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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

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, April 2, 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.

CD 03 - BSA #94-58-BZ - IN THE MATTER of an application submitted by Vassalotti Associates, on behalf of 31-02 68th Realty Corporation, pursuant to Sections 11-411 of the NYC Zoning Resolution, to extend the term of variance for an additional ten (10) years for an existing gasoline station in an R4 zoning district located at 31-02 68th Street, Block 1138, Lot 27, Zoning Map 9d, Jackson Heights, Borough of Queens.

CD06 - ULURP #C090283 ZMQ - IN THE MATTER of an application submitted by the Department of City Planning, pursuant to Section 197-c and 201 of New York City Charter, for an amendment of the Zoning Map, from an R1-2 district to an R1-2A district, an area bounded by a line midway between 66th Avenue, and 66th Road, 110th Street, 67th Road, 112th Street, the easterly centerline prolongation line of 67th Drive, the southwesterly service road of the Grand Central Parkway, the easterly centerline prolongation of 72nd Avenue, a line 425 feet northeasterly of 112th Street, a line midway between 72nd Avenue and 72nd Road, 112th Street, 71st Avenue, 110th Street, 70th Road and 108th Street, zoning map 14a, Forest Hills, Borough of Queens.

m27-a2

STATEN ISLAND BOROUGH PRESIDENT

PUBLIC MEETING

NOTICE OF PUBLIC MEETING of the Staten Island Borough Board at 5:30 P.M. on Wednesday, April 1, 2009 in Borough Hall - Stuyvesant Place, Conference Room 122, Staten Island, New York 10301.

m24-a1

CITY COUNCIL

PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters

indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, March 31, 2009:

405-427 WEST 53RD STREET GARAGE
MANHATTAN CB - 4 C 070305 ZSM
 Application submitted by 405 West 53rd Development Group, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 96-111 and 13-561 of the Zoning Resolution of the City of New York to allow an unattended accessory off-street parking garage with a maximum capacity of 37 spaces on portions of the ground floor and cellar of a proposed residential building on property located at 405-427 West 53rd Street (Block 1063, Lot 17), in a C6-2 District, within the Special Clinton District.

BICYCLE PARKING
CITYWIDE N 090191 ZRY
 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, concerning the establishment of regulations pertaining to indoor, secure bicycle parking.

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 I
Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

11-337
Building permits issued and applications filed before (date of enactment)

If, before (date of enactment), a building permit has been lawfully issued authorizing construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

If, on or before November 17, 2008, an application for a special permit or variance is pending before the Board of Standards and Appeals or an authorization or special permit from the City Planning Commission has been certified or referred to authorize construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

For hospitals, if, before (date of enactment), an application for a special permit or variance is pending before the Board of Standards and Appeals or an authorization or special permit from the City Planning Commission has been filed to authorize construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

* * *

Chapter 2
Construction of Language and Definitions

*

12-10 DEFINITIONS

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

* * *

Floor area (4/16/08)

* * *

However, the #floor area# of a #building# shall not include:
 (1) #cellar# space, except where such space is used for dwelling purposes. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces, #accessory# bicycle parking spaces and #accessory# off-street loading berths;

* * *

Article II
Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-12
Permitted Obstructions in Open Space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
 In the districts indicated, the following shall not be considered obstructions when located in any #open space# required on a #zoning lot#, except that no portion of such #open space# which is also a required #yard# or #rear yard equivalent#, or is needed to satisfy the minimum required area or dimensions of a #court#, may contain any obstructions not permitted in such #yard#, #rear yard equivalent# or #court#:

* * *

(c) Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percent of the total required #open space# on the #zoning lot#, as follows:

- (1) 50 percent in R1, R2, R3, R6, R7, R8, R9 or R10 Districts; and
- (2) 66 percent in R4 or R5 Districts;

* * *

23-44
Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

(a) In any #yard# or #rear yard equivalent#:
 Parking spaces for automobiles or bicycles, off-street, open, #accessory#, within a #side# or #rear yard#;

Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #residential building# where:

- (1) in R2X, R3, R4 and R5 Districts, no more than two parking spaces are required, provided such spaces are located in a permitted #side lot ribbon#;
- (2) in R3, R4 and R5 Districts, more than two parking spaces are required, provided such spaces meet all the requirements of paragraph (b) of Section 25-621 (Location of parking spaces in certain districts) and the screening requirements of Section 25-66.

However, no such parking spaces shall be permitted in any #front yard# within a R1, R2 other than R2X, R4B, R5B or R5D District, and no such required spaces shall be permitted in any #front yard# within any R1, R2, R3, R4A or R4-1 District within a #lower density growth management area#.

* * *

(b) In any #rear yard# or #rear yard equivalent#:

* * *

Parking spaces, off-street, #accessory#, for

automobiles or bicycles, provided that:

- (1) the height of a #building# used for such purposes, if #accessory# to a #single-# or #two-family residence#, shall not exceed one #story# and, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#;
- (2) if #accessory# to any other kind of #residential building#, the height of such #accessory building# shall not exceed six feet above #curb level# in R3, R4 or R5 Districts, or fourteen feet above #curb level# in R6, R7, R8, R9 or R10 Districts;
- (3) enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single-# or #two-family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption).

* * *

Article II Chapter 4 Bulk Regulations for Community Facility Buildings in Residence Districts

* * *

24-33 Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:
* * *
Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
* * *
- (b) In any #rear yard# or #rear yard equivalent#:
* * *
Any #building# or portion of a #building# used for #community facility uses#, including #accessory# parking spaces for bicycles within such #building#, provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#, and further provided that the area within such #building# dedicated to #accessory# parking spaces for bicycles shall not exceed the area permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption). However, the following shall not be permitted obstructions:
* * *

Article II Chapter 5 Accessory Off-Street Parking and Loading Regulations

* * *

25-00 GENERAL PURPOSES AND DEFINITIONS

25-01 General Purposes

The following regulations on permitted and required accessory off-street parking spaces and accessory bicycle parking spaces are adopted in order to provide needed space off the streets for parking in connection with new residences, to reduce traffic congestion resulting from the use of streets as places for storage of automobiles, to protect the residential character of neighborhoods, to provide for a higher standard of residential development within the City, and thus to promote and protect public health, safety and general welfare.

25-02 Applicability

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#, #community facility uses# or #commercial uses#, as set forth in the provisions of the various Sections.

* * *

25-80 BICYCLE PARKING

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 In all districts, as indicated, bicycle parking spaces shall be provided in accordance with the requirements set forth in this Section, inclusive, as a condition precedent to the #use# of such #development#, #enlargement#, #dwelling unit#, conversion, #group parking facility# or open parking area.

The provisions of this Section 25-80, inclusive, shall apply to:

- (a) #developments#;
- (b) #enlargements# that increase the #floor area# within a #building# by 50 percent or more;
- (c) #dwelling units# created by conversions of non-#residential floor area#;
- (d) new #dwelling units# in #residential buildings# or #building segments# constructed after (date of enactment);
- (e) new enclosed #accessory group parking facilities# with 35 or more automobile parking spaces; and
- (f) open parking areas #accessory# to #commercial# or #community facility uses# that contain 18 or more automobile parking spaces or are greater than 6,000 square feet in area.

In addition, the provisions of Section 25-85 (Floor Area Exemption) shall apply to all #buildings# as set forth therein. The number of #accessory# bicycle parking spaces provided

pursuant to this Section, the total of the area, in square feet, of bicycle parking spaces and the total of any area, in square feet, excluded from #floor area# for such spaces shall be noted on the Certificate of Occupancy.

25-81 Required Bicycle Parking Spaces

25-811 Enclosed bicycle parking spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table below. For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the following table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table below, or one for every 10 automobile parking spaces that are enclosed within a #building# or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL OR COMMUNITY FACILITY USES

Type of #Use#	Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	
Use Group 1	None required
Use Group 2	1 per 2 #dwelling units#
#Non-profit residences for the elderly# or #dwelling units# for the elderly as specified in paragraph (d) of Section 25-25	1 per 10,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES*	
College or #school# student dormitories or fraternity and sorority student houses	1 per 2,000 square feet of #floor area#
Colleges, universities, or seminaries (a) Classrooms, laboratories, student centers or offices	1 per 5,000 square feet of #floor area#**
(b) Theaters, auditoriums, gymnasiums or stadiums	1 per 20,000 square feet of #floor area#**
Libraries, museums or non-commercial art galleries	1 per 20,000 square feet of #floor area#
Monasteries, convents or novitiates; houses of worship, rectories or parish houses; Use Group 4B	None required
All other Use Group 3 and Use Group 4 #uses# not otherwise listed in this table	1 per 10,000 square feet of #floor area#

* #Non-profit hospital staff dwellings# shall be subject to the requirements for Use Group 2 #residential uses#. ** Up to half of these spaces may be provided as unenclosed bicycle parking spaces pursuant to the requirements of Section 25-83 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces).

However, the bicycle parking requirements set forth in the above table shall be waived for bicycle parking spaces that are #accessory# to:

- (a) #residential buildings# or #residential building segments# containing 10 #dwelling units# or less;
- (b) colleges, universities, or seminaries where the number of required bicycle parking spaces is six or less;
- (c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or
- (d) all other #community facility uses# not otherwise listed in the above table where the number of required bicycle parking spaces is three or less.

25-812 Unenclosed bicycle parking spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 In all districts, as indicated, for open parking areas #accessory# to #community facility uses# that contain 18 or more spaces or are greater than 6,000 square feet in area, which meet the applicability standards of Section 25-67 (Parking Lot Landscaping), unenclosed #accessory# bicycle parking spaces shall be provided as follows:

- (a) One bicycle parking space shall be provided for every ten vehicle parking spaces, up to 200 vehicle parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 vehicle

parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle space.

- (b) Each bicycle rack shall allow for the bicycle frame and at least one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and a 96 inch wide aisle shall be provided between bicycle rack areas.
- (c) Bicycle racks shall be provided within 50 feet of a main entrance of a #building# and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from the main entrance of a #building#. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement, provided such racks meet the standards of this paragraph, (c).

25-82 Authorization for Reduction of Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 In all districts, as indicated, the City Planning Commission may authorize a reduction in the number of required bicycle parking spaces set forth in Section 25-811 (Enclosed bicycle parking spaces), or a waiver of all such spaces, upon finding there are subsurface conditions, below-ground infrastructure or other site planning constraints that would make accommodating such bicycle parking spaces on or below the first #story# of the #building# infeasible. The Commission may request reports from licensed engineers or registered architects in considering such reduction.

25-83 Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 25-84 (Certification for Off-Site Bicycle Parking Spaces).

All enclosed #accessory# bicycle parking spaces shall be surrounded on all sides by a solid enclosure, except where a parking garage is open at the sides, and covered by a roof for weather protection. Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Bicycle parking spaces shall be located in an area secured by a lock or similar means, or adjoin a securely anchored rack to which the bicycle frame and at least one wheel can be locked. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Commissioner of Buildings certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.

A plaque shall be placed at the exterior of the entry to the bicycle parking area, outside any locked door, with lettering at least three-quarter inches in height stating "Bicycle Parking."

For colleges, universities, or seminaries, one-half of required enclosed #accessory# bicycle parking spaces may be provided as open unenclosed spaces, provided that such spaces meet the standards of Section 25-812 (Unenclosed bicycle parking spaces), paragraph (b).

All bicycle parking spaces which are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces which are #accessory# to a #community facility use# shall be made available for the storage and independent access of the bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities shall be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to #community facilities# with sleeping accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock or similar means, provided that access is through a commonly accessible area and access is made available to eligible users on an equal basis.

25-84 Certification for Off-Site Bicycle Parking Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 In all districts, as indicated, for colleges, universities, seminaries, hospitals and related facilities, except animal hospitals, #accessory# bicycle parking spaces required pursuant to Section 25-811 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that all such bicycle parking spaces are:

- (a) located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#; or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#; and
- (b) subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces as

accessible throughout the life of the #use# generating the #accessory# bicycle parking spaces.

A plaque shall be placed within 30 feet of a #building# entrance, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the Certificate of Occupancy for both the #building# in which the off-site bicycle parking spaces are located, and the #building# to which such bicycle parking spaces are #accessory#.

**25-85
Floor Area Exemption
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this section shall be excluded from the definition of #floor area#, provided that:

- (a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces, or if spaces are waived pursuant to paragraphs (a), (b), (c) or (d) of Section 25-811 (Enclosed bicycle parking spaces), the number that would have been required but for the waiver; and
- (b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section 25-83 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this section, for the following #uses#, the amount of space that may be excluded from the definition of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table below.

MAXIMUM BICYCLE PARKING SPACES EXCLUDED FROM #FLOOR AREA#

Type of #Use#	Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	
#Non-profit residences for the elderly# or #dwelling units# for the elderly as specified in paragraph (d) of Section 25-25	1 per 2,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES*	
Philanthropic or non-profit institutions with sleeping accommodations	1 per 2,000 square feet of #floor area#
Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals	1 per 5,000 square feet of #floor area#

However, in no event shall this Section apply to #single-# or #two-family residences#; and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site pursuant to Section 25-84 (Certification for Off-Site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory group parking facility# shall not be counted as #floor area# provided that the surrounding #group parking facility# is not #floor area#.

**25-86
Waiver or Reduction of Spaces for Subsidized Housing
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

In all districts, as indicated, except in the Special Southern Hunters Point District, the number of required bicycle parking spaces set forth in Section 25-811 (Enclosed bicycle parking spaces) may be reduced or waived by the Commissioner of Buildings, provided that the Commissioner of the Department of Housing Preservation and Development has submitted a letter certifying that:

- (a) at least 50 percent of the #dwelling units# in the #building# or #building segment# will be income restricted pursuant to the provisions of Section 23-90 (Inclusionary Housing Program) or pursuant to the terms of a 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. An exemption or abatement of real property taxes shall not qualify as a grant, loan or subsidy for the purposes of this paragraph;
- (b) there is insufficient space within the #building# to accommodate the required number of bicycle parking spaces on or below the first #story# of the #building#, including within an enclosed #accessory group parking facility#;
- (c) if permitted automobile parking spaces are provided, the required bicycle spaces cannot be accommodated within an enclosed #group parking facility# by reconfiguring automobile parking

spaces or removing three or fewer permitted automobile parking spaces;

- (d) additional space cannot reasonably be constructed based on the amount of subsidy available to the project; and
- (e) the number of required bicycle parking spaces is being reduced by the minimum amount necessary to address these limitations.

* * *

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

* * *

**33-23
Permitted Obstructions in Required Yards or Rear Yard Equivalents**

In all #Commercial Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:
Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
- (b) In any #rear yard# or #rear yard equivalent#:
Parking spaces for automobiles or bicycles, off-street, #accessory# provided that the height of an #accessory building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#;

* * *

**Article III
Chapter 6
Accessory Off-Street Parking and Loading Regulations**

* * *

**36-01
General Purposes**

The following regulations on permitted and required accessory off-street parking spaces and #accessory# bicycle parking spaces are adopted in order to provide parking spaces off the streets sufficient to give necessary access to developing centers of commerce outside the high density central areas, to reduce traffic congestion caused by parking on the streets, to prevent substantial amounts of traffic from circulating in and parking on residential streets surrounding commercial centers, to provide for a higher standard of commercial development within the City and thus to promote and protect public health, safety and general welfare.

**36-02
Applicability of District Regulations**

Except as otherwise provided in this Section, the regulations of this Chapter on permitted and required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#, #community facility uses# or #commercial uses#, as set forth in the provisions of the various Sections. In addition, the regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

* * *

**36-70
BICYCLE PARKING**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, bicycle parking spaces shall be provided in accordance with the requirements set forth in this Section, inclusive, as a condition precedent to the #use# of such #development#, #enlargement#, #dwelling unit#, conversion, #group parking facility# or open parking area. In all districts, as indicated, the provisions of this Section 36-70, inclusive, shall apply to:

- (a) #developments#;
- (b) #enlargements# that increase the #floor area# within a #building# by 50 percent or more;
- (c) #dwelling units# created by conversions of non-#residential floor area#;
- (d) new #dwelling units# in #residential buildings# or #building segments# constructed after (date of enactment);
- (e) new enclosed #accessory group parking facilities# with 35 or more automobile parking spaces; and
- (f) open parking areas #accessory# to #commercial# or #community facility uses# that contain 18 or more automobile parking spaces or are greater than 6,000 square feet in area.

In addition, the provisions of Section 36-75 (Floor Area Exemption) shall apply to all #buildings# as set forth therein. Bicycle parking spaces shall be provided in accordance with the requirements set forth in this Section, inclusive, as a condition precedent to the #use# of such #development#, #enlargement#, conversion, #group parking facility# or open parking area.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total of the area, in square feet, of bicycle parking spaces and the total of any area, in square feet, excluded from #floor area# for such spaces shall be noted on the Certificate of Occupancy.

**36-71
Required Bicycle Parking Spaces**

**36-711
Enclosed bicycle parking spaces**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table below.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the following table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table below, or one for every 10 automobile parking spaces that are enclosed within a #building# or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL, COMMUNITY FACILITY OR COMMERCIAL USES

Type of #Use#	Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	
Use Group 1	None required
Use Group 2	1 per 2 #dwelling units#
#Non-profit residences for the elderly# or #dwelling units# for the elderly as specified in paragraph (d) of Section 36-35	1 per 10,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES*	
College or #school# student dormitories or fraternity and sorority student houses	1 per 2,000 square feet of #floor area#
Colleges, universities, or seminaries (a) Classrooms, laboratories, student centers or offices	1 per 5,000 square feet of #floor area#**
(b) Theaters, auditoriums, gymnasiums or stadiums	1 per 20,000 square feet of #floor area#**
Libraries, museums or non-commercial art galleries	1 per 20,000 square feet of #floor area#
Monasteries, convents or novitiates; houses of worship, rectories or parish houses; Use Group 4B	None required
All other Use Group 3 and Use Group 4 #uses# not otherwise listed in this table	1 per 10,000 square feet of #floor area#
FOR COMMERCIAL USES	
General retail or service #uses#. Use Groups 6A, 6C, 7B, 9A, 10A, 12B, 13B or 14A (except docks for vessels, other than #gambling vessels#); Eating and drinking establishments in all Use Groups	1 per 10,000 square feet of #floor area#
Use Group 6B	1 per 7,500 square feet of #floor area#
Use Group 5A, 6E, 7A, 7D, 8B, 12A (except eating and drinking establishments), 13A, 14B, 15A, 16B, or 16C; automobile rental establishments	1 per 10,000 square feet of #floor area#
Use Group 8A, 12A, theaters	1 per 20,000 square feet of #floor area#
#Public parking garages#	1 per 10 automobile parking spaces
Use Group 13A (except theaters), 15A, 16B, 16C, and all other #commercial uses# not otherwise listed	None required

* #Non-profit hospital staff dwellings# shall be subject to the requirements for UG 2 #residential uses#.

** Up to half of these spaces may be provided as unenclosed bicycle parking spaces pursuant to the requirements of Section 36-73 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces).

However, the bicycle parking requirements set forth in the above table shall be waived for bicycle parking spaces that are accessory to:

- (a) #residential buildings# containing 10 #dwelling units# or less;
(b) colleges, universities, or seminaries where the number of required enclosed bicycle parking spaces is six or less;
(c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or
(d) all other #community facility# or #commercial uses# not otherwise listed in the above table where the number of required bicycle parking spaces is three or less.

36-712 Unenclosed bicycle parking spaces C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for open parking areas #accessory# to #commercial# or #community facility uses# that contain 18 or more spaces or are greater than 6,000 square feet in area, which meet the applicability standards of Section 37-91 (Applicability), unenclosed bicycle parking spaces shall be provided as follows:

- (a) One bicycle parking space shall be provided for every ten vehicle parking spaces, up to 200 vehicle parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 vehicle parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle space.
(b) Each bicycle rack shall allow for the bicycle frame and at least one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and a 96 inch wide aisle shall be provided between bicycle rack areas.
(c) Bicycle racks shall be provided within 50 feet of a main entrance of a #building# and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from the main entrance of a #building#. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement, provided such racks meet the standards of this paragraph, (c).

36-72 Authorization for Reduction of Spaces C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the City Planning Commission may authorize a reduction in the number of required bicycle parking spaces set forth in Section 36-711 (Enclosed bicycle parking spaces) or a waiver of all such spaces, upon finding there are subsurface conditions, below-ground infrastructure or other site planning constraints that would make accommodating such bicycle parking spaces on or below the first #story# of the #building# infeasible. The Commission may request reports from licensed engineers or registered architects in considering such reduction.

36-73 Restrictions on Operation, Size and Location of Bicycle Parking Spaces C1 C2 C3 C4 C5 C6 C7 C8

In all districts as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 36-74 (Certification for Off-Site Bicycle Parking Spaces).

All enclosed #accessory# bicycle parking spaces shall be surrounded on all sides by a solid enclosure, except where a parking garage is open at the sides, and covered by a roof for weather protection. Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Bicycle parking spaces shall be located in an area secured by a lock or similar means, or adjoin a securely anchored rack to which the bicycle frame and at least one wheel can be locked. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Commissioner of Buildings certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.

A plaque shall be placed at the exterior of the entry to the bicycle parking area, outside any locked door, with lettering at least three-quarter inches in height stating "Bicycle Parking."

All required bicycle parking spaces which are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces which are #accessory# to a #commercial# or #community facility use# shall be made available for the storage and independent access of the bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities must be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to #community facilities# with sleeping accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock, or similar means, provided that access is through a commonly accessible area and access is made available to eligible users on an equal basis.

(a) For colleges, universities, or seminaries, one-half of required #accessory# bicycle parking spaces shall be permitted to be provided as open unenclosed spaces, provided that such spaces meet the standards of Section 36-712 (Unenclosed bicycle parking spaces), paragraph (b).

(b) For #public parking garages#, the required information plaque shall be provided at each point of bicycle entry to the #public parking garage#, mounted with its center between four and six feet above the ground, directly visible and unobstructed from the #street#. The entry plaque shall contain:

a bicycle symbol which is 12 inches square in dimension with a highly contrasting background, as shown in this paragraph, (b). The symbol shall match exactly the symbol provided in the digital file at the Department of City Planning website (http://www.nyc.gov/TBDD).



36-74 Certification for Off-Site Bicycle Parking Spaces C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for colleges, universities, seminaries, hospitals and related facilities, except animal hospitals, #accessory# bicycle parking spaces required pursuant to Section 36-711 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that all such bicycle parking spaces are:

- (a) located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#; or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#; and
(b) subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces as accessible throughout the life of the #use# generating the #accessory# bicycle parking spaces.

A plaque shall be placed within 30 feet of an entrance of the #building#, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the Certificate of Occupancy for both the #building# in which the off-site bicycle parking spaces are located, and the #building# to which such bicycle parking spaces are #accessory#.

36-75 Floor Area Exemption C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this section shall be excluded from the definition of #floor area#, provided that:

- (a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces, or if spaces are waived pursuant to paragraphs (a), (b), (c) or (d) of Section 36-711 (Enclosed bicycle parking spaces), the number that would have been required but for the waiver; and
(b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section 36-73 (Restrictions on Operation, Size and Location of Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this section, for the following #uses#, the amount of space that may be excluded from the definition of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table below.

Table with 2 columns: Type of #Use# and Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement. Rows include FOR RESIDENTIAL USES and FOR COMMUNITY FACILITY USES.

Table with 2 columns: Facility type and Space provided. Rows include Philanthropic or non-profit institutions with sleeping accommodations and Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals.

However, in no event shall this Section apply to #single-# or #two-family residences#; and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site pursuant to Section 36-74 (Certification for Off-Site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory group parking facility# shall not be counted as #floor area# provided that the surrounding #group parking facility# is not #floor area#.

36-76 Waiver or Reduction of Spaces for Subsidized Housing C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except in the Special Willets Point District and the Special St. George District, the number of required bicycle parking spaces set forth in Section 36-711 (Enclosed bicycle parking spaces) may be reduced or waived by the Commissioner of Buildings, provided that the Commissioner of the Department of Housing Preservation and Development has submitted a letter certifying that:

- (a) at least 50 percent of the #dwelling units# in the #building# or #building segment# will be income restricted pursuant to the provisions of Section 23-90 (Inclusionary Housing Program) or pursuant to the terms of a 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. An exemption or abatement of real property taxes shall not qualify as a grant, loan or subsidy for the purposes of this paragraph;
(b) there is insufficient space within the #building# to accommodate the required number of bicycle parking spaces on or below the first #story# of the #building#, including within an enclosed #accessory group parking facility#;
(c) if permitted automobile parking spaces are provided, the required bicycle spaces cannot be accommodated within an enclosed #group parking facility# by reconfiguring automobile parking spaces or removing three or fewer permitted automobile parking spaces;
(d) additional space cannot reasonably be constructed based on the amount of subsidy available to the project; and
(e) the number of required bicycle parking spaces is being reduced by the minimum amount necessary to address these limitations.

Article III Chapter 7 Special Urban Design Regulations

37-06 Bicycle Parking

One bicycle parking space shall be provided for every ten vehicle parking spaces, up to 200 vehicle parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 vehicle parking spaces. Fractions equal to or greater than one half resulting from this calculation shall be considered to be one bicycle space. Bicycle parking must be provided in inverted "U" shaped parking racks. Each rack must be located within a two foot by six foot area on the #zoning lot#. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and a 96 inch wide aisle shall be provided between bicycle rack areas. Each rack shall count towards two required spaces.

Bicycle racks shall be provided within 50 feet of a building's main entrance and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from a building's main entrance. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement.

37-0796 Modifications of Design Standards

37-071961 Modification of landscaping requirements

37-072962 Modification of design requirements by authorization

37-0897 Landscaping Selection Lists

37-081971 Selection list for perimeter trees

37-082972 Selection list for interior trees

37-083973 Selection list for ground covers and shrubs

Article IV Chapter 3 Bulk Regulations

* * *

43-23
Permitted Obstructions in Required Yards or Rear Yard Equivalents
 In all #Manufacturing Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:
 * * *
 Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
 * * *
- (b) In any #rear yard# or #rear yard equivalent#:
 * * *
 Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#;
 * * *

Article IV
Chapter 4
Accessory Off-Street Parking and Loading Regulations
 * * *

44-60
BICYCLE PARKING
M1 M2 M3
 In all districts, as indicated, the provisions of Section 36-70 (BICYCLE PARKING), inclusive, shall apply to all permitted #commercial# and #residential uses#. In addition, for #manufacturing uses#, #accessory# bicycle parking spaces shall be excluded from the definition of #floor area#, provided that:

- (a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by one bicycle parking space per 10,000 square feet of #floor area#;
- (b) the #accessory# bicycle parking spaces provided meet the standards for #accessory# bicycle parking of Section 36-73 (Restrictions on Operation, Size and Location of Bicycle Parking Spaces);

However, in no event shall #accessory# bicycle parking spaces be excluded from the definition of #floor area# in the case of #single-# or #two-family residences# or in the case of #accessory# bicycle parking spaces provided off-site pursuant to Section 36-74 (Certification for Off-Site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory group parking facility# shall not be counted as #floor area# provided that the surrounding #group parking facility# is not #floor area#.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total of the area, in square feet, of bicycle parking spaces and the total of any area, in square feet, excluded from #floor area# for such spaces shall be noted on the Certificate of Occupancy.
 * * *

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

74-745
Location of accessory parking spaces and loading berths

When a #general large-scale development# includes two or more #zoning lots#, the City Planning Commission may permit permitted or required #accessory# off-street parking spaces, bicycle parking spaces or loading berths to be located anywhere within a #general large-scale development# without regard for #zoning lot lines#, provided that the Commission shall find:

- (a) such off-street parking spaces, bicycle parking spaces and loading berths will be conveniently located in relation to the #use# to which such spaces or berths are #accessory#;
- (b) such location of off-street parking spaces, bicycle parking spaces and loading berths will result in a better site plan; and
- (c) such location of off-street parking spaces, bicycle parking spaces and loading berths will not unduly increase the number of spaces in any single #block#, draw excessive traffic through local #streets#, or otherwise adversely affect traffic conditions in the surrounding area.

Whenever required off-street parking spaces, bicycle parking spaces and loading berths are permitted to be located without regard for #zoning lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# shall be kept available for such #building# throughout its life.
 * * *

Article VII
Chapter 8
Special Regulations Applying to Large-Scale Residential Developments
 * * *

78-40
OFF-STREET PARKING REGULATIONS

78-41
Location of Accessory Parking Spaces

When a #large-scale residential development# includes, or will include after subdivision, two or more #zoning lots#, the City Planning Commission may, upon application, authorize permitted or required #accessory# off-street parking spaces or bicycle parking spaces to be located anywhere within the #development# without regard for #zoning lot lines#, provided

that in each case the Commission shall make the following special findings:

- (a) that such off-street parking spaces or bicycle parking spaces will be conveniently located in relation to the #use# or #uses# to which such spaces are #accessory#;
- (b) that such location of the off-street parking spaces or bicycle parking spaces will permit better site planning and will thus benefit both the owners, occupants, employees, customers, residents or visitors of the #development# and the City as a whole; and
- (c) that such location of the off-street parking spaces or bicycle parking spaces will not increase the number of spaces in any single #block# or the traffic drawn through any one or more of the nearby local #streets# in such measure as to affect adversely other #zoning lots# outside the #development# or traffic conditions in the surrounding area.

Whenever required off-street parking spaces or bicycle parking spaces are authorized to be located without regard for #zoning lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# or #use# shall be kept available for such #building# or #use# throughout its life. Whenever any #zoning lot# within such a #large-scale residential development# is subdivided into two or more #zoning lots#, such subdivision shall be subject to the provisions of Section 78-51 (General Provisions).
 * * *

Article VII
Chapter 9
Special Regulations Applying to Large-Scale Community Facility Developments
 * * *

79-30
PARKING REGULATIONS

79-31
Location of Parking Spaces

When a #large-scale community facility development# includes two or more #zoning lots#, the City Planning Commission may, upon application authorize permitted or required #accessory# off-street parking spaces or bicycle parking spaces to be located anywhere within the #development# without regard for #zoning lot lines#, provided that in each case the Commission shall make the following special findings:

- (a) that such off-street parking spaces or bicycle parking spaces will be conveniently located in relation to the #use# or #uses# to which such spaces are #accessory#;
- (b) that such location of the off-street parking spaces or bicycle parking spaces will permit better site planning and will thus benefit both the owners, occupants, employees, customers, residents, or visitors of the #development# and the City as a whole; and
- (c) that such location of the off-street parking spaces or bicycle parking spaces will not increase the number of spaces in any single #block# or the traffic drawn through any one or more of the nearby local #streets# in such measure as to affect adversely other #zoning lots# outside the #development# or traffic conditions in the surrounding area.

Whenever required off-street parking spaces or bicycle parking spaces are authorized to be located without regard for #zoning lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# or #use# shall be kept available for such #building# or #use# throughout its life.
 * * *

Article IX - Special Purpose Districts
Chapter 3
Special Hudson Yards District
 * * *

93-85
Indoor Bicycle Parking
 Within the #Special Hudson Yards District#, a designated area for bicycle parking shall be provided for #developments# or #enlargements# with a minimum #commercial floor area ratio# of 5.0. Such designated area shall be provided at a ratio of one square foot per 1,000 square feet of #floor area#, but in no event shall more than 400 square feet be required. Such facility shall be enclosed, accessible and secure. Up to 25 percent of the designated bicycle parking area may be used for facilities #accessory# to the bicycle parking area.
 * * *

Article X - Special Purpose Districts
Chapter 1
Special Downtown Brooklyn District
 * * *

101-44
Indoor Bicycle Parking
C6-1 C6-4 C6-5

In the districts indicated, a designated area for bicycle parking shall be provided for commercial #developments# or #enlargements# with a minimum #floor area ratio# of 5.0. Such designated area shall be provided at a ratio of one square foot per 1,000 square feet of #floor area#, but in no event shall more than 400 square feet be required. Such facility shall be enclosed, accessible and secure. Up to 25 percent of the designated bicycle parking area may be used for #accessory# facilities.
 * * *

Article XII - Special Purpose Districts
Chapter 8
Special St. George District
 * * *

128-054
Applicability of Article III, Chapter 6
 The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special St. George District#.
 * * *

128-57
Accessory Indoor Bicycle Parking
 A designated area for #accessory# bicycle parking shall be provided for #developments# or #enlargements# with #residential# or #commercial uses#. Such facility shall be enclosed, accessible and secure. The #floor area# of a #building# shall not include #accessory# bicycle parking located below 33 feet., or #accessory# facilities, such as lockers, showers and circulation space.

- (a) For #residential developments# or #enlargements# with ten or more units per #building# or #building segment#, one bicycle parking space shall be provided for every two #dwelling units#, up to a maximum of 200 bicycle parking spaces.
- (b) For commercial office #developments# or #enlargements# with 10,000 square feet or more of office #floor area#, one bicycle parking space shall be provided for every 5,000 square feet of office space, up to a maximum of 200 bicycle parking spaces.
- (c) For commercial #developments# or enlargements# with 10,000 square feet or more of retail or service #floor area#, one bicycle parking space shall be provided for every two per 10,000 square feet of retail space, up to a maximum of 100 bicycle parking spaces.
 * * *

Article XI - Special Purpose Districts
Chapter 7
Special Long Island City Mixed Use District
 * * *

117-541
Indoor bicycle parking
 A designated area for bicycle parking shall be provided in Areas A-1 and A-2 for commercial #developments# or #enlargements# with a minimum #floor area ratio# of 5.0, except where more than 50 percent of the #floor area# of such #development# or #enlargement# is occupied by a #use# listed in Use Groups 16 or 17. Such designated area shall be provided at a ratio of one square foot per 1,000 square feet of #floor area#. Such facility must be enclosed, accessible and secure. Up to 25 percent of the designated bicycle parking area may be used for #accessory# facilities.
 * * *

Article XII - Special Purpose Districts
Chapter 4
Special Willets Point District
 * * *

124-042
Applicability of Article III, Chapter 6
 The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special Willets Point District#.

124-043
Applicability of Article VII, Chapter 3
 * * *

124-043044
Applicability of Article VII, Chapter 4
 * * *

124-54
Indoor Bicycle Parking
 Within the #Special Willets Point District#, a designated area for #accessory# bicycle parking shall be provided for all #developments# or #enlargements#. Such designated area shall be enclosed, accessible and secure, and excluded from the definition of #floor area#. #Accessory# facilities, such as lockers, showers and circulation space shall also be excluded from the definition of #floor area#.

- (a) For #residential buildings# with ten or more #dwelling units#, one bicycle parking space shall be provided for every two #dwelling units#, up to a maximum of 200 bicycle parking spaces.
- (b) For #developments# or #enlargements# with at least 10,000 square feet of Use Group 6B office #use#, one bicycle parking space shall be provided for every 5,000 square feet of such office #use#, up to a maximum of 200 bicycle parking spaces.
- (c) For #developments# or #enlargements# with at least 10,000 square feet of Use Group 6A or 6C retail #use#, one bicycle parking space shall be provided for every 10,000 square feet of such #use#, up to a maximum of 100 bicycle parking spaces.
 * * *

Article XII - Special Purpose Districts
Chapter 5
Special Southern Hunters Point District
 * * *

125-042
Applicability of Article II, Chapter 5
 The provisions of Section 25-86 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special Hunters Point District#.

125-042043
Modification of Article VI, Chapter 2
 * * *

125-56
Accessory Indoor Bicycle Parking
 Within the #Special Southern Hunters Point District#, a designated area for #accessory# bicycle parking shall be provided for all #developments# or #enlargements#. Such designated area shall be enclosed, accessible and secure, and excluded from the definition of #floor area#. #Accessory# facilities, such as lockers, showers and circulation space shall also be excluded from the definition of #floor area#.

