL BOARD

NOTICE

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in the City Record on March 13, 2009 and a Public Hearing was held on April 15, 2009.

Section 1. The Fire Penalty Schedule found in Section 3-106 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended to add a new charge to Fire Penalty Schedule II, immediately after the entry for AC 15-220.1, "False Certification," at the end of that Penalty Schedule, to read as follows:

New material is underlined.

| SECTION /VIOLATION CATEGORY | DESCRIPTION | PENALTY | MIT | MAX | FIRST VIOLATION | | | SECOND OR SUBSEQUENT VIOLATION | | |
|-----------------------------|-------------------------------------|---------|-----|-------|-----------------|-----|-------|--------------------------------|-----|-----|
| | | | | | PENALTY | MIT | MAX | PENALTY | MIT | MAX |
| FC1404.1 | <u>Smoking on Construction Site</u> | 1,000 | No | 1,000 | 2,400 | No | 2,400 | | | |

Statement of Basis and Purpose of Final Rule

The Environmental Control Board (ECB) had a Public Hearing on April 15, 2009 on proposed revisions of its Fire Penalty Schedule to add a new charge, for a violation of Section 1404.1 of the Fire Code, to Fire Penalty Schedule II, found in Section 3-106 of Title 48 of the Rules of the City of New York. One private citizen was present to offer testimony into the public record. No written comments were submitted. The Board has considered the testimony offered at the hearing.

Section 1404.1 of the Fire Code prohibits smoking on construction sites. Up until now, Section 1404.1 has been enforced by the Fire Department via notices of violations that cite to the "General Maintenance" provision of Violation Category 11, found in 3 RCNY 109-02. Those violations carry a \$400 penalty for a first offense (which can be mitigated to \$200 if correction is shown by the first scheduled hearing date), and a \$1,250 second offense penalty (which can be mitigated to \$625 if correction is shown by the first scheduled hearing date). The new charge carries a higher penalty, commensurate with the seriousness of the condition. Specifically, the new charge of Section 1404.1 carries a first offense penalty of \$1,000 (which cannot be mitigated) and a second offense penalty of \$2,400 (which cannot be mitigated). The purpose of adding this separate charge for Section 1404.1 to Fire Penalty Schedule II is to enable these higher penalties to be imposed for this serious violation.

m14

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in the City Record on March 13, 2009 and a Public Hearing was held on April 15, 2009.

Section 1. The Parks Rules Penalty Schedule found in Section 3-116 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended, immediately following the entry in that penalty schedule for, 56 RCNY 1-04(i), "Unleashed or uncontrolled animals in park," to read as follows:

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

| SECTION/RULE | DESCRIPTION | PENALTY | DEFAULT |
|-----------------|----------------|------------|------------|
| 56 RCNY 1-04 | Fail to remove | [50] | [100] |
| (j)(1), 3-18(b) | canine waste | <u>250</u> | <u>250</u> |

Statement of Basis and Purpose of Final Rule

The Environmental Control Board (ECB) had a Public Hearing on April 15, 2009 on proposed revisions of the Parks Rules Penalty Schedule found in Section 3-116 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) to increase the penalty for the charge of Sections 1-04(j)(1) and 3-18(b) of Title 56 of the RCNY. Both sections charge failure to remove canine waste. One private citizen was present to offer testimony into the public record. No written comments were submitted. The Board has considered the testimony offered at the hearing.

Specifically, the Board has revised Section 1-04(j)(1) which provides that "No person shall allow any dog in his custody or control to discharge any fecal matter in any park unless he promptly removes and disposes of same. This provision shall not apply to a guide dog accompanying a person with a disability." Section 3-18(b) provides that, in connection with the West 79th Street Boat Basin, the Sheepshead Bay Piers and the World's Fair Marina, "The owner or other person in charge or control of a pet shall expeditiously remove, clean or clear all feces or vomit deposited by the pet from the walkways and docks." The Board has increased the hearing penalty for these two Sections of law from \$50 to \$250, and has increased the default penalty for these two sections of law from \$100 to \$250.

The Board has increased these penalties in order to make the penalties for Sections 1-04(j)(1) and 3-18(b) equivalent to the penalty for a violation of the New York State Public Health Law Section 1310, commonly known as the "Pooper Scooper" law. Section 1310 has a hearing and default penalty of \$250 and is also enforced at ECB. That charge is found in ECB's Public Health Law Penalty Schedule, 48 RCNY 3-117. The \$250 penalty for Section 1310 is the result of an amendment to Section 1310 made by Chapter 153 of the Laws of 2008.

m14

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in the City Record on March 13, 2009 and a Public Hearing was held on April 15, 2009.

Section 1. The Recycling-Sanitation Collection Rules Penalty Schedule found in Section 3-120 of Subchapter G of Chapter 48 of Title 15 of the Rules of the City of New York is amended as follows:

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

48 RCNY §3-120 Recycling – Sanitation Collection Rules Penalty Schedule

RECYCLING-SANITATION COLLECTION RULES PENALTY SCHEDULE

A repeat violation is a violation by the same respondent, at the same place of occurrence, of any of the recycling rules or provisions, having a date of occurrence within 12 months of the date of occurrence of the previous violation.

Persistent violator: As is set forth in section 16-324 of the Administrative Code, a person committing a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of five hundred dollars for each violation. For a persistent violation only, except where such violation occurs at a building of less than nine dwelling units, each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the regulations promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period.

The default penalty for any each charge in this Penalty Schedule is the same as the penalty for that particular charge.

| SECTION/RULE | DESCRIPTION | PENALTY | DEFAULT |
|-----------------------------|---|---|------------------------|
| RESIDENTIAL PREMISES | | | |
| 16 RCNY 1-08(e)(1),(2) | Improper/misused curbside recycling container | 1st Violation 2nd Violation 3rd Violation | 25 50 100 |
| 16 RCNY 1-08(e)(3) | Improper/misused mechanized recycling container | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-08(f)(1) | Failure to post notices/inform about recycling | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |

| | | | |
|---------------------------------------|---|---|------------------------|
| 16 RCNY 1-08(f)(2)(i) | No accessible recycling storage area | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-08(f)(2)(iii) | Inadequate recycling containers in storage area | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-08(g)(1) | Improper disposal of recyclables/misuse of container | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-08(g)(2) | Failure to clean recyclables | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-08(g)(3) | Failure to bundle newspapers/magazines/cardboard | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-08(h)(1)(2) | Failure to properly put recyclables out for collection | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-08(h)(4) | Non-recyclables left in recycling container for Collection | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-08(h)(5) | Recyclables placed for collection with non-recyclables | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY §1-08(i) | Failure to comply with Comm.Order mandating use of clear plastic bags for disposal of refuse & recycling. | 1st violation 2nd violation 3rd violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| INSTITUTIONS/AGENCIES | | | |
| 16 RCNY 1-09(d) | Failure to establish recycling program | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-09(g)(1)(i) | Failure to notify employees about recycling program | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-09(g)(1)(iii) | Recycling containers not provided/not labeled | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| 16 RCNY 1-09(h), (i), (j) | Failure to source separate designated recyclables | 1st Violation 2nd Violation 3rd Violation Persistent Violator (fourth or subsequent violation within six months) | 25 50 100 500 |
| PRIVATE CARTER COLLECTED WASTE | | | |
| 16 RCNY 1-10(c)(1) | Failure to source separate non-food/beverage recyclables | 1st Violation 2nd Violation 3rd Violation | 25 50 100 |

| | | | |
|---|---|--|------------------------|
| | | <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 500 |
| 16 RCNY 1-10(c)(2) AR47, AR64, AR81 | Failure to source separate food/beverage recyclables | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(c)(3) AR48, AR65, AR82 | Failure to source separate residential recyclables | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(d)(2) AR49, AR66, AR83 | No agreement with carter for mixed materials | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(d)(3) AR50, AR67, AR84 | Failure to post commingling notice | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(e) AR51, AR68, AR85 | Failure to maintain source separation | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(f)(1)(i) AR52, AR69, AR86 | No written recycling agreement | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(f)(1)(ii) AR53, AR70, AR87 | No written recycling notice to tenants/employees | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(f)(1)(iii) AR54, AR71, AR88 | Recycling notices not posted in maintenance area | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(f)(1)(iv) AR55, AR72, AR89 | Recycling containers missing | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(f)(2)(i) AR56, AR73, AR90 | Failure to source separate recyclables | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(f)(2)(ii), (iv) AR57, AR74, AR91 | Failure to notify employees/post notices/label Containers | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(g)(1) AR58, AR75, AR92 | Failure by Transfer Station to recycle | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(g)(2) AR59, AR76, AR93 | Failure to maintain separation of paper (transfer stations) | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(g)(3) AR60, AR77, AR94 | Failure to separate commingled metal, glass plastic (transfer stations) | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| 16 RCNY 1-10(g)(5) AR61, AR78, AR95 | Failure to separate components of construction | 1st Violation 2nd Violation | 25 50 |

| | | | |
|---|---|--|------------------------|
| waste(transfer station) | 3rd Violation | 100 | |
| | <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 500 | |
| 16 RCNY 1-10(g)(6),(7) AR62, AR79, AR96 | Improper disposal of recyclables or commingled materials(transfer station) | 1st Violation 2nd Violation 3rd Violation <u>Persistent Violator (fourth or subsequent violation within six months)</u> | 25 50 100 500 |
| NYC Admin Code sec.16-324(a) AR97 | Persistent Violator, recycling | <u>Persistent Violator (fourth or subsequent violation of any recycling section of law or rule within six months)</u> | 500 |

Statement of Basis and Purpose of Final Rule

The Environmental Control Board (ECB) had a Public Hearing on April 15, 2009 on proposed revisions of the Recycling-Sanitation Collection Rules Penalty Schedule found in Section 3-120 of Subchapter G of Chapter 48 of Title 15 of the Rules of the City of New York to (i) add a "Persistent Violator" penalty of \$500 to each recycling charge in that Penalty Schedule that does not already have such a penalty, and (ii) to add the definition of "Persistent Violator" to a headnote at the beginning of that Penalty Schedule. One private citizen was present to offer testimony into the public record. No written comments were submitted. The Board has considered the testimony offered at the hearing.

The Board has amended the Recycling-Sanitation Collection Rules Penalty Schedule found in Section 3-120 of Subchapter G of Chapter 48 of Title 15 of the Rules of the City of New York to (i) add a "Persistent Violator" penalty of \$500 to each recycling charge in that Penalty Schedule that does not already have such a penalty, and (ii) to add the definition of "Persistent Violator" to a headnote at the beginning of that Penalty Schedule.