- (a) ~~For #residential buildings# with ten or more #dwelling units#, one bicycle parking space shall be provided for every two #dwelling units#, up to a maximum of 200 bicycle parking spaces.~~
- (b) ~~For #developments# or #enlargements# with at least 10,000 square feet of Use Group 6B office #use#, one bicycle parking space shall be provided for every 5,000 square feet of such office #use#, up to a maximum of 200 bicycle parking spaces.~~
- (c) ~~For #developments# or #enlargements# with at least 10,000 square feet of Use Group 6A or 6C retail #use#, one bicycle parking space shall be provided for every 5,000 square feet of such #use#, up to a maximum of 100 bicycle parking spaces.~~

EASTERN RAIL YARDS TEXT AMENDMENT

MANHATTAN CB - 4 **N 090211 ZRM**
 Application submitted by RG ERY LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Sections 93-514(a) (Eastern Rail Yards Subarea A1 – Location of Buildings), 93-71 (Public Access Areas in the Eastern Rail Yards Subarea A1), 93-81 (Required and Permitted Parking) and 93-82 (Use and Location of Parking Facilities) in Community District 4.

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

Article IX
Chapter 3
Special Hudson Yards District

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

93-514
Eastern Rail Yards Subarea A1

- (a) **Location of buildings**
 #Buildings# shall be located only in the following areas:
 - (1) **east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;**
 - (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and
 - (3) ~~for #buildings# containing only uses in Use Group 3 or 4, the footprint of such #buildings# at the level of the outdoor plaza required pursuant to paragraph (b) of Section 93-71 shall be west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 250 feet of West 30th Street.~~
 - (i) **#development# in such area contains only #uses# in Use Groups 3 and 4; or**
 - (ii) **where #development# in such area includes #residential use#:**
 - (a) **such #residential use# is permitted only in a #building# located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include #uses# in Use Groups 3, 4, 6A and 6C; and**
 - (b) **a #building# containing only #uses# in Use Groups 3 or 4 may be located not closer than 50 feet east of such prolongation.**

93-71
Public Access Areas in the Eastern Rail Yards Subarea A1
 Any #development# in the Eastern Rail Yards Subarea A1 shall provide public access areas in accordance with the following requirements:

- (b) Outdoor plaza
- The retail and glazing requirements of Section 93-14 (Retail Continuity Along Designated Streets) shall apply to at least 70 percent of the length of all building walls**

facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building# containing only #uses# in Use Group 3 or 4 located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.

(f) **Connection to High Line**

A publicly accessible connection between the High Line and the outdoor plaza shall be provided that has a minimum width, measured parallel to the High Line, of 80 feet. If covered, the average clear height of such connection shall be 60 feet. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection, except that such retail requirements shall not apply to any #building# containing only #uses# in Use Group 3 or 4 located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.

93-80
OFF-STREET PARKING REGULATIONS

93-81
Required and Permitted Parking

All #developments# or #enlargements# on #zoning lots# greater than 15,000 square feet shall provide #accessory# parking spaces in accordance with the provisions of this Section. For #zoning lots# of 15,000 square feet or less, #accessory# parking spaces are permitted up to the maximum number allowed for required spaces as set forth in this Section.

- (a) Except in the Eastern Rail Yards Subarea A1, for #residences#, #accessory# off-street parking spaces shall be provided for at least 33 percent of the total number of dwelling units, except that where such #dwelling units# are government-assisted, pursuant to paragraph (e) of Section 25-25, #accessory# off-street parking spaces shall be provided for at least 25 percent of the total number of such #dwelling units#. In all areas, the total number of off-street parking spaces #accessory# to #residences# shall not exceed 40 percent of the total number of #dwelling units#. However, if the total number of #accessory# off-street parking spaces required for such use on the #zoning lot# is less than 15, no such spaces shall be required.
- (b) Except in the Eastern Rail Yards Subarea A1, for #commercial# and #community facility uses#, a minimum of 0.30 #accessory# off-street parking spaces shall be provided for each 1,000 square feet of #floor area# and not more than 0.325 off-street parking spaces shall be provided for every 1,000 square feet of #floor area#. If the total number of #accessory# off-street parking spaces required for such #uses# on the #zoning lot# is less than 40, no such spaces shall be required. No parking shall be required for houses of worship or #schools#.
- (c) Except in the Eastern Rail Yards Subarea A1, the required and permitted amounts of #accessory# off-street parking spaces shall be determined separately for #residential#, #commercial# and #community facility uses#.
- (d) **In the Eastern Rail Yard Subarea A1, no #accessory# off-street parking shall be required, and any #accessory# parking shall comply with the following provisions:**
 - (1) **For #residences#, #accessory# off-street parking spaces may provided for not more than 40 percent of the total number of #dwelling units#.**
 - (2) **For #commercial# and #community facility use#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility use# exceed 350 spaces.**
 - (3) **In no event shall the total number of #accessory #off-street parking spaces for all #uses# exceed 1,000.**
- (e) The provisions of Sections 36-52 (Size and Location of Spaces) and 36-53 (Location of Access to the Street) shall apply to all permitted or required #accessory# off-street parking spaces.

93-82
Use and Location of Parking Facilities

Except as otherwise indicated, the provisions of this Section shall apply to all off-street Parking spaces within the #Special Hudson Yards District#.

- (a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the

landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #zoning lot#, all such spaces shall be located within the same parking facility. However, such regulations are modified in the following areas:

- (1) in C1-7A Districts and in C2-5 Districts mapped within R8A Districts, all #accessory# off-street parking spaces shall be used exclusively by the occupants of the #residential development#, #enlargement# or conversion. Where a parking facility is located partially within a C2-5 District mapped within an R8A District and partially within another district, all such #accessory# off-street parking spaces may be made available for public use provided more than half of the floor space of the parking facility is located outside the C2-5 District mapped within an R8A District.
- (2) in the Eastern Rail Yard Subarea 1, #use# of any #accessory# parking spaces shall be exclusively for #uses# located in the Subarea.

SIDEWALK BAR & RESTAURANT

MANHATTAN CB - 3 **20095066 TCM**
 Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of EAE Corp., d/b/a Sidewalk Bar & Restaurant, to continue to maintain and operate an unenclosed sidewalk café at 94 Avenue A.

LA GOULUE RESTAURANT

MANHATTAN CB - 8 **20095084 TCM**
 Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of La Goulue Restaurant, Inc., to continue to maintain and operate an unenclosed sidewalk café at 746 Madison Avenue.

SILVER MOON BAKERY

MANHATTAN CB - 7 **20095069 TCM**
 Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Silver Moon Bakery, Inc., to continue to maintain and operate an unenclosed sidewalk café at 2740 Broadway.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, March 31, 2009:

275 MADISON AVENUE BUILDING

MANHATTAN CB - 6 **20095299 HKM (N 090290 HKM)**
 Designation (List No. 409/LP-2286) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of 275 Madison Avenue Building, located at 275 Madison Avenue a.k.a. 273-277 Madison Avenue, 22-26 East 40th Street (Block 869, Lot 54), as an historic landmark.

NYPL - GEORGE BRUCE BRANCH

MANHATTAN CB - 9 **20095303 HKM (N 090288 HKM)**
 Designation (List No. 409/LP-2304) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of the New York Public Library George Bruce Branch located at 518 West 125th Street, aka 518-520 Dr. Martin Luther King Jr. Boulevard (Block 1980, Lot 22), as an historic landmark.

NYPL - 125TH STREET BRANCH

MANHATTAN CB - 11 **20095304 HKM (N 090289 HKM)**
 Designation (List No. 409/LP-2305) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of the New York Public Library 125th Street Branch, located at 224 East 125th Street (Block 1789, Lot 37), as an historic landmark.

ELSWORTH HOUSE

STATEN ISLAND CB - 3 **20095305 HKR (N 090291 HKR)**
 Designation (List No. 409/LP-2249) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of the John H. and Elizabeth J. Elsworth House, located at 90 Bayview Avenue (Block 6751, Lot 310), as an historic landmark.

HUBBARD HOUSE

BROOKLYN CB - 11 **20095306 HKK (N 090292 HKK)**
 Designation (List No. 409/LP-2292) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter of the landmark designation of the Hubbard House, located at 2138 McDonald Avenue (Block 7087, Lot 30), as an historic landmark.

1,100-SEAT HIGH SCHOOL

QUEENS CB - 5 **20095400 SCQ**
 Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 1,100-Seat High School Facility in to be located at the northwest corner of 57th Avenue and 74th Street (Block 2803, Lot 1), in the Maspeth section of Queens, Community School District No. 24.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, March 31, 2009:

THE GARVEY

BROOKLYN CB - 3 **C 090141 HAK**
 Application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 1598, 1600, and 1602 Fulton Street (Block 1699, Lots 26-28), Site 17D of the Fulton Park Urban Renewal Area, as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a mixed-use building, tentatively known as the Garvey, with approximately 78 units and commercial space, to be developed under the Department of Housing Preservation and Development's Cornerstone Program.

THE BRADFORD
BROOKLYN CB - 3 C 090142 HAK

- Application submitted by the Department of Housing Preservation and Development (HPD):
- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - c. the designation of property located at 1560 Fulton Street (Block 1699, Lot 7), Site 17A of the Fulton Park Urban Renewal Area; 1562, 1564, and 1566 Fulton Street (Block 1699, Lots 8-10); 1568, 1570, 1572, 1574, and 1576 Fulton Street (Block 1699, Lots 11-15), Site 17B of the Fulton Park Urban Renewal Area; and 43 Albany Street (Block 1699, Lot 6), as an Urban Development Action Area; and
 - d. an Urban Development Action Area Project for such area; and
 - 2) pursuant to Section 197-c of the New York City Charter for the disposition of property located at 1560 Fulton Street (Block 1699, Lot 7), Site 17A of the Fulton Park Urban Renewal Area; and 1568, 1570, 1572, 1574 and 1576 Fulton Street (Block 1699, Lots 11-15); Site 17B of the Fulton Park Urban Renewal Area; to a developer selected by HPD;

to facilitate development of a mixed-use building, tentatively known as the Bradford, with approximately 96 units and commercial space.

LOWER EAST SIDE GIRLS' CLUB
MANHATTAN CB - 3 N 090252 HAM

- Application submitted by the Department of Housing Preservation and Development (HPD):
1. pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 400-402 East 8th Street; 103, 101, and 97-99 Avenue D; 281 and 279 East 7th Street (Block 377, Lots 35, 41-43, and 47-48) as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area;

to facilitate the development of a 12-story mixed-use building, tentatively known as Lower East Side Girls Club, with approximately 78 residential units, retail and community facility space.

m25-31

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON THURSDAY, APRIL 2, 2009, AT 10:30 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTER:

APPOINTMENT

● **Preconsidered M**, Malini Cadambi Daniel, candidate for appointment by the Council to the New York City Equal Employment Practices Commission pursuant to § 830 of the New York City Charter. If Ms. Cadambi Daniel is appointed, she will be eligible to serve for the remainder of a four-year term expiring on June 30, 2012.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael M. McSweeney
 City Clerk, Clerk of the Council

m26-a2

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, April 1, 2009, commencing at 10:00 A.M.

BOROUGH OF THE BRONX
No. 1
NORTH ZEREGA INDUSTRIAL SITE

CD 9 C 090249 PPX
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 one (1) city-owned property located at Block 3838, p/o Lot 60, pursuant to zoning.

BOROUGH OF BROOKLYN
No. 2
COLUMBIA STREET REZONING

CD 6 C 070504 ZMK
IN THE MATTER OF an application submitted by Columbia Commercial Enterprises LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, by establishing within an existing R6 District a C2-3 District bounded by a line 100 feet northeasterly of Union Street, a line 100 feet northwesterly of Columbia Street, Union Street, and a line 150 feet northwesterly of Columbia Street, as shown on a diagram (for illustrative purposes only) dated December 15, 2008.

BOROUGH OF QUEENS
Nos. 3 & 4
SPECIAL COLLEGE POINT DISTRICT

No. 3 N 090318 ZRQ
CD 7
IN THE MATTER OF an application submitted by the Economic Development Corporation pursuant to Section 201 of the New York City Charter for amendments of the Zoning Resolution of the City of New York, concerning the addition of Article XII, Chapter 6 (Special College Point District) and modifications of related sections,

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

11-12
Establishment of Districts

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *
 Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special College Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 6, the #Special College Point District# is hereby established.

* * *
12-10
DEFINITIONS
 * * *

Special Clinton District
 The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6, apply. The #Special Clinton District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

Special College Point District
 The "Special College Point District" is a Special Purpose District designated by the letters "CP" in which special regulations set forth in Article XII, Chapter 6, apply. The #Special College Point District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

* * *
All text is new; it is not underlined

Article XII - Special Purpose Districts

Chapter 6
Special College Point District
126-00
GENERAL PURPOSES

The "Special College Point District" established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) encourage and retain high performance manufacturing establishments in New York City;
- (b) maintain the high quality business campus environment with landscaped yards within the area known as the College Point Corporate Park; and
- (c) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

126-01
General Provisions
 The provisions of this Chapter shall apply to all #developments#, #enlargements#, alterations and changes of

#use# within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

126-02
District Plan and Map

The District Map is located within Appendix A of this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

126-03
Applicability of Article I, Chapter 1

Within the #Special College Point District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

126-10
SPECIAL USE REGULATIONS

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

126-11
Recreational Uses

The regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following uses as-of-right within the #Special College Point District#:

- From Use Group 4A:
 Non-commercial recreation centers
- From Use Group 4B:
 Golf courses
 Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential zoning lots#.
 #Public parks#, playgrounds or private parks
- From Use Group 4C:
 #Accessory uses#

126-12
Performance Standards

Section 42-20 (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the #Special College Point District#.

126-13
Enclosure Regulations

The following provisions supersede Sections 42-41 (Enclosure of Commercial or Manufacturing Activities) and 42-42 (Enclosure or Screening of Storage).

All #commercial# or #manufacturing uses# established by a #development#, #enlargement#, #extension#, or change of #use#, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With respect to the #enlargement# or #extension# of an existing #use# or storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such #use# or storage.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-Street Loading Berths).

126-131
Special enclosure regulations for specific uses

The following #uses#, including all storage of materials or products, shall be located within a #completely enclosed building#:

- From Use Group 17 A:
 Produce or meat markets, wholesale
- From Use Group 18A:
 Incineration or reduction of garbage, offal or dead animals
 Radioactive waste disposal services involving the handling or storage of radioactive waste
 Sewage disposal plants
 Stock yards or slaughtering of animals or poultry
 Dumps, marine transfer stations for garbage or slag piles
 Electric power or steam generating plants
- From Use Group 18B:
 Explosives storage, when not prohibited by other ordinances

Junk or salvage establishments, including auto wrecking or similar establishments
Scrap metal, junk, paper or rags storage, sorting, or baling

All #commercial# or #manufacturing uses# specified in this Section 126-131 shall be permitted, provided the Chairperson of the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board for review and comment for a period of no less than 30 days prior to such certification.

126-132

Enclosure regulations in the M1-1 district

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-133

Enclosure regulations in the M2-1 district near residence districts

All #uses#, except storage of materials or products, within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

126-134

Enclosure of storage in the M1-1 district near residence districts

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

126-135

Screening of storage in the M2-1 district near residence districts

Within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

In addition, such solid wall or fence:

- (a) shall not be located within a #front yard#;
- (b) shall be maintained in good condition at all times; and
- (c) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

126-136

Screening of storage

At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening provided pursuant to paragraphs (a) or (b):

- (1) shall not be located within a #front yard#;
- (2) shall be maintained in good condition at all times;
- (3) may be interrupted by normal entrances or exits; and
- (4) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

126-14

Sign Regulations

Within the #Special College Point District#, no #advertising signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section 32-67 (Special Provisions Applying Along District Boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

No #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, and no #signs# shall be permitted on the roof of any #building#.

126-141

Special sign regulations in the M2-1 district

In the M2-1 District, only non-#illuminated signs# and #signs with indirect illumination# are permitted. The surface area of all #signs# on a #zoning lot# shall be limited to:

- (a) one #sign# displayed from the wall of a #building# limited to 1.5 square feet of #surface area# for each linear foot of #street wall# or 150 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of 8 feet, and shall not extend to a height greater than 20 feet above #curb level#; and

- (b) one #sign# not affixed to a #building# limited to one square foot of #surface area# for each 200 square feet of #street wall# or 30 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of five feet above #curb level#.

126-20

SPECIAL BULK REGULATIONS

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

126-21

Street Tree Planting

Within the #Special College Point District#, all #developments#, or #enlargements# of 20 percent or more in #floor area#, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is converted from a #manufacturing use# to a #commercial# or #community facility use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C, 16D, 17 and 18.

126-22

Floor Area Ratio

Within the #Special College Point District#, the #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 1.0.

However, within the M2-1 District south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway,

the maximum #floor area ratio# for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be as permitted in the underlying district.

126-23

Modification of Yard Regulations

126-231

Minimum required front yards

#Front yards# shall be provided with a depth of 15 feet, except for:

- (a) #zoning lots# with frontage along the Whitestone Expressway, where #front yards# shall be provided with a depth of 20 feet; and
- (b) #corner lots#, where one front yard may have a depth of 10 feet.

126-232

Minimum required side yards

#Side yards# shall be provided with a width of 10 feet.

126-233

Special provisions along district boundaries

The following regulations shall supplement the provisions of Section 43-30 (Special Provisions Applying along District Boundaries). ‘

- (a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #residence district#.
- (b) Within the areas depicted on the Special College Point District Map as 60-foot buffer areas, an open area not higher than #curb level# and at least 60 feet wide, or where such open area is adjacent to a #street#, a #front yard# not higher than #curb level# at least 60 feet in depth, shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.
- (c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that paragraph (b) of Section 126-136 shall not be a permitted form of screening.

126-234

Planting requirement in front yards

#Front yards# shall be planted, except at entrances to and

exits from the #building# and except for access driveways to #accessory# parking and loading areas. #Front yards# shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

126-235

Storage of materials within yards

Within #side# and #rear yards#, the maximum height of the open storage of materials, where permitted, shall be 12 feet.

126-24

Height and Setback Regulations

Within the #Special College Point District#, the height and setback regulations of an M1-1 district shall apply.

However, within the M2-1 district south of 30th Avenue and its prolongation:

- (a) for portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard, or
- (b) for #zoning lots# with frontage on the Whitestone Expressway,

the height and setback regulations shall be as permitted in the underlying district.

126-30

SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

126-31

Parking Regulations

- (a) #Accessory# off-street parking shall not be permitted within a required #front yard#.
- (b) The provisions of Section 44-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial uses# shall be modified as follows:
 - Hotels, for the #floor area# used for sleeping accommodations shall be required to provide one parking space per two guest rooms or suites, and for the #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios shall be required to provide one parking space per four persons rated capacity
 - Places of Assembly, for #uses# in parking requirement category D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit, shall be required to provide one parking space per four persons rated capacity
- (c) For #commercial uses# within the Commercial Areas identified on the Special College Point District Map, the parking requirements of a C4-1 district shall apply.
- (d) Section 37-90 (Parking Lots) shall apply to all #developments# and #enlargements#, as defined in that Section, that provide an open parking area #accessory# to #manufacturing uses# in Use Group 17. Perimeter landscaping required pursuant to Section 37-921 may overlap with required #yards# provided pursuant to Section 126-23 (Modification of Yard Regulations).
- (e) The provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on (date of adoption) and on the date of application for a building permit.

126-32

Loading Regulations

- (a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#.
- (b) All open off-street loading berths shall be screened from all adjoining #zoning lots# pursuant to the standards of Section 44-585 (Screening).

126-33

Curb Cut Restrictions on 15th Avenue

Within the #Special College Point District#, curb cuts shall be prohibited on 15th Avenue.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access to the #street# only through such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

126-40

SPECIAL APPROVALS

126-41

Modification of Planting Requirements

The requirements of Section 126-234 (Planting requirement) and paragraph (c) of Section 126-233 (Special provisions along district boundaries) may be waived in whole or in part

if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, or a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

126-42
Authorization for Reduction of Required Parking
Within the Commercial Areas identified on the Special College Point District Map, the Commission may authorize a reduction of the parking requirement of Section 44-21 (General Provisions) and paragraphs (b) and (c) of Section 126-31 (Parking Regulations) by an amount not to exceed 50 percent, provided that the Commission finds that the proposed parking is sufficient for the #use# proposed.

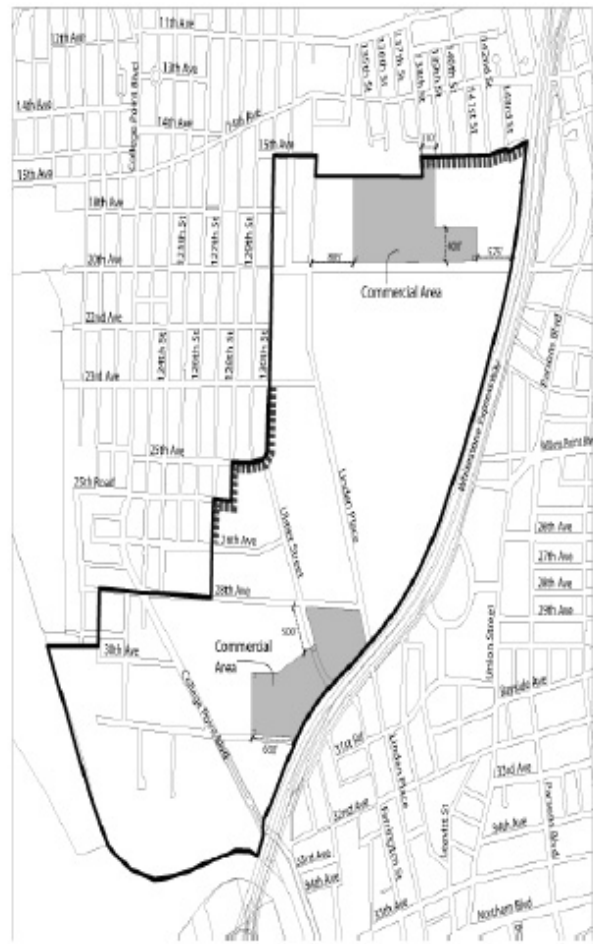
126-43
Special Permit to Modify Use or Bulk Regulations
For any #development#, #enlargement#, alteration or change of #use# on a #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (a) modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification is necessary for, and the only practicable way to achieve, the programmatic requirements of the #development#;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) #development# or #enlargement# will relate harmoniously to the character of the surrounding area.

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

Appendix A
Special College Point District Map

Appendix A: Special College Point District
— Special College Point District
||||| 40' wide buffer



No. 4
C 090319 ZMQ

CD 7
IN THE MATTER OF an application submitted by the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 7b & 10a:

- 1. changing from an M3-1 District to an M1-1 District property bounded by a line perpendicular to the southwesterly street line of Ulmer Street distant 500 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of 28th Avenue and the southwesterly street line of Ulmer Street, the centerline of former 131st Street, 31st Avenue, and a line perpendicular to the northerly street line of 31st Avenue distant 650 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Whitestone Expressway and the northerly street line of 31st Avenue;

- 2. changing from an M1-1 District to an M2-1 District property bounded by:
 - a. 20th Avenue, a line 700 feet northwesterly of Whitestone Expressway, a line 600 feet northeasterly of Linden Place, a line 400 feet northwesterly of Whitestone Expressway, 28th Avenue and its easterly centerline prolongation, 127th Street and its southerly centerline prolongation, the centerline of former 25th Road, the centerline of former 128th Street, 25th Avenue, and 130th Street;
 - b. 28th Avenue, a line 160 feet northeasterly of College Point Boulevard, 30th Avenue and its easterly and westerly centerline prolongations, the centerline of former 119th Street, a line 100 feet southerly of 29th Avenue, and 120th Street; and
 - c. 31st Avenue, the northwesterly service road of the Whitestone Expressway, and the centerline of former 131st Street;
- 3. changing from an M3-1 District to an M2-1 District property bounded by 28th Avenue, Ulmer Street, a line perpendicular to the southwesterly street line of Ulmer Street distant 500 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of 28th Avenue and the southwesterly street line of Ulmer Street, a line perpendicular to the northerly street line of 31st Avenue distant 650 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Whitestone Expressway and the northerly street line of 31st Avenue, 31st Avenue, the centerline of former 131st Street, the northwesterly service road of the Whitestone Expressway, College Point Boulevard, the northwesterly service road of the Whitestone Expressway, a U.S. Pierhead and Bulkhead Line, a U.S. Pierhead Line, 29th Avenue and its westerly centerline prolongation, 119th Street, the centerline of former 119th Street and its northwesterly prolongation, 30th Avenue and its westerly and easterly centerline prolongations, and a line 160 feet northeasterly of College Point Boulevard; and
- 4. establishing a Special College Point District bounded by 15th Avenue and its easterly centerline prolongation, the easterly street line of 132nd Street, the southerly boundary line of Frank Golden Memorial Park, the westerly street line of former 138th Street, the westerly street line of 138th Street, 15th Avenue and its westerly centerline prolongation, the northwesterly service road of Whitestone Expressway, College Point Boulevard, the northwesterly service road of Whitestone Expressway, a U.S. Pierhead and Bulkhead Line, a U.S. Pierhead Line, 29th Avenue and its westerly centerline prolongation, 119th Street, a line 100 feet southerly of 29th Avenue, 120th Street, 28th Avenue, 127th Street and its southerly centerline prolongation, the centerline of former 25th Road, the centerline of former 128th Street, 25th Avenue, and 130th Street;

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only), dated February 17, 2009.

BOROUGH OF STATEN ISLAND
No. 5
CROSS ACCESS CONNECTION TEXT CHANGE
CD 1, 2, 3 N 090185 ZRR
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 to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island:

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 III**
Chapter 6
Accessory Off-Street Parking and Loading Regulations
* * *
- 36-50**
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES
* * *
- 36-58**
Parking Lot Maneuverability and Curb Cut Regulations
C1 C2 C3 C4 C5 C6 C7 C8
* * *
- (b) **Parking Lot Maneuverability**
All open parking areas shall comply with the maneuverability standards set forth in the following table.

	A	B	C	D
Angle				
	Minimum			

of Park	Minimum length	Minimum Width	Minimum Travel Lane	Minimum Turnaround
0*	8'-6"	20'-0"	13'-2"	NA
0**	8'-6"	20'-0"	23'-3"	NA
45	17'-1"	8'-6"	12'-10"	18'-0"
50	17'-8"	8'-6"	13'-2"	17'-6"
55	18'-1"	8'-6"	13'-7"	17'-3"
60	18'-5"	8'-6"	14'-6"	17'-0"
65	18'-7"	8'-6"	15'-4"	17'-3"
70	18'-8"	8'-6"	16'-5"	17'-6"
75	18'-7"	8'-6"	17'-10"	18'-0"
90	18'-0"	8'-6"	22'-0"	22'-0"

* Figures given are for one-way traffic
** Figures given are for two-way traffic
* * *

36-59
Cross Access Connections in the Borough of Staten Island
C4-1 C8
In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots. Such vehicular passageways are hereinafter referred to as "cross access connections", and shall be provided in accordance with the requirements of this Section.

36-591
Applicability and location

Cross access connections shall be required for:

- (a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use# with an open parking lot that has 18 or more #accessory# parking spaces or is greater than 6,000 square feet in area;
- (b) #enlargements# on a #zoning lot# with an open parking lot that has 18 or more #accessory# parking spaces or is greater than 6,000 square feet in area; or
- (c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility uses# is increased and such increase results in at least 18 parking spaces or more than 6,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall provide a cross access connection at each #zoning lot line#, or other boundary between properties on the same #zoning lot#, that is contiguous for a distance of at least 60 feet with an adjoining #zoning lot# or boundary between separate parking lots on the same #zoning lot#, within a C4-1, C8 or Manufacturing District.

All cross access connections shall be shown on the site plan required pursuant to Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations), certified pursuant to Section 36-592 and constructed at the time of #development#, #enlargement# or increase in the number of parking spaces.

36-592
Certification of cross access connections
No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that each required cross access connection:

- (a) is a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#;
- (b) is an extension of a travel lane of the subject open parking lot and:
 - (1) aligns with any previously certified cross access connection for an adjacent open parking lot, or
 - (2) where no previously certified cross access connection exists for an adjacent open parking lot, aligns to the maximum extent practicable with a travel lane in such adjacent open parking lot.
- (c) has a grade not greater than 15 percent;
- (d) is placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other boundary of the subject property;#
- (e) is placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same #zoning lot# or adjacent #zoning lots#;

Furthermore, an easement through all required cross access connections for vehicular and pedestrian passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning, shall be recorded in the Office of the Richmond County Clerk. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property, whether on the same or adjacent #zoning lot#, pursuant to

this Section. Accordingly, if an easement pursuant to this Section has previously been recorded against any adjacent property, the subject easement shall be effective immediately upon recordation. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non-customers

The Chairperson may relocate a previously-certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.

The Chairperson, however, shall certify to the Department of Buildings that a cross access connection shall be waived along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of:

- (1) grade changes greater than 15 percent;
(2) #buildings or other structures# located within 50 feet of the subject #zoning lot# or property, or
(3) wetlands or trees with a caliper of six inches or more,

and no alternate location along such #lot line# or other boundary between properties exists.

No screening or landscaping along a #lot line# shall be required in the connection area, and, upon the effective date of the easement, if such cross access connection is in a location that contained required parking spaces, such connection shall be counted as three required parking spaces.

36-593 Authorizations for waivers or modifications of cross access connections

The City Planning Commission may authorize modifications or waivers of the requirements of Section 36-59, inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection; or
(b) site planning constraints necessitate the placement of a new or enlarged #building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

Article IV Chapter 4 Accessory Off-Street Parking and Loading Regulations

44-40 ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

44-49 Cross Access Connections in the Borough of Staten Island M1 M2 M3

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots. Such vehicular passageways are hereinafter referred to as "cross access connections", and shall be provided in accordance with the requirements of this Section.

44-491 Applicability and location

Cross access connections shall be required for:

- (a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial or community facility use# containing an open parking lot that has 18 or more #accessory# parking spaces or is greater than 6,000 square feet in area; or
(b) #enlargements# on a #zoning lot# with an open parking lot that has 18 or more #accessory# parking spaces or is greater than 6,000 square feet in area; or
(c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility uses# is increased and such increase results in at least 18 parking spaces or more than 6,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall provide a cross access connection at each #zoning lot line# or other boundary between properties that is coincident, for a contiguous distance of at least 60 feet, with an adjoining #zoning lot# or other property on the same #zoning lot# within a C4-1, C8 or Manufacturing District.

All cross access connections shall be shown on the site plan required pursuant to Section 44-47 (Parking Lot Maneuverability and Curb Cut Regulations), certified pursuant to Section 44-492 and constructed at the time of #development#, #enlargement# or increase in the number of parking spaces.

44-492 Certification of cross access connections

No excavation, foundation or building permit shall be issued

for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that each required cross access connection:

- (a) is a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#;
(b) is an extension of a travel lane of the subject open parking lot and;
(1) aligns with any previously certified cross access connection for an adjacent open parking lot, or
(2) where no previously certified cross access connection exists for an adjacent open parking lot, aligns to the maximum extent practicable with a travel lane in such adjacent open parking lot.
(c) has a grade not greater than 15 percent;
(d) is placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other boundary of the subject property;
(e) is placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same #zoning lot# or adjacent #zoning lots#;

Furthermore, an easement through all required cross access connections for vehicular and pedestrian passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning, shall be recorded in the Office of the Richmond County Clerk. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property, whether on the same or adjacent #zoning lot#, pursuant to this Section. Accordingly, if an easement pursuant to this Section has previously been recorded against any adjacent property, the subject easement shall be effective immediately upon recordation. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non-customers.

The Chairperson may relocate a previously-certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.

The Chairperson, however, shall certify to the Department of Buildings that a cross access connection shall be waived along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of:

- (1) grade changes greater than 15 percent;
(2) #buildings or other structures# located within 50 feet of the subject #zoning lot# or property, or
(3) wetlands or trees with a caliper of six inches or more,

and no alternate location along such #lot line# or other boundary between properties exists.

No screening or landscaping along a #lot line# shall be required in the connection area, and, upon the effective date of the easement, if such cross access connection is in a location that contained required parking spaces, such connection shall be counted as three required parking spaces.

44-493 Authorization for modification or waiver of cross access connections

The City Planning Commission may authorize modifications or waivers of the requirements of Section 44-49, inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or other boundaries between properties, it is not possible to design a parking lot with a complying cross access connection; or
(b) site planning constraints necessitate the placement of a new or #enlarged building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

ARTICLE X Chapter 7 Special South Richmond Development District

107-40 SPECIAL USE, BULK AND PARKING REGULATIONS

107-483 Planting and screening for open parking areas

- (b) Screening requirements
The parking area shall be screened from all

adjoining #zoning lots# or #streets# by a perimeter landscaped area at least seven four feet in width, and all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

All screening areas shall comply with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping), except that the number of trees shall be as set forth in this Section.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

BOROUGH OF THE BRONX Nos. 6, 7 & 8 LOWER CONCOURSE REZONING No. 6

CD 1 C 090166 MMX IN THE MATTER OF an application, submitted by the Department of City Planning and the Department of Parks & Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment of a waterfront Park in an area bounded by Major Deegan Boulevard, the Harlem River, and the extensions of East 144th Street and East 146th Street;
and any acquisition or disposition of real property related thereto,

in accordance with Map No. 13124 dated January 29, 2009 and signed by the Borough President.

Resolution for adoption scheduling April 1, 2009 for a public hearing.

No. 7

CD 1 N 090302 ZRX 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 Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area); Article VIII, Chapter 7 establishing the Special Harlem River Waterfront District; and Article XII, Chapter 3 (Special Mixed Use District) specifying a Special Mixed Use District (MX-13) and amending related sections of the Zoning Resolution, Community District 1, Borough of The Bronx.

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 I General Provisions

Chapter 1 Title, Establishment of Controls and Interpretation of Regulations

* * *

11-12 Establishment of Districts

* * *

Establishment of the Special Grand Concourse Preservation District

* * *

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

* * *

Chapter 2 Construction of Language and Definitions

* * *

12-10 DEFINITIONS

* * *

Special Harlem River Waterfront District
The "Special Harlem River Waterfront District" is a Special Purpose District designated by the letter "HRW" in which special regulations set forth in Article IX Chapter 7 apply. The #Special Harlem Waterfront District# appears on the #zoning maps# superimposed on other districts and its regulations supplement and supersede those of the districts on which it is superimposed.

* * *

Article II Residence District Regulations

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 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Community District	Zoning District
Community District 1, Bronx	R6A, R7-2, R7A, R7X, R8A
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

* * *

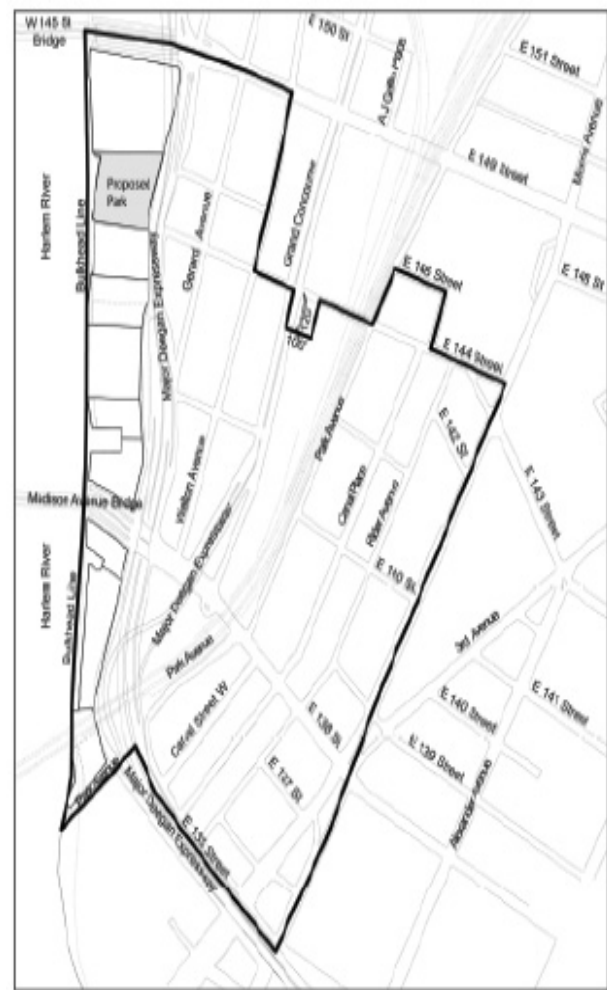
23-90
INCLUSIONARY HOUSING

23-922
Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

* * *

- (17) In Community District 1, in the Borough of the Bronx, in the R6A, R7-2, R7A, R7X and R8A Districts within the areas shown on the following Map 17:



Map 17. Portion of Community District 1, Bronx

* * *

Article IV
Manufacturing District Regulations

Chapter 2
Use Regulations

42-10
USES PERMITTED AS-OF-RIGHT

42-12
Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16
M1 M2 M3
Use Group 3A shall be limited to Museums that are ancillary to existing Motion Picture Production Studios or Radio or Television Studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#. Use Groups 6A except that foodstores, including supermarkets, grocery stores, or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, foodstores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited as to #floor area# per establishment.