The imposition of a \$500 penalty for persistent violations is authorized by Section 16-324(a) of the NYC Administrative Code. Pursuant to Section 16-324(a), a persistent violator is a person who has committed four or more violations within six months of a section of law found in Chapter Three of the NYC Administrative Code or a rule or regulation promulgated pursuant to that Chapter. In some instances, each container or bag of solid waste may result in a separate "persistent violator" charge. Details are set forth in the excerpt from Section 16-324(a) below:

... For a persistent violation only, except where such violation occurs at a building of less than nine dwelling units, each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the regulations promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period. Before issuing any further notice of violations to a persistent violator after the fourth violation within a period of six months, the commissioner shall give such violator a reasonable opportunity to correct the condition constituting the violation."

The Penalty Schedule already includes a separate charge for Section 16-324(a) itself, "Persistent Violator, recycling." Adding the persistent violator penalty of \$500 and the definition of persistent violator to each separate recycling charge will enhance the Department of Sanitation's efforts in issuing Notices of Violation to persistent violators. The Board has added the persistent-violator \$500 penalty next to each entry in the Recycling-Sanitation Collection Rules Penalty Schedule and a description of the basis for that penalty, to read as follows: "Persistent Violator (fourth or subsequent violation within six months)." The Board also has added a more detailed definition of "persistent violator" to a headnote at the top of the Penalty Schedule, to read as follows:

Persistent violator: As is set forth in section 16-324 of the Administrative Code, a person committing a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of five hundred dollars for each violation. For a persistent violation only, except where such violation occurs at a building of less than nine dwelling units, each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the regulations promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period.

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in the City Record on March 13, 2009.

Section 1. The fifth unnumbered sentence of Section 3-123, "Sewer Control Rules Penalty Schedule," of Chapter 3 of Title 48 of the Rules of the City of New York is amended to read as follows:

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

Pursuant to [§31-81(b),] §3-81(b), a late admit fee of \$30.00 will be added to all the below listed penalties for a failure to submit a payment by mail, as per [§31-32,] §3-32, within 30 days of the mailing date of the default order issued against respondent.

Section 2. The third unnumbered sentence of Section 3-124, "Department of Transportation Penalty Schedule," of Chapter 3 of Title 48 of the Rules of the City of New York is amended to read as follows:

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

With the exception of Sections 19-136, 34 RCNY 2-02(a)(1)(ii), 34 RCNY 2-09(f)(4)(v), 34 RCNY 2-11(e)(10)(v), pursuant to [§31-81(b),] §3-81(b), a late admit fee of \$30.00 will be added to all the below listed penalties for a failure to submit a payment by mail, as per [§31-32,] §3-32, within 30 days of the mailing date of the default order issued against respondent.

Section 3. The second unnumbered sentence of Section 3-125, "Vehicle and Traffic Law Penalty Schedule," of Chapter 3 of Title 48 of the Rules of the City of New York is amended to read as follows:

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

* Pursuant to [§31-81(b),] §3-81(b), a late admit fee of \$30.00 will be added to the penalty for this charge for a failure to submit a payment by mail, as per [§31-32,] §3-32, within 30 days of the mailing of the default order issued against respondent.

Section 4. The fifth unnumbered sentence of Section 3-126, "Water Penalty Schedule," of Chapter 3 of Title 48 of the Rules of the City of New York is amended to read as follows:

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

Pursuant to [§31-81(b),] §3-81(b), a late admit fee of \$30.00 will be added to all the below listed penalties for a failure to submit a payment by mail, as per [§31-32,] §3-32, within 30 days of the mailing date of the default order issued against respondent.

Statement of Basis and Purpose of Final Rule

As a result of a previous amendment to ECB rules, all ECB rules have now been transferred into Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) from Chapter 31 of Title 15 of the RCNY. This transfer of ECB rules into Chapter 3 of Title 48 was due to the fact that, pursuant to the mandate of Local Law 35 of 2008, ECB was consolidated with the Office of Administrative Trials and Hearings as of November 23, 2008. As a result of the transfer of ECB rules into Chapter 3 of Title 48, ECB also previously re-numbered the section numbers of all ECB rules so that every section number previously prefaced with a "31-" (for "Chapter 31" of 15 RCNY) is now prefaced with a "3-" (for Chapter 3 of 48 RCNY). No written comments were received on this proposed rule.

Various sections of ECB's rules include cross-references to other sections of ECB's rules. Accordingly, the Board also previously amended the various *cross-references* within ECB's rules so that the cross-references now correctly refer to the other sections of ECB's rules as being prefaced with a "3-" rather than with a "31-."

However, due to a ministerial oversight, ECB did not amend a few of these section number references. Accordingly, ECB has corrected that ministerial oversight. Specifically, in preliminary paragraphs at the beginning of Sections 3-123 through 3-126 of Title 48, ECB has amended the cross-references in those paragraphs. The citation in those paragraphs that previously read "section 31-81(b)" now reads "3-81(b)", and the citation in those paragraphs that previously read "section 31-32" now reads "3-32."

No public hearing regarding the proposed rule was held, pursuant to New York City Charter section 1043(d)(ii), because such a public hearing would serve no public purpose. This is in view of the fact that this rule merely reflects a ministerial implementation of the statutory mandate of Local Law Number 35.

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Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in the City Record on March 13, 2009 and a Public Hearing was held on April 15, 2009.

Section 1. The Buildings Penalty Schedule, found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is amended to add a new entry within Buildings Penalty Schedule II, also found within section 3-103. This new entry will be added immediately following the entry in Buildings Schedule II for BC 3319.3 & 27-1057(d), "Operation of a crane/derrick without a Certificate of Onsite Inspection," to read as follows:

New material is underlined.

HOUSING PRESERVATION AND DEVELOPMENT

NOTICE

Notice of Opportunity to Comment on Proposed Amendments to Rules Governing City-Aided Limited-Profit Housing Companies

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of the Department of Housing Preservation and Development by §1802 of the New York City Charter and Sections 32(3) and 32-a of the Private Housing Finance Law, and in accordance with the requirements of § 1043 of the New York City Charter that the Department of Housing Preservation and Development intends to promulgate amended rules for City-Aided Limited-Profit Housing Companies.

A public hearing was commenced on May 6, 2009 at 100 Gold Street, First Floor, Room 1R, New York, New York 10038. This public hearing will be continued on June 3, 2009 from 2:30 P.M. to 4:30 P.M. at 100 Gold Street, First Floor, Room 1R, New York, New York. Further written comments regarding these rules may be sent to the Department of Housing Preservation and Development, Attention: Julie Walpert, Assistant Commissioner, 100 Gold Street, Room 9-Z1, New York, New York 10038, on or before June 3, 2009. Persons seeking to testify at the continuation of the hearing on June 3, 2009 are requested to notify the Assistant Commissioner at the foregoing address. Written comments and an audiotape of oral comments received at both sessions of the hearing will be available for public inspection within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the Office of the Assistant Commissioner.

The proposed rule amendments were included in HPD's 2008-09 Regulatory Agenda.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the continuation of the hearing are requested to notify Assistant Commissioner Walpert by May 22, 2009. Section one. Subparagraph (ii) of paragraph (8) of subdivision (p) of Section 3-02 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(ii) A family member whose application to succeed to a lease or an occupancy agreement has been denied by a housing company may, within thirty (30) calendar days of receipt of the written denial, appeal to the [Assistant Commissioner of HPD having jurisdiction of the applicant's housing company] Commissioner of HPD (hereinafter "Commissioner") or his or her designee. Such appeal shall include proof of service of a copy of such appeal upon the housing company. The appeal shall briefly set forth the reasons why the family member believes he or she is entitled to occupy the apartment and any errors or erroneous findings he or she believes are contained in the housing company's determination. The [Assistant] Commissioner or his or her designee shall review the housing company's determination and any additional information submitted by the applicant and shall issue the final agency decision with regard to the applicant's application. The only review of this determination is pursuant to Article 78 of the Civil Practice Law and Rules.

§ 2. Paragraph (3) of subdivision (b) of Section 3-07 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(3) The housing company or its managing agent shall require that all firms performing work on the housing company's behalf, supply evidence in the form of a certificate of insurance for workers' compensation and commercial general liability, naming the housing company and ["HPD, City of New York"] HPD as additional insured parties. For contracts subject to HPD approval, such certificates must be submitted to HPD for its written approval before any such contract is executed by the housing company.

The liability limits for workers' compensation shall be statutory, and the commercial general liability insurance shall be in standard comprehensive general liability form, naming the housing company and ["HPD, City of New York"] HPD as additional insureds, against all claims for bodily injury, death or property damage in an amount not less than \$1,000,000 per occurrence, \$2,000,000 annual aggregate for bodily injury and property damages.

§ 3. Subdivision (b) of Section 3-08 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(b) Bank resolutions. The resolution filed with the bank shall contain, in addition to the clauses required by the bank, the following clauses: Further resolved, that withdrawals from such account be accompanied by "Authorization for Expenditure of Funds" signed by a designated HPD official [of the Department of Housing Preservation and Development of the City of New York], and that duplicate copies of monthly bank statements shall be forwarded to [the] HPD's Division of Housing Supervision, [Department of Housing Preservation and Development,] upon HPD's request; that when an investment in securities is contemplated, withdrawal shall be made upon presentation of "Authorization for Expenditure of Funds;" that the bank shall make the investment, shall hold the securities in safekeeping and shall deposit to such account the proceeds realized on either liquidation or redemption.

Further resolved, that this resolution shall remain in full force and effect unless and until revoked with [the] HPD's written consent [of the Department of Housing Preservation and Development of the City of New York]. A certified copy of the housing company's resolution opening the bank account and a photocopy of the housing company's signature card

filed with the bank shall be submitted to [the] HPD's Division of Housing Supervision [of HPD].

§ 4. Subparagraph (ii) of paragraph (3) of subdivision (c) of Section 3-08 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(ii) If Federal obligations are purchased, a custodial agreement for the bank in which the "Reserve Fund Account" is maintained. This agreement shall require that all interest and proceeds from liquidation or redemption of securities be re-deposited to the "Reserve Fund Account." A photocopy of the custodial agreement shall be submitted to [the] HPD's Division of Housing Supervision [, Department of Housing Preservation and Development].

§ 5. Paragraph (2) of subdivision (e) of Section 3-09 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(2) The housing company shall provide or make provision for a managing agent's bond naming the New York State Housing Finance Agency as obligee with an amount and an insurance company acceptable to the housing company, the New York State Housing Finance Agency, the New York State Division of Housing and Community Renewal and [the Department of Housing Preservation and Development] HPD.