* * *

Article VI
Special Regulations Applicable to Certain Areas

* * *

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-80
WATERFRONT ACCESS PLANS

62-82
Borough of The Bronx

The following Waterfront Access Plans are hereby established within the Borough of the Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

- BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-60 (Harlem River Waterfront Access Plan).

* * *

Note: All text in Article VIII, Chapter 7 is new; it is not underlined.

Article VIII
Special Purpose Districts
Chapter 7
Special Harlem River Waterfront District

87-00
GENERAL PURPOSES

The “Special Harlem River Waterfront District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) maintain and reestablish physical and visual public access to and along the waterfront;
- (b) create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;
- (c) promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;
- (d) encourage well-designed new development that complements the built character of the neighborhood;
- (e) take advantage of the Harlem River waterfront and provide an open space network comprised of parks, public open space and public access areas;
- (f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus to encourage more attractive and economic building forms; and
- (g) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River Waterfront.

87-01
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District # shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special Harlem River Waterfront District#, except as otherwise provided in this Chapter. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

87-02
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into parcels consisting of tax blocks and lots as established on (effective date of amendment), as follows:

Parcel 1:	Block 2349, Lot 112
Parcel 2:	Block 2349, Lot 100
Parcel 3:	Block 2349, Lots 46 & 47
Parcel 4:	Block 2349, Lot 38
Parcel 5:	Block 2349, Lot 15
Parcel 6:	Block 2349, Lot 3
Parcel 7:	Block 2323, Lot 43
Parcel 8:	Block 2349, Lot 28
Parcel 9:	Block 2323, Lots 13 & 18

The District Plan includes the following maps:

Map 1	#Special Harlem River Waterfront District# and Parcels
Map 2	Waterfront Access Plan: Public Access Elements

87-03
Applicability of Article I, Chapter 1

Within the #Special Harlem River Waterfront District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report

from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

87-04
Applicability of Article VI, Chapter 2

Parcels 1, 2, 3 and 4, as shown on Map 1 (Special Harlem River District and Parcels) shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after (effective date of amendment).

87-10
SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts are modified in Sections 87-11 through 87-26, inclusive.

As used in this Section, “ground floor level” shall mean the finished floor level within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.

87-11
Location of Commercial Space

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) shall apply to all #mixed buildings# and are hereby modified to permit #residential uses# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located directly over any #residential use#. However, such non-#residential uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

87-12
Streetscape Regulations

- (a) Ground floor #use#

All #uses# shall have a depth of at least 25 feet from #building walls# facing a #shore public walkway#, #park# or #upland connection#. Lobbies and entrances may not occupy more than 20 feet or 25 percent of the such #building wall# width, whichever is less. The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other #publicly accessible open area#.

For #buildings# on Parcels 1 through 6 that face a #shore public walkway#, #park# or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings#, to a depth of 25 feet shall consist of #uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.
- (b) Transparency

Any #building wall# containing ground floor level #commercial# and #community facility uses# that faces a #shore public walkway#, #park# or #upland connection# shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #building wall#, measured to a height of 10 feet above the level of the adjoining public sidewalk or other #publicly accessible open area# or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #building wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.
- (c) Security Gates

All security gates that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or #publicly accessible open area#, except that this provision shall not apply to entrances or exits to parking garages.

87-20
SPECIAL FLOOR AREA REGULATIONS

The #Special Harlem River Waterfront 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.

87-21
Special Residential Floor Area Regulations

The base #floor area ratio# for any #zoning lo# containing #residences# shall be 3.0. Such base #floor area ratio# may be increased to a maximum of 4.0 through the provision of #lower income housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of paragraph (b) of Section 23-942 (In Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

87-22**Special Retail Floor Area Requirement**

For each square foot of commercial #floor area# in a #building# from the #uses# listed in paragraph (a) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial floor area# from #uses# listed in paragraph (b) of this Section shall be provided.

- (a) Use Groups 6A and 6C, except for:
- Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour, and
 - Docks for water taxis with vessel capacity limited to 99 passengers, and
 - Docks or mooring facilities for non-commercial pleasure boats;

The following from Use Group 10:

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Dry goods or fabric stores, with no limitation on #floor area# per establishment

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Dry goods or fabric stores, with no limitation on #floor area# per establishment

The following from Use Group 12:

Billiard parlor or pool halls

Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing

The following retail establishments:

Antique stores

Art gallery, commercial

Book stores

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Gift shops

Jewelry or art metal craft shops

Music stores

Photographic equipment stores

Record stores

Stationery stores

Toy stores

- (b) All #residential uses# in Use Groups 1 and 2

All #community facility uses# from Use Group 3, 4A, and 4B, except cemeteries

All #commercial uses# from Use Groups 5A, 6B and 8A

However, the City Planning Commission may authorize a modification or waiver of this provision upon finding that such #building# includes:

- (1) a superior site plan that enables safe and efficient pedestrian connectivity to and between establishments and #publicly accessible open areas#;
- (2) a superior parking and circulation plan that reduces conflicts between pedestrian and vehicular traffic, minimizes open parking lots, and limits conflicts between curb cuts;
- (3) a design that enhances and is integrated with #publicly accessible open areas# including provision of a public entrance fronting on a #waterfront public access area#;
- (4) a variety of retail establishments; and
- (5) #uses# that do not unduly affect the #residential uses# in the nearby area or conflict with future land use and development of adjacent areas.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on #publicly accessible open areas#.

87-23**Special Floor Area Rules for Parcels Containing Newly Mapped Streets**

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after (effective date of amendment), the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all #use# and #bulk# regulations of the Zoning Resolution.

87-24**Maximum Width of Establishments**

On Parcels 5 and 6, the width of any ground floor level #commercial# or #community facility# establishments facing

a #shore public walkway#, #park# or #upland connection#, shall be limited to 60 feet.

87-25**Location of Building Entrances**

On Parcels 1, 2, 3 and 4, the main front entrance of a #building#, as the term "main front entrance" is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), shall be located facing the #shore public walkway#. On Parcels 1, 3 and 4, such main front entrance of a #building# shall be located no less than 45 feet from an #upland connection# and, on Parcel 2, located no less than 95 feet from a #park#.

87-30**SPECIAL YARD REGULATIONS**

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), #waterfront yards# shall be raised to a level of two feet above the rail platform of the adjacent Oak Point Rail Line, except where deviation is required to meet the grade of an existing adjacent #street#. Underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.

Parcels 1, 2, 3 and 4 shall be considered #waterfront zoning lots#, notwithstanding any future action in which a #street# is mapped on such #zoning lots#.

87-40**SPECIAL HEIGHT AND SETBACK REGULATIONS**

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

For the purposes of applying the #bulk# regulations of this Section 87-40, inclusive, a #shore public walkway#, #park#, #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#.

87-41**Permitted Obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (b) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

87-42**Street Wall Location and Building Base**

- (a) #Street wall# location

The #street wall# of the #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances; and
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) for #buildings# that are required to locate the main front entrance facing a #shore public walkway#, pursuant to Section 87-26 (Location of Building Entrances), no portion of the #street wall# containing such entrance shall be closer to the #shore public walkway# than the main front entrance; and
- (4) no portion of a #building# facing a #shore public walkway#, except on Parcel 1, shall exceed a width of 300 feet.

- (b) Minimum and Maximum Base Heights

The #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on Parcels 5 and 6, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building# or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a "building base".

All portions of #buildings# that exceed the maximum base heights set forth in this paragraph,

(b), shall be set back from the #street wall# of the #building# at least ten feet along a #shore public walkway#, #park# and Exterior Street, and at least 15 feet along an #upland connection#.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six #stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of eight #stories# or 80 feet, whichever is less.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(1) of this Section.

- (c) Transition heights

All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.

All portions of #buildings# that exceed the transition heights set forth in this paragraph, (c), shall comply with the tower provisions of 87-43 and 87-44.

87-43**Towers**

All #stories# of a #development# or #enlargement# located partially or wholly above the applicable transition height set forth in paragraph (b) of Section 97-42 shall be considered a "tower" and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.

- (a) Maximum tower height
- For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with more than 100,000 square feet of #lot area# shall be 400 feet; however, for #zoning lots# with two towers, such maximum #building# height of 400 feet shall apply to not more than one tower, a maximum #building# height of 260 feet shall apply to the second tower, and there shall be a height differential of at least 40 feet between both towers.

- (b) Location rules for #zoning lots# abutting #parks#

Where a tower is provided on a #zoning lot# that abuts a #park#, such tower shall be located within 85 feet of such #park#, and if two towers are provided on such #zoning lot#, the second tower shall be located within 45 feet of East 149th Street or an #upland connection#. Where two towers are provided on a #zoning lot# that abuts a #park#, the shorter of the towers shall be located closer to such #park#.

- (c) Maximum tower size

The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.

- (d) Tower top articulation

All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:

- (1) Setbacks on each tower face
 - (i) For #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.
 - (ii) For #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately

below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this subparagraph (1), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

- (2) Three setbacks facing Harlem River

The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.

87-50 Design Requirements for Fire Apparatus Access Roads
Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the following requirements.

- (a) The width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops.
- (b) Curbs shall be provided along each side of the entire length of such road.
- (c) A minimum five-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb. Within the required planting strip, one tree of at least three inches in caliper shall be planted for every 25 feet of length of such planting strip. Driveways are permitted to traverse such planting strips, and utilities are permitted to be located within such planting strips.
- (d) A minimum 8 foot paved sidewalk shall be provided adjacent to and along the entire length of the required planting strip.
- (d) All such roads shall be constructed with lighting, signage and crosswalks to minimum Department of Transportation standards for public #streets#.

87-60 Parking Regulations

The following provisions shall apply to all parking facilities:

- (a) All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is accessory within 30 days after written request therefore is made to the landlord.
- (b) The off-site spaces provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is within the #Special Harlem River Waterfront District#.
- (c) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts; or
 - (2) located at every level above-grade, behind commercial, community facility or #residential floor area# with a minimum depth of 25 feet as measured any #building wall# facing a #shore public walkway#, so that no portion of such parking facility is visible from the #shore public walkway#. All such parking facilities shall be exempt from the definition of #floor area#. In addition, on Parcel 1, the ground floor of a portion of a #building# facing Exterior Street shall be occupied to a depth of 25 feet with #commercial#, #community facility# or #residential floor area# so that no portion of such parking facility is visible from Exterior Street. On Parcel 6, the ground floor of a portion of a #building# within 60 feet of the intersection of Exterior Street and 138th Street shall be occupied to a depth of 25 feet with #commercial#,

#community facility# or #residential floor area# so that no portion of such parking facility is visible from such portion of Exterior Street or 138th Street.

- (d) The provisions of this paragraph (d) shall apply to any portion of a parking facility that abuts an exterior #building wall#.
 - (1) any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;
 - (2) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
 - (3) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.
- (e) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

87-61 Curb Cut Restrictions

On Parcels 1, 2, 3 and 4, as indicated on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway# and, further, on Parcel 2, no curb cuts shall be provided facing a #park#.

87-70 HARLEM RIVER WATERFRONT ACCESS PLAN
Map 2 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location of certain features mandated or permitted by the Plan.

87-71 Public Access Provisions by Parcel

The provisions of Sections 62-41 (Requirements for Waterfront Public Access) and 62-42 (Requirements for Visual Corridors), shall apply as follows:

- (a) #Shore public walkways#
 - (1) The #shore public walkway# shall be constructed at an elevation of two feet above the highest level of the Oak Point Rail Link.
 - (2) A dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code Section 503.2.5 (Dead-ends), may by certification extend into a designated #shore public walkway# as set forth in Section 87-73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).
- (b) #Upland connections#
#Upland connections# shall be located on Parcels 3, 4 and 6, as designated on Map 2 in the Appendix to this Chapter.
The provisions of Sections 62-41 (Requirements for Waterfront Public Access) are modified as follows:
 - (1) Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2 in the Appendix to this Chapter.
 - (2) The required width for an #upland connection# on Parcel 6, as indicated on Map 2, is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.
- (c) Supplemental public access areas
#Supplemental public access areas# pursuant to this Plan shall be provided on Parcels 1 and 2, as indicated on Map 2 in the Appendix to this Chapter, however, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-72 (Certification to Waive Supplemental Public Access Area Requirement).
- (d) Visual Corridors
#Visual corridors# shall be located within Parcels 1 and 4, and the #park#, as indicated on Map 2 in the Appendix to this Chapter.

87-72 Certification to Waive Supplemental Public Access Area Requirement

For Parcels 1 and 2, the requirement to provide a designated #supplemental public access area#, as indicated on Map 2 in the Appendix to this Chapter, may be waived by the Chairperson of the City Planning Commission upon finding that:

- (a) the site plan includes a vehicular connection through the #zoning lot# pursuant to the design guidelines set forth in Section 87-50 (Design Requirements for Fire Apparatus Access Roads); and
- (b) a declaration of restrictions has been provided pursuant to Section 87-74 (Declaration of Restrictions); and
- (c) the design meets all applicable connection requirements set forth in Section 87-76 (Connection with adjacent zoning lots); and
- (d) such a connection either:
 - (1) on Parcel 1, provides a vehicular connection between East 149th Street and Exterior Street; or
 - (2) on Parcel 2, provides a bidirectional connection between Exterior Street at its intersection with East 144th Street and the southernmost #lot line# of the #development#.

87-73 Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways

On Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code Section 503.2.5 (Dead-ends), may by certification, extend into the designated #shore public walkway#, provided that:

- (a) a declaration of restrictions has been provided pursuant to Section 87-74; and
- (b) a fire apparatus access road abutting the shared #zoning lot line# between the #development# seeking certification under this section and Parcels 2, 3 or 4 does not exist; and
- (c) the following connection requirements are met:
 - (1) On Parcel 1, the fire apparatus access road shall serve as a connection along all #buildings# on such Parcel along the #shore public walkway# and #park#. Such road shall provide for a vehicular connection between East 149th Street and Exterior Street; or
 - (2) On Parcels 2, 3 and 4, the fire apparatus access road shall serve as a segment of a bidirectional loop road along the #shore public walkway# on such Parcels, providing a connection to Exterior Street at the northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.

Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads). In addition, the roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush of the level of adjoining sidewalks.

87-74 Declaration of Restrictions

For any fire apparatus access road proposed for certification pursuant to Sections 87-72 or 87-73, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Section 87-72 and 87-73, where applicable.

For certifications proposed pursuant to Section 87-73, at the time a declaration of restrictions has been provided by the adjacent #development#, pursuant to this section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

- (a) deconstructing the fire apparatus access road turnaround; and
- (b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action; and
- (c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across #developments#; and
- (d) complying with all applicable waterfront rules, street regulations and the New York City Fire Code.

**87-75
Applicability of waterfront regulations**

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after (effective date of amendment), the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

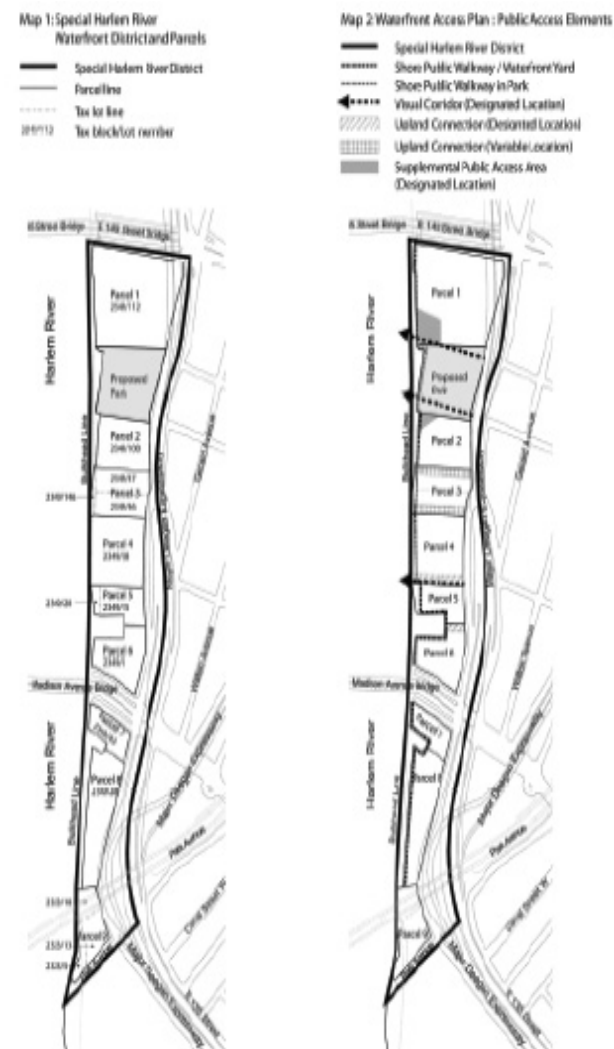
**87-76
Connection with adjacent zoning lots**

The following provisions apply to #developments# pursuing certification pursuant to either Section 87-72 (Certification to Waive Supplemental Public Access Area Requirement) or Section 87-73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development# shall provide a connection for bidirectional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of and maintain the street width of the existing adjacent private street. In addition to such physical shared #lot line# connection, a private road declaration shall be provided pursuant to the provisions of Section 87-74 of this Chapter. A connection need not be opened unless and until such declaration of restrictions, in accordance with 87-74, has been recorded against the adjacent #zoning lot#.

When no connection for vehicular travel terminating at the opposite side of a shared #zoning lot line# exists, one may, by certification pursuant to Section 87-73, construct a dead-end fire apparatus access road turnaround that may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-74.

APPENDIX



* * *
Note: Only underlined text is new in the following Section.
Article XII - Special Purpose Districts
* * *

**Chapter 3
Special Mixed Use District**
* * *

**123-66
Height and Setback Regulations**
* * * **123-662**

All buildings in Special Mixed Use Districts with R6,

R7, R8, R9 and R10 District designations

* * *
TABLE B

* * *
In addition, in #Special Mixed-Use District# 13 in the Borough of The Bronx, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified for the applicable district as set forth in Table B above, or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be located beyond eight feet of the #street line#. Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph.

* * *
**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

The #Special Mixed Use District# is mapped in the following areas:
* * *

#Special Mixed Use District# - 13: (effective date)
Lower Concourse, Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

No. 8

CD 1 C 090303 ZMX

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, Section No. 6a:

1. changing from an M2-1 District to an R7-2 District property bounded by a line 190 feet southerly of a park* and its easterly prolongation, Major Deegan Expressway, Park Avenue and its northeasterly and southwesterly prolongations, and a U.S. Pierhead and Bulkhead Line;
2. changing from an M1-2 District to a C4-4 District property bounded by East 149th Street, Morris Avenue, East 144th Street, Canal Place, East 146th Street, Park Avenue, East 144th Street, and the easterly street line of former Anthony J. Griffin Place and its northerly and southerly prolongations;
3. changing from an M2-1 District to a C4-4 District property bounded by:
 - a. East 149th Street, Major Deegan Boulevard, the northerly boundary of a park* and its easterly and westerly prolongations, and a U.S. Pierhead and Bulkhead Line; and
 - b. the southerly boundary line of a park* and its easterly and westerly prolongations, Major Deegan Expressway, a line 190 feet southerly of a park* and its easterly prolongation, and a U.S. Pierhead and Bulkhead Line;
4. changing from an M1-2 District to a C6-2A District property bounded by East 144th Street, Grand Concourse, a line 120 feet southerly of East 144th Street, a line 100 feet easterly of Grand Concourse, the easterly prolongation of the southerly street line of East 140th Street, the westerly boundary line of the Metro North Rail Road (Harlem Division) right-of-way, East 138th Street, Major Deegan Boulevard, a line 100 feet northerly of East 138th Street, and Walton Avenue;
5. changing from an M2-1 District to a C6-2A District property bounded by a line 100 feet northerly of East 138th Street, Major Deegan Boulevard, East 138th Street, and Major Deegan Expressway;
6. changing from an M1-2 District to an M1-4 District property bounded by:
 - a. a line 75 feet southwesterly of East 138th Street, a line 100 feet northwesterly of Third Avenue, East 136th Street, and Rider Avenue; and
 - b. East 138th Street, Park Avenue and its southwesterly centerline prolongation, and an easterly service road of the Major Deegan Expressway;
7. changing from an M2-1 District to an M1-4 District property bounded by a line 75 feet southwesterly of East 138th Street, Rider Avenue and its southwesterly centerline prolongation, East 135th Street, the northeasterly centerline prolongation of Park Avenue, Major Deegan Expressway, East 138th Street, an easterly service road of the Major Deegan Expressway, Park Avenue and its southwesterly centerline prolongation, a line 300 feet southwesterly of East 138th Street, and Canal Place;
8. changing from an M1-2 District to an M1-4/R6A District property bounded by:
 - a. East 146th Street, Canal Place, East 144th Street, Rider Avenue, a line 150 feet southerly of East 140th Street, Canal

Place, East 144th Street, and Park Avenue; and

- b. a line 200 feet southerly of East 144th Street, Walton Avenue, a line 100 feet northerly of East 138th Street, Major Deegan Boulevard, and Gerard Avenue and its southerly centerline prolongation;
9. changing from an M2-1 District to an M1-4/R6A District property bounded by the westerly centerline prolongation of East 140th Street, Major Deegan Boulevard, a line 100 feet northerly of East 138th Street, and Major Deegan Expressway;
10. changing from an R6 District to an M1-4/R7A District property bounded by East 142nd Street, Morris Avenue, East 140th Street, and Rider Avenue;
11. changing from an M1-2 District to an M1-4/R7A District property bounded by:
 - a. East 144th Street, Morris Avenue, East 142nd Street, and Rider Avenue;
 - b. East 140th Street, Morris Avenue, a line 100 feet northeasterly of East 138th Street, and Rider Avenue; and
 - c. a line 75 feet southwesterly of 138th Street, Lincoln Avenue, Major Deegan Expressway, Rider Avenue and its southwesterly centerline prolongation, East 136th Street, and a line 100 feet northwesterly of Third Avenue;
12. changing from an M1-2 District to an M1-4/R7X District property bounded by Park Avenue, a line 150 feet northeasterly of East 138th Street, Canal Place, a line 100 feet northeasterly of East 138th Street, Morris Avenue, Third Avenue, Lincoln Avenue, a line 75 feet southwesterly of East 138th Street, Rider Avenue, and East 138th Street;
13. changing from an M2-1 District to an M1-4/R7X District property bounded by Park Avenue, East 138th Street, Rider Avenue, a line 75 feet southwesterly of East 138th Street, Canal Place, and a line 300 feet southwesterly of East 138th Street;
14. changing from a C4-4 District to an M1-4/R8A District property bounded by East 149th Street, Walton Avenue, a line midway between East 144th Street and East 146th Street, and Gerard Avenue;
15. changing from an M1-2 District to and M1-4/R8A District property bounded by East 149th Street, Gerard Avenue, a line midway between East 144th Street and East 146th Street, Walton Avenue, a line 200 feet southerly of East 144th Street, Gerard Avenue and its southerly centerline prolongation, and Major Deegan Boulevard;
16. changing from an M2-1 District to an M1-4/R8A District property bounded by Major Deegan Boulevard, the westerly centerline prolongation of East 140th Street, and Major Deegan Expressway;
17. establishing within a proposed R7-2 District a C2-4 District bounded by a line 190 feet southerly of a park*, Major Deegan Expressway, Park Avenue and its southwesterly and northeasterly centerline prolongations, and a U.S. Pierhead and Bulkhead Line;
18. establishing a Special Harlem River Waterfront District (HRW) bounded by East 149th Street, Major Deegan Expressway, Park Avenue and its southwesterly and northeasterly centerline prolongations, and a U.S. Pierhead and Bulkhead Line;
19. establishing a Special Mixed Use District (MX-13) bounded by:
 - a. East 149th Street, Walton Avenue, a line 100 feet northerly of East 138th Street, Major Deegan Expressway, Major Deegan Boulevard, the easterly centerline prolongation of East 149th Street, and the southerly centerline prolongation of River Avenue; and
 - b. East 146th Street, Canal Place, East 144th Street, Morris Avenue, Third Avenue, Lincoln Avenue, Major Deegan Expressway, Rider Avenue and its southwesterly centerline prolongation, East 136th Street, a line 100 feet northwesterly of Third Avenue, a line 75 feet southwesterly of East 138th Street, Canal Place, a line 300 feet southwesterly of East 138th Street, Park Avenue, East 138th Street, Park Avenue, a line 150 feet northeasterly of East 138th Street, Canal Place, a line 100 feet northeasterly of East 140th Street, Canal Place, East 144th Street, and Park Avenue;

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only), dated February 2, 2009, and subject to the conditions of CEQR Declaration E-227.

*Note: a park is proposed to be established under a concurrent related application C 090166 MMX for a change in the City Map.

NOTICE

On Wednesday, April 1, 2009, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning adoption of 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 currently zoned M1-2, M2-1, C4-4 and R6. The proposed action would rezone the area to C4-4, C6-2A, M1-4/R8A, M1-4/R7X, M1-4/R7A, M1-4/R6A, M1-2, M1-4, and R7-2/C2-4. The proposed zoning text amendments would include zoning text amendments to establish a Special Mixed-Use District (MX), modify food store regulations within M1-4 districts in Bronx Community District 1, and make the provisions of the Inclusionary Housing program applicable within the proposed rezoning area. Text amendments are also proposed to establish a waterfront access plan and special district in the area located along the Harlem River waterfront within the proposed rezoning area. Comments are requested on the DEIS and will be accepted until Monday, April 13, 2009.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 08DCP071X.

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

m19-a1

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 8 - Thursday, April 2, 2009 at 7:30 P.M., Beacon 168, Parsons J.H.S. - Auditorium, 158-40 76th Road, Flushing, NY

BSA# 24-09-BZ

78-10 164th Street- Meadow Park Rehabilitation and Health Care Center LLC

This application is filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York, the application seeks to permit the construction of a three-story addition to the existing health care facility located in an R3-2 zoning district.

m27-a2

CONSUMER AFFAIRS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, PURSUANT TO LAW, that the New York City Department of Consumer Affairs will hold a Public Hearing on Wednesday, April 1, 2009, at 2:00 P.M., at 66 John Street, 11th floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

- 1) 156 Tenth Ave Restaurant LLC
156 10 Avenue, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 2) 18 Bedford Ave LLC
18 Bedford Avenue, in the Borough of Brooklyn
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 3) 303 E 85 St Rest Corp.
303 East 85 Street, in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 4) 31St Street Pizza Palace Inc.
29-29 Ditmars St, in the Borough of Queens
(To continue, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 5) 412 Amsterdam Corp.
412 Amsterdam Avenue, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 6) 603 Second Ave Corp.
603 Second Avenue, in the Borough of Manhattan
(To continue, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 7) A & Z RestaurantCorp.
65 2nd Avenue, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 8) Alloro Restaurant Corp.
307 East 77 Street, in the Borough of Manhattan

(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 9) Amantia Estiatorio Corp.
20-01Steinway Street, in the Borough of Queens
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 10) ASB Pizzeria Inc.
1658-1660 3 Avenue, in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 11) Borden Ave Rest Inc.
2-03 Borden Avenue, in the Borough of Queens
(To continue, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 12) C.A.P. Restaurant Corp.
303 West 48 Street, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 13) Fiorello's Roman Café, Inc.
1 Lincoln Plaza, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 14) Gigino, Inc.
323 Greenwich Street, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 15) Hillview Speciality Food Inc.
2787 Broadway, in the Borough of Manhattan
(To continue, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 16) Hokkaido Sushi Japanese Restaurant
1694 2 Avenue, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 17) J.T. Culinary LLC
1187 Amsterdam Ave., in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 18) Jada Restaurant Inc.
134 West Broadway, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 19) K & L Court Food Inc.
223 Smith Street, in the Borough of Brooklyn
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 20) Lenny's 54th Street LLC
1024 Second Avenue, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 21) Maneken Corp.
466 Hudson Street, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 22) Manna 2nd Avenue
1575 2 Avenue, in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 23) Mo & Yeo Corp.
9324 3rd Avenue, in the Borough of Brooklyn
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 24) New Organico Inc.
89 7 Avenue, in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 25) Noorelhad Corp.
24-25 Steinway Street, in the Borough of Queens
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 26) NYCMF Inc.
10 Downing Street, in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 27) Plaza Mexico Inc.
2672 Broadway, in the Borough of Manhattan
(To continue, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 28) Porto Alegre Inc.
73 East Houston Street, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 29) PS Café Inc.
3 West 72nd Street, in the Borough of Manhattan
(To continue, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 30) Restaurant 597 Inc.
597 Hudson Street, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 31) Romi Bakery Inc.
44-17 30 Avenue, in the Borough of Queens
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 32) Rosa Mexicano USQ, LLC
9 East 18 Street, in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 33) Rosso Enterprises Corp.
21-23 Peck Slip, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 34) Smoke City Enterprises LLC
161 Lenox Avenue, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 35) Stinky Vine LLC
282 Smith Street, in the Borough of Brooklyn
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 36) Surtic Inc.
320 Amsterdam Avenue, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 37) Sushi Vida Inc.
247 Dyckman Street, in the Borough of Manhattan
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 38) Vezzo, Inc.
178 Lexington Avenue, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 39) Via Oretto Corp.
1121 First Avenue, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 40) Za Bruno Restaurant, Inc.
470 West 22 Street, in the Borough of Manhattan
(To establish, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 41) Zvah, Inc.
37 Canal Street, in the Borough of Manhattan
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)

Individuals requesting Sign Language Interpreters should contact the Department of Consumer Affairs, Legal Division, 42 Broadway, 9th Floor, New York, NY 10004, (212) 487-4379, no later than five (5) business days before the hearing.

m27

IN REM FORECLOSURE RELEASE BOARD

■ MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT The In Rem Foreclosure Release Board will meet on Wednesday, April 1, 2009 at 9:30 A.M., 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

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

m24-a1

INDUSTRIAL DEVELOPMENT AGENCY

■ PUBLIC HEARINGS

The New York City Industrial Development Agency (the "Agency") is empowered under the New York State Industrial Development Agency Act (constituting Title 1 of Article 18-A of the General Municipal Law), and Chapter 1082 of the 1974 Laws of New York, as amended, to issue nonrecourse revenue bonds to provide financing for qualified projects, and to enter into industrial and small industry incentive program transactions and other straight-lease transactions for the benefit of qualified projects, and thereby advance the job opportunities, general prosperity and economic welfare of the people of the State of New York (the "State") and to improve their prosperity and standard of living. The Agency has been requested (i) to make available the proceeds of its bonds to be issued in the approximate aggregate dollar amounts, to be used by the persons, for the purposes, and at the addresses identified below, and (ii) to participate in industrial and small industry incentive program straight-lease transactions and other straight-lease transactions for the purposes and at the addresses also identified below. As used herein, "bonds" are bonds, the interest on which may be exempt from local and/or State and/or Federal income taxes; and the "City" shall mean The City of New York. As used herein with reference to bond amounts, "approximately" shall be deemed to mean up to such stated bond amount or a greater principal amount not to exceed 10 % of such stated bond amount.

Straight lease (Small Industry Incentive Program) transaction for the benefit of a to-be-formed real estate holding company, on behalf of Best Mounting Corp., a furniture/medical workstation component manufacturer, in connection with the acquisition, renovation, equipping and/or furnishing of an approximately 59,000 square foot facility located on an approximately 32,800 square foot parcel of land located at 130-11 Atlantic Avenue (a/k/a 130-05 94th Avenue), Queens, New York 11418. The financial assistance proposed to be conferred by the Agency will consist of

payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Straight lease (Small Industry Incentive Program) transaction for the benefit of a to-be-formed real estate holding company, on behalf of Melita Corp., a manufacturer and distributor of baked goods, in connection with the acquisition, renovation, equipping and/or furnishing of an approximately 44,000 square foot facility located within an approximately 133,000 square foot building located on an approximately 213,562 square foot parcel of land located at 511 Barry St., Bronx, New York 10474 (Block 2606, Lot 41). The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Straight lease (Industrial Incentive Program) transaction for the benefit of Stef Two Realty LLC, on behalf of Manhattan Beer Distributors LLC, a beer distributor, in connection with the acquisition, renovation, equipping and/or furnishing of an approximately 125,600 square foot facility located on an approximately 209,217 square foot parcel of land located at 1080 Leggett Avenue, Bronx, New York 10474. The financial assistance proposed to be conferred by the Agency will consist of payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Approximately \$10,000,000 tax-exempt manufacturing facilities bond transaction or straight lease transaction (Small Industry Incentive Program) for a real estate holding company to be formed for the benefit of Stormflo Solutions, LLC, a stormwater products manufacturer, in connection with the acquisition, renovation, equipping and/or furnishing of an approximately 23,500 square foot facility located on a 70,000 square foot parcel of land located at 940 East 149th Street, Bronx, New York 10455. The financial assistance proposed to be conferred by the Agency will consist of such bond financing, payments in lieu of City real property taxes, exemption from City and State mortgage recording taxes and exemption from City and State sales and use taxes.

Pursuant to Section 859a of the General Municipal Law of the State of New York and Internal Revenue Code Section 147(f), the Agency will hold a hearing on the proposed financings and transactions set forth above at the office of the New York City Economic Development Corporation (“NYCEDC”), 110 William Street, 4th Floor, New York, New York commencing at 10:00 A.M. on **Wednesday, April 8, 2009**. Interested members of the public are invited to attend. The Agency will present information at such hearing on the proposed financings and transactions set forth above. Pursuant to subdivision 3 of the above-referenced Section 859a, the Agency will, in addition, provide an opportunity for the public to review at such hearing the project application and the cost-benefit analysis for each of the proposed financings and transactions. For those members of the public desiring to review project applications and cost benefit analyses before the date of the hearing, copies of these materials will be made available, starting on or about noon on the Friday preceding the hearing. Persons desiring to obtain copies of these materials may visit the website of the New York City Economic Development Corporation at www.nycedc.com or may call (212) 312-3598. Persons desiring to make a brief statement regarding the proposed financings and transactions should give prior notice to the Agency at the address or phone number shown below. Written comments may be submitted to the Agency to the attention of Ms. Frances Tufano at the address shown below. Please be advised that certain of the aforementioned proposed financings and transactions may possibly be removed from the hearing agenda prior to the hearing date. Information regarding such removals will be available by contacting ftufano@nycedc.com on or about noon on the Friday preceding the hearing.

New York City Industrial Development Agency
110 William Street, 5th Floor
New York, New York 10038
(212) 312-3598

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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, **April 07, 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 MANHATTAN 09-6355 - Block 221, lot 35-12-16 Vestry Street, aka 440-444 Canal Street - Tribeca North Historic District
A late nineteenth century commercial style warehouse with Romanesque Revival style elements designed by Charles Haight and built in 1882-83, and altered in 1925 with a new Canal Street façade. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-4018 - Block 181, lot 18-177 Franklin Street - Tribeca West Historic District
A neo-Grec style store and loft building designed by Robert

Callick and built in 1890. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7418 - Block 498, lot 27-101 Spring Street - SoHo-Cast Iron Historic District
A cast iron store building with Classical and neo-Grec style details designed by N. Whyte and built in 1870-1871. Application is to install rooftop mechanical equipment, and modify storefront infill. Zoned M1-5B.

MODIFICATION OF USE AND BULK
BOROUGH OF MANHATTAN 09-7415 - Block 498, lot 27-101 Spring Street - SoHo-Cast Iron Historic District
A cast iron store building with Classical and neo-Grec style details designed by N. Whyte and built in 1870-1871. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7589 - Block 474, lot 14-53 Mercer Street - SoHo-Cast Iron Historic District
A brick store and loft building built in 1868. Application is to remove a fire-escape and install new storefront infill.

MODIFICATION OF USE AND BULK
BOROUGH OF MANHATTAN 09-7274 - Block 474, lot 14-53 Mercer Street - SoHo-Cast Iron Historic District
A brick store and loft building built in 1868. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6813 - Block 506, lot 12-40 Charlton Street- Charlton – King - Vandam Historic District
A Gothic style school building built in the 1920s. Application is to construct a barrier-free access ramp.

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 08-8507 - Block 635, lot 37-113-115 Bank Street - Greenwich Village Historic District
A pair of three-story houses built in 1857 and later converted for industrial use. Application is to enlarge a rooftop addition, install a chimney, and enlarge the areaway. Zoning R6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-5877 - Block 743, lot 83-156 9th Avenue - Chelsea Historic District
A vernacular style rowhouse with a ground floor storefront built in 1852. Application is to replace storefront infill. Zoned C2-6A.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7587 - Block 1121, lot 25-15 West 68th Street - Upper West Side/Central Park West Historic District
A Beaux Arts style rowhouse designed by Buchman & Fox and built in 1909-10. Application is to modify a window opening to accommodate an at-grade entrance.

MODIFICATION OF USE AND BULK
BOROUGH OF MANHATTAN 09-3804 - Block 1121, lot 25-15 West 68th Street - Upper West Side/Central Park West Historic District
A Beaux Arts style rowhouse designed by Buchman & Fox and built in 1909-10. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-8278 - Block 1205, lot 29-315 Central Park West - Upper West Side/Central Park West Historic District
A neo-Renaissance style apartment building designed by Schwartz and Gross and built in 1912-13. Application is to construct a barrier-free access ramp.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6640 - Block 1202, lot 41-22 West 89th Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse designed by Gilbert A. Schellenger and built in 1894. Application is to construct a rear yard addition and relocate a window. Zoned R7-2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6320 - Block 1380, lot 23-753-759 Madison Avenue, aka 27-31 East 65th Street - Upper East Side Historic District
An apartment building designed by Anthony M. Pavia and built in 1959. Application is to legalize the installation of a storefront without Landmarks Preservation Commission permits and the installation of a storefront in non-compliance with Certificate of No Effect 0 8-8604.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-5983 - Block 1404, lot 9-117 -119 East 69th Street - Upper East Side Historic District
A neo-Georgian style townhouse designed by Julius F. Gaynor and built in 1928-29. Application is to modify the rear facade.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-1195 - Block 1393, lot 33-878-888 Park Avenue, aka 61-71 East 78th Street - Upper East Side Historic District
A neo-Tudor style apartment building designed by Schwartz & Gross and built in 1926-1927. Application is to legalize the installation of through-the-wall air conditioners without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6711 - Block 1505, lot 11-17 East 93rd Street - Carnegie Hill Historic District
A Renaissance Revival style rowhouse designed by William Graul built in 1891-92, altered by Harry Silverman in 1939. Application is to alter the fenestration and areaway, replace windows, and construct rear yard and rooftop additions. Zoned R-8B [LH-1A].

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-2731 - Block 2059, lot 156-466 West 145th Street - Hamilton Heights Historic District Extension
A Renaissance Revival style rowhouse designed by G. A. Schellenger and built in 1896. Application is to alter the areaway and entrance to accommodate a barrier-free access ramp.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-4201 - Block 2067, lot 10-469 West 152nd Street - Hamilton Heights/Sugar Hill Northwest Historic District
A Renaissance Revival style apartment house designed by John P. Leo and built in 1895. Application is to legalize the installation of windows without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-6846 - Block 230, lot 15-112 Hicks Street - Brooklyn Heights Historic District
An eclectic style rowhouse built between 1880-1899. Application is to construct a rear yard addition. Zoned R6, LH-1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-7534 - Block 145, lot 35-503 Fulton Street - Offerman Building-Individual Landmark
A Romanesque Revival style commercial building designed by Peter J. Lauritzen and built between 1890 and 1893, with later alterations by Morris Lapidus in 1947. Application is to install storefront infill, lighting, and a marquee and to construct rooftop additions. Zoned C6-4.5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-6886 - Block 2119, lot 10-301 Cumberland Street - Fort Greene Historic District
A Moorish Revival style apartment house built circa 1920. Application is to legalize painting the door and window enframements, altering the areaway, and installing a door and awning, all without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-3772 - Block 1915, lot 47-254 Clinton Avenue - Clinton Hill Historic District
Originally a 19th century rowhouse, altered as a one-story institutional building by Henry McGill in 1940. Application is to demolish the existing building and construct a new gymnasium building. Zoned R6B.

m25-a7

TRANSPORTATION

■ PUBLIC HEARINGS

Notice is hereby given, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 40 Worth Street, Room 814 commencing at 2:00 P.M. on Wednesday, April 15, 2009. Interested Parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 40 Worth Street, 9th Floor South, New York, NY 10013, or by calling (212) 442-8040.

#1 In the matter of a proposed revocable consent authorizing Museum of Arts and Design to construct, maintain and use 4 benches on the south sidewalk of Columbus Circle and 3 benches on the west sidewalk of Broadway at 2 Columbus Circle, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2019 - \$1050/annum

the maintenance of a security deposit in the sum of \$2,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing 712 St. Nicholas Company Inc. to continue to maintain and use a fenced-in area on the east sidewalk of St. Nicholas Avenue, north of 145th Street, in the Borough of Manhattan. The proposed revocable consent is for a term from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2008 to June 30, 2019 - \$25/annum

the maintenance of a security deposit in the sum of \$2,000, and the filing of an insurance policy in the minimum amount

of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing Joseph Jaffoni and Gerri Ann Stern Jaffoni to continue to maintain and use a stoop and a fenced-in area on the north sidewalk of West 12th Street, between Greenwich Street and Hudson Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2019 - \$25/annum

the maintenance of a security deposit in the sum of \$2,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing American International Realty Corp. to continue to maintain and use a bridge over and across Pine Street, near Pearl Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$25,116
 For the period July 1, 2010 to June 30, 2011 - \$25,848
 For the period July 1, 2011 to June 30, 2012 - \$26,580
 For the period July 1, 2012 to June 30, 2013 - \$27,312
 For the period July 1, 2013 to June 30, 2014 - \$28,044
 For the period July 1, 2014 to June 30, 2015 - \$28,776
 For the period July 1, 2015 to June 30, 2016 - \$29,508
 For the period July 1, 2016 to June 30, 2017 - \$30,240
 For the period July 1, 2017 to June 30, 2018 - \$30,972
 For the period July 1, 2018 to June 30, 2019 - \$31,704

the maintenance of a security deposit in the sum of \$31,789, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#5 In the matter of a proposed revocable consent authorizing Two Little Hens Ltd. to maintain and use two benches on the west sidewalk of 8th Avenue, north of 12th Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2019 - \$300/annum

the maintenance of a security deposit in the sum of \$300, the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

m25-a15

COMMUTER VAN SERVICE AUTHORITY

NOTICE IS HEREBY GIVEN THAT the Department of Transportation is conducting a public hearing on the expansion of vehicles of a Van Authority in the Borough of Queens. The van company requesting expansion is City Link Corp. The address is 144-50 177th Street, Springfield Gardens, NY 11434. The applicant currently utilizes 14 vans daily to provide service 24 hours a day.

There will be a public hearing on Tuesday, April 7, 2009 at the Queens Borough Hall, 120-55 Queens Blvd., Room 213, Part 2, Kew Gardens, New York 11424, from 2:00 P.M. - 4:00 P.M., so that you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Bureau of Traffic Operations, 40 Worth Street, Room 1035, New York, NY 10013, no later than April 7, 2009. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed service will not meet present and/or future public convenience and necessity.

m23-27

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 09001 - S & T

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, April 1, 2009 (SALE NUMBER 09001-T). 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, March 18, 2009 (Sale Number 09001-S) 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-a1

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 1155

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is April 6, 2009 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks and vans will be auctioned on April 7, 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.

m25-a7

PROCUREMENT

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

ADMINISTRATION FOR CHILDREN'S SERVICES

■ SOLICITATIONS

Goods & Services

AUDITING AND ANALYSIS CONSULTANT SERVICES – Request for Proposals – PIN# 068-08-RFP-0001 – DUE 04-17-09 AT 2:00 P.M. – Copies of the RFP may be obtained, free of charge, from the ACS website, any time before the proposal due 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 case the link does not work go to www.nyc.gov, select Children's Services from the Agency drop-down menu to the left of the screen, then select Business Opportunities and Current RFP's and finally click on the RFP. 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@nysemail.state.ny.us and albert.lewis@dfa.state.ny.us. Please type the PIN above and RFP Description 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) 341-3462 to arrange to pick up a bid package in person.

A pre-proposal conference has been scheduled for 10:00 A.M. on Friday, April 3, 2009 at 150 William Street, 9th Floor Conference Room, New York, NY 10016. Attendance is not required, but recommended.

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. Albert Lewis (212) 341-3462, albert.lewis@dfa.state.ny.us

m27

■ INTENT TO AWARD

Human/Client Service

EXTRAORDINARY NEEDS FOSTER SERVICES – Negotiated Acquisition – DUE 04-06-09 AT 10:00 A.M. – PIN# 06809NEGAQ02 - ENFC
 PIN# 06809NEGAQ03 - ENFC
 PIN# 06809NEGAQ05 - ENFC

To enter into negotiation with the three organizations cited below for the continued provision of extraordinary needs foster care service.

1. Devereux Foundation
2. Ferncliff Manor
3. Woods Services Inc.

In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board Rules, ACS intends to use the negotiated acquisition process to extend the subject contracts' terms to ensure continuity of mandated services. The terms of the contracts are projected to be for one year, from July 1, 2009 to June 30, 2010. Suppliers may express interest in future procurements by contacting Rafael Asusta at ACS, Child Welfare Services Unit, 150 William Street, 9th Floor, New York, NY 10038, or by calling (212) 341-3511 between the hours of 10:00 A.M. and 4:00 P.M. on business days.

Negotiated Acquisition Extension.

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.
 Rafael Asusta (212) 341-3511.

m23-27

AGING

■ AWARDS

Goods & Services

SERVICES FOR SENIOR CITIZENS – BP/City Council Discretionary – Bridge Street Development Corp. 460 Nostrand Avenue, Brooklyn, NY 11216 PIN: 12509DISC2UH - Contract Amount: \$10,000

St. Rosalia-Regina Pacis Neighborhood Improve. 2115 6614 11th Avenue, Brooklyn, NY 11219 PIN: 12509DISC2ZA - Contract Amount: \$86,850

Ridgewood Bushwick Senior Citizens Council Inc. 555 Bushwick Avenue, Brooklyn, NY 11206 PIN: 12509DISC4XR - Contract Amount: \$31,000

m27

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

GRP: GO 4 SCOOTERS PARTS – Competitive Sealed Bids – PIN# 8570900916 – DUE 04-16-09 AT 10:30 A.M.
 ● **VEHICLE, TRACK-TYPE LOADER** – Competitive Sealed Bids – PIN# 8570900771 – DUE 04-16-09 AT 10:30 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 Citywide Administrative Services
 1 Centre Street, Room 1800, New York, NY 10007.
 Jeanette Megna (212) 669-8610.

m27

■ AWARDS

Goods

FIRE HYDRANT PARTS (II) – Competitive Sealed Bids – PIN# 857900092 – AMT: \$1,049,932.50 – TO: Mueller Company Ltd . dba U.S. Pipe Valve and Hydrant Division, 500 West Eldorado Street, Decatur, IL 62522.

m27

■ 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-jy17

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-jy17

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-jy17

CORRECTION

CENTRAL OFFICE OF PROCUREMENT

■ SOLICITATIONS

Services (Other Than Human Services)

SOFTWARE MAINTENANCE – Sole Source – Available only from a single source - PIN# 2-0405-0001/2009 – DUE 04-22-09 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.
Department of Correction, 17 Battery Place, 4th Floor New York, NY 10004. Arnold E. Martin (212) 487-7311.

m26-a1

DESIGN & CONSTRUCTION

■ SOLICITATIONS

Construction / Construction Services

LNCEA09MP, THE NEW YORK PUBLIC LIBRARY - LIBRARY SERVICES CENTER – Sole Source – Available only from a single source - PIN# 8502009LN0007P – DUE 04-07-09 AT 4:00 P.M. – The Department of Design and Construction intends to enter into a sole source contract with The New York Public Library for the above project LNCEA09MP. The contractor must have unique knowledge of the site, and must guarantee the assumption of all costs above the estimated cost of construction. Any firm which believes that it is also qualified to provide these services or would like to provide such services in the future is invited to indicate by letter to: Department of Design and Construction, 30-30 Thomson Avenue, 5th Floor, Long Island City, New York 11101. Steven Wong, Program Director, (718) 391-2550, wongs@ddc.nyc.gov

m25-31

RECONSTRUCTION OF COLLAPSED OR OTHERWISE DEFECTIVE SANITARY, COMBINED OR STORM SEWERS, FORCE MAINS, DRAINAGE FACILITIES AND APPURTENANCES ON AN EMERGENCY BASIS IN ALL BOROUGHS – Request for Qualifications – PIN# 8502009SE0031C – DUE 05-04-09 AT 4:00 P.M. – PROJECT NO: SEC-20004N.
 ● **RECONSTRUCTION AND REPLACEMENT OF BROKEN WATER MAINS ON EMERGENCY BASIS, SYSTEM WIDE** – Request for Qualifications – PIN# 8502009WM0015C – DUE 05-04-09 AT 4:00 P.M. – PROJECT NO: GE-348.

Request pre-qualification forms, in person, Mr. Gurdip Saini, P.E., Assistant Commissioner, Infrastructure/Design, Department of Design and Construction, 30-30 Thomson Avenue, 3rd Floor, Long Island City, NY 11101.

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 Design and Construction 30-30 Thomson Avenue, 3rd Floor, Long Island City, NY 11101. Raj Bhatt (718) 391-2205.

m25-31

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATIONS

Construction / Construction Services

LNCA09BPC, NYPL-BATTERY PARK BRANCH – Sole Source – Available only from a single source - PIN# 8502009LN0008P – DUE 04-07-09 AT 4:00 P.M. – The Department of Design and Construction intends to enter into a sole source contract with The New York Public Library (NYPL) for the above project. The contractor must have unique knowledge of the site, and must guarantee the assumption of all costs above the estimated cost of construction. Any firm which believes that it is also qualified to provide these services or would like to provide such services in the future is invited to indicate by letter to:

Department of Design and Construction, 30-30 Thomson Avenue, 5th Floor, Long Island City, New York 11101. Steven Wong, Program Director, (718) 391-2550, wongs@ddc.nyc.gov

m25-31

■ AWARDS

Construction / Construction Services

CARNEGIE HALL STERN AUDITORIUM RECONSTRUCTION, MANHATTAN – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502008PV0019P – AMT: \$8,279,000.00 – TO: Carnegie Hall Corporation, 881 Seventh Avenue, New York, NY 10019. PV503HALL.

m27

CONTRACT SECTION

■ SOLICITATIONS

Construction / Construction Services

GRINDING EXISTING ASPHALTIC CONCRETE WEARING COURSE – Competitive Sealed Bids – PIN# 8502009HW0035C – DUE 04-16-09 AT 11:00 A.M. PROJECT NO.: HW2CR09C. In preparation of resurfacing thereon by others at designated locations as required, Queens. Experience Requirements. Bid documents are available at: <http://www.nyc.gov/ddc> This Bid Solicitation includes M/WBE participation goals for subcontracted work. For the M/WBE goals, please visit our website at www.ddc.nyc.gov/buildnyc See “Bid Opportunities.” For more information about M/WBE certification, please call 311 or go to www.nyc.gov/getcertified. Apprenticeship Requirements apply to this contract. Vendor Source ID#: 58921.

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 documents deposit - \$35.00 per set. Company check or money order. 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.

m27

EDUCATION

DIVISION OF CONTRACTS AND PURCHASING

■ SOLICITATIONS

Goods

PROXTALKER MOVABLE PICTURE COMMUNICATION SYSTEM – Competitive Sealed Bids – PIN# Z1036040 – DUE 04-14-09 AT 5:00 P.M. – The purpose of this open market agreement is to give educators the ability to provide their non verbal students the ability to communicate through the purchase of an assistive technology voice output device. The device is the Proxtalker Movable Picture Communication System. This system is new and the Board has no prior purchasing history for this product. 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 MMcCrann@schools.nyc.gov with the BID's number and title in the subject line of your e-mail.

Bid opening: Wednesday, April 15th, 2009 at 11:00 A.M. There is a non-refundable fee of \$50.00, which is payable by all major credit cards.

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

m27

APEX LEARNING SOFTWARE – Competitive Sealed Bids – PIN# Z1029040 – DUE 04-14-09 AT 5:00 P.M. – Bid opening: Wednesday, April 15th, 2009 at 11:00 A.M.
 ● **MATRIX MATH PLUS SOFTWARE** – Competitive Sealed Bids – PIN# Z1050040 – DUE 04-15-09 AT 5:00 P.M. - Bid opening: Thursday, April 16th, 2009 at 11:00 A.M.
 ● **ROADMAP TO AMERICA: THE LAST BEST HOPE SOFTWARE** – Competitive Sealed Bids – PIN# Z1028040 – DUE 04-14-09 AT 5:00 P.M. - Bid opening: Wednesday, April 15th, 2009 at 11:00 A.M.
 ● **PBS AUDIO VISUAL MEDIA** – Competitive Sealed Bids – PIN# Z1048040 – DUE 04-14-09 AT 5:00 P.M. - Bid opening: Wednesday, April 15th, 2009 at 11:00 A.M.
 ● **ABLENET SOFTTOUCH SOFTWARE** – Competitive Sealed Bids – PIN# Z1052040 – DUE 04-15-09 AT 5:00 P.M. - Bid opening: Thursday, April 16th, 2009 at 11:00 A.M.
 ● **HOLT MCDOWAL SOFTWARE** – Competitive Sealed Bids – PIN# Z1051040 – DUE 04-15-09 AT 5:00 P.M. - Bid opening: Thursday, April 16th, 2009 at 11:00 A.M.

If you cannot download these OMA's, please send an e-mail to VendorHotline@schools.nyc.gov with the OMA number and title in the subject. For all questions related to this OMA, please send an e-mail to krobbin@schools.nyc.gov with the OMA's number and title in the subject line of your e-mail.

There is a non-refundable fee of \$25.00 for bid documents which is payable by all major credit cards.

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

m27

Services (Other Than Human Services)

TOUR OF PHILADELPHIA AND WASHINGTON DC – Competitive Sealed Bids – PIN# Z1056040 – DUE 04-07-09 AT 5:00 P.M. – For 110 Students and Adults from Kingsbridge International Magnet School in Bronx, NY, from April 29 - May 1, 2009. This is for Hotel Accommodations, Meals, Admissions to sites and Tour Guides. Bus

transportation to be provided separately. If you cannot download this OMA, please send an e-mail to VendorHotline@schools.nyc.gov with the OMA number and title in the subject. For all questions related to this OMA, please send an e-mail to CGallagher@schools.nyc.gov with the OMA's number and title in the subject line of your e-mail.

Bid opening: Wednesday, April 8th, 2009 at 11:00 A.M. There is a non-refundable fee of \$50.00, which is payable by all major credit cards.

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

m27

ENVIRONMENTAL PROTECTION

■ INTENT TO AWARD

Goods & Services

PREVENTIVE MAINTENANCE, REPAIRS AND PARTS FOR MICRO-FILTRATION UNITS – Sole Source – Available only from a single source - PIN# 8269013499 – DUE 04-10-09 AT 11:00 A.M. – The Department of Environmental Protection / Bureau of Water Supply intends to enter into a sole source agreement with Siemens Water Technologies for preventive maintenance, repairs and parts contract for micro-filtration units. Any firm which believes they can also provide the required services and parts is invited to do so by mail, which must be received no later than April 10, 2009 to the attention of Ira M. Elmore, Deputy Agency Chief Contracting Officer.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Environmental Protection, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373. Ira Elmore (718) 595-3259, ira@dep.nyc.gov

m23-27

BUREAU OF WATER SUPPLY

■ SOLICITATIONS

Services (Other Than Human Services)

CAT-380: YEAR-ROUND SNOW REMOVAL AND SANDING AND MAINTENANCE – Government to Government – PIN# 82609WS00035 – DUE 04-10-09 AT 4:00 P.M. – DEP intends to enter into an Agreement with Ulster County for CAT-380: YEAR-ROUND SNOW REMOVAL and SANDING and MAINTENANCE. The county shall perform and/or coordinate the performance of road maintenance activities on certain roads and bridges around the City's reservoirs in the County, except as shall be part of any state route, year-round, whenever necessary to provide reasonable passage and movement of vehicles over such roads and bridges in a safe manner, as required of the City by the City Administrative Code and the MOA. Any firm which believes it can also provide the required service is invited to so, indicate by letter which must be received no later than April 10th 2009, at 4:00 P.M., at: Department of Environmental Protection, Agency Chief Contracting Officer 59-17 Junction Blvd., 17th Floor, Flushing, New York 11373. Debra Butlien (718) 595-3423, dbutlien@dep.nyc.gov

m25-31

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

HEALTH AND MENTAL HYGIENE

■ SOLICITATIONS

Services (Other Than Human Services)

MOSQUITO CONTROL - CATCH BASIN LARVICIDING – Competitive Sealed Bids – PIN# 10AA003900R0X00 – DUE 04-29-09 AT 3:00 P.M. – Info: The New York City Department of Health and Mental Hygiene (NYC DOHMH) is seeking a qualified contractor to provide Mosquito Control - Catch Basin Larviciding Services on an as needed City and #8209; wide basis, during the arboviral transmission season. The contractor shall be required to inspect and treat, as required, each of the estimated 140,000 catch basins once each month during the active mosquito-breeding season or as determined by the DOHMH, generally June through September. The proposed contract resulting from the above-mentioned IFB shall commence upon written notice to proceed and not exceed three (3) years beginning on or about July 1, 2009 and ending on June 30, 2012. Bids are due no later than April 29, 2009, at ACCO, 93 Worth Street, Room 812, New York, NY 10013. Attention: Jackie Palmer. E-mail/faxed bids are not acceptable.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Mental Hygiene, 40 Worth Street, 1529, MN New York, NY 10013. Marcia O'Connor (212) 442-5327 moconnor@health.nyc.gov ACCO, 93 Worth Street, Room 812, New York, NY 10013.

m27

MOSQUITO CONTROL, AERIAL APPLICATION – Competitive Sealed Bids – PIN# 09AA008100ROX00 – DUE 04-30-09 AT 3:00 P.M. – Info: The New York City Department of Health and Mental Hygiene (NYC DOHMH) is seeking a qualified contractor to provide Mosquito Control - Adult and Larval Control via Aerial Application Services on an as needed City and #8209;wide basis, during the arboviral transmission season. The contractor shall be required to provide all labor and equipment necessary for the Mosquito Control via Aerial Application in areas identified by the DOHMH. The proposed contract resulting from the above-mentioned IFB shall commence upon written notice to proceed and not exceed three (3) years beginning on or about July 1, 2009 and ending on June 30, 2012. Bids are due no later than April 30, 2009, at ACCO, 93 Worth Street, Room 812, New York, NY 10013. Attention: Jackie Palmer. E-mail/faxed bids are not acceptable.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Mental Hygiene, 40 Worth Street, 1529, MN New York, NY 10013. Marcia O'Connor (212) 442-5327 moconnor@health.nyc.gov
ACCO, 93 Worth Street, Room 812, New York, NY 10013.

m27

HOMELESS SERVICES

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, mzmaira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

SOLICITATIONS

Goods & Services

MAINTENANCE PAINTING OF APARTMENTS – Competitive Sealed Bids – PIN# 9000131 – DUE 04-21-09 AT 10:00 A.M. – At Pomonok Houses.
● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 9000132 – DUE 04-21-09 AT 10:05 A.M. – At Washington Houses and Lexington Houses.
● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 9000133 – DUE 04-21-09 AT 10:10 A.M. – At Grant Houses.
● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 9000135 – DUE 04-21-09 AT 10:15 A.M. – At Bushwick Houses and Hylan Houses.
● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 9000137 – DUE 04-21-09 AT 10:20 A.M. – At Morris I and Morris II.
● **MAINTENANCE PAINTING OF APARTMENTS** – Competitive Sealed Bids – PIN# 9000138 – DUE 04-21-09 AT 10:25 A.M. – At Samuel Houses.

There is a non-refundable fee of \$25.00 payable by certified check or postal money order for each set of contract documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 23-02 49th Avenue, 4th Floor Bid Room, Long Island City, NY 11101. Joseph Schmidt (718) 707-8921.

m27

STAIRWELL REFINISHING (SILICATE COATING) – Competitive Sealed Bids – PIN# 9003782 – DUE 04-21-09 AT 10:45 A.M. – At Taft Houses and 131 Saint Nicholas Avenue.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003784 – DUE 04-21-09 AT 10:50 A.M. – At Adams Houses.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003785 – DUE 04-21-09 AT 10:55 A.M. – At Saint Mary's Park.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003786 – DUE 04-21-09 AT 11:00 A.M. – At Melrose Houses and East 152nd - Courtlandt Avenue.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003799 – DUE 04-21-09 AT 11:05 A.M. – At Bronx River Houses and Addition.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003800 – DUE 04-21-09 AT 11:10 A.M. – At Castle Hill Houses.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003801 – DUE 04-21-09 AT 11:15 A.M. – At Marble Hill Houses.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003803 – DUE 04-21-09 AT 11:20 A.M. – At Gun Hill Houses and Parkside Houses.

● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003807 – DUE 04-21-09 AT 11:25 A.M. – At Morrisania Air Rights.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003808 – DUE 04-21-09 AT 11:30 A.M. – At Morris I and Morris II.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003809 – DUE 04-21-09 AT 11:35 A.M. – At Mott Haven Houses.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003823 – DUE 04-21-09 AT 11:40 A.M. – At Mitchel Houses and Betances II (Mitchel).
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003824 – DUE 04-21-09 AT 11:45 A.M. – At Millbrook Houses and Extension, Betances II (Millbrook) and Patterson Houses.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003826 – DUE 04-21-09 AT 11:50 A.M. – At Ravenswood Houses.
● **STAIRWELL REFINISHING (SILICATE COATING)** – Competitive Sealed Bids – PIN# 9003828 – DUE 04-21-09 AT 11:55 A.M. – At Astoria Houses.

There is a non-refundable fee of \$25.00 payable by certified check or postal money order for each set of contract documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 23-02 49th Avenue, 4th Floor Bid Room, Long Island City, NY 11101. Joseph Schmidt (718) 707-8921.

m27

ROOFING REPLACEMENT AND ASBESTOS ABATEMENT – Competitive Sealed Bids – PIN# 8008518 – DUE 04-21-09 AT 2:00 P.M. – At Mott Haven Houses. There is a non-refundable fee of \$25.00 payable by certified check or postal money order for each set of contract documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 23-02 49th Avenue, 4th Floor Bid Room, Long Island City, NY 11101. Joseph Schmidt (718) 707-8921.

m27

VINYL COMPOSITION FLOOR TILE IN PUBLIC SPACE AREAS – Competitive Sealed Bids – PIN# 9003959 – DUE 04-21-09 AT 2:15 P.M. – At various Bronx Developments.
● **VINYL COMPOSITION FLOOR TILE IN PUBLIC SPACE AREAS** – Competitive Sealed Bids – PIN# 9003960 – DUE 04-21-09 AT 2:20 P.M. – At various Brooklyn Developments.
● **VINYL COMPOSITION FLOOR TILE IN PUBLIC SPACE AREAS** – Competitive Sealed Bids – PIN# 9003961 – DUE 04-21-09 AT 2:25 P.M. – At various Manhattan Developments.
● **VINYL COMPOSITION FLOOR TILE IN PUBLIC SPACE AREAS** – Competitive Sealed Bids – PIN# 9003963 – DUE 04-21-09 AT 2:30 P.M. – At various Queens Developments.
● **VINYL COMPOSITION FLOOR TILE IN PUBLIC SPACE AREAS** – Competitive Sealed Bids – PIN# 9003964 – DUE 04-21-09 AT 2:35 P.M. – At various Staten Island Developments.

There is a non-refundable fee of \$25.00 payable by certified check or postal money order for each set of contract documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 23-02 49th Avenue, 4th Floor Bid Room, Long Island City, NY 11101. Joseph Schmidt (718) 707-8921.

m27

Construction/Construction Services

RESTORATION OF MASONRY WALL AND STEEL BAR FENCE AT SOUTH BRONX AREA (SITE AREA 402) – Competitive Sealed Bids – PIN# ST8016625 – DUE 04-06-09 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

m23-27

ELEVATOR REHABILITATION AND MAINTENANCE AND SERVICE FOR TWENTY-SIX (26) ELEVATORS AT SUMNER HOUSES AND ONE (1) ELEVATOR AT BEDFORD STUYVESANT REHAB. – Competitive Sealed Bids – PIN# EV9003424 – DUE 04-02-09 AT 10:30 A.M. –
● **ELEVATOR REHABILITATION AND MAINTENANCE AND SERVICE FOR TEN (10) ELEVATORS AT TAYLOR-WYTHE HOUSES** – Competitive Sealed Bids – PIN# EV9003234 – DUE 04-02-09 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 (212) 306-3121, gloria.guillo@nycha.nyc.gov

m23-27

HOUSING PRESERVATION & DEVELOPMENT

DIVISION OF MAINTENANCE

AWARDS

Construction/Construction Services

GATEWAY, DEMOLITION CORP. – Emergency Purchase – Available only from a single source - PIN# 806099701942 – AMT: \$62,969.00 – TO: Gateway Demolition Corp., 134-22 32nd Avenue, Flushing, NY 11354.

m27

HUMAN RESOURCES ADMINISTRATION

INTENT TO AWARD

Human/Client Service

HOME ATTENDANT SERVICES FOR MEDICAID ELIGIBLE INDIVIDUALS – Negotiated Acquisition/Pre-Qualified List – PIN# 06910H0714000 – DUE 04-03-09 AT 4:00 P.M. –
1. All Metro AIDS Inc. d/b/a All Metro Health, located at 50 Broadway, Lynbrook, NY 11563. Contract amount: \$0 City Share - \$13,213,933 (Medicaid Management Information System (MMIS))

2. Association For Services For The Aged located at 36-36 33rd Street, Long Island City, NY 11106. Contract amount: \$0 - \$24,305,690 (MMIS).

3. Barele, Inc.d/b/a Omega Home Health Services, 44 Court Street, Suite 700, Brooklyn, NY 11201. Contract amount: \$0 City Share - \$17,318,032 (MMIS).

4. Best Care, Inc d/b/a All City Care, 3000 Hempstead Turnpike, Levittown, NY 11756. Contract amount: \$0 City Share - \$13,352,364 (MMIS).

5. Beth Emeth Home Attendant Services, Inc., 1080 McDonald Avenue, Brooklyn, NY 11230. Contract amount: \$0 City Share - \$22,419,791 (MMIS).

6. BHRAGS Home Care, Inc., 444 Thomas Boyland Avenue, Brooklyn, NY 11212. Contract amount: \$0 City Share - \$17,152,665 (MMIS).

7. Bushwick Stuyvesant Heights Home Attendant, Inc., 1004 Gates Avenue, Brooklyn, NY 11221. Contract amount: \$0 City Share - \$10,627,300 (MMIS)

8. C.I.D.N.Y Independent Living Services, Inc., 841 Broadway, New York, NY 10003. Contract amount: \$0 City Share - \$9,075,838 (MMIS)

9.CABS Home Attendant Services, 545 Broadway, Brooklyn, NY 11206 (2 contracts). Contract amounts: \$0 City Share - \$27,506,952 (MMIS) and \$12,666,474 (MMIS)

10. Community Home Care Referral d/b/a Helping Hands Attendant Services, 3920 13th Avenue, Bklyn., NY 11218. Contract amount: \$0 city share - \$20,128,926 (MMIS).

11.Council for Human Services Home Care Services, 2253 third Avenue, 4th Floor, New York, NY 10035. Contract amount: \$0 city share - \$10,835,804 (MMIS)

12. F.E.G.S. Home Attendant services, Inc. 240 East 123rd Street, New York, NY 10035. Contract amount: \$0 city share - \$14,944,151 (MMIS)

13. Family Home Care services of Brooklyn and Queens, Inc., 241 37th Street, Bklyn., NY 11232. (2 contracts). Contract amount: \$0 city share - \$12,245,801 (MMIS) and \$35,842,659 (MMIS).

14. First Chinese Presbyterian Community Affairs Home Attendant Corp., 121 Avenue of the Americas, Suite 504, New York, NY 10013. Contract amount: \$0 city share - \$34,823,179 (MMIS).

15. Home Attendant Services of Hyde Park, 1273 53rd Street, Bklyn., NY 11219. Contract amount: \$0 city share - \$22,041,310.

16. Home Attendant Vendor Agency, 3036B Nostrand Avenue, Bklyn., NY 11229. Contract amount: \$0 city share - \$29,624,592 (MMIS)

17. Home Care Services for Independent Living, 2044 Ocean Avenue, Suite 4-B, Bklyn., NY 11230. Contract amount: \$0 city share - \$32,136,243 (MMIS)

18. Home Health Management Services, 853 Broadway, Suite 200, New York, NY 10003. Contract amount: \$0 city share - \$28,645,117 (MMIS)

19. Home Services Systems, Inc., 32-75 Steinway Street, Astoria, NY 11103 (2 contracts). Contract amounts: \$0 city share - \$35,320,141 (MMIS) and \$35,842,659 (MMIS).

20. Human Development Association, Inc., 12 Heyward Street, Bklyn., NY 11211. Contract amount: \$0 city share - \$34,857,563 (MMIS)

21. Institute Home Care Services, Inc., 23 Nagle Avenue, New York, NY 10040. Contract amount: \$0 city share - \$15,933,242 (MMIS).

22. Jewish Community Council Services Commission, Inc., 80 Maiden Lane, 10th Floor, Kew Gardens, NY 11415. Contract amount: \$0 city share - \$20,753,055 (MMIS)

23. Mobilization For Youth Health Services, Inc, 199 Avenue B, New York, NY 10009. Contract amount: \$0 city share - \$11,873,341 (MMIS)

24. New York Health Care, Inc., 1850 McDonald Avenue, Brooklyn, NY 11223. Contract amount: \$0 city share - \$19,382,540 (MMIS)

25. New York Foundation for Senior Citizens Home Attendant Services, Inc., 11 Park Place, Suite 1416, New York, NY 10007. Contract amount: \$0 city share - \$19,505,511 (MMIS).

26. North General Home Attendant Corporation, 205 East 122nd Street, New York, NY 10035. Contract amount: \$0 city share - \$14,416,560 (MMIS)

27. People Care, Inc., 116 West 32nd Street, 15th Floor, New York, NY 10001 (3 contracts) Contract amounts: \$0 city share - \$10,696,197 (MMIS), \$8,705,554 (MMIS) and \$5,712,712 (MMIS).

28. Personal Touch Home Care, Inc., 222-15 Northern Boulevard, Bayside, NY 11361. Contract amount: \$0 city share - \$21,293,389 (MMIS)

29. Pomonok Home Services, inc., 61-17 190th Street, Fresh Meadows, NY 11365. Contract amount: \$0 city share - \$22,516,524 (MMIS)

30. Premier Home Health Care Services, Inc. d/b/a First Aide Home Care, 360 Hamilton Avenue, White Plains, NY 10601. Contract amount: \$0 city share - \$13,121,834 (MMIS)

31. Prestige Home Attendant, Inc. d/b/a All Season Home Attendant, 377 Broadway, 2nd Floor, New York, NY 10013 (2 contracts). Contract amounts: \$0 city share \$16,115,794 (MMIS) and \$14,212,288 (MMIS)

32. Progressive Home Health Services, 132 West 31 Street, 7th Floor, New York, NY 10001. Contract amount: \$0 city share - \$16,491,542 (MMIS)

33. Project O.H.R., Inc. (Office of Home Care Referral), 80 Maiden Lane, 10th Floor, New York, NY 10038. Contract amount: \$0 city share - \$41,451,064 (MMIS)

34. Ridgewood Bushwick Senior Citizens Council, 533 Bushwick Avenue, Bklyn., NY 11206 (2 contracts) Contract amounts: \$0 city share - \$22,986,989 (MMIS) and \$12,816,710 (MMIS).