§ 6. Paragraph (7) of subdivision (d) of Section 3-10 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(7) Prior to the issuance of the Commissioner's order, HPD shall make available the results of a preliminary financial analysis of the application. In the case of a rental development, such analysis shall be provided to both the owner and the Tenants Association or their respective representatives or designees. If either party in the case of a rental development requests a meeting to review the preliminary financial analysis, [the] HPD's Assistant Commissioner of Housing Supervision shall call a meeting with both parties present prior to making a recommendation to the Commissioner. In the case of a mutual housing company, such analysis shall be provided to the President of the Board of Directors or his or her designee. If the Board of Directors requests a meeting to review such analysis, the Assistant Commissioner of Housing Supervision shall call a meeting prior to making a recommendation to the Commissioner.

§ 7. Subdivision (e) of Section 3-13 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(e) Debarment. Any person or entity may be debarred for a period not to exceed ten years from contracting with or managing any housing companies supervised by HPD upon a finding by a hearing officer designated by the Commissioner that there has been a material violation of these rules or the provisions of Article II of the Private Housing Finance Law by such person or entity or their agent or agents or upon a finding by a hearing officer designated by the Commissioner that they have engaged in activity which would constitute a violation of the Penal Law. Any person or entity so debarred may appeal in writing to the Commissioner [of HPD] within ninety days of written notification of the debarment.

§ 8. Subdivision (a) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(a) Certificates of incorporation. [B]y-laws, rules and regulations. Each housing company shall file with HPD, for its approval, a certified and acknowledged copy of its proposed by-laws and all proposed amendments thereto. The housing company shall forward to HPD for its files two copies of the by-laws or amendments subsequent to HPD approval. Failure to seek HPD approval or rejection by HPD of the by-laws or amendments will render the by-laws or amendments null and void. Certificates of incorporation, [B]y-laws, rules and regulations established by a housing company shall be in conformity with state laws and HPD rules. Housing company certificates of incorporation, by-laws, rules and regulations to the contrary shall be deemed null and void.

§ 9. Subparagraph (ii) of paragraph (2) of subdivision (h) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(ii) A mutual housing company may request a waiver from the requirements of subparagraph (i) of paragraph two of this subdivision by making a written submission at least sixty days prior to the election of directors to[the] the Assistant Commissioner [for] of Housing Supervision, [Department of Housing Preservation and Development, 100 Gold Street, New York, NY 10038].

§ 10. Subparagraph (i) of paragraph (3) of subdivision (i) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(i) Commissioner [of the Department of Housing Preservation and Development] and the Assistant Commissioner of Housing Supervision, [Division of Housing Supervision,] and

§ 11. Paragraph (6) of subdivision (i) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(6) Mutual housing companies-special meeting. A board of directors of a mutual housing company intending to dissolve and/or reconstitute pursuant to §35 shall call a special meeting in conformance with the mutual housing company by-law requirements for the purpose of ascertaining shareholder interest in dissolution. The secretary of the

| Section of Law | Classification | Violation Description | Cure | Stipulation | Standard Penalty | Mitigated Penalty | Default Penalty | Aggravated I Penalty | Aggravated I Default Penalty | Aggravated II Penalty | Aggravated II Default - Maximum Penalty |
|----------------|----------------|---|------|-------------|------------------|-------------------|-----------------|----------------------|------------------------------|-----------------------|---|
| BC 3319.8 | Class 1 | Failure to provide erection, jumping, climbing, dismantling plan for lower/climber crane. | No | No | \$2,000 | No | \$10,000 | \$5,000 | \$20,000 | \$10,000 | \$25,000 |
| BC 3319.8.2 | Class 1 | Failure to conduct a safety coordination meeting. | No | No | \$2,000 | No | \$10,000 | \$5,000 | \$20,000 | \$10,000 | \$25,000 |
| BC 3319.8.3 | Class 1 | Failure to conduct a pre-jump safety meeting. | No | No | \$2,000 | No | \$10,000 | \$5,000 | \$20,000 | \$10,000 | \$25,000 |
| BC 3319.8.4 | Class 1 | Failure to notify the Department prior to pre-jump or safety coordination meeting. | No | No | \$1,200 | No | \$6,000 | \$3,000 | \$12,000 | \$6,000 | \$25,000 |
| BC 319.8.4.2 | Class 1 | Failure to provide time schedule indicating erection, jumping, climbing or dismantling of crane. | No | No | \$1,200 | No | \$6,000 | \$3,000 | \$12,000 | \$6,000 | \$25,000 |
| BC 3319.8.6 | Class 1 | No meeting log available. | No | No | \$1,200 | No | \$6,000 | \$3,000 | \$12,000 | \$6,000 | \$25,000 |
| BC 3319.8.7 | Class 1 | Failure to file a complete and acceptable lower/climber installation Report per BC 3319.8.7 | No | No | \$2,000 | No | \$10,000 | \$5,000 | \$20,000 | \$10,000 | \$25,000 |
| BC 3319.8.8 | Class 1 | Erection, jumping, climbing, dismantling operations of a lower or climber crane not in accordance with 3319.8.8 | No | No | \$4,000 | No | \$20,000 | \$10,000 | \$25,000 | \$20,000 | \$25,000 |

Statement of Basis and Purpose of Final Rule

The Environmental Control Board (ECB) had a Public Hearing on April 15, 2009 on various amendments to ECB's Buildings Penalty Schedule II, found in Section 3-103 of Subchapter G of Chapter 3 of Title 28 of the Rules of the City of New York. One private citizen was present to offer testimony into the public record. No written comments were submitted. The Board has considered the testimony offered at the hearing.

The Board has added eight crane-related charges to that Penalty Schedule. The Board has amended the Penalty Schedule in light of the enactment of Local Law 46 of 2008, effective December 22, 2008.

Local Law 46 of 2008 added new sections to the NYC Building Code and amended sections of the NYC Administrative Code. Specifically, it added Sections 3319.8 through 3319.8.8 to the Building Code, and it amended Sections 28-201.2.1 and 28-401.19.4.1 of the NYC Administrative Code. These sections require the submission of a plan for the erection, jumping, climbing and dismantling tower or climber cranes to the Department of Buildings, and detail the items that must be included in such a plan. The sections further require certain meetings at construction sites, including safety coordination and pre-jump safety meetings, specify the topics of such meetings, and require that the Department be notified of those meetings. The sections also require an engineer to inspect and certify a tower or climber crane prior to jumping or climbing, impose new standards during erection, jumping, climbing and dismantling operations, and require preparation and maintenance of certain schedules and logs.

The Board has added these eight crane-related charges to ECB's Buildings Penalty Schedule II to enforce the provisions of Local Law 46 of 2008. All of the charges have a Class 1 ("Immediately Hazardous") classification level due to the seriousness of the nature of the violations (unsafe crane operations). The Department of Buildings (DOB) has already classified these eight crane charges as Class 1. As set forth in Section 28-201.1 of the NYC Administrative Code, it is within DOB's purview to determine the classification of all charges enforced by DOB.

board of directors shall submit to HPD a certified resolution stating that not less than a majority of the [shareholders present] dwelling units represented at such special meeting approved an expenditure of funds in a specified amount for the purpose of preliminary exploration of dissolution and/or reconstitution, unless the by-laws of the company mandate a greater affirmative vote. Each dwelling unit shall be entitled to one vote regardless of the number of shares allocated to such dwelling unit, the number of shareholders holding such shares, or the provisions regarding voting in such mutual housing company's certificate of incorporation or by-laws. Said resolution shall include language as follows:

"This resolution authorizes the board of directors to take steps necessary to ascertain the desirability of dissolution and/or reconstitution. This resolution authorizes the expenditure of \$_____ for such investigation, and notifies the shareholders that there are Private Housing Finance Law requirements for dissolution. This resolution also advises the shareholders that the New York State Department of Law requirements must be met prior to actual dissolution and/or reconstitution."

A certified copy of the resolution shall be submitted to HPD within seven (7) business days after such vote. Expenditure of funds authorized above shall require prior written approval of HPD, if the dollar amount for any one retainer, agreement, or contract exceeds \$15,000 for mutual housing companies with fewer than five hundred (500) dwelling units and \$30,000 for those with five hundred (500) or greater.

§ 12. Subparagraph (i) of paragraph (6-a) of subdivision (i) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(i) Pursuant to the applicable notice period in the mutual housing company's by-laws, a special meeting shall be convened by the board of directors of the mutual housing company to authorize the (A) preparation and submission to the office of the Attorney General of the State of New York of a private cooperative or condominium offering plan for the housing project, and (B) submission to HPD of the mutual housing company's notice of its intention to dissolve and/or reconstitute ("Notice of Intent"). Eligible voters for purposes of a quorum and for a vote on preparation and submission of such plan and such Notice of Intent shall be persons named on the stock certificate. Preparation and submission of such plan and such Notice of Intent requires approval of two-thirds (2/3) of the [outstanding shares of the corporation as mandated by the Business Corporation Law] dwelling units in such mutual housing company. Each such dwelling unit shall be entitled to one vote regardless of the number of shares allocated to such dwelling unit, the number of shareholders holding such shares, or the provisions regarding voting in such mutual housing company's certificate of incorporation or by-laws.

§ 13. Paragraph (7) of subdivision (i) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(7) *Special meeting to authorize dissolution and/or reconstitution of mutual housing companies.* Pursuant to the applicable notice period in the mutual housing company's by-laws, a special meeting to authorize dissolution and/or reconstitution shall be convened by the board of directors of the mutual housing company after the acceptance by the office of the Attorney General of the State of New York of the filing of the offering plan pertaining to the proposed transfer from the mutual company to a private cooperative or condominium corporation. Eligible voters for purposes of a quorum and for the vote on dissolution and/or reconstitution shall be persons named on the stock certificate. Dissolution and/or reconstitution of the mutual housing company requires approval of two-thirds (2/3) of the [outstanding shares of the corporation as mandated by the Business Corporation Law] dwelling units in such mutual housing company. Each such dwelling unit shall be entitled to one vote regardless of the number of shares allocated to such dwelling unit, the number of shareholders holding such shares, or the provisions regarding voting in such mutual housing company's certificate of incorporation or by-laws.

§ 14. Paragraph (7-a) of subdivision (i) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(7-a) *Conduct of special meetings.*

(i) Special meetings required pursuant to paragraphs six, six-a and seven of this subdivision shall be conducted no more frequently than once every twelve months.

(ii) Special meetings required pursuant to paragraphs six-a and seven of this subdivision shall be conducted by an independent election company. At least sixty days [P] prior to conducting such special meetings, the mutual housing company must notify HPD in writing of the name of the independent election company, and of the intended special meeting procedures, and HPD must issue its approval in writing of such independent election company and of the intended special meeting procedures before such special meeting can take place.