35. Rockaway home Attendant Services, Inc., 1603 Central Avenue, Far Rockaway, NY 11691. Contract amount: \$0 city share - \$16,614,249 (MMIS)

36. School Settlement Home Attendant Service, Corp., 357 Manhattan Avenue, Bklyn., NY 11211. Contract amount: \$0 city share - \$20,273,267 (MMIS).

37. Services For the Aged, 36-36 33rd Street, Long Island City, NY 11106. Contract amount: \$0 city share - \$10,073,720 (MMIS)

38. St. Nicholas Human Support Corp., 2 Kingsland Avenue, Bklyn., NY 11211. Contract amount: \$0 city share - \$22,231,748 (MMIS)

39. Stella Orton Home Care Agency, 3155 Amboy, Staten Island, NY 10306. Contract amount: \$0 city share - \$28,755,926 (MMIS)

40. Sunnyside Home Care Project, Inc., 43-31 39th Street, Sunnyside, NY 11104. Contract amount: \$0 city share - \$24,410,633 (MMIS)

41. United Jewish Council of the East Side Home Attendant Services, 550A Grand Street, New York, NY 10002. Contract amount: \$0 city share - \$24,656,996 (MMIS)

42. VIP Health Care Services, Inc., 116-12 Myrtle Avenue, Richmond Hill, NY 11418 (2 contracts). Contract amounts: \$0 city share - \$7,174,348 (MMIS) and \$9,975,642 (MMIS)

43. Chinese American Planning Council Home Attendant Program, 1 York Street, 2nd Floor, New York, NY 10013. Contract amounts: \$0 city share - \$14,528,330 (MMIS) and \$36,239,008 (MMIS).

44. P.S.C. Community Services, Inc., 120 Jewel Street, Bklyn., NY 11222. Contract amount: \$0 city share - \$18,763,353 (MMIS).

45. Services for the Underserved Home Attendant Program, Inc. 305 Seventh Avenue, 10th Floor, New York, NY 10001. Contract amount: \$0 city share - \$15,358,235 (MMIS).

The Human Resources Administration (HRA)/Home Care Services Program (HCSP) plans to enter into negotiations with the organizations that currently provide home attendant services to Medicaid-eligible individuals in the boroughs of Manhattan, Queens, Brooklyn and Staten Island to allow these contractors to continue to provide these critical services until new contracts are in place. It is anticipated that the contract term will be from July 1, 2009 to March 31, 2010.

Organizations interested in responding to a future solicitation for these services are invited to do so by calling the New York City Vendor Enrollment application, or fill one out on-line visiting www.nyc.gov/selltonyc.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Human Resources Administration, 109 East 16th Street, 2nd Floor, New York, NY 10038. Marion Harnik (212) 835-7326, harnikm@hra.nyc.gov

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INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

SOLICITATIONS

Services (Other Than Human Services)

REPAIR SERVICES OF INFORMATION TECHNOLOGY EQUIPMENT LOCATED AT DESIGNATED SITES THROUGHOUT THE CITY OF NEW YORK – Competitive Sealed Bids – PIN# 85808CSB0045 – DUE 04-27-09 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.
Department of Information Technology and Telecommunications, 75 Park Place, 9th Floor, New York, NY 10007. Margaret Budzinska (212) 788-6510, acco@doitt.nyc.gov

m27

PARKS AND RECREATION

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction / Construction Services

RECONSTRUCTION OF MINETTA PLAYGROUND – Competitive Sealed Bids – PIN# 8462009M125C01 – DUE 04-27-09 AT 10:30 A.M. – Located along Avenue Of The Americas between West 3rd Street and Minetta Lane, Manhattan, known as Contract #M125-108M. Vendor Source ID#: 58922. Please be advised that this contract is part of a pilot program in which the Standard Construction Contract provisions concerning delay damages have been revised to allow contractors to be reimbursed for specified additional costs.
● **PARTIAL RECONSTRUCTION OF BALL FIELDS 1 AND 5 IN CUNNINGHAM PARK** – Competitive Sealed Bids – PIN# 8462009Q021C01 – DUE 04-27-09 AT 10:30 A.M. - Queens, known as Contract #Q021-108M. Vendor Source ID#: 58923.

These procurements are subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, Olmsted Center, Room 5 Design Conference Room, Flushing Meadows Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov
Olmsted Center, Room 5, Design Conference Room Flushing Meadows-Corona Park, Flushing, NY 11368.

m27

AWARDS

Construction / Construction Services

PAVING OF NEWLY PLANTED STREET TREE PITS – Competitive Sealed Bids – PIN# 8462009X000C02 – AMT: \$900,000.00 – TO: Siedlecki Construction Co., Inc., 24 Pollock Ave., Jersey City, NJ 07305. In Community Boards 1-12, The Bronx, known as Contract #XG-309M.

m27

REVENUE AND CONCESSIONS

SOLICITATIONS

Services (Other Than Human Services)

RENOVATION, OPERATION, AND MAINTENANCE OF THREE (3) SNACK BARS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# X39-SBS – DUE 04-13-09 AT 3:00 P.M. – Located at Orchard Beach, Pelham Bay Park, Bronx. TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park 830 Fifth Avenue, Room 407, New York, NY 10021. Alexander Han (212) 360-1397, alexander.han@parks.nyc.gov

m20-a2

RENOVATION, OPERATION AND MAINTENANCE OF THE CAROUSEL AND SNACK BAR – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# Q15-B-CL SB – DUE 04-20-09 AT 3:00 P.M. – In Forest Park, Queens. TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115

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

m16-27

OPERATION OF A MODEL SAILBOAT RENTAL SERVICE – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M10-15-SLB – DUE 05-01-09 AT 3:00 P.M. – At Conservatory Waters, Central Park, Manhattan. Parks will hold a proposer meeting on Friday, April 17, 2009 at 11:00 A.M. at the proposal concession site, which is located adjacent to the Conservatory Waters sailboat pond inside Central Park at about East 74th Street.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park 830 Fifth Avenue, Room 407, New York, NY 10021. Eve Mersfelder (212) 360-3407, eve.mersfelder@parks.nyc.gov

m27-a9

DEVELOPMENT, MAINTENANCE, AND OPERATION OF AN INDOOR TENNIS CONCESSION – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M10-IT – DUE 05-04-09 AT 3:00 P.M. – At Central Park. TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park 830 Fifth Avenue, Room 407, New York, NY 10021. Glenn Kaalund (212) 360-1397, glenn.kaalund@parks.nyc.gov

m19-a1

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction / Construction Services

FLOOD ELIMINATION AND REPAIR STAIRWELL – Competitive Sealed Bids – PIN# SCA09-004456-1 – DUE 04-13-09 AT 10:00 A.M. – Stevenson H.S. (Bronx), Flood Elimination and Repair Stairwells. Project Range: \$2,230,000.00 to \$2,352,000.00. 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.
● **INTERNET PROTOCOL DIGITAL VIDEO SURVEILLANCE** – Competitive Sealed Bids – PIN# SCA09-12603D-1 – DUE 04-15-09 AT 11:30 A.M. - Six Various Schools in Manhattan, Internet Protocol Digital Video Surveillance. Project Range: \$1,650,000.00 to \$1,733,000.00. 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

m25-31

FLOOR RECONSTRUCTION – Competitive Sealed Bids – PIN# SCA09-12382D-1 – DUE 04-15-09 AT 11:00 A.M. – PS 213 (Brooklyn). Project Range: \$1,060,000.00 to \$1,121,000.00. 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. Kevantae Idlett (718) 472-8360, kidlett@nycsca.org

m25-31

IP SURVEILLANCE CAMERA – Competitive Sealed Bids – PIN# SCA09-12291D-1 – DUE 04-14-09 AT 10:00 A.M. – Project Range: \$2,580,000.00 to \$2,713,000.00. 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

m26-a1

IP SURVEILLANCE CAMERA – Competitive Sealed Bids – PIN# SCA09-12295D-1 – DUE 04-13-09 AT 2:30 P.M. – Project Range: \$1,950,000.00 to \$2,052,000.00. 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. Stacia Edwards (718) 752-5849, sedwards@nycsca.org

m25-31

GYMNASIUM UPGRADE – Competitive Sealed Bids – PIN# SCA09-12371D-1 – DUE 04-14-09 AT 10:30 A.M. – Hillcrest High School (Queens). Project Range: \$1,870,000.00 to \$1,970,000.00. 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. Rookmin Singh (718) 752-5843, rsingh@nycsca.org

m25-31

EXTERIOR MASONRY/ELECTRICAL SYSTEMS – Competitive Sealed Bids – PIN# SCA09-12191D-1 – DUE 04-13-09 AT 10:00 A.M. – Project Range: \$2,740,000.00 to \$2,890,000.00. 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. Stacia Edwards (718) 752-5849 sedwards@nycsca.org

m25-31

CORRIDOR FLOORS – Competitive Sealed Bids – PIN# SCA09-11680D-1 – DUE 04-10-09 AT 11:30 A.M. – PS 28 (Bronx). Project Range: \$1,040,000.00 to \$1,100,000.00. 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

m23-27

EXTERIOR MASONRY, PARAPETS AND ROOFS – Competitive Sealed Bids – PIN# SCA09-12220D-1 – DUE 04-16-09 AT 11:00 A.M. – School of the Future at MD Bacon, Exterior Masonry, Parapets and Roofs. Project Range: \$1,850,000.00 to \$1,950,000.00. 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

m27-a2

BUREAU OF CONTRACTS AND SERVICES

SOLICITATIONS

Construction / Construction Services

ELECTRICAL SYSTEMS UPGRADE – Competitive Sealed Bids – PIN# SCA09-12186D-1 – DUE 04-13-09 AT 11:00 A.M. – J.H.S. 232 (Brooklyn). Project Range: \$1,180,000.00 to \$1,250,000.00. 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

m25-31

SMALL BUSINESS SERVICES

PROCUREMENT

AWARDS

Human / Client Service

QUEENS BUSINESS SOLUTIONS CENTER RENEWAL – Renewal – PIN# 8012004K0171 – AMT: \$527,400.00 – TO: DB Grant Associates, Inc., 60 Madison Avenue, Suite 705, New York, NY 10010. The New York City Department of Small Business Services (SBS) intends to exercise its option to renew its contract (PIN# 8012004K0171) with DB Grant Associates, Inc., located at 60 Madison Avenue, Suite 705, New York, NY 10010, to provide business solution services at the Queens Business Solutions Center. The period of the renewal shall be from April 1, 2009 through March 31, 2010. ● **UPPER MANHATTAN BUSINESS SOLUTIONS CENTER RENEWAL** – Renewal – PIN# 8012004K0191 – AMT: \$527,400.00 – TO: Structured Employment Economic Development Corporation, 915 Broadway, 17th Floor, New York, NY 10010. - The New York City Department of Small Business Services (SBS) intends to exercise its option to renew its contract (PIN# 8012004K0191) with Structured Employment Economic Development Corporation located at 915 Broadway, 17th Floor, New York, NY 10010, to provide business solution services at the Upper Manhattan Business Solutions Center. The period of the renewal shall be from April 1, 2009 through March 31, 2010.

m27

TRANSPORTATION

BRIDGES

SOLICITATIONS

Construction / Construction Services

BID EXTENSION: REPLACEMENT OF SHORE BELT PARKWAY BRIDGE OVER PAERDEGAT BASIN, ROCKAWAY PARKWAY AND FRESH CREEK BASIN – Competitive Sealed Bids – PIN# 84107BKBR186 – DUE 04-07-09 AT 11:00 A.M. – BID EXTENSION: (A) Replacement of the Shore (Belt) Parkway Bridge over Paerdagat Basin (B) replacement of the Shore (Belt) Parkway Bridge over Rockaway Parkway (C) Replacement of the Shore (Belt) Parkway Bridge over Fresh Creek Basin, Borough of Brooklyn. This contract is subject to Apprenticeship Program Requirements as described in the Solicitation Materials. A deposit of \$100.00 made payable to New York City Department of Transportation is required to obtain bid/contract documents. The deposit must be made in the form of a certified check or money order made payable to the New York City Department of Transportation. No Cash Accepted. Due to increased building security please allow extra time and ensure that proper photo identification is available upon

request. Please ensure that your company's address, telephone and fax numbers are submitted by your company (or messenger service) when picking-up contract documents. For additional information please contact Andre Celestin, P.E. at (212) 487-7822.

This Project is federally aided and is subject to the provision of Title 23 of the United State Code, as amended, and applicable New York State statutes. In compliance with these provisions, the minimum wages to be paid to laborers and mechanics are included in wage schedules that are set out in the bid proposal.

Disadvantaged Business Enterprises (DBE) will be afforded full opportunity to submit bids and the City of New York hereby notifies all bidders that it will affirmatively insure that any contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the basis of race, color, sex, sexual orientation, national origin, age or place of residence. Prospective bidder's attention is also directed to the requirements of schedule "H" in the proposal concerning DBE participation in the contract. The schedule of proposed DBE participation is to be submitted by the apparent low bidder within 10 business days after the date of opening of bids. Vendor Source ID#: 56997. Advertisement period Legally mandated by Federal Government Rules.

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

Department of Transportation, Contract Unit Office of the Agency Chief Contracting Officer, Room 824A 40 Worth Street, New York, NY 10013. Bid Window (212) 442-7565.

m27

YOUTH AND COMMUNITY DEVELOPMENT

OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

Goods & Services

MAINTENANCE AND CLEANING SERVICES – Renewal – PIN# 26009000MCSA – DUE 03-31-09 AT 5:00 P.M. – In accordance with Section 4-04(a) of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD) intends to renew the Maintenance and Cleaning Services contract with provider listed below to provide general cleaning, janitorial and routine maintenance services at DYCD's offices. The term of this renewal shall be one year from May 1, 2009 to April 30, 2010.

Maiday-Maiday Cleaning Services, Inc. 593 Vanderbilt Avenue #236 Brooklyn, NY 11238

Organizations requesting additional information are invited to do so by writing to: Daniel Symon, ACCO, at Department of Youth and Community Development, 156 William Street, 2nd Floor, New York, NY 10038.

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 Youth and Community Development 156 William Street, 2nd Floor, New York, NY 10038. Daniel Symon (212) 442-5982, dsymon@dycd.nyc.gov

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AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

“These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv” NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor’s Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

HOMELESS SERVICES

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, April 2, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Homeless Services and Interfaith Medical Center, 555 Prospect Place, Brooklyn, NY 11238, to provide Medical and Psychiatric Screening and Assessment Services at the Bedford-Atlantic Men's Shelter located at 1322 Bedford Avenue, Brooklyn, NY 11216. The total contract amount shall be \$345,297. The contract term shall be from July 1, 2009 to December 31, 2009. PIN#: 071-09S-03-1394.

The proposed contractor has been selected by means of Negotiated Acquisition Extension, pursuant to Section 3-04 (b) (2) (iii) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Homeless Services, 33 Beaver Street, NY, NY 10004, from March 27, 2009 to April 2, 2009, excluding Saturdays, Sundays and Holidays from 9:00 A.M. to 5:00 P.M.

IN THE MATTER of a proposed contract between the Department of Homeless Services and PSCH, Inc., 30-50 Whitestone Expressway, Flushing, NY 11354, to provide Medical Review Team Services. The total contract amount shall be \$505,656. The contract term shall be from July 1, 2009 to June 30, 2010. PIN#: 071-09S-03-1388.

The proposed contractor has been selected by means of Negotiated Acquisition Extension, pursuant to Section 3-04 (b) (2) (iii) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Homeless Services, 33 Beaver Street, NY, NY 10004, from March 27, 2009 to April 2, 2009, excluding Saturdays, Sundays and Holidays from 9:00 A.M. to 5:00 P.M.

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HOUSING PRESERVATION AND DEVELOPMENT

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, April 2, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Housing Preservation and Development and West Bronx Housing and Neighborhood Center Corporation dba West Bronx Housing and Neighborhood Resource Center, 3176 Bainbridge Avenue, Bronx, NY 10467, for the provision of Neighborhood Preservation Consultant Program in the Borough of The Bronx, Community Board Numbers 5 and 7. The contract amount shall be \$240,000. The contract term shall be from January 1, 2009 to December 31, 2011 with one two-year option to renew from January 1, 2012 to December 31, 2013. PIN#: 806080100005D.

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Housing Preservation and Development, 100 Gold Street, 8th Floor, Room 8-S6, New York, NY 10038, on business days, from March 27, 2009 to April 2, 2009, excluding Holidays, from 10:00 A.M. to 4:00 P.M. Contact Ms. Angela Blake Fields at Room # 8-S6, (212) 863-6655.

m27

AGENCY RULES

HEALTH AND MENTAL HYGIENE

NOTICE

NOTICE OF INTENTION TO AMEND ARTICLE 47 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed amendment of Article 47 (Child Care Services) of the New York City Health Code (the “Health Code”).

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 10:00 A.M. TO 12:00 NOON ON TUESDAY, APRIL 28, 2009 IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. MONDAY, APRIL 27, 2009. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY APRIL 10, 2009.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12:00 P.M. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> ON OR BEFORE 5:00 P.M., TUESDAY, APRIL 28, 2009. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC 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 SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL

INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO
<http://www.nyc.gov/html/doh/html/comment/comment.shtml>

STATUTORY AUTHORITY

These amendments to the Health Code are promulgated pursuant to §§558 and 1043 of the Charter. Sections 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 grants the Department rule-making authority.

STATEMENT OF BASIS AND PURPOSE

The Board of Health, at its meeting on March 6, 2008, adopted a resolution repealing and reenacting Article 47 of the New York City Health Code (Child Care Services). The Department requests that the Board amend various provisions of subdivision (e) and repeal subdivision (f) of §47.31 (Health: medication administration) of the Health Code to enable child care services permittees regulated under Article 47 to administer medications to children with disabilities.

After adoption of the resolution, the American Diabetes Association brought to the Department's attention omission of a provision that would have made it possible for Article 47 permittees operating child care services to administer necessary medications, including injectible insulin, to diabetic children, where the Americans with Disabilities Act (ADA) may require the child care service to administer such medication in order to reasonably accommodate the child's attendance in the child care service.

Article 47's current provisions allow health care professionals and certified non-professional staff to administer certain medications, and are based on nearly identical provisions in regulations of the New York State Office of Children and Family Services (OCFS). Through an oversight, however, Article 47 omits provisions that would enable New York City child care services providers to accommodate children with disabilities who may require medication to be administered by injection, vaginally or rectally.

Accordingly, the Department is requesting that the Board amend Article 47. The proposed amendment is essentially the same as the applicable OCFS regulation, 18 NYCRR §418-1.11, is consistent with Guidance issued by OCFS regarding compliance with the ADA and OCFS regulations on the administration of medications in child care programs, and clarifies that child care services may be required to administer medications to children with special health needs in compliance with the ADA.

Statement Pursuant to Charter §1043

This proposal was not included in the Department's regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

The amendment is as follows:
 Matter underlined is new
 Matter to be deleted is indicated by [brackets]

RESOLVED, that §47.31 of Article 47 (Child Care Services) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, adopted by resolution on the sixth of March, two thousand eight, be, and the same hereby is, amended, to be printed together with explanatory notes, to read as follows:

§47.31 Health; medication administration.

(a) *Medication policy required.* Each permittee shall establish a policy as to whether the permittee will or will not administer medication, and incorporate such policy in the service's health care plan[.] component of the written safety plan required by §47.11 of this Article. Notwithstanding any child care service's general policy not to administer medication, such policy shall indicate that the child care service may be required to administer medication to a child with a disability pursuant to the Americans with Disabilities Act.

(e) *Medication administration procedures.* Permittees and designated staff may administer prescription and nonprescription (over-the-counter) medications for eyes or ears, oral medications, topical ointments and medications, and inhaled medications in accordance with the provisions of this section.

(5) Permittees and designated staff may not administer medications by injection, vaginally or rectally, except [for] as follows:

(A) [epinephrine] Epinephrine auto-injector devices when necessary to prevent anaphylaxis for an individual child when the parent and the child's healthcare provider have indicated such treatment is appropriate; or

(B) For a child with special health care needs where the parent, child care service and the child's health care provider have agreed on a plan pursuant to which the permittee or designated staff may administer medications by injection, vaginally or rectally; or

(C) Where the permittee or designated staff hold a valid New York State license as a physician, physician's assistant, registered nurse, nurse practitioner, licensed practical nurse, or advanced emergency medical technician.

(6) [Medications shall not be administered vaginally or rectally except where such permittee or staff has a valid New York State license as a physician, physician's assistant, registered nurse, nurse practitioner, licensed practical nurse, or advanced emergency medical technician.] Nothing in this section shall be deemed to require any permittee to administer any medication, treatment, or other remedy except to the extent that such medication, treatment or remedy is required under the provisions of the Americans with Disabilities Act.

(13) A permittee may administer over-the-counter topical ointments, including sunscreen lotion and topically applied insect repellent, upon the written instructions of the parent. Such administration shall be consistent with any directions for use noted on the original container, including but not limited to precautions related to age and special health

conditions, and no additional certifications to administer medications are required by the permittee or designated staff. If the only administration of medication offered by the service will be the administration of over-the-counter topical ointment, including sunscreen lotion and topically applied insect repellent, a designated health care consultant is not required. The permittee or designated staff shall record in the medication log applications of such topically applied ointments, sunscreen lotions and topically applied insect repellents, with the name of the child, date and time administered, and staff signature.

(18) Nothing in this section shall prevent a parent, guardian or other legally authorized individual in relation to a child from administering medication to a child while such child is in a child care service. In these circumstances, the permittee shall document the dosages and time that the medications were administered to the child by such individual. If the only administration of medication in such service is done by such individual, no certifications to administer medication are required by the permittee or staff.

RESOLVED, that subdivision (f) (When medication is not administered by the permittee) of §47.31 of Article 47 (Child Care Services) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, adopted by resolution on the sixth of March, two thousand eight, be, and the same hereby is repealed.

Notes: Subdivision (a) and paragraphs (5), (6) and (13) of subdivision (e) of §47.31 were amended, a new paragraph (18) added to subdivision (e) and subdivision (f) was repealed by resolution of the Board of Health on XXX to clarify that child care services may be required to administer medications to children with special health needs in compliance with the Americans with Disabilities Act (ADA), and incorporating additional provisions of the regulations of the New York State Office of Children and Family Services with respect to medication administration. *See, e.g.,* 18 NYCRR §418-1.11. A permittee who is required to administer medications under the provisions of the ADA is required to have staff certified in medication administration training (MAT), CPR and first aid in accordance with subdivision (d) of this section. Subdivision (f) (*When medication is not administered by the permittee*) was repealed, and non-duplicative provisions were incorporated in paragraph (13) and a new paragraph (18) of subdivision (e).

NOTICE OF INTENTION TO REPEAL AND REENACT ARTICLE 131 AND REPEAL ARTICLE 135 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed repeal of Article 131 (Buildings Generally) and Article 135 (Commercial Premises), to be reenacted as Article 131 (Buildings) of the New York City Health Code.

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 10:00 A.M. TO 12:00 P.M. ON WEDNESDAY, APRIL 29, 2009 IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. TUESDAY, APRIL 28, 2009. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY WEDNESDAY, APRIL 15, 2009.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12:00 P.M. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PRE-REGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED BY MAIL TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> ON OR BEFORE 5:00 P.M., WEDNESDAY, APRIL 29, 2009. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC 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 SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO
<http://www.nyc.gov/html/doh/html/comment/comment.shtml>

STATUTORY AUTHORITY

These amendments to the New York City Health Code (the "Health Code") are promulgated pursuant to §§556, 558 and 1043 of the New York City Charter (the "Charter"). Section

556 of the Charter provides the Department of Health and Mental Hygiene ("DOHMH" or the "Department") with jurisdiction to regulate all matters affecting the health in the City of New York. Section 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the DOHMH's authority extends. Section 1043 of the Charter grants the DOHMH rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

As part of a comprehensive review of the Health Code to assess its efficacy in protecting the public health, the DOHMH proposes that the Board of Health update various provisions of the Health Code to provide adequate legal tools for the Board and the DOHMH to effectively address the City's current and future public health needs. The Department proposes, as part of this broad revision of the Health Code, that the Board repeal and reenact Article 131 (Buildings Generally), repeal Article 135 (Commercial Premises), and incorporate surviving provisions of both articles as a new Article 131 (Buildings). The new Article 131 would eliminate outdated and obsolete provisions of both current articles, revise provisions that have been retained, and add new provisions consistent with the Department's current priorities and concerns.

§131.01 Scope.

This section is new and clarifies the purpose and applicability of this Article. As indicated in the introductory notes, the provisions of this Article are not intended to duplicate authority exercised by other City agencies.

§131.03 Definitions.

This section is new and defines terms used in the Article.

§131.05 Duty; responsibility for violations.

This section is derived in part from both current §131.01 (Violations; responsibility) and §135.13 (Responsibility for compliance).

§131.07 Heating.

The provisions of former §131.03 have been modified and updated, and incorporated in this section. The 1968 Building Code, Administrative Code §§27-740ff, and the 2008 New York City Building Code §1204 specify minimum heating system capacities for various building use categories but do not require that minimum temperatures be maintained during times buildings are occupied. The New York City Department of Housing Preservation and Development ("HPD") enforces Housing Maintenance Code §27-2029, which establishes minimum heating requirements for dwellings. The Health Code temperature requirements are therefore currently only enforced in buildings not subject to the Housing Maintenance Code requirements. The Department is proposing that the minimum seasonal (between October 1 and May 31) temperature to be maintained for occupied buildings not used as dwellings (with the exception of those buildings otherwise regulated, such as child day care, school, or health care facilities, or buildings whose heating arrangements are subject to lease or contract) be lowered from 68 degrees F to 65 degrees F. The change in minimum temperature is based on city-wide sustainability and energy saving efforts and is consistent with PlaNYC of 2007, as well as World Health Organization (WHO) recommendations for indoor temperatures of 64.4 to 69.8 degrees F (18-21 degrees C) for the general population, which was issued in 1985. WHO reviewed these recommendations again in 2007 and determined that there is little scientific evidence correlating indoor air temperatures with public health and that more research is needed in this subject area.

§131.09 Commercial buildings.

This section retains provisions of current Article 135 that remain applicable to such buildings with respect to lighting (current §135.05); ventilation (§135.07); plumbing (§135.09); water, wash basins and utility sinks (§135.11); floors (§135.13); walls and ceilings (§135.15); and cleanliness and repair (§135.17). Provisions of current §135.19 (control of offensive or annoying conditions) have been incorporated in a new §131.13, as noted below.

§131.11 Posting signs.

This section amends current §131.09 (Posting of signs on residential buildings). Subdivision (a) of the section would require signage intended to reinforce current provisions in the Health Code, Administrative Code and Department rules (Chapter 12 of RCNY Title 24) that require owners to notify occupants of multiple dwelling units of their obligation to return, to owners of such properties, notices intended to facilitate lead paint inspections and window guard installation. Provisions of current §131.09, which requires posting of ownership information at certain residential buildings, largely duplicates rules of HPD, and have therefore been deleted. Current HPD rules require that owners of multiple dwellings consisting of six or more apartments, or those who are otherwise required to post certificates of inspections in these buildings, maintain on those certificates "complete and correct information ... as the premises' address, registration number, name and address of owner or managing agent registered with the [HPD] Office of Code Enforcement, and a telephone number which tenants may call for service and repairs." *See* 28 RCNY §25-241(i). Because such information is important to persons residing in other rental properties who may not otherwise have access to ownership information, subdivision (b) of this section would preserve a requirement that minimum ownership information be posted in rental residential buildings not subject to HPD's rules.

§131.13 Control of unsafe conditions.

Proposed §131.13 is derived from current §135.19 (Control of offensive or annoying conditions) and has been updated to reflect current regulatory practice.

§131.15 Window guards.

This section retains all the provisions in current §131.15, but has been amended to incorporate references to the rules of the Department set forth in 24 RCNY Chapter 12, containing specifications for window guards and their installation, and for notices to tenants.

§131.17 Dry cleaning facilities.

This section is new and prohibits contamination of residential

and child occupied buildings by perchloroethylene vapors from dry cleaning facilities located in the same or adjacent buildings. This section reflects current Department regulatory practice, and requires operators of dry cleaning facilities to provide for proper exhaust ventilation of perchloroethylene vapors. The standard for residential perchloroethylene contamination is based on research by the New York State Department of Health (<http://www.health.state.ny.us/environmental/chemicals/tetrachloroethene>). The City Department of Environmental Protection regulates and issues permits to dry cleaners using perchloroethylene in the City pursuant to 15 RCNY Chapter 12. The State Environmental Conservation Law regulates the equipment used in such facilities. However, no law currently establishes permissible limits for emissions from dry cleaning facilities into child-occupied or residential facilities.

§131.19 Modification by Commissioner.

This section contains the provisions set forth in current §131.17.

It is proposed that the following provisions be repealed because they are either obsolete or are duplicative of laws and regulations covering matters comprehensively regulated by other City agencies:

Obsolete provisions proposed for repeal:

§131.04 Gas fired refrigerators; certain prohibited; sealing of defective
 §131.042 Approved space and water heaters to be provided in certain one- and two- family residential buildings
 §131.05 Self inspection of gas appliances
 §131.07 Cellar and basement occupancy;
 §131.13 Flexible gas tubing
 §135.21 Location of certain trades
 §135.23 Cooperation with other governmental and private agencies

Provisions proposed for repeal because of duplicative enforcement authority:

§131.042 (l) Rules for venting of gas appliances are enforced by the Department of Buildings ("DOB") (1 RCNY §§41 and 40-39) and, in multiple dwellings, are enforced by HPD (28 RCNY §25-29).
 §131.041 Refrigerators, discarded; removal of locking devices. This provision duplicates Department of Sanitation rules. See, e.g., 15 RCNY §31-110.
 §131.11 Receptacles for removal of waste materials duplicates Administrative Code §16-120.

The proposal is as follows:

Note-matter in brackets [] to be deleted

Matter underlined is new

RESOLVED, that Article 131 and the list of section headings in Article 131 of the New York City Health Code be and the same hereby are repealed and reenacted, to be printed together with introductory and explanatory notes to read as follows:

Article 131 Buildings

§131.01 Scope.
§131.03 Definitions.
§131.05 Duty; responsibility for violations.
§131.07 Heating.
§131.09 Commercial buildings.
§131.11 Posting signs.
§131.13 Control of unsafe conditions.
§131.15 Window guards.
§131.17 Dry cleaning facilities.
§131.19 Modification by Commissioner.

Introductory Notes:

As part of a comprehensive review and revision of the Health Code, a resolution was adopted by the Board of Health on XXXX, repealing Article 131 and Article 135, and reenacting Article 131. The new Article 131 retains some provisions of both articles, adds new provisions, and eliminates provisions that are obsolete or that duplicate provisions of law enforced by the City's Department of Buildings ("DOB"), Department of Housing Preservation and Development ("HPD"), Department of Environmental Protection ("DEP") and the Fire Department ("FDNY"), where such law comprehensively regulates various aspects of commercial and residential buildings' structure and occupancy. See e.g., the State Multiple Dwelling Law and the City Building, Housing Maintenance, Electrical, Plumbing and Fire Prevention codes in Titles 27 and 28 of the Administrative Code of the City of New York ("Administrative Code"). Provisions that do not duplicate current law, and those related to window guards and nuisance control and abatement, have been retained. New provisions regulate fugitive perchloroethylene emissions from dry cleaning facilities into certain co-located or adjacent occupied buildings, and establish signage requirements for multiple dwellings and other buildings.

§131.01 Scope and applicability. This Article shall apply to all occupied commercial and residential buildings unless otherwise specified.

§131.03 Definitions

When used in this Article, the following terms shall have the following meanings.

(a) *Child-occupied premises* shall mean a building or part of a building used as a residence for persons under 18 years of age, or in which child care or educational services are provided to such persons.
 (b) *Commercial building* shall mean any building or part thereof in which a business, occupation, or trade is conducted but shall not mean a building that is registered with HPD in accordance with §§27-2097ff of the Administrative Code.
 (c) *Dry cleaning facility* shall mean any building or part of a building in which dry cleaning equipment using perchloroethylene is used.
 (d) *Dust* shall mean the solid particles generated by means such as handling, crushing, grinding, and rapid impact of materials such as rock, metal, and wood.

(e) *Fumes* shall mean the airborne particles formed from the condensation of a volatilized solid.

(f) *Gas* shall mean the state of a substance in which it can expand indefinitely and completely fill its container.

(g) *Lead-based paint* shall have the same meaning as the definition set forth in §173.14 of this Code or its successor provision.

(h) *Multiple dwelling* shall mean a residential building consisting of three or more dwelling units, rooms or apartments.

(i) *Nuisance* shall mean any condition dangerous to life or health, as defined in §17-142 of the Administrative Code or its successor provision.

(j) *Vapor* shall mean the gaseous form of a substance that is normally in a solid or liquid state at room temperature and pressure.

§131.05 Duty; responsibility for violations.

(a) *Duty.* The owner, manager, agent, lessee, tenant, occupant or other person who manages or controls all or part of a building shall operate such building or part thereof in a safe condition and in a manner that maintains the structural integrity, prevents infestation by pests, and provides heat, ventilation and lighting in accordance with this Code and other applicable law, and shall not create or allow to exist in such building any nuisance or other condition dangerous to the life or health of occupants, invitees or members of the public who are within such building or in or on premises adjacent to such building.

(b) *Violations.* The owner, manager, agent, lessee, tenant, and occupants of a building shall be jointly and severally liable for the existence in such building of a nuisance, or condition dangerous to life or health, or a violation of any provision of this article, insofar as they have the power to prevent or abate such condition or violation. Such persons shall comply with an order of the Commissioner or the Department, or of HPD, DOB, DEP or the Department of Sanitation, to remove any nuisance, or dangerous or unsanitary condition.

§ 131.07 Heating.

(a) Any person who contracts to supply heat to a building or any part thereof shall furnish heat to every occupied portion of such building so that the minimum temperatures prescribed by subdivision (c) of this section are maintained during the times specified therein. The provisions of this section shall not apply to a building used for trades, businesses or occupations in which a lower temperature is essential and unavoidable.

(b) Any owner, agent, lessee, superintendent or janitor of a building who has under her or his control a furnace, boiler or other heating device or equipment in such building, shall be deemed to have contracted to supply heat pursuant to subdivision (a) of this section unless otherwise provided by written contract or lease. An owner, agent, lessee, superintendent or janitor who is required by this section to provide heat shall be liable for failure to comply with this section.

(c) Unless otherwise provided by written contract or lease, or as provided by applicable law, including this Code, the minimum temperatures required by subdivision (a) of this section shall be maintained as follows:

(1) In a dwelling, during the months between October first and May thirty-first between the hours of six a.m. and ten p.m.: a temperature of at least 68 degrees F when the outside temperature falls below 55 degrees F and during the hours between 10 p.m. and 6 a.m. a temperature of at least 55 degrees F whenever the outside temperature falls below 40 degrees F; and

(2) In any other building, during the usual working hours of the occupants, a temperature of at least 65 degrees F, when the outside temperature falls below 50 degrees F.

(3) The Commissioner shall have the authority to modify the requirements of paragraph (2) of this subdivision in accordance with §131.17 of this Article.

(d) The owner, agent, lessee, superintendent or janitor of (1) a one- or two- family home which is occupied in whole or in part by a tenant or tenants and in which there was within the previous year a violation of subdivision (a), (b) or (c) of this section due to a breakdown in the heating system; or (2) a multiple dwelling shall ensure that the furnace, boiler or other heating equipment under her or his control in such building is inspected by a qualified person between May first and October first of each year. In addition to testing the efficiency of the heating system to produce the heat required by this section, the central heating system or water heating appliance and its flues, vents and dampers shall be inspected for escape of carbon monoxide gas. The findings on inspection shall be recorded on forms approved by DOB within 15 days following the inspection and shall be kept on file by the owner for a period of one year. Such inspection reports shall be made available upon request to authorized employees or agents of DOB, HPD and the Department. All defects found upon inspection shall be corrected prior to the fifteenth day of October of the year in which the inspection was conducted.