(iii) If the cost of any [such] special meeting required pursuant to paragraphs six, six-a and seven of this subdivision exceeds \$15,000 in housing companies with fewer than five hundred (500) dwelling units or \$30,000 in housing companies with at least five hundred (500) dwelling units, the contracts will require HPD's prior written approval. [Such] With respect to special meetings required pursuant to paragraphs six-a and seven, the independent election company must submit proof to HPD that the requirements of this subparagraph have been met.

§ 15. Paragraph (8) of subdivision (i) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(8) [Reserved.] Operating Documents of Mutual Housing Companies. Each mutual housing company shall provide in any voting provisions in its certificate of incorporation and by-laws that in the shareholder votes required pursuant to paragraphs six, six-a and seven of this subdivision, each dwelling unit shall be entitled to one vote regardless of the number of shares allocated to such dwelling unit, the number of shareholders holding such shares, or any other provisions regarding voting in such mutual housing company's certificate of incorporation or by-laws.

§ 16. Subdivision (j) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:

(j) *Proxies and Absentee Ballots.*

(1) With HPD's approval, a mutual housing company may require a standard form and procedure for the casting of proxies or absentee ballots in any matter requiring a shareholder vote.

(2) Notwithstanding anything to the contrary contained herein, in any vote conducted pursuant to paragraphs six-a or seven of subdivision (i) of this section, voting by proxy or absentee ballot shall not be permitted, provided, however, that HPD may permit the use of a proxy or absentee ballot by a particular shareholder due to his or her medical condition.

Statement of Basis and Purpose. The first seven proposed rule amendments and the ninth proposed rule amendment correct technical matters in the current rules as well as conform the appeals process for succession cases to current practices. The eighth proposed rule amendment provides that a mutual housing company's certificate of incorporation must be in conformity with State law and HPD rules and that any provision thereof that doesn't meet this requirement will be deemed null and void. The HPD rules already contain a similar provision regarding a mutual housing company's by-laws, rules and regulations and it logically follows that the certificates of incorporation should be subject to the same limitations. The rest of the proposed rule amendments address voting procedures for buyouts from the Mitchell-Lama Program. First, they would limit the simple majority feasibility study vote, the 2/3 majority vote for preparation and submission of the offering plan and notice of intent, and the final 2/3 majority vote for dissolution and/or reconstitution, to one vote per dwelling unit regardless of the number of shares allocated to such dwelling unit, the number of shareholders holding such shares or the provisions regarding voting in such mutual housing company's certificate of incorporation or by-laws. This is similar to what the New York State Division of Housing and Community Renewal already requires for State-aided Mitchell-Lama mutual housing company developments. It also would eliminate any ambiguity created by the wording of the current rule since the Business Corporation Law otherwise allows a cooperative to specify in its operating documents the proportion of shares or votes of shares that can authorize dissolution. The proposed rule amendments also would limit the frequency of any one of these votes to once every twelve months and clarify the fact that HPD must approve the intended special meeting procedures and the proposed independent election company before the special meeting can be held. They also require mutual housing companies to submit these procedures and their proposed independent election company at least sixty days prior to the special meeting date so that HPD has time to conduct the requisite review. The next proposed rule amendment mandates that a mutual housing company's operating documents be amended to reflect that these dissolution votes must be conducted on a per dwelling unit basis. The final proposed rule amendment would prohibit the use of proxies or absentees ballots in the votes for preparation and submission of the offering plan and notice of intent, and the final 2/3 majority vote for dissolution and/or reconstitution, unless HPD had granted a medical waiver.

Since the dissolution or reconstitution of a Mitchell-Lama mutual housing company has an enormous impact on the future of each of its residents, it is important that each dwelling unit get an equal say in the matter, particularly because the allocation of shares in a Mitchell-Lama mutual housing company does not have the same financial implication as it does for unregulated cooperatives. Furthermore, these votes should be limited in frequency so that they do not create a continuously stressful environment for shareholders who reside in such developments or excessively burden the finances of the housing companies. Finally, the prohibition against the use of absentee ballots or proxies in certain votes, except as such proxies or absentee ballots might be authorized by the supervising agency due to a particular shareholder's medical condition, ensures that such votes will be fair and equitable and that shareholders are not unduly pressured to vote in a certain manner.

Rafael E. Cestero
Commissioner

• m14

SPECIAL MATERIALS

CITY PLANNING COMMISSION

NOTICE

Lower Concourse Rezoning and Related Actions
Project Identification
CEQR No. 08DCP071X
ULURP Nos. C 090303 ZMX,

Lead Agency
City Planning Commission
22 Reade Street, 1W

N 090302 ZRX
C 090166 MMX
SEQRA Classification: Type I

Contact Persons

Robert Dobruskin, Director, 212-720-3423
Environmental Assessment and Review Division
New York City Department of City Planning

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the Lower Concourse Rezoning and Related Actions (CEQR No. 08DCP071X) as described below. Copies of the FEIS are available for public inspection at the office of the undersigned. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). A public hearing on the Draft Environmental Impact Statement (DEIS) was held on April 1, 2009. Written comments on the DEIS were requested and were received by the Lead Agency until April 13, 2009. The FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

The New York City Department of City Planning (DCP) on behalf of the City Planning Commission (CPC) as lead agency is proposing zoning map and text amendments and amendments to the City Map for an area encompassing approximately 30 blocks, located in Community District 1 in the South Bronx. The proposed rezoning area is generally bounded by East 149th Street and East 144th Street to the north, the Major Deegan Expressway and Park Avenue to the south, Morris and Lincoln Avenues to the east, and the Harlem River to the west. The proposed rezoning area is currently zoned M1-2, M2-1, C4-4 and R6. The proposed action would change the zoning map applicable to the proposed rezoning area to include commercial districts C4-4 and C6-2A; Special Mixed Use Districts MX (M1-4/R8A), MX (M1-4/R7X), MX (M1-4/R7A), and MX (M1-4/R6A); and conventional manufacturing districts M1-2 and M1-4. In addition, a new C2-4 commercial overlay would be mapped on waterfront lots within a proposed R7-2 district.

Through zoning text and zoning map amendments, the rezoning proposal seeks to accomplish four fundamental goals: 1) foster new opportunities for mixed-use development and affordable housing, while retaining viable light industrial uses; 2) encourage grocery store access; 3) establish the Bronx as a new gateway to Manhattan and the northern Grand Concourse; and, 4) improve waterfront access and provide new waterfront open space. The proposed action would permit the continued development of light industrial uses in the proposed rezoning area, while also allowing for new mixed-use development, providing residential conversions and affordable housing.

The Special Mixed Use District (MX) is already mapped at several locations throughout the city, though not within the proposed rezoning area. Therefore, the zoning text would be amended to establish two separate areas of contiguous MX districts, in accordance with proposed modifications to the zoning map, on all or portions of 25 blocks, including approximately ten blocks located between Exterior Street and Walton Avenue, south of East 149th Street and north of East 138th Street; and approximately 15 blocks between Park and Morris Avenues, south of East 146th Street and north of the Major Deegan Expressway.

Proposed zoning text amendments would establish a Harlem River Waterfront Access Plan (WAP) and the Special Harlem River Waterfront District (SHRWD) for the area along the Harlem River waterfront between Exterior Street and the Harlem River, south of East 149th Street and north of the Metro-North Railroad Bridge at Park Avenue. Zoning text amendments would also modify food store regulations to allow food stores of any size as-of-right within M1-4 districts in Bronx Community District 1. Additionally, zoning text amendments would establish the Inclusionary Housing program within the proposed rezoning area.

Amendments to the City Map are proposed to designate 2.26 acres of land as parkland, located between the Harlem River and Exterior Street, south of the extension of East 146th Street and north of the extension of East 144th Street. Although the site is located within the boundaries of the proposed SHRWD, the special district regulations would not apply to the mapped park.

In order to assess the environmental impacts of the development that could occur under the proposed actions, DCP has developed a reasonable worst-case development scenario (RWCDS). This RWCDS identifies both "projected" and "potential" development sites that could be developed as the proposed project with the proposed actions implemented. As identified by DCP, projected development sites include sites that are likely to be developed as a result of the proposed actions. DCP has identified 31 projected development sites considered most likely to be developed by 2018 as a result of the proposed actions. In addition, there are 48 potential development sites considered to have less development potential and which are less likely to be developed in the foreseeable future.

Based on the RWCDS, and as a result of the proposed actions, development in the rezoning area is expected to achieve a build-out that would include 3,414 additional dwelling units than in the future condition without the proposed actions, of which approximately 591 would be affordable units provided through proposed the Inclusionary Housing program, 735,447 sf of commercial space, 63,700 sf of community facility space (educational facilities) and 1,291 additional accessory parking spaces. The RWCDS envisioned under the proposed actions would also result in a decrease of 308,872 sf of industrial space and 598,351 sf of office space

from the anticipated future condition without the proposed actions.

The above-described actions are subject to both City Environmental Quality Review (CEQR) and the Uniform Land Use Review Procedures (ULURP). The FEIS has been prepared in conformance with all applicable laws and regulations, including Executive Order No. 91, New York City Environmental Quality Review (CEQR) regulations, dated August 24, 1977, and follows the guidelines of the *CEQR Technical Manual* (October 2001). The DEIS and ULURP applications were certified as complete on February 2, 2009. Public hearings were held by Bronx Community Board 1, the Bronx Borough President and CPC (joint ULURP/DEIS hearing), and will be held by the City Council during the seven-month ULURP review process. The FEIS will be used by decision makers to evaluate CEQR findings, which address project impacts and proposed mitigation measures, before deciding whether to approve the requested discretionary actions.

PROPOSED ZONING MAP AMENDMENTS

The DCP is proposing zoning map amendments for an area encompassing approximately 30 blocks, located in Community District 1 in the South Bronx. Under the proposed action, existing manufacturing zoning designations in the proposed rezoning area would be changed to permit residential and commercial uses on the waterfront and along the Grand Concourse, and residential and mixed-use development in other areas, and would restrict certain areas currently zoned M2-1 to light manufacturing uses. Approximately 30 blocks of land currently zoned M1-2 and M2-1 would be rezoned to C4-4, C6-2A, R7-2, MX (M1-4/R8A), MX (M1-4/R7X), MX (M1-4/R7A), MX (M1-4/R6A) and M1-2. A new C2-4 commercial overlay would be mapped on waterfront lots zoned R7-2. Specifically, the rezoning would:

- change from **M1-2** to **C6-2A** all or portions of four blocks located along the Grand Concourse south of East 144th Street, north of East 138th Street, between Walton Avenue and the Metro-North Railroad right-of-way;
- change from **M2-1** to **R7-2/ C2-4** overlay and **C4-4** all or portions of two super-blocks along the Harlem River waterfront south of East 149th Street and north of the Metro-North Railroad bridge;
- change from **M1-2** and **C4-4** to **MX (M1-4/R8A)** all or portions of six blocks located south of East 149th Street, north of East 140th Street, between Exterior Street and Walton Avenue;
- change from **M1-2** to **MX (M1-4/R6A)** all or portions of six blocks in two areas: one area generally located south of East 144th Street, north of East 138th Street, between Gerard and Walton Avenues; and the other area and located south of East 146th Street, north of approximately East 139th Street, between Canal Place and Rider Avenue;
- change from **M1-2** and **M2-1** to **MX (M1-4/R7X)** all or portions of seven blocks located along East 138th Street between Park and Third Avenues;
- change from **M1-2** to **MX (M1-4/R7A)** all or portions of ten blocks generally located along Third, Morris, and Lincoln Avenues between East 144th Street and the Major Deegan Expressway;
- change from **M1-2** and **M2-1** to **M1-4** portions of five blocks located south of East 138th Street and north of the Major Deegan Expressway, between Park and Third Avenues; and,
- change from **M1-2** to **C4-4** one block located south of East 149th Street and north of East 144th Street, between Morris Avenue and the Metro-North Railroad right-of-way.