§131.09 Commercial buildings. Any person whose duty it is to maintain a commercial building in a safe condition shall equip such building as follows and provide the following services:

(a) *Lighting.* All parts of such building shall be adequately lighted by natural or artificial means so as to enable any activity in such building to be carried on safely and to permit effective inspection and cleaning.

(b) *Ventilation.* All parts of such building shall be adequately ventilated by natural or artificial means so as to be free from harmful heat, dust, fumes, vapors or gases and, except in refrigerators and hardening rooms, condensate.

(c) *Plumbing.* Plumbing and plumbing fixtures, including the water supply system, fixture traps, soil, waste, storm water drainage and vent pipes, drains, sewers, and all devices connected thereto within or adjacent to the building shall be properly connected, vented, drained, installed and maintained in good repair, and shall not contaminate the building's potable water supply. Water supply outlets and connections to water supply fixtures or appliances shall be protected from back-flow into the water system.

(d) *Water; toilets, hand wash and utility sinks.*

(1) Potable water shall be supplied under adequate pressure in quantities sufficient for drinking and sanitary needs of occupants.

(2) A sufficient number of hand wash sinks with running hot and cold water, liquid soap and individual disposable towels or mechanical drying devices shall be provided.

(3) A sufficient number of utility sinks of adequate size, with running water, shall be provided and shall be readily accessible to the areas where they are required for the washing of equipment or the building. Running hot water required for cleaning and sanitation, and when otherwise required by the Department, shall be provided.

(4) A sufficient number of toilet facilities shall be provided for the use of employees. Toilet facilities shall be equipped with the minimum number of water closets, urinals and other plumbing fixtures required by Chapter 4 of the New York City Plumbing Code, Administrative Code §28-PC 403, or successor law. Such toilets shall be properly flushed and trapped, conveniently located, adequately lighted and ventilated, and kept in a sanitary manner and in good repair.

(e) *Floors.* Floors shall be constructed of smooth, non-slip, hard materials, and kept clean and in good repair. When building use results in wet floors or requires frequent flushing of floors, floors shall be constructed of smooth cement, tile laid in cement, or other hard non-absorbent, watertight material; shall be graded and drained to properly trapped drains; and junctures formed by the wall and floor shall be covered with waterproof material that shall extend to a point at least six inches above the floor.

(f) *Walls and ceilings.* Walls and ceilings shall be constructed of hard materials, kept clean and in good repair. When uses of the building create steam or vapor, or when required by the Department, walls and ceilings shall be constructed of smooth cement, glazed tile, glazed brick or other non-absorbent material.

(g) *Cleanliness and repair.* Such buildings shall be regularly cleaned and kept clean and in good repair, and shall not be allowed to become overcrowded so as to impair the safety of operations or effectiveness of cleaning.

(h) Nothing in this section shall be interpreted as interfering with or prohibiting any private contract, lease, agreement or other arrangement between an owner, manager, tenant or occupant concerning their respective obligations to equip a building or provide the services required by this Code.

§131.11 Posting signs.

(a) *Multiple dwellings.*

(1) *Buildings built before 1960.* The owner, manager, lessee, agent, occupant or other person who manages or controls a multiple dwelling built before 1960, or a building built between 1960 and 1978 where the owner knows the building contains lead-based paint, shall affix and continuously maintain, in a conspicuous place in the public entry, hallway or mailbox area and on the street level of such building, a sign approved by the Department, which shall contain the following information:

NOTICE

Dry sanding and dry scraping of lead-based paint or paint of unknown lead content in any dwelling is prohibited.

Window guards are required in apartments occupied by children ages 10 and younger.

The owner of this building, which was built before 1960, is required to annually inspect for and safely repair peeling paint and other lead-based paint hazards in dwelling units occupied by children ages 6 and younger.

All tenants must return the annual window guard and lead inspection notice to the owner by February 15 of each year.

Call 311 if you do not receive an annual window guard or lead inspection notice.

(2) *Buildings built in or after 1960.* The owner, manager, lessee, agent, occupant or other person who manages or controls a multiple dwelling built in or after 1960 shall affix and continuously maintain, in a conspicuous place in the public entry, hallway or mailbox area and on the street level of such building, a sign approved by the Department, which shall contain the following information:

NOTICE

Dry sanding and dry scraping of lead-based paint or paint of unknown lead content in any dwelling is prohibited.

Window guards are required in apartments occupied by children ages 10 and younger.

All tenants must return the annual window guard notice to the owner by February 15 of each year.

Call 311 if you do not receive an annual window guard notice.

(b) *Owner information in residential rental buildings and units.* Except for the New York City Housing Authority, owners of all residential buildings, and owners of residential rental units in one- and two- family houses, cooperatives and condominiums, who are not required to post certificates of inspection pursuant to the rules of HPD (Title 28 RCNY §25-241, or successor rule), shall post a sign in each building or individual rental unit owned, as applicable, containing the premises' address; name and address of owner or managing agent for such building or unit; and a telephone number which tenants or occupants may call for service and repairs.

(c) *Signs to be maintained.*

(1) Signs required by this section shall be printed on a durable metal or plastic base, and shall be lettered in a size, form and color that is easily readable. When appropriate, such signs shall be translated into languages other than English that will be understood by the majority of tenants and other persons residing in or visiting a building.

(2) Signs shall be replaced when defaced or in disrepair. Except when it is necessary to replace a sign, no person shall remove, mutilate, destroy or obliterate such sign or its lettering.

(3) In addition to employees of the Department, this section may be enforced and notices of violation issued by employees of HPD, DOB, or their successor agencies.

§131.13 Control of unsafe conditions.

(a) When activities conducted within a building result in the

production of contaminants that the Department determines are harmful to public health, the Department may order the owner or person in control of the building to take such measures that the Department determines are necessary to eliminate or reduce such conditions so that they are no longer harmful to the public health.

(b) When required by the Department mechanical ventilating systems, devices for the control of dust, gases, vapors and fumes, abatement devices, or other means of reducing conditions dangerous to health shall be installed and maintained in a building or surrounding premises by persons in control of such building or premises.

Notes:

A public health nuisance, regardless of whether it is caused by a violation of other applicable law, remains subject to the nuisance abatement powers of the Department. *See, e.g.*, §3.09 of this Code (General standards to protect health and safety; prohibited acts; necessary acts and precautions), which was upheld as constitutional in the predecessor to the Health Code, New York City Sanitary Code §181, in *People ex rel. Styler v. Commonwealth Sanitation Co.*, 107 N.Y.S. 2d 982, 985 (Magistrates Ct. 1951): “The terms used by Section 181 of the Sanitary Code prohibiting careless and negligent acts and acts detrimental to health or dangerous to life, are no more indefinite and uncertain than those used in Sections 43 and 722 of the Penal Law and in many other criminal statutes, whose constitutionality has never been questioned.”

§131.15 Window guards.

(a) Window guards required.

(1) The owner, manager, lessee, agent or other person who manages or controls a multiple dwelling, including, but not limited to, owners of condominium units and the board of directors of a cooperative, shall provide, install, and maintain, a window guard of a type and installation in accordance with the specifications of the Department set forth in Chapter 12 of Title 24 of the Rules of the City of New York, on the windows of each apartment in which a child or children ten (10) years of age and under reside, and on the windows, if any, in the public halls of a multiple dwelling in which such children reside.

(2) This section shall not apply to windows giving access to fire escapes or to a window on the first floor that is a required means of egress from the dwelling unit. It shall be the duty of each such person who manages or controls a multiple dwelling to ascertain whether such a child resides therein, in accordance with the notice requirements of the Department in Chapter 12 of Title 24 of the Rules of the City of New York.

(b) No refusal of window guards by occupant. No tenant or occupant of a multiple dwelling unit, or other person, shall obstruct or interfere with the installation of window guards required by subdivision (a) of this section, nor shall any person remove such window guards.

(c) No refusal to install by owners. No owner, manager, lessee or other person who manages or controls a multiple dwelling shall refuse a written request of a tenant or occupant of a multiple dwelling unit, to install window guards regardless of whether such is required by subdivision (a), except that this section shall not apply to windows giving access to fire escapes.

(d) Declaration of nuisance.

(1) Failure to install or maintain window guards pursuant to this section is hereby declared to constitute a nuisance and a condition dangerous to life and health, pursuant to §17-145 of the Administrative Code.

(2) Every person obligated to comply with the provisions of subdivision (a) of this section is hereby ordered to abate such nuisance by installing and maintaining required window guards.

(3) Whenever a nuisance or condition is found to exist in violation of this section, the Department may order the person or persons obligated to install and maintain window guards to do so. In the event such order is not complied with within five (5) days after service of such order, the Department may request an agency of the City to execute such order pursuant to the provisions of §17-147 of the Administrative Code and shall be entitled to enforce its rights for reimbursement of expenses incurred thereby, pursuant to the provisions of Chapter 1, Title 17 of the Administrative Code. If such order is executed by HPD, or its successor agency, the expense of execution may be recovered by such agency pursuant to subchapter five of chapter two of Title 27 of the Administrative Code.

(e) Enforcement by Department of Housing Preservation and Development. Orders to install or repair window guards in multiple dwellings required by this section and any rules of the Department may be issued by the Commissioner and by HPD or its successor agency on behalf of the Commissioner.

Notes:

Prior to adoption of this section in 1976, window falls were one of the leading causes of preventable, accidental deaths in children ten (10) years of age. Courts have determined that this section is constitutional and not void for vagueness. *See, e.g., People v. Portnoy*, 140 Misc. 2d 945, 535 N.Y.S.2d 305 (Crim. Ct. Bronx Cty. 1988). Courts have also upheld the strict liability aspect of this section, and, for that matter, the entirety of the Code. In *People v. Nemadi*, 140 Misc.2d 712, 531 N.Y.S.2d 693 (Crim. Ct. N.Y. Cty. 1988), the court concluded that the City's authority to create strict liability offenses derives not from Public Health Law §12-b (1) but from §558(e) of the New York City Charter and that the City's determination that every violation was a misdemeanor was not arbitrary and was justified by the densely populated areas of New York City. Indeed, while strict liability offenses are generally disfavored, the legislative power to impose liability without fault is often found valid in cases of public health, safety and welfare, and the hazard sought to be prevented by this section is of the sort traditionally dealt with by means of strict liability offenses. *See, e.g., People v. Simon*, 148 Misc.2d 845, 562 N.Y.S.2d 369 (Crim. Ct. Bronx Cty. 1990).

§131.17 Dry cleaning facilities.

(a) Perchloroethylene emissions. Dry cleaning facilities shall exhaust emissions from equipment using perchloroethylene so that no perchloroethylene vapors in excess of the nuisance level specified in subdivision (b) of this section enter co-located or adjacent dwellings, child-occupied facilities, or other occupied premises through windows, ventilation systems, or building structural penetrations.

(b) Nuisance level. Detection of perchloroethylene vapors from dry cleaning facilities in dwellings, child-occupied facilities, or other occupied premises at levels at or above 100 micrograms per cubic meter (ug/m³) shall constitute a nuisance.

(c) Remediation orders. The Department may order the operators of such facilities to install and maintain mechanical ventilating systems or other devices for control of vapors when deemed necessary to prevent or remediate such nuisance.

§131.19 Modification by Commissioner.

When the strict application of any provision of this article presents practical difficulties or unusual hardships, the Commissioner, in a specific instance, may modify the application of such provision consistent with the general purpose of this article and upon such condition as, in his or her opinion are necessary to protect life and health. The denial by the Commissioner of a request for modification may be appealed to the Board in the manner provided pursuant to §5.21.

RESOLVED, that Article 135 and the list of section headings in Article 135 of the New York City Health Code be, and the same hereby are, REPEALED.

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NOTICE OF ADOPTION TO AMEND ARTICLE 165 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter and pursuant to the authority granted to the Board of Health by §558 of said Charter, the Notice of Intention to Amend Article 165 of the New York City Health Code was published in the City Record on December 23, 2008. A public hearing was held on January 29, 2009. No one testified at this public hearing and the Department received 2 written comments. In response to the comment from the New York State Department of Health, the language of §165.15 has been modified to ensure consistency with the State Sanitary Code. The comment from the Lifeguards Union was not incorporated as it sought to establish a requirement exceeding New York State Department of Health requirements; since the Department's rule reflects minimum qualifications, each facility would be free to deploy staff with a higher level of supervision, including lifeguards, based on the facility's individual needs. The Board of Health at its March 24, 2009 meeting adopted the following resolution.

STATUTORY AUTHORITY

These amendments to the New York City Health Code (“Health Code”) are proposed pursuant to Sections 556, 558 and 1043 of the New York City Charter (“Charter”). Section 556 of the Charter grants the New York City Department of Health and Mental Hygiene (“Department”) jurisdiction to regulate all matters affecting health in the City of New York. Specifically, Section 556 (a)(3) requires the Department to, “exercise its functions, powers and duties in the area extending over the city, and over the waters adjacent thereto....” Sections 558 (b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants rule-making powers to the Department.

STATEMENT OF BASIS AND PURPOSE

The Department is responsible for the protection of the health and safety of the public using permitted bathing establishments by assuring the proper construction, operation and maintenance of regulated facilities within New York City. Article 165 of the Health Code sets forth standards for the operation and maintenance of bathing establishments operating under permit issued by the Department.

Effective March 28, 2007, the New York State Department of Health adopted regulations regarding Recreational Aquatic Spray Grounds located at 10 New York Code, Rules and Regulations, Subpart 6-3. The purpose of these State Sanitary Code regulations is to establish standards for the safe and sanitary operation of recreational spray grounds that re-circulate water. These regulations were promulgated in response to multiple outbreaks associated with gastrointestinal illness caused by contaminated recycled spray ground water at spray parks. See New York State Register, December 27, 2006. Therefore, the Board of Health adopted the State Sanitary Code spray ground requirements in order to maintain consistency between Subpart 6-3 regulations of the State Sanitary Code and relevant provisions of Article 165 of the Health Code.

Also, effective November 7, 2007, the New York State Department of Health amended §6-1.23 of the State Sanitary Code, which contains bather supervision and training requirements relating to lifeguard surveillance during instructional swimming activities. Accordingly, the Board of Health adopted the State Sanitary Code amendment requirements found in Section 6-1.23(a)(6) in order to maintain consistency between the State Sanitary Code and §165.15 of Article 165 of the Health Code, which concerns bathing establishment supervision and surveillance requirements.

CHANGES TO THE HEALTH CODE

The following are the changes to Article 165:

- §165.01 (applicability of Article extended to include certain spray grounds)
- §165.03 (spray ground-related definitions added)
- §165.05 (spray ground requirements added to permit applications)
- §165.09 (spray ground requirements added related to permit approvals)
- §165.11 (spray ground requirements added related to enforcement)
- §165.15 (spray ground and lifeguard surveillance requirements added related to supervision)
- §165.17 (spray ground requirements added related to lifesaving and safety equipment)
- §165.19 (all bathing establishments, including spray grounds, required to have a safety plan)

- §165.23 (spray ground requirements added related to water chemistry and testing)
- §165.25 (spray ground requirements added related to water quality standards)
- §165.27 (spray ground requirements added related to sanitation and safety)
- §165.29 (spray ground requirements added related to maintenance of mechanical equipment)
- §165.31 (spray ground requirements added related to chemical handling and storage)
- §165.39 (spray ground requirements added related to recordkeeping)
- §165.42 (new section created adding general requirements for spray grounds)
- §165.43 (spray ground requirements added related to water supply and cross-connections)
- §165.45 (spray ground and pool requirements added related to water treatment systems)
- §165.47 (spray ground requirements added related to lighting, electrical and ventilation)
- §165.49 (spray ground and pool requirements added related to location and facilities)

The rule is as follows:

Note - Matter in brackets [] is to be deleted. Matter underlined is new.

RESOLVED, that the Table of Contents of Article 165 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution, on March 21, 2001, be and the same hereby is amended to delete the reference to “pool” for safety plans in §165.19 and to add a new §165.42 concerning general requirements for aquatic spray grounds, to read as follows:

ARTICLE 165 BATHING ESTABLISHMENTS

GENERAL PROVISIONS

SAFETY, OPERATION AND MAINTENANCE REQUIREMENTS

§165.17 **Lifesaving and Safety Equipment.**
§165.19 **[Pool] Safety Plan.**
§165.21 **Facility Operating Policy.**

DESIGN AND CONSTRUCTION

§165.41 **General Requirements for Pools.**
§165.42 **General Requirements for Spray Grounds.**
§165.43 **Water Supply, Waste Water, and Sewer Connections.**

RESOLVED, that §§ 165.01-165.05, 165.09-65.11, 165.15-165.19, 165.23-165.31, 165.39, 165.43-165.49 of Article 165 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution, on March 21, 2001, be and the same hereby is amended to primarily add requirements for supervision and aquatic spray grounds, and to create a new § 165.42 concerning aquatic spray grounds, to be printed together with explanatory notes, to read as follows:

GENERAL PROVISIONS

§165.01 **Applicability.**

(b) This Article shall not apply to: (1) a pool, spray features/grounds or sauna and steam rooms, within a one or two family dwelling, or a dwelling unit of a multiple dwelling, and solely for the use of the occupants for non-commercial purposes, (2) a float tank or relaxation tank used by one person at a time, (3) pools used only for religious purposes (ritual immersion), [or] (4) spa pools used for prescribed medical therapy or rehabilitation and under medical supervision, or (5) a spray ground that uses water from the municipal water supply or a source of potable water pursuant to §141.01 of this Code without impoundment, reuse or recirculation of the water.

§165.03 **Definitions.**

Bathing establishment. “Bathing establishment” means every indoor or outdoor place where: (1) there is a swimming, wading, spa, or special purpose pool, [or] (2) there is a sauna or steam room with or without a pool, or (3) there is a spray ground with or without a pool, sauna or steam room.

Cross connection. “Cross connection” means a physical connection between the potable water system and a non-potable source such as a pool, or physical connection between a bathing establishment water [pool] and the sanitary sewer or waste water [disposal] disposal system such that non-potable water may flow into the potable water system.

Foot Shower. “Foot shower” means a shower head and similar water feature for use in rinsing debris from patrons’ feet.

Major alteration, renovation or addition. “Major alteration, renovation or addition” means substantial physical change to the bathing establishment [pool size], shape, structure, enclosure, electrical system or other appurtenances, or to the water disinfection or recirculation system, or to the waste water system. It does not include replacement of equipment or piping previously approved by the Department provided that the type of and size of the equipment are not changed, nor does it include normal maintenance or repair.

Recirculation. “Recirculation” means the pump, piping,

filtration system, chemical feed systems and accessories provided for treating the pool and/or spray pad water to meet the water quality standards in these rules.

Spa pool. "Spa pool" means a pool, primarily designed for therapeutic use or relaxation, which is normally not drained, cleaned or refilled for each individual. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral bath, air induction, bubbles or any combination thereof. Spa pools shall have a maximum water depth of 4 feet at any point and may be equipped with aquatic seats within the perimeter of the pool. A "Spa pool" shall not be used for swimming or diving. "Spa Pool" means and includes "hydrotherapy pool," "whirlpool," "hot spa," or "hot tub."

Spray Pad. "Spray pad" means a specific area consisting of a play surface, spray features, and drains, upon which the bathers stand and are sprayed with water.

Spray Ground(s). "Spray Ground(s)" means an artificially created water jet, features or stream where water is sprayed from a structure or the ground in conjunction with a spray pad in which sprayed water is drained, collected, treated and re-circulated back for reuse purposes.

Spray Features. "Spray features" means the devices and plumbing used to convey the treated water to the spray pad to spray the patrons.

Spray Pad Treatment System. "Spray Pad Treatment System" means the equipment and processes used to filter, disinfect and circulate the water used for the spray pad and spray features.

Spray Pad Treatment Tank. "Spray Pad Treatment Tank" means the vessel to collect the water that has been sprayed on the spray pad and returned through the spray pad drains.

Superchlorination. "Superchlorination" means the addition of a sufficient amount of chlorinating compound to pool water and/or spray pad treatment tank water to remove combined chlorine (chlorine that has reacted with nitrogenous compounds) or destroy unwanted organisms in the pool water and/or spray pad treatment tank water. Generally the level of chlorine added is ten times the level of combined chlorine in the pool water and/or spray pad treatment tank water (in units of ml/l or ppm). Treatment of pool water and spray pad treatment tank water with non-chlorine chemicals to eliminate or suppress combined chlorine is not superchlorination.

Supervisory Staff. "Supervisory Staff" means an individual or individuals responsible for supervising bathers and monitoring the spray ground to ensure compliance with regulations for use, and who is familiar with its equipment and is trained in the operation and maintenance of the spray pad treatment system.

Swimming pool. "Swimming pool" means a pool of three foot depth or greater, designed to be used primarily for swimming or other recreation. This includes white-water slide, wave and movable bottom pools.

§165.05 General Requirements for Permit Applications. No person shall construct or operate a bathing establishment without prior construction authorization and a permit issued by the Department. No bathing establishment shall be constructed nor shall any major alterations or additions be made to any bathing establishment unless a completed application for the construction, alteration or addition is submitted to the Department for review and approval prior to commencement of work. The application shall include appropriate fees, application forms and other supplemental information as required by the specific circumstances. For bathing establishments with pools and/or spray grounds, the application package shall also include detailed engineering plans, specifications and an engineering design report. The permit shall be displayed in a conspicuous place at the facility. The Department may order any bathing establishment operating without a permit to close and remain closed until the facility has obtained and displays a valid permit issued by the Department.

(A) *Plot plan and general site plan:*

(i) A plot plan or vicinity plan showing the precise location of the proposed bathing establishment [pool] and building and existing structures by references to known landmarks such as streets and public buildings.

(ii) Name of the project location, the scale in feet, the north point, and direction of prevailing wind (for outdoor pools).

(B) *Detailed plans:* All detailed plans shall be drawn to a suitable scale and include the following information:

(i) A bathing establishment [pool] layout plan showing all the proposed facilities: The locations of the bathing area, spray ground layout, spray pad area, diving boards, ladders, stairs, deck, walkway, walls or fences enclosing the pool, inlets, spray features, spray pad drains, main drains, pool and deck drains, vacuum fittings, drinking fountains, piping, hose bibbs, surface skimmer system, recirculation system and appurtenances, filtration system, disinfection equipment, sewage connections, water main, lighting fixtures and other proposed features related to the operation and safety of the proposed bathing establishment including bathhouse, toilet and shower.

(ii) Surface drainage management for the proposed bathing establishment. (For outdoor pools and spray grounds only.)

(iii) A flow diagram or schematic in elevation views of the [pool] water treatment and recirculation system.

(iv) Complete construction details, including dimensions, elevations and appropriate cross-sections.

(v) Piping plan containing the size, type and location of all piping, including elevations.

(vi) Construction notes, schedules, charts and other related data.

(3) *Specifications.* One set of complete specifications for the construction of the proposed bathing establishment [pool], bather preparation facilities, recirculation system, filtration facilities, disinfection equipment and all other appurtenances shown on the detailed plans shall be submitted.

(4) *Engineering design report or calculations.* A summary of the design basis, including information relative to the [pool] capacity or patron loading (maximum and average), spray pad area, pool area and volume, hydraulic computation (including head loss in all piping and water treatment), chlorinator and pump sizing calculations, recirculation equipment, filtration facilities, disinfection

equipment, spray pad treatment system design calculations, spray feature flow rates, turnover and filtration rate, filter flow rates, pump curves, capacity of bathhouse and bather preparation facilities and toilet facilities, and all other appurtenances, shall be submitted.

(d) *Supplemental or additional information.* A completed application shall be accompanied by any supplemental information which the Department deems necessary for review. For bathing establishments using water other than the municipal public water supply, the application should also include source, quality, quantity available and characteristics of water supplied to the bathing establishment including alkalinity, pH, iron and manganese.

§165.09 Requirements for Permit Approval.

All establishments shall be designed, constructed and completed in accordance with the requirements of this Article. For all bathing establishments:

(a) A completed and approved [pool] safety plan, as required by §165.19.

(c) Waste water or sewer discharge permit from an approved agency (for pools and/or spray grounds) as required by §165.33.

§165.11 Enforcement.

(b) *Public health hazards and closing criteria.* Where one or more of the following public health hazard conditions exist, the bathing establishment may be immediately closed by the Department and shall remain closed until the hazardous condition(s) are corrected. No person shall use the facility until the violations are corrected in compliance with the provisions of this Article. The facility shall remain closed until the Department has authorized the reopening of the facility. Public health hazard shall mean but shall not be limited to:

(3) *For spray grounds:*

(A) Failure to provide adequate level of supervision of the spray ground as required by §165.15.

(B) Failure to provide the minimum disinfectant residual levels and the minimum ultraviolet light dosage as required by §165.23.

(C) Failure to continuously operate the spray ground filtration and disinfection equipment.

(D) Use of an unapproved or contaminated water supply source for potable water use.

(E) Overhead electrical wires within 20 feet of the spray ground, except where covered and secured in a ceiling.

(F) Unprotected electrical circuits or wiring within 10 feet of the spray pad.

(G) Broken or missing drain grates on the spray pad.

(H) Failure to maintain emergency lighting source.

(I) Plumbing cross-connections between the drinking water supply and spray ground treatment system or between sewage system and the spray pad's filter backwash facilities, or other cross-connections in the plumbing.

(J) Use of unapproved chemicals or the application of chemicals by unapproved methods to the spray ground water.

(K) Glass or sharp objects on spray pad or deck area.

(L) Visible contamination of the spray pad and/or spray pad treatment tank by a potentially toxic chemical or a bacteriological substance that could present a hazard to the public.

(M) Any other condition determined by the Department to be dangerous to life or health.

SAFETY, OPERATION AND MAINTENANCE REQUIREMENTS

§165.15 Certifications, Supervision Coverage and Surveillance Requirements.

(a) All bathing establishments shall be maintained and operated in a safe, clean and sanitary condition at all times.

(b) *Certifications.* All bathing establishments [with pools] shall be operated and supervised by the required certified personnel. The pool operator shall not hire or retain any person who does not have verifiable aquatic supervisory staff qualifications. Copies of the certificates or other documents showing possession of such qualifications shall be kept on file at the facility and shall be readily available for inspection by the Department.

(1) *Pool operator.* A certified pool operator shall be designated and shall be responsible for the operation of the bathing establishment in compliance with this Article. No person who is charged with the operation of a bathing establishment shall engage in or be employed in such capacity unless the person obtains a certificate indicating successful completion of a course in swimming pool technology administered by the department. A refresher course in swimming pool technology may be required for a licensed pool operator whenever deemed necessary by the department. The department may require that a refresher course be taken when continuing violations of the Article are found, when a water borne disease outbreak implicates the pool and/or spray ground water or sanitary conditions at the pool and/or spray ground, or when the department requires such a course to acquaint the operator with current developments in pool operation technology.

(2) *Aquatic supervisory staff.* Except in a physical-therapy pool, appropriately certified aquatic supervisory staff shall be present whenever the pool is open. A minimum of one supervising lifeguard is required for pools that require three or more aquatic supervisory staff.

(b) *Supervision Level III and IIIA.*

(1) *Level III*

(i)(1) Shall be at least 18 years old (or 16 years old if certified as Level II Lifeguard); and

(ii)(2) Shall possess a current American Red Cross Community-Cardiopulmonary Resuscitation (CPR) certificate, or equivalent certificate approved by the New York State Department of Health. Certification period shall not exceed one year, except if assisting a lifeguard as

specified in §165.15 (b)(2)(B)(2) below; and

(iii)(3) Shall be competent to:

(i) understand and apply the provisions of this Article and the Pool Safety Plan; and

(ii) evaluate environmental hazards; and

(iii) use lifesaving equipment; and

(iv) control bathers and crowds. [understand and apply the provisions of this Article and the Safety Plan, evaluate environmental hazards, use lifesaving equipment, and control bathers and crowds.]

(2) *Level IIIA.* A supervision Level IIIA staff assists a lifeguard with direct supervision of bathers as specified in §165.15 (c)(1)(C)(6) below. No person shall be qualified under this paragraph unless such person possesses certification in Lifeguard Management issued by the American Red Cross or a certificate issued by a certifying agency determined by the State Commissioner of Health to provide an adequate level of training in aquatic injury prevention and emergency response. Certification shall be valid for the time period specified by the certifying agency but shall not exceed a consecutive three year period from course completion.

(C) *Supervising Lifeguard.*

(1) Supervising lifeguard shall have the qualifications for Supervision Level II.

(2) Supervising lifeguard shall have at least two years adequate life guarding experience.

(c) *Supervision.*

(6) *Pools in usage during instructional activities:* [When instructional swimming classes are taught by lifeguards, supplementary supervisory staff meeting at least Supervision Level III requirements, shall be present when the instructional activities may distract instructing lifeguards from direct supervision of all bathers.] When instructional activities occur, including but not limited to learn to swim programs, physical education classes and swim team activities, and the required Supervision Level II staff (lifeguards, as per §165.15(b)(2)) provide the instruction, at least one additional staff meeting at least Supervision Level III must be provided for each aquatic supervisory staff engaging in instructional activities. When a Supervision Level IIIA staff is utilized to assist a Supervision Level II (lifeguard) staff with direct supervision of bathers during instruction, the Supervision Level IIIA staff must possess certification in aquatic injury prevention and emergency response as specified in §165.15(b)(2)(B)(2) above. The written Safety Plan must describe the duties, positioning at pool side and interaction between the lifeguard and Level III staff which ensures adequate bather supervision and emergency response. Note: where instructors, in the water or on the deck, supplement the required on-deck lifeguard(s) who do not provide instruction, no extra Level III supervision is required.

(7) *White-water slide:* Supervision by Supervision Level II lifeguards shall be provided in a number determined by the Department depending on the design of the facility. A proposed supervision staff plan shall be submitted in writing to the department for review and approval.

(d) *Surveillance requirements for sauna and steam rooms:* If a one-hour timer is not provided, as provided for in §165.63, an attendant who meets the definition of responsible person, shall inspect the facility at a minimal interval of 15 minutes during all periods of operation of a sauna and steam room and shall maintain a daily log of inspections.

(e) *Supervision requirements for spray grounds:* At least one Supervisory Staff as defined in §165.03, shall provide periodic supervision of the spray ground.

§165.17 Lifesaving and Safety Equipment.

Either one commercially prepared 24-unit first aid kit or a minimum supply of band aids, bandage compresses and self-adhering gauze bandages must be provided at the spray ground unless otherwise specified in the safety plan. For facilities with pools, [T]the following minimum equipment shall be kept in good repair and readily accessible near the pool deck at all times when the pool facility is open for use:

§165.19 [Pool] Safety Plan.

The operators of pools and/or spray grounds shall develop, maintain and implement a written safety plan which consists of policies and procedures to be followed by the [pool] personnel during normal operation and emergencies for protecting the public from accidents and injuries. Safety plans must include procedures for daily bather supervision, injury prevention, reacting to emergencies, injuries and other incidents, providing first aid and summoning help. The safety plan shall be approved by the department and shall be accessible for use and inspection by the department at all times. The owner or pool operator shall review the plan periodically and update the plan whenever a change occurs in the facility. Changes made to the plan shall be submitted to the department for approval before implementation.

§165.23 Water Chemistry and Testing Requirements.

The chemical quality of water in the pool and/or spray ground shall not cause irritation to the eyes or skin of the bathers or have other objectionable physiological effects on patrons. The [pool] water shall be chemically balanced to maintain [pool] clarity, proper disinfection, total alkalinity, and pH levels as specified below:

(a) *Disinfectant residual.* All pools and/or spray grounds in use shall be automatically and continuously disinfected by means of equipment that is in compliance with the provisions of this Article and that uses a disinfectant which is approved by the department. Silver/copper ion generators, ozone and other disinfectants may be used only as a supplement to chlorine or bromine.

(1) *Chlorine residual.*

(A) *Pools.* Where chlorine is used as a disinfectant, and the pool water pH is less than or equal to 7.8, the dosage of chlorine or chlorine compound shall be sufficient to maintain a concentration of at least 0.6 mg/l free chlorine throughout the pool. When pH is between 7.8 and 8.2, a concentration of at least 1.5 mg/l free chlorine residual shall be maintained. During use, pool water shall not exceed a free chlorine residual of 5.0 mg/l or a pH of 8.2. The pH of water in the spa pool shall be maintained between 7.2 and 7.8, and a minimum free residual chlorine of 1.5 mg/l shall be provided. Spa pools shall be chlorinated to 10 mg/l (shock treatment) at

least once a week at end of daily usage period.

(B) Spray Grounds. When calcium hypochlorite or sodium hypochlorite are used to disinfect a spray pad and the spray pad treatment tank, the dose of chlorine or chlorine compound shall be sufficient to maintain a concentration of at least 2.0 mg/l free chlorine throughout the system including the treatment tank and water emanating from the spray features. A free chlorine residual of 10.0 mg/l shall not be exceeded in any spray pad treatment tank during use. Spray pad treatment tank water pH shall be maintained between 7.2 and 7.8.

(2) Superchlorination and superoxidation. When combined chlorine (chloramines) in excess of 0.5 mg/l is detected in pool and/or spray ground treatment tank water, the water shall be superchlorinated to attain a free chlorine concentration of at least 10 times the combined chlorine concentration, or oxidized by other means to eliminate the combined chlorine. Hand feeding of chemicals directly into the pool and/or spray ground treatment tank is permitted for purposes of superchlorination or superoxidation when the pool and/or spray ground is closed to the public.

(3) Bromine.

(A) When bromine is used as a disinfectant, the pH of water shall be maintained between 7.2 and 7.8, and a minimum bromine residual of 1.5 mg/l shall be provided. Spa pools shall be maintained at a bromine residual between 3 mg/l and 6 mg/l. A maximum of 6 mg/l bromine residual shall be permitted in any pool during use.

(B) The pH of the spray pad treatment tank water and water emanating from the spray features shall be maintained throughout the system between 7.2 and 7.8 and a minimum bromine residual of 4.4 mg/l shall be provided.

(4) Silver/copper. When silver/copper or copper ion generators are authorized, the concentration of copper shall not exceed 1.3 mg/l and the concentration of silver shall not exceed 0.05 mg/l.

(5) Ozone. When ozone is authorized, ozone concentration in pool water shall not exceed 0.1 mg/l and the ambient air zone concentration shall be less than 0.1 mg/l at all times either in the vicinity of the ozonator or at the pool water surface.

(6) Ultraviolet Light. The light intensity meter reading of the ultraviolet unit shall be monitored and recorded at least two times daily. The light intensity shall be maintained at the manufacturer's specified level for the flow rate. When the output intensity falls below the setpoint intensity, conditions causing decreased ultraviolet light intensity at the sensor shall be evaluated and corrected. The ultraviolet lamp(s) shall be replaced when the decreased ultraviolet light intensity is due to lamp failure.

(7) [(6)] Other disinfectants. Use of cyanuric acid-based chlorine (or any other chlorine stabilizer) is prohibited. Pools found using or containing any cyanuric compound shall be closed, drained and refilled prior to continued use. Disinfectants other than those listed in §165.45(l) may be used only if approved by the department and the New York State Department of Health.

(b) Total alkalinity. The total alkalinity of the pool water shall be maintained within the range of 80 to 120 mg/l.

(c) Testing kits. Each pool or spray ground facility shall have functional colorimetric water testing equipment for free chlorine and combined chlorine, or total bromine; pH; total alkalinity; calcium hardness; copper concentration when silver/copper or copper ion generator is used; and ozone concentration when ozone generating equipment is used. FAS-DPD test kits are acceptable. A supply of appropriate reagents for making each type of test shall be maintained on site, shall be stored in their original labeled containers and shall be replaced every six months or as recommended by the manufacturer. When colorimetric tests are used, color standards shall be furnished for each of the tests, that allow an accurate comparison of the sample to be tested from standpoint of color and density, and shall be reasonably permanent and no fading. Electronic residual and pH monitoring devices may be used in addition to the test kit.