The proposed zoning map amendments would encourage the reuse of vacant land and loft buildings, while preserving existing light industrial and commercial uses in the area. A key principle of the Lower Concourse rezoning is the creation of a balanced rezoning approach that includes opportunities to catalyze future development and improve the existing waterfront area. The rezoning strategy balances encouraging growth with promoting preservation within select areas of the rezoning area.

will support continued economic growth in a mixed-use residential, commercial and light industrial community. Each proposed Residence District will be paired with a light Manufacturing District to allow a broad range of commercial and light industrial businesses in the rezoning area, compatible with residential uses. The range of mixed-use zoning districts reflects both the use and scale of non-residential development typically found in the area today.

ZONING TEXT AMENDMENTS

The proposed zoning text amendment would create the Harlem River Waterfront Access Plan (WAP) and the Special Harlem River Waterfront District (SHRWD). The proposed WAP would specify the location of public access areas and visual corridors. The proposed SHRWD would apply special bulk regulations to waterfront lots. The future park site would remain zoned M2-1 under the proposed actions. Although the site of the proposed park is located within the proposed SHRWD, the special district regulations would not apply. The proposed special bulk provisions of the WAP and SHRWD include the following:

- The maximum base and tower height limits would be modified in the R7-2 and C4-4 districts to allow a maximum tower height of 400 feet on lots larger than 100,000 sf, and 300 feet on lots smaller than

100,000 sf. Current regulations allow a maximum tower height of 135 feet. The minimum base height would be 40 feet and the maximum base height would be 60 feet. Current regulations allow a maximum base height of 60 feet, though there is no minimum base height.

- The maximum tower footprint and location of towers would be modified in the R7-2 and C4-4 districts. Current regulations allow a maximum tower footprint of 8,100 sf for lots larger than 1.5 acres and 7,000 sf for lots smaller than 1.5 acres. Under the proposed regulations, new tower construction would have a maximum footprint of 8,100 sf.
- Screening requirements would mandate usable floor area facing all waterfront public access areas, and usable floor area would be required for the ground floor facing streets.
- Restrictions in C2-4 commercial overlays on the location of commercial space in mixed-use buildings would be modified to allow flexibility in locating commercial areas.

Currently, food stores over 10,000 sf in size are allowed within M1 districts only by special permit from the City Planning Commission. In order to provide additional opportunities for new grocery store development, the proposed action would allow food stores of any size as-of-right within the M1-4 zoning districts in Bronx Community District 1. The proposed zoning text amendment establishing the MX districts would define them in a manner such that they permit food stores of any size (up to the maximum permitted FAR) as-of-right within M1-4 Districts in Bronx Community District 1, including in the proposed rezoning area.

The proposed zoning text amendment would apply the Inclusionary Housing Program to new residential development within the rezoning area in Bronx Community District 1. The Inclusionary Housing Program would be implemented via Inclusionary Zoning. Inclusionary Zoning provides an opportunity for developers to be granted an increased FAR ("Bonused FAR") in exchange for providing affordable housing as part of their residential development; buildings that take full advantage of the program must develop one-fifth of the total new housing floor area as affordable residential floor area in accordance with the Inclusionary Housing Program, in which case the building is granted the fully bonused FAR. Base FARs apply to developments that do not use the Inclusionary Zoning bonus.

AMENDMENTS TO THE CITY MAP

Other proposed changes assessed in the FEIS and in the ULURP application include changes to the City Map. Specifically, DCP in conjunction with DPR is proposing changes to the City Map for the mapping of a new 2.26-acre park located along the Harlem River waterfront within the rezoning area. The park would be located between the Harlem River and Exterior Street, generally south of the prolongation of East 146th Street and north of the prolongation of East 144th Street. The proposed waterfront park would provide: 1) new recreational green space for the substantial new residential population expected to result from the proposed rezoning; 2) waterfront access and a regional open space to serve existing South Bronx residents, workers, and students; and, 3) serve as a catalyst for further waterfront redevelopment that would include additional waterfront access in parcels adjacent to the proposed new park.

PROPOSED ZONING E-DESIGNATIONS

The proposed zoning would place E-designations on projected and potential development sites to avoid the potential for impacts with respect to hazardous materials, air quality, and noise.

Copies of the Final Environmental Impact Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 22 Reade Street, 4E, New York, New York 10007, Robert Dobruskin, Director (212) 720-3423; or from the Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, New York 10038, Robert Kulikowski, Director (212) 788-9956; and on the New York City Department of City Planning's Planning's website at http://www.nyc.gov/html/dcp/html/env_review/eis.shtml.

m14

COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Rm. 629, New York, NY 10007 on May 21, 2009, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

| Damage Parcel No. | Block | Lot |
|-------------------|-------|--------|
| 1 | 2448 | P/O 60 |

Acquired in the proceeding, entitled: Third Water Tunnel Shaft 18B subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.
Comptroller

m7-21

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO THE SPECIAL CLINTON DISTRICT PROVISIONS OF THE ZONING RESOLUTION
DATE OF NOTICE: May 7, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address Application # Inquiry Period

405 West 46th Street, Manhattan 30/09 September 5, 1973 to Present

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

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

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

m7-15

OFFICE OF THE MAYOR

OFFICE OF THE CRIMINAL JUSTICE COORDINATOR

NOTICE

The U.S. Department of Justice, Bureau of Justice Assistance (BJA), recently announced that \$29,062,259 is available for New York City under the American Recovery and Reinvestment Act, Edward Byrne Memorial Justice Assistance Grant (JAG) program. Funds may be used for several purpose areas, including: law enforcement programs, prosecution and court programs, prevention and education programs, corrections, drug treatment, planning, evaluation, and technology improvement programs, and crime victim and witness programs.

The Mayor's Office of the Criminal Justice Coordinator, in consultation with the New York City Office of Management and Budget, is in the process of preparing a distribution plan for JAG funds. The City is required to submit an application for funding to BJA by May 18, 2009. Individuals or organizations who wish to provide comment about the distribution of JAG funds in New York City should send comments to:

Grants Coordinator
New York City Mayor's Office of the Criminal Justice Coordinator
One Centre Street, Room 1012 North, New York, NY 10007

All comments must be received by May 15, 2009.

m8-14

POLICE

NOTICE

The New York City Police Department (NYPD) is currently accepting applications for permits for the 2009 Arterial Tow Program selection process. Applications are available and may be picked up from May 4, 2009 to May 18, 2009 between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at 315 Hudson Street, 3rd Floor, New York, NY 10013. Or you may download applications by visiting the City Record Website <http://a856-internet.nyc.gov/nycvendonline/VendorShort/asp/VendorMenu.asp> and follow the links to NYPD solicitations. Note: The applications will not be available for download until May 4, 2009. Completed applications will be accepted from July 6, 2009 to July 10, 2009 between the hours of 9:00 A.M. and 5:00 P.M. at 315 Hudson Street, 3rd Floor, New York, NY 10013. Completed applications are due no later than July 10, 2009 at 5:00 P.M. Any inquiries regarding this solicitation must be directed to Mr. Frank Bello, Agency Chief Contracting Officer, NYPD Contract Administration Unit, via email at frank.bello@nypd.org or via fax at (646) 610-5129 on or before May 18, 2009.

a1-m18

CHANGES IN PERSONNEL

**BUSINESS INTEGRITY COMMISSION
FOR PERIOD ENDING 04/17/09**

| NAME | TITLE | NUM | SALARY | ACTION | PROV | EFF DATE |
|----------|---------|-------|--------------|---------|------|----------|
| SANTUCCI | ERNEST | 56057 | \$48817.0000 | RETIRED | YES | 04/03/09 |
| SANTUCCI | ERNEST | 33972 | \$40224.0000 | RETIRED | NO | 03/31/09 |
| WORTHAM | RENEE F | 10124 | \$58956.0000 | RETIRED | NO | 03/31/09 |