(1) Water testing equipment for the disinfectant used in the [pool] water shall be maintained on site. The equipment for determining pH shall include at least five increments with a range of pH 6.8 to 8.2, accurate to the nearest 0.2 pH unit.

(2) Where chlorine is used as a disinfectant, a DPD (Diethyl-P-Phenylene Diamine) test kit with at least ten [eight] chlorine color standards with the following increments: 0.2, 0.4, 0.6, 0.8, 1.0, 1.5, 2.0, [and] 3.0, 5.0 and 10 mg/l as minimum. If other halogens are used, an appropriate scale shall be provided.

(d) Records and testing. A bathing establishment [pool] operation record including all test results shall be maintained on a daily basis by the establishment. Whenever tests indicate that an inadequate disinfectant level, inadequate ultraviolet light intensity or inappropriate pH value are present, immediate action shall be taken to reestablish an appropriate disinfectant level and pH value. Pool water shall be manually tested and results recorded as indicated below, including pool water systems equipped with an automatic monitoring device to control pH and disinfectant residual in water:

(1) For pH, free chlorine or bromine residual the [pool] water shall be tested at least three times. Tests shall be at the beginning of the day, during the day's peak bather load, and at the end of the day; or more frequently, as needed, throughout each day to maintain the standards required by this Article.

(2) For combined chlorine the [pool] water shall be tested at least twice a week.

(6) The ultraviolet light intensity meter reading of the ultraviolet light unit shall be monitored and recorded at least two times a day.

(e) Saturation index. For the purposes of this Article the saturation index shall be used to determine chemical balance of the water, and whether the water is corrosive (undersaturated) or scale forming (oversaturated). The Department may require that the bathing establishment determine the saturation index monthly or at any other frequency required to maintain water clarity, proper disinfection, alkalinity and pH levels.

§165.25 Water Quality Standards.

The water in the pool and/or spray pad treatment tank shall

meet the following water quality standards[.]:

(a) Water temperature. The maximum water temperature for all spa pools shall not exceed 104 degrees Fahrenheit. A thermostatic control for water shall be provided. An audible alarm system shall be installed and maintained to warn of any temperature over 104 degrees Fahrenheit.

(b) Water clarity and turbidity.

(1) For pools, t[The water in a pool shall be sufficiently clear for a black and white object, four inches in diameter (known as Secchi disk), placed at any location on the bottom of the pool, to be readily visible when viewed from the pool deck. The water clarity test shall be performed as frequently as necessary throughout each day to maintain the standards required by this Article.

(2) Spray Grounds. The turbidity in the spray pad treatment tank shall not exceed 3 nephelometric turbidity units (NTU) at any time during use. If this turbidity level is exceeded, the spray pad shall be closed for use until the spray pad treatment system reduces the turbidity to less than 3 NTU.

(c) Water physical quality. The bottom and sidewalls of pool shall be kept free of sediment and visible soil, and the pool water surface and/or spray pad treatment tank water surface shall be kept free of visible floating matter.

(d) Water bacteriological quality. Samples of [pool] water may be collected by the department for microbiological analysis by a laboratory approved by the New York State Department of Health, for evaluating pool and spray pad water quality. The coliform bacteria level shall not exceed 4 colonies per 100 milliliters in more than one sample examined each month. When the membrane filter technique is used, or when the fermentation tube method is used, coliform bacteria shall not be present in more than 10 percent of portions analyzed in any month; and total bacteria shall not exceed 200 colonies per milliliter.

§165.27 Sanitation and Safety.

(a) Pool and Spray Ground [pool area]. (1) General. The pool shall be maintained free from sediment, lint, dirt and hair. The pool walls and bottom shall be vacuumed or brushed daily or as needed to remove visible material when pool is closed. [Cracks and other defects in the pool shall be repaired.] The walls, floors, ceilings and equipment shall be maintained so that they are protected from deterioration.

(2) Pool and/or spray ground enclosures or fencing and gates shall be maintained in a manner consistent with §§165.41(i)(1) and/or 165.42(g).

(3) Depth markings and safety lines for pools shall be provided and maintained in accordance with the provisions of §165.41(o) and be clearly visible and readable.

(4) Safety signs for pools shall be maintained in a manner consistent with §165.41(u).

(5) Decks, Spray Pad and Features.

(A) General. Pool and/or spray decks shall be rinsed daily to remove any materials or contaminants on the surface of the pool deck and/or surface of the spray pad. The deck shall be kept clean and free of puddled water. Cracks in the spray pad and/or pool decks shall be repaired when they may be a potential for leakage, present a tripping hazard, a potential cause of lacerations, or impact the ability to properly clean and maintain the pool and/or spray pad area.

(B) Pools. Indoor pool decks shall be disinfected at least weekly. The walks, overflow gutters, counters, lockers, equipment, furniture, interior partitions and walls shall be kept in good repair, clean and sanitary. The deck shall be kept free of obstructions and tripping hazards for at least a five-foot (5') width walkway around the entire pool. [The deck shall be kept clean and free of puddled water.]

(C) Spray Pad and Features. The water must be flushed to waste and not discharged into the spray pad treatment tank. Flushing may be accomplished by use of a hose supplied with potable water or by operation of the spray features providing it adequately flushes the entire pad surface and is discharged to waste. The spray pad and features shall be kept free of sediment and visible soil.

(6) Spa pools. Spa pools shall be drained and cleaned when needed, and not less than once every two weeks. Placement of chairs or other furniture shall be prohibited within three feet of the edge of any spa pool.

(7) Food and drinks. Glass and sharp objects are prohibited in the pool and on spray pad and all deck areas.

(8) For pools, ladders, handrails, diving equipment, lifeguard chairs, slides and other deck equipment shall be kept firmly secured to the deck and maintained in good repair.

(9) Floats or tubes not in use shall be removed from pool.

(10) Safety ropes (for pools). Safety ropes shall be kept in place except when pool is being used exclusively for lap swimming or competition.

(11) Starting blocks (for pools). Starting blocks shall only be used during supervised practices or swim meets, otherwise the starting blocks shall be removed or secured to prevent use by an untrained person.

(12) Deck slides (for pools). Deck slides shall be installed and maintained in accordance with the provisions of §165.41(q).

(13) Rolling bulkheads (for pools). Rolling bulkheads, when used, shall be provided with traction wheels running on the pool floor or alternatively in the overflow gutter. When not in use these should be stored in a safe manner.

(14) Hosing. A minimum length of 50 feet of hosing shall be provided and available to flush the entire deck area. Hose bibbs shall have antisiphonage devices. The hosing unit shall not be used to fill make-up water into the pool.

(15) Water level for diving (for pools). The water level in the pool shall be maintained to provide the required depths in areas for diving as provided below:

Table 2: Minimum Water Depth Requirement for Pools

(b) Bather loads. The number of patrons within a pool enclosure shall not exceed the maximum permissible loading established by §165.41(m). The bather load shall be posted at [pool] entrance or at a location where it can be seen by all patrons. The certified pool operator shall be responsible for

controlling the number of bathers so that the maximum capacity is not exceeded.

(c) Bathroom and bather preparation facilities. All facilities shall be ventilated and maintained. The floors, walls, fixtures, showers, and toilets shall be kept clean, free of dirt and debris and in good condition. Floors shall be maintained in a slip-resistant condition. Soap dispensers shall be filled and operable. A supply of toilet paper shall be provided at each toilet at all times. All lavatories shall be provided with soap, paper towels or electrical-drying units, and covered waste and sanitary napkin receptacles where appropriate. Showers, when provided, shall be supplied with water at a temperature no more than 110°F Thermostatic, and tempering or mixing valves shall be kept in good operation to prevent scalding of the users. Shower curtains shall be kept clean. Foot showers, if used, shall be kept clean and free of puddled water. The use of foot baths is prohibited, but foot rinsers with continuous flowing water may be used].

§165.29 Operation and Maintenance of Mechanical Equipment.

(a) Manual. A manual for operation of the pools and/or spray grounds shall be provided, maintained and available to the certified pool operator. It shall include instructions for each filter, pump or other piece of equipment, drawings, illustrations, charts, operating instructions and parts list, to permit installation, operation, winterization and maintenance. All valve operating procedures and schedules shall be provided in the equipment room for each mode of operation (recirculation, filtration, backwashing) with piping labeling and flow directions. The mechanical equipment shall be inspected and maintained in accordance with the manufacturers' recommendations and to ensure proper operation.

(b) Pumps, filters, ultraviolet disinfection system, disinfectant or chemical feeders, flow meters, gauges, and all related components of the pool water and/or spray pad treatment tank recirculation system shall be kept in continuous operation 24 hours a day to provide water quality consistent with §165.23 and §165.25. The water level in the spray pad treatment tank shall be maintained continuously by an automatic level control system. The spray pad treatment tank shall be completely drained and cleaned at a frequency necessary to maintain water quality. Pool and/or spray ground equipment and appurtenances shall be operated and maintained in accordance with approved plans and specifications. They shall not be altered or modified in any way unless approved by the Department.

(c) Inlet fittings. (1) For pools, (I) inlets shall be checked frequently to ensure that the rate of flow through each inlet establishes a uniform circulation of water and facilitates the maintenance of a uniform disinfectant residual throughout the pool.

(2) For spray grounds, inlets shall be adjusted to produce uniform circulation of water and to facilitate the maintenance of a uniform disinfectant residual throughout the spray pad treatment tank.

(d) Main drains and deck drains. Main drain and deck drain grates shall be secured in place at all times. Broken or missing main drain grates shall be repaired or replaced before the pool and/or spray pad is used.

(e) Vacuum cleaners (for pools). Vacuum cleaning shall not be conducted when pool is in use.

(g) Surface skimmer system (for pools).

(k) Lighting and electrical equipment.

(4) No overhead electrical wiring shall pass within 20 feet of the pool and/or spray pad except where covered and secured in a ceiling.

(5) When underwater lighting is not provided and night swimming is permitted, surface lighting shall be adequate to allow an observer on the [pool] deck to clearly see the pool bottom. [(6)] Emergency lighting shall be maintained as required by §165.47(a)(7).

(6) At all indoor spray pads and spray pads used at night, surface lighting shall be adequate to allow an observer to clearly see the spray pad and deck.

(7) Defects in the electrical system, including overhead lights and the respective lenses, shall be immediately repaired.

(1) Ventilation and heating. Ventilation, heating and exhaust equipment shall be maintained and operated to provide air movement and temperature pursuant to §165.47(b) and (c).

(m) Ultraviolet light or equivalent treatment process. Ultraviolet light disinfection or equivalent treatment process shall be provided and maintained to disinfect water provided to the spray pad in accordance with §165.45(l)(9). The ultraviolet light units shall be cleaned in accordance with the manufacturer's specifications. When the output intensity falls below the setpoint intensity, conditions causing decreased ultraviolet light intensity at the sensor shall be evaluated and corrected. When the decreased ultraviolet light intensity is due to lamp failure, the ultraviolet lamp(s) shall be replaced in accordance with manufacturer's recommendations.

(n) [(m)] Sauna. Installation of the heating unit, maintenance of and other electrical installation shall be performed by a qualified licensed electrician.

§165.31 Chemical Handling and Storage.

(a) General requirements. All chemicals used in pools and/or spray grounds shall be handled and stored in accordance with manufacturers' recommendations and applicable law. Only chemicals used by the United States Environmental Protection Agency, specified as food additives by the United State Food and Drug Administration as potable use approved by NSF, or by the State Commissioner of Health, shall be used. Each chemical shall be kept covered and stored in the original, labeled container with the identity of the chemical and appropriate hazard warnings clearly

labeled away from flame and heat sources, and in a clean, dry, well-ventilated place which prevents unauthorized access to the chemicals. The facility shall maintain the manufacturer's instructions for all chemicals in the facility.

§165.39 Record Keeping.

(c) Spray Grounds. The owner or person in charge of a spray ground shall maintain a daily operational record and log book which shall include the following information:

quantity of water added; length of time pumps and filters are in operation; time when each filter is backwashed or cleaned; and treatment tank are cleaned; the results of all tests for hydrogen ion and residual chlorine; dates and type of light cleaning maintenance and lamp replacement work for ultraviolet light system and other information the Department may require to demonstrate compliance with this Code. A copy of the daily operational records shall be forwarded to the Department at monthly intervals. Copies of the records shall also be kept at the bathing establishment for inspection by the Department for a period of twelve months from the date of the creation of the record.

§165.42 General Requirements for Spray Grounds.

(a) General. All bathing establishments with a spray ground shall be designed and constructed in accordance with the requirements contained in this Code. All spray grounds shall be located at a site free from contamination and conducive to good operation, maintenance, and public safety.

The designing architect or engineer shall certify the structural stability and safety of the spray grounds. The strength of the assembled and installed components and accessories to be used in and around the pools spray grounds should be such that no structural failure of any component part shall cause the failure of any other component part. All spray grounds shall further comply with all of the following provisions:

(b) Construction materials and finishes. Spray pads shall be constructed of materials which are inert, stable, nontoxic, watertight and enduring. Sand or earth bottoms are prohibited. (2) Finish. Spray pad surface must be slip resistant and easily cleanable surface. (c) Spray Pad. (1) Slope. The spray pad shall be sloped to drain. The slope shall be sufficient to prevent water collecting on the pad.

(2) Drainage. The size, number and locations of the spray pad drains shall be determined and specified so as to assure water does not accumulate on the spray pads. Flow through the drains to the spray pad treatment tank shall be under gravity; direct suction outlets from the spray pad are prohibited.

(3) Valves and Piping. Valves and piping shall be provided in the spray pad drainage system to allow for discharging spray pad water to waste prior to returning to the spray pad treatment tank. (4) Grating. Openings in the grates covering the drains shall not be over one-half inch wide. Gratings shall not be removable without the use of tools. (d) Decks. (1) A continuous deck at least five feet (5') wide shall extend completely around the entire spray pad perimeter. The deck shall be of a uniform, easily cleaned, impervious material with a slip-resistant surface. (2) Slope. The deck shall be sloped at least one-fourth inch per foot (1/4 in/ft) to deck drains or grades. (3) Drainage. Deck drains, when used, shall be spaced and arranged so that not more than four hundred square feet (400 ft²) of area is tributary to each drain, and drains shall not be spaced more than twenty-five feet (25 ft) apart. There shall be no direct connection between the spray pad deck drains and the sanitary sewer system or treatment tank, or between outdoor spray ground shall be sloped away from the spray pad or to the deck drains to prevent surface runoff from entering the spray pad.

(4) Carpeting. Carpeting shall not be permitted on the spray pad or desk. (5) Hose bibbs. At least one hose bibb shall be provided to facilitate flushing of the spray pad and deck areas and each bibb shall be provided with an anti-siphon device. (e) Spray Features. Spray features should be designed and installed so as not to pose a tripping hazard, a hazard to the water velocity from the spray features, or other possible safety hazards. (f) Foot Showers. Showers shall be provided at the entry to the spray pad to allow for rinsing debris from patrons' feet prior to entering the spray pad, except such showers are not required at indoor spray grounds or those within the enclosure of an aquatic amusement park. The use of foot baths is prohibited. Waste water from the foot showers shall be discharged to an approved waste disposal system to prevent standing water on the ground surface, and/or contamination of spray ground and adjacent areas. The foot shower area shall be free of puddle water. (g) Spray Ground Enclosures. All spray grounds shall be protected by a fence, wall, building, other solid barrier, or any combination thereof. A wall of a building may serve as part of the enclosure, provided that there is no direct access from the wall to the spray ground. A spray ground located on a roof, where there is no access to the roof except through doors where access can be prevented when the spray ground is unsupervised, does not require additional enclosure. All spray grounds shall be provided with an enclosure which shall have the following characteristics:

- (1) No external handholds or footholds.
(2) A minimum height of four feet (4') in height.
(3) At least four feet (4') in height.
(4) Maximum vertical clearance above grade of two inches (2").
(5) The enclosure into the spray ground enclosure shall be equipped with a door or gate that is self-closing and has a positive self-latching closure mechanism at least forty inches (40") above grade. Doors and gates at all entrances shall be equipped with hardware that permits secure locking of the entrance and prevents access when the spray ground is not supervised.
(6) Where a chain-link fence is provided, the openings between links shall not exceed 2 3/8 inches and chain link

twists shall extend above the upper horizontal bar. The enclosure shall have railings and posts within the enclosure, which shall be capable of resisting a minimum lateral load of one hundred fifty pounds (150 lb) applied midway between posts and at top of posts, respectively. Enclosures, fence material or fabric shall be capable of withstanding a concentrated lateral load of fifty pounds (50 lb) applied anywhere between supports on an area twelve square inches (12 in²), without failure or permanent deformation. (7) Where a picket-type fence is provided, space between pickets shall not exceed 4 inches and pickets shall extend above the upper horizontal bar. (h) Warning Signs. A durable plate bearing the following wording in 24-point type (letters 0.25 inches in height) or more permanently marked thereon in colors contrasting with the background, shall be prominently affixed at spray pad or enclosure/entrance and in the bathroom or bath preparation facilities at eye level containing the following: (1) The hours that spray pad is open. (2) The hours that spray pad use is prohibited. (3) Individuals with diarrheas shall not use the spray pad. (4) Spray features use recirculated water - do not drink. (5) Children who are not toilet trained must wear a swim diaper covered by rubber pants. (6) No animals allowed on or near spray pad. (7) Pollution of the spray pad area is prohibited. Urinating, discharge of fecal matter, expectorating or nose blowing in any spray pad area is prohibited.

§165.43 Water Supply, Waste Water, and Sewer Connections.

(a) Water supply. (1) The source and quality of the water supplied to the pool and/or spray ground and all plumbing fixtures, including drinking fountains, lavatories and showers, shall be obtained from the municipal water supply or a source of potable water pursuant to §141.01 of this Code. (2) Cross-connection control. The potable water supply shall be protected against inter-connection or cross-connection to any potential source of contamination, including but not limited to backflow and back-siphonage. Water introduced into the pool and/or spray pad, either directly or to the recirculation system, shall be supplied through an air gap of at least 6 inches or two times the pipe diameter, whichever is greater. In pools and/or spray pad where it is not possible to provide an air gap, the pool and/or spray water shall be protected by an approved backflow prevention device.

(b) Waste water disposal. (1) The sanitary sewer system shall have sufficient capacity to serve the facility, including the bathroom, locker rooms and related accommodations. The building drains and sewer system shall have adequate capacity to carry filter backwash flows without surcharging or flooding. Sanitary sewage and pool and/or spray pad waste water shall be discharged to the municipal sanitary sewer system whenever possible. The establishment shall obtain the waste water discharge permit or approval from the appropriate regulatory agency (for example, the New York City Department of Environmental Protection) prior to discharge. When no such sewer is available, the connection shall be made to a suitable private subsurface disposal system or other system approved by the department and such agencies having jurisdiction. (2) The pool and/or spray pad waste water shall be discharged to the sanitary sewer system through an air gap of at least six inches (6") or two times the pipe diameter, whichever is greater, so as to preclude the possibility of backup of sewage or waste water into the pool and/or spray pad piping system.

(a) General. Each pool shall have a separate water treatment system. Pools with an approved design rate of less than those specified below shall be operated at the design rate. Construction shall comply with all other provisions of this Code regarding water and waste water. (1) Pools. Each pool shall have a separate water treatment system. Pools with an approved design rate of less than those specified below shall be operated at the design rate. Construction shall comply with all other provisions of this Code regarding water and waste water. (2) UV light disinfection are provided to treat all of the water in the other pools. The larger flow rate resulting from the two calculations below shall be the minimum flow rate used for the treatment system design. All recirculated water must pass through both the ultraviolet light units and filters. The minimum flow rate through the treatment system shall be calculated using the two methods described below:

Q = Minimum flow rate through the ultraviolet disinfection/filtration system

(1) Minimum flow rate (For ultraviolet disinfection):

Q = (14.8 - ln(V)) / (12 * 60)

§165.45 Water Treatment System.

(a) General. Each pool shall have a separate water treatment system. A water treatment system consisting of pumps, piping, filters, water conditioning and disinfection equipment, and other accessory equipment, shall be provided which will clarify, chemically balance and disinfect the pool water and/or spray pad water. The system shall be designed for a recirculation flow rate that will result in a turnover period in each pool and/or spray ground not exceeding those specified below. Construction shall comply with all other provisions of this Code regarding water and waste water. (1) Pools. Each pool shall have a separate water treatment system. Pools with an approved design rate of less than those specified below shall be operated at the design rate. Construction shall comply with all other provisions of this Code regarding water and waste water. (2) UV light disinfection are provided to treat all of the water in the other pools. The larger flow rate resulting from the two calculations below shall be the minimum flow rate used for the treatment system design. All recirculated water must pass through both the ultraviolet light units and filters. The minimum flow rate through the treatment system shall be calculated using the two methods described below:

(in gallons per minute) V: Pool volume (in gallons). In(V): Natural log of the volume. 14.8-In(V): Number of turnovers. (ii) Minimum filtration flow rate (for combined pool/spray pad system): (iii) The minimum filtration flow rate for a pool that shares water with a spray pad is specified in section 165.45(a)(2)(C)(iii). (iv) The minimum filtration flow rate shall be at least the sum of the flow rate for the pool type specified in §165.45(a)(1) and one-third of the spray feature flow rate. (B) When water supplying the spray features is removed from the spray pad treatment tank by a pump separate from the filtration/recirculation pump system, the ratio of the flow rate of water supplied to the spray features directly from the treatment tank must not exceed 3 times the design filtered water flow rate. (C) Turnover Rate. (i) When water is supplied to the spray features by a pump which removes water directly from the spray pad treatment tank independent from the spray pad treatment tank filter pump, the turnover rate for filtration shall be determined by the feature flow rate. The filtration flow rate for the spray pad treatment tank must be at least one-third of the design spray feature flow rate.

(b) Equipment and storage area. All the pumps, filters, chemical feeders and other mechanical equipment and [pool] shall be secured and protected by an appropriate enclosure or room, separate and apart from the pool. The size of the equipment room shall provide working space to perform routine operations. Clearance shall be provided for all equipment as prescribed by the manufacturers to allow normal maintenance and removal without disturbing other piping or equipment. Operating instructions and a schematic drawing for all [pool] equipment shall be provided in the [pool] equipment enclosure room. Adequate storage area shall be provided for [pool] chemicals and supplementary [pool] equipment. A dry above ground storage area shall be provided for facilities using calcium hypochlorite as a disinfectant. Equipment rooms shall not be used for storage of chemicals emitting corrosive fumes or for storage of other items to the extent that entrance to the room for inspection or operation of the equipment is impaired. (c) Hydraulics and piping system. (1) Materials. The recirculating piping and fittings shall be of nontoxic material, resistant to corrosion, and able to withstand operating pressures. Acceptable materials for [pool] recirculation systems are polyvinylchloride (PVC), copper, stainless steel, aluminum, cast iron or other material suitable for water supply applications. (2) Size. All pipes, fittings and valves of the [pool] recirculation system shall be designed to reduce friction losses to a minimum and to carry the required quantity of water at a maximum velocity not to exceed six feet per second (6 ft/s) under suction, ten feet per second (10 ft/s) under pressure and three feet per second (3 ft/s) in gravity flow.

(4) Installation and draining of pipes. All equipment and piping shall be designed and fabricated to drain completely by use of drain plugs, drain valves or other means. All piping shall be supported continuously or at sufficient close intervals to prevent sagging. All suction piping shall be sloped in one direction, preferably toward the pump. All supply and return pipelines to the pool and/or spray pad shall be provided with valves or other means to allow the piping to be drained to a point below the frost line. Provision shall be made for expansion and contraction of pipes. (d) Selection of recirculation pumps. The recirculation pump shall have adequate capacity (flow rate and pressure) to meet the design requirements of the pool and/or spray pad treatment tank, including filter backwashing and turnover rate. It shall be of a self-priming type if installed above the hydraulic gradient. A gauge which indicates both pressure and vacuum shall be installed on the pump suction header and a pressure gauge shall be installed on the pump and discharge line. Gauges shall be installed as near to the pump inlet as possible.

(f) Inlets for pools. Wall or floor inlets shall be provided for all pools and shall be located and directed to provide distribution of treated water to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool. (g) Main drains for pools. Every pool constructed after July 15, 1998, shall have at least two hydraulically balanced main drains to the pool filter system installed in the pool floor at the deepest point. The minimum distance between the main drains shall be three feet (3') measured from center to center of the drains. If the floor of a spa pool is insufficient for a separation distance of three feet (3'), then the separation distance shall be as great as possible. The main drains shall be connected to a single main suction pipe by branch lines and the branch lines shall not be valued so as to be capable of operating independently. Pools constructed before July 15, 1998, shall have at least one main drain installed in the pool floor at the deepest point.

(h) Surface skimmer systems for pools. A surface skimmer system, perimeter overflow system or recessed automatic surface skimmers, shall be provided on all pools

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and shall be designed and installed to continuously remove all floating material, surface dirt and waste water. A perimeter overflow system shall be required on all pools which have a pool width exceeding thirty feet (30'), or a surface area of over one thousand six hundred square feet (1,600 ft²). Pools having a width of thirty feet (30') or less, or a surface area of one thousand six hundred square feet (1,600 ft²) or less shall be provided either with perimeter overflows or skimmers. A combination of perimeter overflow systems and skimmers may also be used when approved by the department. All overflow systems and skimmers shall be capable of continuously removing all floating material, surface dirt and waste water.

(i) *Filtration.* The filtration system shall be designed to maintain the required pool and/or spray pad water quality. A water treatment system shall have one or more filters. Filters shall be installed with adequate clearance and facilities for ready and safe inspection, maintenance, disassembly and repair.

(j) *Flow measurement and control.*

(2) *Flow regulation.* Where multiple pumps or filters are provided, each unit shall have a flow-regulating device installed. For spray grounds, automatic devices shall be provided for regulating the rate of flow through the filtration system and flow to the spray features.

(k) *Water heater and thermometer (pools).* A water heater shall be installed at all indoor pools. Heaters shall be installed in accordance with the standards contained in the Building Code and the manufacturer's recommendations. Heating coil, pipe or steam hose shall not be installed in a pool. Pools equipped with heaters shall have a fixed thermometer in the recirculation line downstream of the heater and another near the outlet of the pool.

(l) *Disinfection and chemical feeders.* Pools and/or spray pad treatment shall be designed to provide for continuous disinfection of the pool and/or spray pad water with a chemical which is an effective disinfectant and which imparts an easily measured, active residual. The pools and/or spray pad shall be equipped with a chlorinator, hypochlorinator, or other disinfectant feeder or feeders. An automatic controller shall be provided for continuous monitoring and adjusting the level of free residual disinfectant in the spray pad treatment tank. An automatic device shall be provided to deactivate chemical feeders when there is not flow in the spray pad treatment recirculation system. The feeder shall be automatic, easily disassembled for cleaning and maintenance, and capable of providing the required chemical residuals which meet the following requirements:

(1) *Design specifications.* The feeder shall be of sturdy construction and materials which will withstand wear, corrosion or attack by disinfectant solutions or vapors, and which are not adversely affected by repeated, regular adjustments or other normal use conditions. The feeder shall not allow flow of unintended chemicals or those containing foreign materials into the pool and/or spray pad treatment. The feeders shall incorporate anti-siphon safeguards so that the disinfectant cannot continue to feed into the pool [,] and/or spray pad treatment tank, the pool piping system, [or] the pool enclosure, spray pad treatment tank, the spray piping system or the spray pad enclosure if [the pump stops for any reason.] any type of failure of the equipment occurs.

(3) *Equipment capacity.* Feeders shall be capable of supplying disinfectant to the pool and/or spray pad treatment in a range of chlorine demand of up to 10 mg/l or equivalent.

(9) *Ultraviolet light disinfection units.* All spray pad treatment systems shall provide ultraviolet light disinfection systems unless the provision of an alternative treatment process has been approved by the New York State Department of Health to be capable of providing the equivalent level of reduction of cryptosporidium as the ultraviolet light disinfection system specified in this article. The ultraviolet light unit shall be located between the spray pad treatment tank pump discharge and the spray features or as approved in accordance with §165.45(a)(2)(A). The following requirement for ultraviolet light shall apply:

(A) All ultraviolet light units must be validated with dosage by an independent agency with dosage. The validation process must determine the ultraviolet light unit's disinfection performance by indicating that a dose of 40mJ/cm² (at end of lamp life) is achieved at a flow rate equal to or greater than the design flow rate at the setpoint intensity. The validation procedure used must have been determined by the State Department of Health to be capable of demonstrating the disinfection performance described above.

(B) For systems utilizing quartz sleeves to separate the water passing through the chamber from the ultraviolet source, the system shall be designed to permit cleaning of the lamp jackets and the sensor window or lens without mechanical disassembly. For systems utilizing polytetrafluoroethylene (PTFE) surface materials to separate the water that flows through the ultraviolet chamber from the lamps, the ultraviolet unit shall be designed to be readily accessible to the interior and exterior of the PTFE. The ultraviolet unit shall be designed to permit use of either physical or chemical cleaning methods.

(C) An accurately calibrated ultraviolet light intensity meter, properly filtered to restrict its sensitivity to the disinfection spectrum shall be installed in the wall of the disinfection chamber at the point of greatest water depth from the tube or tubes.

(D) An automatic system shall be installed to prevent flow to the features in the event the ultraviolet light intensity decreases below the validated set point.

(E) An automatic, audible alarm shall be installed to warn

of ultraviolet light disinfection system malfunction or impending shutdown.

(F) The unit shall be designed to protect the operator against electrical shock or excessive radiation.

(G) Installation of the unit shall be in a protected enclosure not subject to extremes of temperature.

(H) A spare ultraviolet lamp and other necessary equipment to effect prompt repair by qualified personnel properly instructed in the operation and maintenance of the equipment shall be provided on-site.

(m) *pH control.* Mechanical feed equipment for the purpose of adding a chemical for pH adjustment shall be provided for all pools and spray grounds built. An automatic controller shall be provided for continuously monitoring and adjusting the level of pH in the spray pad treatment tank. The method of chemical addition shall protect the bather from contact with concentrated chemicals. Soda ash, caustic soda, sodium bisulfate, carbon dioxide gas, muriatic acid, or other chemicals approved for water supply use by the United States Environmental Protection Agency, as food additives by the United States Food and Drug Administration, or by the Department, shall be used to raise or lower pool water pH. The method shall provide adequate distribution of the chemical throughout the pool and distribution shall be verified by pool water testing prior to bather exposure. Where carbon dioxide (CO₂) is used as a method of pH control, the following features shall be provided:

(o) *Pool vacuum system and cleaning system (for pools).* A cleaning system should be provided to remove sludge, sediment and other accumulations from the bottom of the pool. When a vacuum system is used as an integral part of the recirculation system, hose connections shall be located in the walls of the pool at least eight inches (8") below the waterline, and at such points that the floor of the pool can be cleaned with not more than fifty feet of suction hose.

(p) *Spray Pad Treatment Tank (for spray grounds only).* The spray pad treatment tank that receives the effluent water from the spray pad shall conform to the following specifications:

(1) *Material.* The spray pad treatment tank shall be constructed of materials which are inert, corrosion resistant, nontoxic, and watertight such as concrete, fiberglass, stainless steel, etc., which can withstand all anticipated loadings under full and empty conditions.

(2) *Volume.* The volume of the water in the spray pad treatment tank shall be sufficient to assure continuous operation of the filtration system. The capacity shall be measured from six inches above the uppermost pump inlet to the bottom of the overflow waste outlet.

(3) *Controller.* An automatic water level controller shall be provided for the spray pad treatment tank.

(4) *Ready Access.* The spray pad treatment tank must be designed to provide ready access for cleaning and inspections, and be capable of complete draining. An overflow pipe to convey excess water to waste through a suitable air gap must be provided.

(5) *Backflow Prevention.* The makeup water shall be introduced into the spray pad treatment tank through an air gap or by another method which will prevent back flow and back-siphonage.

(6) *Screen.* A screen or similar device shall be provided through which all water from the spray pad shall pass before entering the spray pad treatment tank or another method/process described to provide for removal of debris on the surface layer of the spray pad treatment tank water.

(7) *Filtered/Treated Water Inlets.* An adequate number of filtered or treated water inlets shall be provided and located for complete mixing and circulation of treated water within the spray pad treatment tank.

(8) *Drain.* At least one main drain suction outlet supplying water to the spray pad treatment tank filtration system shall be provided at the deepest point in the spray pad treatment tank.

§165.47 Lighting and Electrical Installation, Ventilation and Heating Requirements.

(a) *Lighting and electrical installation.* Artificial lighting shall be provided for all bathing establishments which are to be used at night, or which do not have adequate natural lighting. The light and electrical installation shall be provided in accordance with the following:

(4) *Decks.* A minimum of 50 foot-candles should be provided at deck area and/or spray pad.

(5) The illumination level in indoor pools and/or spray grounds shall be so designed to limit glare and excessive reflection.

(6) No overhead electrical wiring, except when secured within a ceiling, shall pass within twenty feet (20') of the pool enclosure and/or spray pad.

(8) *Electrical outlets.* Lighting or other electrical outlets in the deck, spray pad, shower room, and the water treatment areas shall have properly installed ground fault circuit interrupters (GFCI) at the outlet.

(b) *Ventilation.* (1) *General.* All indoor pools and/or spray grounds shall be adequately ventilated, either by natural or mechanical means. Indoor portions of a bathing establishment, including indoor pools and/or spray grounds, dressing rooms, mechanical equipment rooms, storage areas, bathhouses, shower rooms and lavatories shall be ventilated pursuant to Article 12 of the Building Code or any successor law or regulation. The ventilation system for indoor pools and dressing rooms shall be designed so the bathers are not subjected to drafts and shall minimize condensation. A minimum of two air changes per hour shall be provided for indoor pool and/or spray ground areas. Any heating units

shall be kept from contact with swimmers. Fuel burning heating equipment shall be installed and vented to the outdoors in accordance with the Building Code.

§165.49 Bathhouse and Bather Preparation Facilities.

(b) *Location.* For all pools, [T]he bather preparation facility shall be located so that the patrons shall pass through the bather preparation facilities to enter the pool. The layout of the preparation facilities shall be such that the patrons on leaving the dressing room pass the toilets and then the showers en route to the pool. For spray grounds, the bather preparation facility shall be conveniently located.

(e) *Shower room.* The number of shower heads to be provided shall be based upon the maximum number of persons, both adults and children, who can be accommodated in a bathing establishment at any one time. In no case shall there be fewer than two showers. A bathing establishment with indoor bathing facilities shall have at least one shower for every 40 persons of each sex. A bathing establishment with outdoor bathing facilities shall have at least one shower for every 80 persons of each sex. Showers in all bathing establishments shall have hot and cold running water. Showers shall be supplied with water at a temperature of at least ninety degrees Fahrenheit (90 °F) and no more than one hundred and ten degrees Fahrenheit (110 °F) and at a minimum rate of 1.5 gallons per minute and a maximum rate of 2.5 gallons per minute per shower. If shower curtains are used, they shall be of plastic or other impervious material and shall be kept clean. Heavy duty wall mounted soap dispensers (glass prohibited) shall be provided at each individual shower stall or at a rate of one dispenser per two shower heads in a common shower room containing more than one shower head.

(f) *Lavatories.* All lavatories shall be provided with liquid soap in an acceptable dispenser, paper towels or other individual towels or electrical hand-drying units and covered waste receptacles. Common use of bar soap or cloth towels shall not be permitted. Suitable sanitary napkin receptacles shall be provided in female toilet rooms. For spray grounds, a diaper changing area shall also be provided.

Notes: On March 24, 2009, the Board of Health amended various provisions (§§ 165.01-165.05, 165.09-165.11, 165.15-165.19, 165.23-165.31, 165.39, 165.43-165.49) of Article 165, and to create a new § 165.42, to primarily maintain consistency with requirements found in Subparts 6-1 (concerning supervision) and 6-3 (concerning spray grounds) of the New York State Sanitary Code.

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NOTICE OF INTENTION TO AMEND ARTICLE 45 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed amendment of Article 45 (General Provisions Governing Schools and Children's Institutions) of the New York City Health Code.