**DEPARTMENT OF FINANCE
FOR PERIOD ENDING 04/17/09**

| NAME | TITLE | NUM | SALARY | ACTION | PROV | EFF DATE |
|-----------------|-----------|-------|---------------|-----------|------|----------|
| ALEXANDER | KRISSETTA | 10251 | \$31852.0000 | APPOINTED | YES | 03/29/09 |
| BABUSHKINA | LYUDMILA | 10124 | \$57021.0000 | APPOINTED | YES | 03/29/09 |
| BARNES | PAULINE A | 10251 | \$35300.0000 | INCREASE | YES | 03/29/09 |
| BARNES | PAULINE A | 11702 | \$35080.0000 | APPOINTED | NO | 03/29/09 |
| CHANG | CHIN H | 10049 | \$88946.0000 | RETIRED | NO | 02/28/09 |
| CIARAVINO | MICHAEL J | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| CLOUDEN | ELDIN E | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| COLLINS | CLAUDIO A | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| DENNY | DEREK M | 10251 | \$31852.0000 | APPOINTED | YES | 03/29/09 |
| DONES | KATIE | 10209 | \$9.3100 | APPOINTED | YES | 03/29/09 |
| DRURY | PETER T | 10026 | \$60000.0000 | APPOINTED | YES | 03/29/09 |
| EASTMOND | FADEN C | 10209 | \$9.3100 | APPOINTED | YES | 03/29/09 |
| FERGUSON | DONALD | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| GUTIERREZ-CASSO | ALBERTO A | 10251 | \$27697.0000 | APPOINTED | YES | 03/29/09 |
| HOLMES | THOMAS | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| HORTON | POLLY | 10026 | \$98212.0000 | APPOINTED | YES | 03/29/09 |
| HOWELL | DEBORAH P | 10251 | \$35036.0000 | APPOINTED | YES | 03/29/09 |
| JACKSON | DENISE H | 10124 | \$39000.0000 | APPOINTED | YES | 03/29/09 |
| JENKINS | VANESSA D | 56057 | \$41656.0000 | APPOINTED | YES | 03/29/09 |
| KLEBE | FRANZISK | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| KLODNY | STEVEN A | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| LEVITT | KENNETH R | 10251 | \$37479.0000 | APPOINTED | YES | 03/29/09 |
| LEWIS-WILLIAMS | SHARON D | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| MADDEN | MICHAEL T | 10251 | \$35300.0000 | INCREASE | YES | 03/29/09 |
| MADDEN | MICHAEL T | 11702 | \$35080.0000 | APPOINTED | NO | 03/29/09 |
| MC CULLOUGH | MARK A | 56056 | \$35573.0000 | APPOINTED | YES | 03/29/09 |
| MERANTE | CARL A | 10026 | \$107692.0000 | INCREASE | YES | 06/24/07 |
| MORCELO | ANGELINA | 10251 | \$31852.0000 | APPOINTED | YES | 03/29/09 |
| NAVARRA | JEANMARI | 11702 | \$35080.0000 | APPOINTED | NO | 03/29/09 |
| PATRICOF | ALLAN J | 0667A | \$39.4700 | RESIGNED | YES | 03/20/09 |
| PLUDWIN | HOWARD | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| POLLARD | DIANE | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| RANDOLPH | LAURA M | 10251 | \$35300.0000 | INCREASE | YES | 03/29/09 |
| RANDOLPH | LAURA M | 11702 | \$35080.0000 | APPOINTED | NO | 03/29/09 |
| ROTH | ROSLYN | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| SCHINDLER | SUSAN H | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| SFANTOS | MARIOS | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |
| STANCIU | ANY | 10026 | \$55000.0000 | APPOINTED | YES | 03/29/09 |
| THALASITIS | ROBERT | 3031A | \$86605.0000 | RETIRED | NO | 05/31/08 |
| WALLS | NATHANIE | 10251 | \$30683.0000 | RESIGNED | YES | 03/29/09 |
| WALTON | GAIL | 0667A | \$39.4700 | RESIGNED | YES | 03/01/09 |

**DEPARTMENT OF TRANSPORTATION
FOR PERIOD ENDING 04/17/09**

| NAME | TITLE | NUM | SALARY | ACTION | PROV | EFF DATE |
|---------------|------------|-------|---------------|-----------|------|----------|
| ABAD | ANA J | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| ACQUISTA | GIUSEPPE | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| ALARCON | WILFREDO F | 90692 | \$46028.0000 | APPOINTED | YES | 03/12/09 |
| ANDOOS | KRISTEN M | 91556 | \$53509.0000 | RESIGNED | NO | 08/24/08 |
| ARIS | NADINE G | 31113 | \$32338.0000 | APPOINTED | YES | 07/06/08 |
| ARNOLD | GORDON W | 91504 | \$58260.0000 | RESIGNED | YES | 04/05/09 |
| AUGELLO | VINCENZO | 90692 | \$46028.0000 | APPOINTED | YES | 03/12/09 |
| BABBO | ANTONIO | 90692 | \$46028.0000 | APPOINTED | YES | 03/12/09 |
| BACTAWAR | FULTON | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| BAJWA | JESSICA K | 12200 | \$27121.0000 | APPOINTED | YES | 04/05/09 |
| BAPTIST | LYNETTE C | 12627 | \$82015.0000 | RETIRED | NO | 04/02/09 |
| BAPTISTE | THOMAS | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| BARONE | MICHAEL | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| BERNTSEN | KENNETH | 92575 | \$102263.0000 | RETIRED | NO | 04/02/09 |
| BODENSCHATZ | KELLY M | 90698 | \$183.8400 | APPOINTED | YES | 03/29/09 |
| BOOKER | NORMA | 35007 | \$25740.0000 | APPOINTED | YES | 03/29/09 |
| BRIGANTE | MICHAEL | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| BUONPASTORE | NICHOLAS R | 92508 | \$29499.0000 | APPOINTED | YES | 04/05/09 |
| CAMMALLERI | FRANCA A | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| CARRASQUILLO | CHRIS | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| CHARLOTTEN | JULIO | 92472 | \$285.8400 | DECREASE | YES | 03/22/09 |
| CLARKE | ELISA M | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| CURRIER | TODD E | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| D'AGROSA | EDWARD P | 20510 | \$55345.0000 | INCREASE | YES | 03/03/09 |
| D'ANTONIO | ALICIA L | 35007 | \$25740.0000 | APPOINTED | YES | 03/29/09 |
| DE JESUS | JOSE A | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| DEMARCO | FRANK | 90692 | \$46028.0000 | APPOINTED | YES | 03/12/09 |
| DONTIS | XENOFON | 92510 | \$232.0000 | APPOINTED | YES | 04/05/09 |
| DUFFY | EAMON J | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| EUGENIO | DOMINIC | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| FELDER | CURTIS E | 92510 | \$232.0000 | APPOINTED | YES | 04/05/09 |
| FLENOY | THERESA V | 10250 | \$33077.0000 | DECREASE | YES | 11/09/08 |
| FOLKES | SHARON P | 56058 | \$56160.0000 | APPOINTED | YES | 04/05/09 |
| FREDERICK | CHRISTOP | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| GALASSO | SALVATOR | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| GARCIA | FRANCIS N | 35007 | \$25740.0000 | APPOINTED | YES | 03/29/09 |
| GARDNER | JOHN | 92472 | \$285.8400 | DECREASE | YES | 03/22/09 |
| GEE JR. | ROOSEVEL M | 92406 | \$291.8400 | DECREASE | YES | 03/14/09 |
| GIOVINAZZO | FRANK | 92406 | \$291.8400 | DECREASE | YES | 03/14/09 |
| GREEN | ADAM P | 92510 | \$232.0000 | APPOINTED | YES | 04/05/09 |
| HARRIS | DENNIS | 92472 | \$285.8400 | DECREASE | YES | 03/22/09 |
| INNOCENT | YVES AND | 90692 | \$46028.0000 | APPOINTED | YES | 03/12/09 |
| JOHNSON | HORACE | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| KNOX | CARLITA L | 10251 | \$28368.0000 | APPOINTED | YES | 04/05/09 |
| KUSSARD | JOHN W | 20210 | \$66764.0000 | APPOINTED | YES | 03/29/09 |
| LAFRANCESCA | JOHN A | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| LAIRD | MATTHEW | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| LETTIERE | MICHAEL N | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| LYONS | KENRICK G | 90692 | \$46028.0000 | APPOINTED | YES | 03/12/09 |
| MENNELLA | LAURENCE | 91529 | \$46037.0000 | RETIRED | NO | 04/02/09 |
| MODAWAR | JOSEPH | 90692 | \$46028.0000 | APPOINTED | YES | 03/12/09 |
| MURPHY | DIANE H | 91415 | \$52746.0000 | INCREASE | NO | 11/09/08 |
| NAJA | JOHN T | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| NOVAK | ALBERT P | 10015 | \$152132.0000 | RETIRED | NO | 06/16/08 |
| PALMIERI | PERRY | 92472 | \$285.8400 | DECREASE | YES | 03/22/09 |
| PISTONE | MASSIMO | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| PRESTIGIACOMO | TOMMASO | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| PRIMEGGIA | MICHAEL | 10061 | \$165000.0000 | RETIRED | NO | 02/14/09 |
| QUINONES | EDWIN | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| RIEGERT | RUSSELL E | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| SCOTTO | MARIANO | 22315 | \$60741.0000 | INCREASE | NO | 04/01/07 |
| SHAFFER | MICHAEL | 92472 | \$285.8400 | DECREASE | YES | 03/22/09 |
| SHEPPARD | ANTIONE E | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| SIMMONS | LENORE D | 10251 | \$28368.0000 | APPOINTED | YES | 04/05/09 |
| THIOUNE | SERIGNE M | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| ULLOA | VANTROY | 92406 | \$291.8400 | DECREASE | YES | 03/12/09 |
| WALLS | NATHANIE | 35007 | \$25740.0000 | APPOINTED | YES | 03/29/09 |

**DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 04/17/09**

| NAME | TITLE | NUM | SALARY | ACTION | PROV | EFF DATE |
|----------|----------|-------|--------------|-----------|------|----------|
| ABRAHAM | ASHAKI | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| ADAMS | TALIA E | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| AGOSTINI | SABRINA | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| AGOSTO | ERNESTIN | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| ALOMERI | MOHAMMED | 60421 | \$32963.0000 | APPOINTED | YES | 03/26/09 |
| ANDERSON | CORIE | 81106 | \$44051.0000 | INCREASE | YES | 03/03/09 |
| ANDERSON | SHERRY | 91406 | \$11.1100 | APPOINTED | YES | 04/01/09 |
| ANTHONY | DUKISHA | 80633 | \$9.2100 | RESIGNED | YES | 03/13/09 |

| | | | | | | |
|-------------|------------|-------|--------------|-----------|-----|----------|
| ASKLOF | JEFFERY | 81111 | \$69561.0000 | INCREASE | NO | 04/01/09 |
| ATUM-RE | GEBREEL | 80633 | \$9.2100 | APPOINTED | YES | 03/16/09 |
| AVILES | BRENDA | 80633 | \$8.8600 | RESIGNED | YES | 03/03/09 |
| AYBAR | KHIANA | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| BABB | ERICKA | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| BELLO | JOSEPH J | 10072 | \$73000.0000 | INCREASE | YES | 03/29/09 |
| BENSON | JOYCE | 80633 | \$9.2100 | APPOINTED | YES | 04/02/09 |
| BENSON | SHAREE | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| BEST | TYHESIA | 80633 | \$9.2100 | RESIGNED | YES | 03/24/09 |
| BISHOP | MEGAN | 52406 | \$13.5500 | APPOINTED | YES | 03/31/09 |
| BLOCK | JOSEPH P | 56057 | \$44000.0000 | APPOINTED | YES | 03/29/09 |
| BOLLING | NADINE N | 80633 | \$9.2100 | RESIGNED | YES | 03/06/09 |
| BONANEY SR. | GARY J | 81106 | \$18.3500 | APPOINTED | YES | 03/31/09 |
| BOOKER | NORMA J | 91406 | \$11.2900 | RESIGNED | YES | 03/29/09 |
| BOSTICK | MONICO L | 80633 | \$9.2100 | APPOINTED | YES | 03/23/09 |
| BRADLEY | KAREN D | 91406 | \$14.9700 | APPOINTED | YES | 04/01/09 |
| BRAXTON | THELMA T | 91406 | \$11.1100 | INCREASE | YES | 04/01/09 |
| BROOKS | DOREEN | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| BROOKS | KIAI J | 91406 | \$11.1100 | APPOINTED | YES | 04/01/09 |
| BROWN | DARNELL | 90641 | \$14.0200 | APPOINTED | YES | 03/25/09 |
| BROWN | DEISIE F | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| BROWN | LANAY I | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| BROWN | SAKINA S | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| BRYANT | JEFFREY D | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| BUNBURY | COURTNEY | 90641 | \$44259.0000 | RETIRED | YES | 04/03/09 |
| BURNETT | ANNA C | 90641 | \$16.1200 | APPOINTED | YES | 03/24/09 |
| BURRUS | STEPHEN J | 80633 | \$9.2100 | APPOINTED | YES | 03/26/09 |
| BUTLER | RHETT | 90641 | \$14.0200 | APPOINTED | YES | 04/05/09 |
| BUTLER | TIBA | 80633 | \$9.2100 | APPOINTED | YES | 03/25/09 |
| BYERS | DEESHAWN I | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| BYRER | JOELLE A | 22427 | \$84000.0000 | APPOINTED | YES | 04/05/09 |
| CALDWELL | KATIMA R | 80633 | \$9.2100 | APPOINTED | YES | 04/01/09 |
| CALHOUN | STACEY | 80633 | \$9.2100 | APPOINTED | YES | 03/27/09 |
| CALHOUN | TAWANNA D | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| CAMBRIDGE | TREVOR L | 90641 | \$14.0200 | APPOINTED | YES | 03/16/09 |
| CANNON | SHAWNA C | 80633 | \$9.2100 | APPOINTED | YES | 03/26/09 |
| CAPOZELLO | CHARLES J | 60421 | \$32963.0000 | RESIGNED | YES | 01/04/09 |
| CARGILL | VALERIE | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| CASTILLO | KIRSIS | 91406 | \$11.1100 | INCREASE | YES | 04/01/09 |
| CAVE | PATRICIA A | 80633 | \$9.2100 | APPOINTED | YES | 03/23/09 |
| CESAR-ISAAC | ZULEIKA | 06664 | \$14.9000 | APPOINTED | YES | 04/02/09 |
| CHAMBERS | ALAAM | 91406 | \$11.1100 | INCREASE | YES | 04/07/09 |
| CHIREN | MICHAEL E | 90641 | \$14.0200 | APPOINTED | YES | 04/05/09 |
| CLARK | | | | | | |

| | | | | | | | | | | | | | | |
|------------|----------|---------|--------------|------------|-----|----------|-----------|----------|---|-------|--------------|-----------|-----|----------|
| JOHNSON | LUCRISTI | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 | MIGHTLY | OLGA | S | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| JONES | DOREEN | 80633 | \$9.2100 | APPOINTED | YES | 03/20/09 | MILLER | LAURA | S | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| JONES | JOCELYN | 91406 | \$11.1100 | INCREASE | YES | 04/01/09 | MILLER | OTHA | M | 90641 | \$14.0200 | APPOINTED | YES | 04/06/09 |
| JONES | SETH | H 56057 | \$44000.0000 | APPOINTED | YES | 03/29/09 | MITCHELL | CHIQUANA | M | 80633 | \$9.2100 | APPOINTED | YES | 03/16/09 |
| JORDAN | TERRACER | 91406 | \$11.1100 | INCREASE | YES | 04/01/09 | MOE | CALVIN | E | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| JUSINO | LAVERN | N 90641 | \$14.0200 | APPOINTED | YES | 04/05/09 | MOLINARY | NELIDA | | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| JUSTINIANO | MARIA | M 80633 | \$9.2100 | RESIGNED | YES | 03/27/09 | MOORE | RENAY | | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| KARASIK | JACOB | R 56057 | \$49800.0000 | TERMINATED | YES | 07/25/08 | MORALES | MARITZA | | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| KERR | THOMAS | 60422 | \$50529.0000 | INCREASE | YES | 04/05/09 | MORELL | FELECIA | | 91406 | \$11.1100 | APPOINTED | YES | 04/01/09 |
| KING | STEVEN | 80633 | \$9.2100 | APPOINTED | YES | 03/26/09 | MORENO | ANGELA | | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| KIZER | OLLIE | C 90641 | \$14.0200 | APPOINTED | YES | 03/16/09 | MORGAN | JON | | 90641 | \$14.0200 | INCREASE | YES | 03/10/09 |
| KNIGHT | CHARISMA | 91406 | \$11.1100 | INCREASE | YES | 04/01/09 | MORGAN | LEZETTE | H | 80633 | \$9.2100 | APPOINTED | YES | 03/26/09 |
| KOREN | STEPHEN | J 21315 | \$65907.0000 | INCREASE | YES | 03/29/09 | MUHLFELD | JOHN | F | 81111 | \$61287.0000 | INCREASE | YES | 03/22/09 |
| KOREN | STEPHEN | J 21315 | \$55345.0000 | APPOINTED | NO | 03/29/09 | MUHLFELD | JOHN | F | 81106 | \$40598.0000 | APPOINTED | NO | 03/22/09 |
| LAGEANA | FRINK | U 80633 | \$9.2100 | APPOINTED | YES | 03/16/09 | MYERS | KHARI | | 06664 | \$14.9000 | APPOINTED | YES | 04/03/09 |
| LAM | DANIEL | 80633 | \$9.2100 | RESIGNED | YES | 03/11/09 | NAZARIO | VICTOR | | 90698 | \$193.2800 | RESIGNED | YES | 02/19/09 |
| LAUREANO | ANGEL | 81111 | \$66886.0000 | INCREASE | NO | 03/29/09 | NELSON | DARLENE | V | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| LAWRENCE | RICCI | J 92340 | \$315.3500 | INCREASE | YES | 04/01/09 | NELSON | PATRICIA | J | 80633 | \$9.2100 | APPOINTED | YES | 03/25/09 |
| LEVY | SHAKYRA | 80633 | \$9.2100 | RESIGNED | YES | 03/13/09 | NOR | JIBRAIL | J | 12626 | \$50156.0000 | RESIGNED | NO | 04/10/09 |
| LITTLEJOHN | DORIS | B 80633 | \$9.2100 | APPOINTED | YES | 04/03/09 | NORALES | YOLANDA | | 80633 | \$9.2100 | APPOINTED | YES | 03/26/09 |
| LOGAN JR | JAMES | B 81106 | \$18.3500 | APPOINTED | YES | 04/05/09 | NORFLEET | HELLEN | L | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| LONG | DESLYN | 80633 | \$9.2100 | RESIGNED | YES | 03/07/09 | OCASIO | JOSE | M | 80633 | \$9.2100 | APPOINTED | YES | 03/16/09 |
| LOUALLEN | TINA | M 80633 | \$9.2100 | APPOINTED | YES | 04/02/09 | OCANNOR | SHARON | | 91406 | \$11.1100 | INCREASE | YES | 04/07/09 |
| LOUIS | WENDY | 91406 | \$11.1100 | APPOINTED | YES | 04/01/09 | OKONJI | KEITH | | 80633 | \$9.2100 | APPOINTED | YES | 03/09/09 |
| LOUISSAINT | DAPHNEE | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 | OLMEDA | DAMARIS | | 91406 | \$11.1100 | INCREASE | YES | 04/01/09 |
| LOZADO | STEPHANI | L 80633 | \$9.2100 | APPOINTED | YES | 03/25/09 | ORTIZ | AIDA | I | 91406 | \$11.1100 | INCREASE | YES | 04/03/09 |
| MAGGIO | STEPHEN | L 91915 | \$322.0700 | INCREASE | NO | 03/23/09 | ORTIZ | ALEXA | | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| MAGGIO | STEPHEN | L 91916 | \$31.8000 | APPOINTED | YES | 03/23/09 | ORTIZ | CAROLINA | | 91406 | \$11.1100 | INCREASE | YES | 04/01/09 |
| MAKRIS | HARALAMB | 91830 | \$35.0000 | APPOINTED | YES | 04/05/09 | ORTIZ | DEBRA | | 91406 | \$11.1100 | INCREASE | YES | 04/07/09 |
| MALLARD | TEQUILLA | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 | ORTIZ | MARIBEL | | 91406 | \$11.1100 | APPOINTED | YES | 04/01/09 |
| MALLORY | ROBERT | T 60421 | \$37907.0000 | DECEASED | NO | 04/09/09 | PABON | ENID | | 80633 | \$9.2100 | APPOINTED | YES | 04/02/09 |
| MANGOME | LAINA | 80633 | \$9.2100 | APPOINTED | YES | 03/16/09 | PAGE | APRIL | Y | 80633 | \$9.2100 | APPOINTED | YES | 04/02/09 |
| MARIANA JR | ROBERT | 81106 | \$18.3500 | APPOINTED | YES | 03/29/09 | PASCAL | STACY | | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| MARKS | FERTIMA | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 | PATTERSON | LATOYA | | 80633 | \$9.2100 | APPOINTED | YES | 03/30/09 |
| MARQUEZ | KRYSTLE | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 | PAUL | JOSEPH | | 80633 | \$9.2100 | RESIGNED | YES | 03/15/09 |
| MARSHALL | SAMUEL | 90641 | \$14.0200 | APPOINTED | YES | 04/06/09 | PAYNE | DONALD | D | 80633 | \$9.2100 | APPOINTED | YES | 03/27/09 |
| MARTIN | GEOFFREY | E 60422 | \$50529.0000 | INCREASE | YES | 03/29/09 | PAZOS | MELVIN | R | 10124 | \$46000.0000 | APPOINTED | YES | 03/29/09 |
| MARTIN | TROY | 80633 | \$9.2100 | APPOINTED | YES | 03/16/09 | PENA | TEDDY | R | 90641 | \$14.0200 | APPOINTED | YES | 04/05/09 |
| MARTINEZ | ELIZABET | 81106 | \$44051.0000 | INCREASE | YES | 03/23/09 | PENA | YAMITZA | | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| MARTINEZ | YAJAIRA | 80633 | \$9.2100 | APPOINTED | YES | 04/02/09 | PEOU | CHAMROEU | R | 91406 | \$11.1100 | INCREASE | YES | 04/01/09 |
| MASSILLON | ROCK | H 22426 | \$51169.0000 | APPOINTED | YES | 01/12/09 | PEREZ | CECILIO | | 90641 | \$14.0200 | APPOINTED | YES | 04/05/09 |
| MC NEAL | GWENDOLY | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 | PEREZ | IRIS | D | 90641 | \$14.0200 | APPOINTED | YES | 03/25/09 |
| MCALPINE | JENNIFER | 56057 | \$17.6900 | APPOINTED | YES | 04/05/09 | PEREZ | JESSICA | | 80633 | \$9.2100 | APPOINTED | YES | 04/01/09 |
| MCCLINE | BAGINA | 91406 | \$10.6500 | RESIGNED | YES | 03/04/09 | PEREZ | MAYRA | J | 80633 | \$9.2100 | RESIGNED | YES | 03/04/09 |
| MCCOY | FRANCES | N 80633 | \$9.2100 | APPOINTED | YES | 03/25/09 | PERRY | KENDRA | D | 80633 | \$9.2100 | APPOINTED | YES | 03/26/09 |
| MCCRAY | DENISE | 91406 | \$11.1100 | INCREASE | YES | 04/01/09 | PHILLIPS | ALISA | J | 80633 | \$9.2100 | APPOINTED | YES | 03/23/09 |
| MCDONALD | KEITH | 91406 | \$11.1100 | INCREASE | YES | 04/01/09 | POLAKOFF | MICHAEL | | 81111 | \$63965.0000 | RETIRED | NO | 04/09/09 |
| MCFADDIN | WILLIE | 90641 | \$21.1000 | APPOINTED | YES | 03/23/09 | POMALES | ELIZABET | | 80633 | \$9.2100 | APPOINTED | YES | 03/25/09 |
| MCKEN | SHOKANNI | 06664 | \$14.9000 | APPOINTED | YES | 03/30/09 | PRICE | ROBERT | | 80633 | \$9.2100 | APPOINTED | YES | 03/23/09 |
| MCKENZIE | NUKRUE | 90641 | \$14.0200 | APPOINTED | YES | 03/22/09 | PUCCIO | MARY | | 80633 | \$9.2100 | RESIGNED | YES | 03/08/09 |
| MCQUEEN | RACHEL | 34201 | \$43348.0000 | APPOINTED | YES | 03/29/09 | QUINN | MARCIA | | 52406 | \$13.5500 | APPOINTED | YES | 03/23/09 |
| MERCADO | SANDY | M 80633 | \$43487.0000 | APPOINTED | YES | 04/05/09 | | | | | | | | |
| MERINO | LAURA | M 80633 | \$9.2100 | APPOINTED | YES | 03/23/09 | | | | | | | | |
| MERIZALDE | MICHAEL | V 90641 | \$14.0200 | APPOINTED | YES | 04/05/09 | | | | | | | | |

m14

LATE NOTICE

DESIGN COMMISSION

MEETING

Design Commission Meeting Agenda Monday, May 18, 2009

Public Meeting

10:40 a.m. Consent Items

- 23493: Conservation of the portrait of Robert Anderson (1861) by William Powell, City Council Committee Room, City Hall, Manhattan. (Final)
- 23494: Conservation of the portrait of William Bainbridge (1814) by John Wesley Jarvis, City Council Committee Room, City Hall, Manhattan. (Final)
- 23495: Conservation of the portrait of Myron Holley Clark (1858) by Francis Bicknell Carpenter, second floor hallway above stairwell, Mayor's side, City Hall, Manhattan. (Final)
- 23496: Conservation of the portrait of Edwin Dinnison Morgan (1864) by Daniel Huntington, second floor hallway above stairwell, Mayor's side, City Hall, Manhattan. (Final)
- 23497: Conservation of the portrait of William Learned Marcy (1839) by William Page, first floor hallway, Mayor's side, City Hall, Manhattan. (Final)
- 23498: Construction of an influent channel odor control system, Wards Island Water Pollution Control Plant, 600 East 125th Street, Wards Island, Manhattan. (Final) (CC 8, CB 11) DEP
- 23499: Rehabilitation of the New Providence Women's Shelter, including roof replacement, 215-255 East 45th Street, Manhattan. (Final) (CC 4, CB 6) DHS
- 23500: Rehabilitation of a residential building, Tenant Interim Lease Program, 206 West 120th Street, Manhattan. (Preliminary and Final) (CC 9, CB 10) HPD
- 23501: Rehabilitation of a mixed-use building, Tenant Interim Lease Program, 2110 Amsterdam Avenue, Manhattan. (Preliminary and Final) (CC 10, CB 12) HPD
- 23502: Repainting of the Bruckner Expressway southbound over the Bronx River, Bronx. (Preliminary and Final) (CC 17, CB 2) DOT
- 23503: Repainting of the Bruckner Expressway northbound over the Bronx River, Bronx. (Preliminary and Final) (CC 17, CB 2) DOT
- 23504: Construction of a fenced-in planted area, 454 Manhattan Avenue, Manhattan. (Preliminary and Final) (CC 9, CB 10) DOT
- 23505: Installation of a distinctive sidewalk, Playwrights Horizons, 416 West 42nd Street, Manhattan. (CC 3, CB 4) (Preliminary and Final) DOT

- 23507: Construction of the New Amsterdam Pavilion, a gift from the Dutch government, Peter Minuit Plaza, Whitehall Street between South Street and State Street, Manhattan. (Final) (CC 1, CB 1) DPR/DOT
- 23508: Construction of a park (Gas Tank Park), Phase IIA, 79th Street between Grand Avenue and 57th Avenue, Queens. (Final) (CC 29, CB 4) DPR
- 23509: Reconstruction of Cadman Plaza, Phase II, including the reconstruction of Walt Whitman Park, Cadman Plaza East, Red Cross Place and Adams Street, Brooklyn. (Final) (CC 33, CB 2) DPR
- 23510: Expansion of Seba Playground, including a tot lot and spray shower, Marine Park, Gerritsen Avenue and Seba Avenue, Brooklyn. (Preliminary) (CC 46, CB 18) DPR
- 23511: Construction of the Bronx River House and adjacent site work, Starlight Park, East 174th Street, the Sheridan Expressway and the Bronx River, Bronx. (Final) (CC 17, CB 9) DPR
- 23486: Installation of signage, Phase IB, High Line elevated rail line, Gansevoort Street to West 20th Street between Ninth Avenue and Eleventh Avenue, Manhattan. (Preliminary) (CC 3, CB 2, 4) DPR/EDC
- 23512: Construction of Heritage Field and Ruppert Place, including pedestrian access to the rooftop park at Site A, Ruppert Place, East 161st Street, River Avenue East 157th Street, the original Yankee Stadium, Bronx. (Preliminary) (CC 17, CB 4) EDC/DPR
- 23513: Rehabilitation of the Strand Theatre to accommodate an expansion of BRIC and UrbanGlass, 647 Fulton Street, Brooklyn. (Preliminary) (CC 2, CB 35) EDC/DCulA
- 23506: Installation of an artwork by Brian Tolle, Flatbush Avenue and Tillary Street, Brooklyn. (Preliminary) (CC 33, CB 2) DCulA%/DOT/EDC
- 23514: Installation of signage as part of a campus-wide signage program, Josie Robertson Plaza and the Charles H. Revson Fountain, Lincoln Center for the Performing Arts, Manhattan. (Final) (CC 6, CB 7) DCulA/DPR/DOT
- 23515: Removal, conservation, and reinstallation of a series of 11 tile murals within a larger tile installation (ca. 1922) by the Grueby Faience Company, Heckscher Lobby, El Museo del Barrio, 1230 Fifth Avenue, Manhattan. (Preliminary) (CC 8, CB 11) DCulA/DDC/DCAS
- 23516: Installation of rooftop HVAC equipment, Central Library, 89-25 Merrick Boulevard, Queens. (Preliminary and Final) (CC 27, CB 12) QL
- 23517: Replacement of entry doors, Flushing Community Library, 41-17 Main Street, Queens. (Preliminary) (CC 20, CB 7) QL
- 23518: Installation of prototypical signage, book drop, flag pole, exterior lighting and gate, South Hollis Community Library, 204-01 Hollis Avenue, Queens. (Preliminary and Final) (CC 27, CB 12) QL
- 23519: Installation of three louvers, Queens Borough Hall, 120-55 Queens Boulevard, Queens. (Preliminary and Final) (CC 29, CB 9) DCAS
- 23520: Installation of rooftop mechanical equipment, 100 Gold Street, Manhattan. (Preliminary and Final) (CC 1, CB 1) DCAS

- 23521: Installation of a distinctive sidewalk, 19-21 Clinton Street, Manhattan. (Preliminary and Final) (CC 1, CB 3) DOB

Public Hearing

- 10:45 a.m.
 - 23522: Installation of a prototypical newsstand, 170 Varick Street, southeast corner of Varick Street and Charlton Street, Manhattan. (Preliminary and Final) (CC 3, CB 2) DConA/DOT
 - 10:55 a.m.
 - 23523: Reconstruction of a playground, including the construction of a comfort station, as a part of the construction of the Coney Island Center, Asser Levy Park, Sea Breeze Avenue, West Fifth Street and Surf Avenue, Brooklyn. (Preliminary) (CC 47, CB 13) DDC/DPR
 - 11:20 a.m.
 - 23524: Construction of a comfort station, Prospect Park, Parade Grounds, 50 Parkside Avenue, Brooklyn. (Preliminary) (CC 40, CB 14) DPR
 - 11:40 a.m.
 - 23525: Rehabilitation of Valentino's on the Green, including the construction of an addition and adjacent site work, Clearview Park, 201-10 Cross Island Expressway, Queens. (Preliminary) (CC 19, CB 7) DPR
 - 12:00 p.m. Break
 - 12:45 p.m.
 - 23526: Construction of Hunts Point Landing waterfront park, South Bronx Greenway, Farragut Street and the Bronx River off of Food Center Drive, Hunts Point, Bronx. (Final) (CC 17, CB 2) EDC/DOT
 - 23527: Installation of signage as a part of the construction of Hunts Point Landing waterfront park, South Bronx Greenway, Farragut Street and the Bronx River off of Food Center Drive, Hunts Point, Bronx. (Preliminary) (CC 17, CB 2) EDC
 - 1:15 p.m.
 - 23528: Construction of a foundation and platform for the track and field house and adjacent site work as Phase IA of the reconstruction of Ocean Breeze Park, Quintard Street, Mason Avenue and Father Capodanno Boulevard, Staten Island. (Final) (CC 50, CB 2) DPR
 - 1:45 p.m.
 - 23529: Construction of an enclosed horse riding arena and adjacent site work, Ocean Breeze Park, Quintard Street, Mason Avenue and Father Capodanno Boulevard, Staten Island. (Preliminary) (CC 50, CB 2) DPR
- Design Commission meetings are held in the conference room on the third floor of City Hall, unless otherwise indicated. Please note that all times are approximate and subject to change without notice.
- Members of the public who plan to attend are encouraged to arrive at least 45 minutes in advance of the estimated time; those who also plan to testify are encouraged to submit their testimony in writing at least three (3) business days in advance of the meeting date.
- Any person requiring reasonable accommodation in order to participate should contact the Design Commission at least three (3) business days in advance of the meeting date.
- Design Commission
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