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 10:00 A.M. TO 12:00 NOON ON TUESDAY, APRIL 28, 2009 IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. MONDAY, APRIL 27, 2009. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY APRIL 10, 2009.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12:00 P.M. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> ON OR BEFORE 5:00 P.M., TUESDAY, APRIL 28, 2009. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC 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 SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC

VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO

<http://www.nyc.gov/html/doh/html/comment/comment.shtml>

STATUTORY AUTHORITY

These amendments to the Health Code are promulgated pursuant to §§558 and 1043 of the Charter. Sections 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 grants the Department rule-making authority.

STATEMENT OF BASIS AND PURPOSE

The Department requests that the Board of Health amend Article 45 of the New York City Health Code (General Provisions Governing Schools and Children's Institutions) to eliminate requirements in subdivision (c) of §45.09 (Staff) that every adult who regularly associates with children at a school, and that a person employed by the Department of Parks and Recreation who regularly associates with children under the age of 16 in a DOPR recreational program be tested for tuberculosis prior to commencing work, and at Department established intervals after commencing work. In 2008, the Board repealed and reenacted Article 47 (Child Care Services), updating provisions related to the health of children and staff, and eliminated a similar requirement. The Statement of Basis and Purpose accompanying that resolution indicated that "the requirement that new staff hires be tested for tuberculosis infection has been eliminated since this group is at relatively low risk for tuberculosis." The Department believes that the same justification applies to elimination of the requirement for school and DOPR staff and volunteers.

Accordingly, the Department requests that the Board repeal subdivision (c) in its entirety, and substitute a provision authorizing the Department to require tuberculosis testing whenever necessary for epidemiological investigation.

Statement Pursuant to Charter § 1043

This proposal was not included in the Department's regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

The amendment is as follows:

Matter underlined is new
Matter to be deleted is indicated by [brackets]

RESOLVED, that subdivision (c) of §45.09 of Article 45 (General Provisions Governing Schools and Children's Institutions) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, as last amended by resolution adopted on the fifth of December, two thousand six, be, and the same hereby is, repealed and reenacted, to be printed together with explanatory notes, to read as follows:

§45.09 Staff.

(c) Testing for tuberculosis. The Department may require testing for tuberculosis at any time of any persons in a school, children's institution, or other program providing services for children when such testing is deemed necessary for epidemiological investigation.

Notes: Subdivision (c) was repealed and reenacted by resolution of the Board of Health on XXX to delete a requirement that staff of schools and persons employed by the City's Department of Parks and Recreation have tuberculin testing as part of a pre-employment physical examination, since such persons are considered at low risk for tuberculosis. As reenacted, subdivision (c) authorizes the Department to require testing for tuberculosis at any time when the Department finds it necessary in the course of epidemiological investigation.

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NOTICE OF ADOPTION TO AMEND ARTICLE 167 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter and pursuant to the authority granted to the Board of Health by §558 of said Charter, the Notice of Intention to Amend Article 167 of the New York City Health Code was published in the City Record on December 23, 2008. A public hearing was held on January 28, 2009. No one testified at this public hearing and the Department received no written comments. The Board of Health at its March 24, 2009 meeting, adopted the following resolution.

STATUTORY AUTHORITY

These amendments to the New York City Health Code ("Health Code") are proposed pursuant to Sections 556, 558 and 1043 of the New York City Charter ("Charter"). Section 556 of the Charter grants the New York City Department of Health and Mental Hygiene ("Department") jurisdiction to regulate all matters affecting health in the City of New York. Specifically, Section 556 (a)(3) requires the Department to, "exercise its functions, powers and duties in the area extending over the city, and over the waters adjacent thereto...." Sections 558 (b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants rule-making powers to the Department.

STATEMENT OF BASIS AND PURPOSE

The Department is responsible for protecting the health and safety of the public who use permitted bathing beaches by providing for the proper construction, operation and maintenance of these facilities within New York City. Article 167 of the Health Code sets forth standards for the operation and maintenance of bathing beaches operating under permit by the Department.

The boundary restricting bathing currently defined under §167.05(d) is inconsistent with the surface water classifications (usage designations) contained in New York State Department of Environmental Conservation (NYSDEC) regulations (see 6 NYCRR Parts 700, 701, 890, 891; see also, <http://www.dec.ny.gov/chemical/23853.html>). Successful improvements of pollution control programs and continued comprehensive upgrades to wastewater treatment infrastructure have resulted in a significant improvement in water quality, therefore, providing for the possibility for additional permitted bathing facilities in previously restricted areas. Accordingly, some of the previously restricted areas for bathing under §167.05(d) are now classified by NYSDEC to allow bathing (SB-primary contact). Pursuant to 6 NYCRR 700.1, "primary contact recreation" means recreational activities where the human body may come in direct contact with raw water to the point of complete body submergence. Primary contact recreation includes, but is not limited to, swimming, diving, water skiing, skin diving and surfing.

In order to maintain consistency with the surface water classifications as defined under NYSDEC regulations, the defined boundary lines restricted for bathing under §167.05(d) are replaced with boundary lines of water classification used for primary contact as defined by the NYSDEC.

CHANGES TO THE HEALTH CODE

The list of restricted boundaries in §167.05 (d)(1)-(6) is deleted. Also, §167.05(d) is amended to allow boundaries delineated for primary contact as defined by applicable surface water classification regulations of the NYSDEC.

The rule is as follows:

Note - Matter in brackets [] is to be deleted.
Matter underlined is new.

RESOLVED, that subdivision (d) of Section 167.05 of Article 167 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on March xx, 2004, be and the same hereby is amended to update certain boundary lines of water classification used for primary contact recreation, to be printed together with explanatory notes, to read as follows:

§ 167.05 Permit Applications.

(d) *Restriction.* No person shall operate, construct or maintain and no permit shall be issued for a bathing beach within 750 feet of the point of discharge of the outlet of any sanitary sewer, the flow of which would contribute in any way to the pollution of the waters used by the bathers, [or located along the City waterfront within the following boundary lines:

- (1) In the Borough of Manhattan: Along the Hudson River, from the Harlem River to the Battery; along the East River, from the Battery to the Harlem River; or along the Harlem River, from the Hudson River to the East River; or
- (2) In the borough of the Bronx: Along the Hudson River, from the boundary line between the cities of New York and Yonkers to the Harlem River; along the Harlem River, from the Hudson River to the East River; or, along the East River, from the Harlem River to Fort Schuyler; or,
- (3) In the Borough of Queens: Along the East River, from Willet's Point (Fort Totten) to Newtown Creek, including Little Bay, Powell's Cove, Flushing Bay and Bowery Bay; or
- (4) In the Borough of Brooklyn: Along the East River and Upper New York Bay from Newtown Creek to Norton's Point, including Gowanus Bay, the Narrows and Gravesend Bay; or,
- (5) In the Boroughs of Brooklyn and Queens: Along the Brooklyn- Queens shore of Jamaica Bay from Sheepshead Bay, Brooklyn to the Queens-Nassau line, along the Queens-Nassau line to the northerly side of Far Rockaway; and along the northerly side of the Rockaway Peninsula to Rockaway Point, including Sheepshead Bay, Rockaway Inlet, and all of Jamaica Bay with its estuaries and islands; or,
- (6) In the Borough of Staten Island: Along the Raritan Bay, Arthur Kill and Kill Van Kull, from Page Avenue east of Tottenville to New Brighton; or along the Upper New York Bay and the Narrows, from New Brighton to the northerly boundary of Fort Wadsworth Reservation] and located outside the boundary delineated for primary contact recreation as defined by applicable regulations of the New York State Department of Environmental Conservation (see 6 NYCRR § 700.1; see also, 6 NYCRR Parts 890, 891). "Primary contact recreation" shall mean recreational activities where the human body may come in direct contact with raw water to the point of complete body submergence. Primary contact recreation includes, but is not limited to, swimming, diving, water skiing, skin diving and surfing.

Notes: On March 24, 2009, the Board of Health amended language in §167.05(d) of the Health Code to maintain consistency with New York State Department of Environmental Conservation regulations concerning surface water classifications and primary contact recreation for New York City waters.

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NOTICE OF INTENTION TO AMEND ARTICLE 201 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of the Charter, notice is hereby

given of the proposed amendment of Article 201 of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL ON THURSDAY, APRIL 30, 2009 FROM 10 A.M. TO 12 P.M. IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY WEDNESDAY, APRIL 29, 2009. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL WORKING HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY THURSDAY, APRIL 16, 2009.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 10A.M. ON THE DATE OF THE HEARING. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, OR BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV ON OR BEFORE 5 P.M. ON THURSDAY, APRIL 30, 2009. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC 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 SECRETARY.

STATUTORY AUTHORITY

These amendments to the New York City Health Code ("Health Code") are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene ("Department" or "DOHMH") with jurisdiction to regulate all matters affecting health in the City of New York, including the authority to supervise and control the registration of births. Section 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants the Department rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

INTRODUCTION

As part of a comprehensive review of the Health Code, the Department proposes that current Article 201, Births, be amended to assure that the revised provisions provide adequate legal tools to effectively address general public health matters and to reflect modern public health thinking and practice. Pursuant to this review and assessment of the Health Code, the DOHMH proposes that the Board amend Article 201, effective January 1, 2010, as set forth below.

Section 201.01

The definition of the term "person in charge of a hospital" has been amended to include the title of chief executive officer as an example of a person in charge of a hospital. Such amendment provides additional guidance on which individuals the DOHMH will consider a person in charge. A new subdivision (c) has been added to define the term "hospital" in a manner consistent with Article 28 of the State Public Health Law to include not only in-patient hospitals, but also, for example, diagnostic and treatment centers.

Section 201.03

Subdivision (a) has been amended to delete reference to a hospital's ambulance service as the only forum for a birth en route to a hospital, and to add the broader concept of a birth occurring en route to the hospital. This subdivision was also amended to permit the designee of a person in charge of a hospital to report a live birth to the DOHMH. This will enable the hospital to delegate the task of filing the report to a lower level employee. Reference to a "maternity clinic" has been deleted as such facilities are subsumed within the term "hospital" as now defined.

Subdivision (a) has also been amended to permit a licensed midwife and a registered physician assistant, in addition to a physician, in attendance at a birth outside a hospital to report such birth. Permitting such licensed health care professionals to report the birth reflects the practice of having medical personnel other than physicians participate in live births. In addition, permitting reporting by such licensed health care professionals in attendance at the live birth other than a physician does not affect medical care standards; rather, it facilitates reporting requirements.

Subdivision (b) was amended to correct legal nomenclature

distinguishing between a “subsection” and a “paragraph”.

Subdivision (c) has been added to require reporters to provide additional required information upon receipt of new information by the reporter. The new subdivision provides for submission of such information within five business days of receipt by the reporter.

Subdivision (d) has been added to require reporters to provide, within five business days of a request by the Department, additional information necessary to complete, clarify or verify the information required to be reported.

Section 201.05

Subdivision (a) has been amended to permit a licensed midwife or registered physician assistant, in addition to a physician, certified nurse practitioner or a registered professional nurse, to prepare a birth certificate and a confidential medical report of birth, and to further specify that such documents must be certified. This subdivision now permits individuals other than the licensed health care professionals who attended or assisted, or who were present at or after the birth to prepare and certify the certificates and confidential medical reports, relying on their review of medical records. This change recognizes current practice in hospitals, especially in the context of electronic filing. However, the amendment requires that such individuals be designated by the person in charge of the hospital and that they be trained or approved by the Department. If a birth occurs elsewhere than in a hospital or en route thereto, and is attended by a physician, licensed midwife, certified nurse practitioner or a registered physician assistant, then only they can prepare and certify the documents. Furthermore, this subdivision was amended to make clear that the act of certifying involves an examination of the record being certified for correctness of the information.

Subdivision (b) has been amended to reflect gender neutrality and to correct a reference to a particular section of the State Public Health Law. In order to control the quality of data collection, a provision has been added to require that DOHMH approved worksheets be used in a hospital, and that individuals using them, other than the specified licensed professionals, be trained or approved by the Department. Such worksheets must be retained by the hospital for three years, and must be made available for inspection by the Department upon request.

Subdivision (c) and subdivision (f) (now renumbered as subdivision (d)) have been amended to remove now unnecessary language concerning requirements that were effective January 1997. Renumbered subdivision (d) has been amended to emphasize that electronic reporting can only occur upon approval by the Department.

Subdivisions (d) and (e) have been deleted as no longer necessary because currently both the birth certificate and the confidential medical report of birth are required to be filed electronically.

Section 201.07

Subdivision (a) was amended to indicate that the disclosure of confidential medical reports of birth shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code.

Subdivision (b) was amended to include epidemiologic surveillance and investigation conducted by governmental public health agencies within the meaning of “scientific purposes”.

Section 201.09

A new §201.09 has been added to specify how, in a manner consistent with §4131 of the State Public Health Law, reports of foundlings filed by the City’s Commissioner of Children’s Services are to be treated and processed by the Department.

Section 201.11

Subdivision (a) has been amended to reflect gender neutrality. Paragraph (2) has been deleted as the submission of a certificate of birth on an application for a delayed registration of birth no longer reflects the Department’s application process.

Subdivision (b) was amended to correct legal nomenclature distinguishing a “subsection” and a “paragraph”.

Subdivision (c) was deleted as no longer necessary given that the new §201.09 comprehensively covers the handling of foundling reports. A new subdivision (c) has been added to clarify that an application for a delayed registration of birth will not be granted for a person who is already deceased.

The Proposal is as follows:

Note – Matter in brackets [] is to be deleted
Matter underlined is new

RESOLVED, that, effective January 1, 2010, Article 201 of the New York City Health Code be and the same hereby is revised, to be printed together with explanatory notes to read as follows:

Article 201
Births
Introductory Notes

This article contains provisions for the reporting of births occurring in the City, for the maintenance of registries of births and for the reporting of births not reported at the time of the event.

§201.01 Definitions.

When used in this title:

- (a) “Live birth” or “birth” means the complete expulsion or extraction from its mother of a product of conception, regardless of the duration of pregnancy, which after expulsion or extraction shows evidence of life, such as breathing, beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
- (b) “Person in charge of a hospital” means the officer or employee who is responsible for the administration of a hospital or similar institution and includes but is not limited to a person holding the title of chief executive officer, administrator, superintendent, director or executive director.
- (c) “Hospital” means a facility or institution licensed

pursuant to Article 28 of the State Public Health Law and defined as such in §2801 of said law.

Notes:

Subdivision (b) was amended and subdivision (c) was added by resolution adopted on []. The definition of “hospital” is intended to capture the entire range of facilities that are licensed by the State Department of Health pursuant to Article 28 of the State Public Health Law, including in-patient hospitals and birthing centers that are so licensed.

§201.03 Reporting births.

(a) When a live birth occurs in the City, it shall be reported to the Department as follows:

- (1) If the birth occurs in a hospital or [on its ambulance service] en route thereto, by the person in charge of such hospital or his or her designee; or,
- (2) If the birth occurs elsewhere than in a hospital or en route thereto, by the physician, [or nurse] licensed midwife or registered physician assistant, in attendance at or after such birth; or,
- (3) If a [nurse midwife] physician, licensed midwife or registered physician assistant attends at or after the birth elsewhere than in a hospital, or en route thereto, as an associate of a hospital, by the person in charge of the [maternity clinic or] hospital with which he or she is associated or by the designee of such person in charge; or,
- (4) If the birth occurs without the attendance of a physician, [or nurse midwife] licensed midwife or registered physician assistant, by either of the parents of the child or, if no parent is alive, by the next of kin of the child or any person present at the birth.
- (b) A person required to report a live birth pursuant to [subsection] paragraphs [(a)](1), (2) or (3) of subdivision (a) of this section shall file a certificate of birth and a confidential medical report, and a person required to report pursuant to [subsection] paragraph [(a)](4) of subdivision (a) of this section shall file a certificate of birth only. Reports shall be filed within 5 business days after the birth with the office maintained and designated by the Department for such purposes.
- (c) The person required to report a birth shall provide to the Department information that was required to be reported, but that was not so reported, within five business days of that person receiving the information.
- (d) Upon a request by the Department for additional information that may be necessary to complete, clarify or verify the information required to be reported, the person required to report a birth shall provide such information to the Department within five business days of the request.

Notes:

This section was enacted by resolution adopted on []. This section focuses on who is required to file a report of a live birth with the Department. Section 201.05 concerns who must prepare and certify such reports. Throughout this section and others in this Article, the phrase “or on its ambulance service” has been replaced by “en route thereto” to acknowledge the fact that ambulance services can be independent of hospitals and to encompass births that may occur en route to a hospital, such as in an automobile, taxicab or police car. This section also acknowledges the broader range of licensed health care professionals that can participate at or after a birth. Subdivisions (c) and (d) are new, and have been added to require reporters to submit additional information, and to clarify the Department’s authority to require additional information.

§201.05 Preparation and certification of certificate of birth and confidential medical report of birth.

- (a) The certificate of birth and confidential medical report shall be prepared and certified by the person required to file the same pursuant to §201.03, but when the birth occurs in a hospital or [on its ambulance service] en route thereto, the certificate and the confidential medical report [may] shall be prepared and certified by the physician, licensed midwife or registered physician assistant in attendance or assisting, or by a certified nurse practitioner or registered professional nurse present at or after the birth, or by a designee of the person in charge of the hospital who is trained or approved by the Department. When a physician, licensed [nurse] midwife or registered physician assistant attends at or after a birth elsewhere than in a hospital or en route thereto, he or she shall prepare and certify the certificate and confidential medical report. A person certifying a certificate and confidential medical report shall examine said documents for correctness of the information contained thereon and make any necessary changes.
- (b) The certificate and confidential medical report shall be prepared on forms prescribed by the Board and furnished by the Department and shall contain no statement indicating the marital name or status of the mother or whether the child was born in or out of wedlock. The person preparing the certificate shall enter all information required by the form provided by the Department, except that in case of a child born out of wedlock [he] such person shall not enter the name of the putative father unless there is submitted to [him] the preparer a verified written consent of the putative father pursuant to §17-166(d) of the Administrative Code or a voluntary acknowledgement of paternity pursuant to §4135-b [Title I of Article 41] of the State Public Health Law. When the birth occurs in a hospital or [on its ambulance service] en route thereto, the information required by the forms shall be taken from the hospital records of the case. In a hospital, worksheets provided or otherwise approved by the Department shall be used in the preparation of the certificate and confidential medical report, and if such worksheets are used by individuals other than a physician, licensed midwife, registered professional nurse, certified nurse practitioner or registered physician assistant, then such individuals shall be trained or approved by the Department. Worksheets shall be retained by the hospital for a period of at least three years from the date of the birth, and shall, upon request, be made available to the Department for inspection.
- (c) All live births occurring in the City [of New York on or after January 1, 1997] at facilities reporting 100 or more live births per year shall be reported to the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. All facilities at which fewer than 100 live births are reported per year may, at their election and upon approval by the Department, implement an electronic birth certificate reporting system or continue to report births on approved paper forms.

(d) Facilities reporting births electronically shall file the confidential medical report of birth solely by means of electronic filing.

(e) Facilities reporting births electronically shall file the certificate of birth both electronically and on approved paper forms.]

(d)(f) All facilities required to file birth certificates electronically [after January 1, 1997] and facilities reporting fewer than 100 births per year which elect to report electronically, shall apply to the Department prior to implementing any system and, upon approval by the Department, shall make electronic reports only in such manner and on computer programs prescribed and provided or otherwise authorized by the Department. [Facilities reporting 100 or more live births per year may elect to commence filing birth certificates electronically, with the approval of the Department, prior to January 1, 1997 which the Department, at its discretion, may authorize. Such election shall be irrevocable upon commencement of electronic filing by such facilities.]

Notes:

Subdivisions (a), (b) and (c) were amended, subdivisions (d) and (e) were repealed and subdivision (f) was amended and re-lettered as a new subdivision (d) by resolution adopted on []. This section governs who is required to prepare and certify a report of a live birth, including a range of licensed professionals. The section now mentions certification in addition to preparation in order to clarify what the long-standing practice and use of approved forms has been; namely that the reports must be signed, whether in hardcopy or electronically. For births occurring in or en route to a hospital, worksheets approved by the Department must be used and retained by the hospital for at least three years.

§201.07 Confidential medical report of birth; not subject to compelled disclosure [subpoena] or inspection.

(a) The confidential medical report of birth shall [not] be confidential and not subject to compelled disclosure [subpoena] or to inspection by persons other than the Commissioner or authorized personnel of the Department, except in a criminal action or criminal proceeding, or for official purposes by a federal, state, county or municipal agency charged by law with the duty of detecting or prosecuting crime. The Commissioner may, however, approve the inspection of such medical reports for scientific purposes.

(b) Within the context of this section, scientific purposes shall mean epidemiologic surveillance and investigation by a governmental public health agency, research, [and/or] the compilation of statistics relating factors bearing on disease incidence, prevalence, mortality or treatment.

Notes:

Section 201.07 was amended by resolution adopted on []. The confidential medical report of birth is still not subject to disclosure except as specified in the section. The phraseology of subdivision (a) was changed to “confidential and not subject to compelled disclosure” in order to broaden the prohibition on disclosure and to conform to the language of other Articles in this Code. Epidemiologic surveillance and investigations by a governmental public health agency are now specified as within the meaning of “scientific purposes” so as to permit disclosure with the approval of the Commissioner.

§201.09 Foundlings.

(a) The report of the finding of a child whose parents are unknown, filed by the Commissioner of the City Administration for Children’s Services in accordance with the provisions of subdivision two of §398 of the State Social Services Law, shall constitute the birth record of such child.

(b) The address or location where such child was found shall be considered as the place of birth, and the date of birth shall be that determined by the Commissioner of the City Administration for Children’s Services as the approximate date of birth.

(c) If, however, such child is subsequently identified, and a certificate of birth for such child has been duly filed either before or following identification, the report of the Commissioner of the City Administration for Children’s Services shall be placed under seal by the Department, and such seal shall not be broken except upon order of a court of competent jurisdiction.

Notes:

Section 201.09 was added by resolution adopted on []. This section is new and tracks §4131 of the State Public Health Law.

§201.11 Delayed registration of births.

(a) When a birth in the City is not recorded in the Department within one year following the birth, it may be recorded with the approval of the Commissioner or the Commissioner’s designee [other personnel of the Department designated by him]. Application for such delayed registration shall be made on a form furnished by the Department by the parents or surviving parent, or by the guardian of the person whose birth is to be recorded, if such person is a minor, or by the person himself or herself if he or she is 18 years of age or over and his or her parents are dead. The application shall be accompanied by the following:

- (1) A certified statement issued by the Department that a search was made for the record of birth in question and that such record was not found; and
- (2) A certificate of birth on a delayed registration form prescribed by the Board and furnished by the Department. The certificate shall state the facts relating to the birth as of the date of birth and shall be signed by the physician, nurse midwife or midwife who attended at the birth, or if the physician, nurse midwife or midwife is dead or not available, or if there was no such person in attendance, it shall be signed by the person in charge of the hospital in which the birth occurred or by the parents or surviving parent, or by the guardian of the person whose birth is to be recorded. If none of these persons is alive or available, and the person whose birth is to be recorded is over 18 years of age, he shall sign the certificate, and,
- (3) Such documentary and other evidence as will establish to the satisfaction of the Commissioner or [his] the Commissioner’s designee the facts and date of birth as alleged in the application. The burden of submitting convincing proof rests with the applicant.
- (b) When an application for delayed registration has been

granted and a certificate of birth on a delayed registration form is filed pursuant to this section, the Department shall issue to the applicant without further charge, in exchange for the certified statement submitted pursuant to [subsection] paragraph (1) of subdivision (a) of this section, a certified copy of the certificate of birth.

(c) No application for delayed registration shall be granted, and no delayed certificate of birth shall be registered or issued for a deceased person. [If a report of founding, prepared by the City commissioner of welfare pursuant to §398(2)(e) of the Social Welfare Law is not filed with the Department before the end of the calendar year following the year in which the child was found, it shall be filed as delayed registration of birth.]

Notes:

Subdivisions (a) and (b) were amended, paragraph (2) of subdivision (a) was deleted, and subdivision (c) was repealed and reenacted by resolution adopted on []. This section remains essentially the same, except that prior subdivision (c), relating to foundlings, was deleted in light of the new section 201.09. A new subdivision (c) was added to clarify that delayed registrations of birth cannot be issued for individuals who are already deceased.

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NOTICE OF INTENTION TO AMEND ARTICLE 203 OF THE NEW YORK CITY HEALTH CODE

In compliance with § 1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by § 558 of the Charter, notice is hereby given of the proposed amendment of Article 203 of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL ON APRIL 30, 2009, FROM 10:00 AM TO 12:00 PM, IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY APRIL 29, 2009. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL WORKING HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY APRIL 16, 2009.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 10AM ON THE DATE OF THE HEARING. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, OR BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV ON OR BEFORE 5PM ON APRIL 30, 2009. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>. WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC 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 SECRETARY.

STATUTORY AUTHORITY

These amendments to the New York City Health Code ("Health Code") are promulgated pursuant to sections 556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene ("Department" or "DOHMH") with jurisdiction to regulate all matters affecting health in the City of New York. Section 558(b) and (c) of the Charter empowers the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants the DOHMH rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

INTRODUCTION

As part of a comprehensive review of the Health Code to assess the efficacy of the Code in protecting public health, the Department proposes that current Article 203, Termination of Pregnancy, be amended, effective January 1, 2010, to assure that the Code provides adequate legal tools to effectively address general public health matters. As part of the revision effort, obsolete provisions have been omitted and the standards and references set forth in revised Article 203 have been modernized to reflect current Department and public health practice.

Pursuant to this review and assessment of the Health Code, the DOHMH proposes that the Board amend Article 203 as provided for below.

Section 203.01

Subdivision (a) was amended to remove the clause "as formerly defined," as there was no such previous reference.

Subdivision (c) was amended to reflect the definition recommended by the National Center for Health Statistics of the federal Centers for Disease Control and Prevention.

A new definition of "licensed health care practitioner" was added as subdivision (e). Which health care practitioners may perform which health care services is a function of state law, most importantly the New York State Education Law. The new definition simply refers to whichever health care practitioners are authorized to perform terminations of pregnancy pursuant to the state Education Law or other applicable law. In turn, those health care practitioners are among those who are obligated or authorized to file or prepare reports, as specified in sections 203.03 and 203.05. The simplicity of this definition facilitates reporting, including electronic reporting, and avoids the need to delineate which health care practitioners are obligated or authorized to file termination of pregnancy reports or to prepare documents associated therewith.

Section 203.03

Subdivision (a) was amended to update terminology from physician or nurse-midwife to other licensed health care practitioners, in order to reflect the current practice of having medical practitioners other than physicians in attendance at terminations of pregnancy. Permitting a licensed health care practitioner who was in attendance, other than a physician, to report a termination of pregnancy facilitates reporting and does not affect medical care standards.

Subdivision (b) was modified to accommodate legal nomenclature and to reflect the change to paragraph (4) of subdivision (a) clarifying that when the office of chief medical examiner files a certificate of spontaneous termination of pregnancy, any medical examiner within that office may file the certificate without a confidential medical report.

Subdivision (c) was amended to change the 24 hour filing requirement for spontaneous terminations and 5 day filing requirement for induced terminations of pregnancy to a 24 hour reporting requirement for *all* terminations of pregnancy when a permit to dispose of the conceptus is required or requested. Certificates and confidential medical reports, if any, related to terminations not resulting in the issuance of a disposition permit must be filed within 5 business days after the event. As per amendments to section 203.09 (see below), such permit is required for all terminations occurring at 20 weeks gestation or later and may be requested for terminations occurring at less than 20 weeks. It should be noted that section 4162 of the New York State Public Health Law also requires the issuance of a disposition permit for a conceptus of 20 weeks gestation or later. Subdivision (c) was also amended to remove the provision pertaining to filing within 15 days for the termination of pregnancy revealed by pathological examination. This provision is no longer applicable as pathological examination is no longer required for determining pregnancy status.

Subdivision (d) was amended to make proper reference to New York City, and to accommodate the fact that in some cases, but not necessarily all, a conceptus may be buried or otherwise disposed of pursuant to a permit issued by the Department. In such circumstances, the required documents may be filed by a funeral director, undertaker or person in charge of the City mortuary, as the case may be, or a registered agent or designee of such persons. Such an alternative means of filing is only available, however, when the report is being filed in paper form. Reference to electronic filing was deleted and incorporated into the new subdivision (e).

Subdivision (e) was added to require all facilities reporting births electronically or reporting 100 or more induced terminations of pregnancy in any 1 year, and the office of chief medical examiner, to report terminations of pregnancy electronically. When a required reporter files electronically, a funeral director or undertaker authorized to take charge of the remains, or the person in charge of the City mortuary when filing an application for a disposition permit, must also file such application electronically. Facilities not required to report electronically may opt to do so with approval by the Department or may continue to report on paper. However, once a facility begins to report electronically, it may not revert to paper filing unless so authorized by the Department.

Subdivision (f) was added to require departmental approval of electronic reporting systems, in order to ensure the uniformity and quality of data collection. The subdivision also requires approval from the DOHMH prior to the electronic transfer of data from a facility to the Department to ensure the protection of the confidentiality of the information provided. The subdivision also provides for alternative arrangements, upon the Department's approval or initiative, in particular circumstances.

Subdivision (g) was added to provide for situations in which a reporter receives required information after reporting the termination of the pregnancy. The reporter must submit such information within 5 business days of receipt.

Subdivision (h) was added to require reporters to provide, within 5 business days of a request by the Department, additional information necessary to complete, clarify or verify the information required to be reported. Such information may include, for example, updated causes of death.

Section 203.05

The title of section 203.05 was amended to "Preparation and Certification of Certificates" and the paragraph titles "Preparation" and "Certification" were added to subdivision (a). These changes were made to indicate that separate rules apply to the preparation and certification of certificates.

Paragraph (1) of subdivision (a) was amended to include licensed health care practitioners, as defined in § 203.01, and to reflect gender neutrality. Licensed health care practitioners, besides only physicians, may attend, assist or be present at terminations of pregnancy. Permitting a licensed health care practitioner in attendance, assisting or present at or after the event, other than a physician, to prepare reports facilitates the expeditious preparation of certificates and does not affect medical care standards. Accordingly, when a termination of pregnancy occurs in a hospital, reports may be prepared by a licensed health care practitioner who was in attendance, assisting or present at or

after the event; the chief medical officer of the hospital; or the physician in charge of the treating hospital service. When a termination of pregnancy occurs elsewhere than in a hospital and is attended by a licensed health care practitioner, the practitioner may prepare the report.

This paragraph was also amended to permit the designee of a person in charge of a hospital, or the designee of the attending licensed health care practitioner elsewhere than in a hospital, to prepare the required certificate and confidential medical report, if any. Such a designee must be trained or approved by the Department. This is particularly useful for electronic reporting and will enable the hospital, or, for example, a doctor attending a termination of pregnancy in his or her office, to delegate the task of preparing the certificate to a lower level employee. The training and approval requirement should improve data quality.

Paragraph (2) of subdivision (a) is substantially new and was amended to clarify that, regardless of which kind of licensed health care practitioner or other individual is authorized to file a report or to prepare a certificate, only a physician may certify a certificate of spontaneous termination of pregnancy or the associated confidential medical report. For induced termination of pregnancy certificates, a licensed health care practitioner, as well as the several physicians specified, may certify such reports. A certifying physician, or a medical examiner who is also a physician, is required to examine the documents being certified and make necessary changes. Accordingly, the requirement for a physician's countersignature has been deleted.

Subdivision (b) was amended to provide that if worksheets are used by anyone authorized to prepare certificates of termination of pregnancy and confidential medical reports, if any, the worksheets must be approved by the DOHMH in order to control the quality of data collection. In addition, the requirement to have the Board of Health approve the electronic form of certificates has been deleted, because electronic forms are merely reflective of the paper forms prescribed by the Board pursuant to this subdivision, aside from incidental formatting differences.

Section 203.07

Subdivision (a) was amended to provide that the disclosure of the confidential medical report of a spontaneous termination of pregnancy shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code.

Subdivision (b) was amended to include epidemiologic surveillance and investigation conducted by governmental public health agencies within the meaning of "scientific purposes."

Subdivision (c) was amended to provide that the certificate of induced termination of pregnancy is confidential and that disclosure shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code.

Section 203.09

This section was amended to change the gestational age from 24 weeks to 20 weeks in conformity with New York state practice and hospital regulations concerning the requirement to issue a disposition permit for the disposal of such a conceptus. The section has also been amended to clarify that a disposition permit may be issued, upon request, for the disposal of a conceptus of less than 20 weeks gestation.

The Proposal is as follows:

Note – Matter in brackets [] is to be deleted.
Matter underlined is new.

RESOLVED, that, effective January 1, 2010, Article 203 of the New York City Health Code be and the same hereby is revised, to be printed together with explanatory notes to read as follows:

Article 203
Termination of Pregnancy
Introductory Notes

This Article was amended by resolution of the Board on [] to mandate electronic reporting of spontaneous terminations of pregnancy for hospitals or other facilities, such as doctors' offices, reporting births electronically and for hospitals or other facilities reporting 100 or more induced terminations per year; update the definition of induced termination to match that of the Centers for Disease Control and Prevention; broaden the class of individuals who are obligated to report, or who are authorized to prepare reports to licensed health care practitioners, defined as a physician or other person licensed or authorized pursuant to the New York State Education Law or other applicable law, to perform terminations of pregnancy; require departmental approval or training for any non-licensed health care practitioner designated to prepare reports; clarify that only physicians may sign or certify reports of spontaneous terminations and that licensed health care practitioners may also sign or certify reports of induced terminations; and tighten disposition permit requirements for the disposal of a conceptus that has completed 20 or more weeks of gestation from 24 weeks or more.

On September 15, 1977, the Board of Health passed a resolution to repeal then-Articles 203 and 204 and to reenact them as a new Article 203 to pertain to all events governed by the former articles and to define them as terminations of pregnancy. Terminations of pregnancy were classified as either spontaneous or induced terminations.

Two U.S. Supreme Court cases have upheld vital statistics or public health reporting requirements for terminations of pregnancy. In *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52, 96 S.Ct. 2831, 49 L.Ed.2d 788 (1976), the Court unanimously upheld a Missouri law that required health facilities and physicians to report all abortions to the health department. The Court concluded that the keeping of such statistics and records is useful to the state's interest in protecting the health of its female citizens, and that record-keeping and reporting requirements "that are reasonably

directed to the preservation of maternal health and that properly respect a patient's confidentiality and privacy are permissible." *Id.* at 80, 96 S.Ct. at 2846.

Subsequently, the Supreme Court reiterated its holding in *Danforth* when it considered the reporting requirements of the Pennsylvania Abortion Control Act in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 112 S.Ct. 2791, 120 L.Ed.2d 674 (1992). The Court held, "The collection of information with respect to actual patients is a vital element of medical research, and so it cannot be said that the requirements serve no purpose other than to make abortions more difficult." *Id.* at 900-01, 112 S.Ct. at 2832.

§ 203.01 Definitions.

When used in this title:

- (a) "Termination of pregnancy" means the expulsion or extraction of a conceptus, regardless of the duration of pregnancy, other than a live birth as defined in § 201.01(a), and includes fetal death [as formerly defined].
- (b) "Spontaneous termination of pregnancy" means the unplanned termination of a pregnancy, including but not limited to an ectopic pregnancy, or such a termination associated with a cesarean section, or an operative procedure unrelated to pregnancy resulting in an inadvertent termination.
- (c) "Induced termination of pregnancy" means the [planned termination of a pregnancy by operative, instrumental or other intervention] purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant and which does not result in a live birth. This definition excludes management or prolonged retention of products of conception following a spontaneous termination of pregnancy.
- (d) "Conceptus" means the product of any termination of pregnancy, regardless of its duration, including a hydatidiform mole, fetal tissue or other evidence of pregnancy recovered by operative or other procedure, but not including a live birth as defined in § 201.01(a).
- (e) "Licensed health care practitioner" means a physician or other person licensed or authorized pursuant to the New York State Education Law, or other applicable law, to perform terminations of pregnancy.

Notes:

This section was amended by resolution adopted on [].

Subdivision (a) was amended to remove the clause "as formerly defined," as there was no such previous reference.

Subdivision (c) was amended to reflect the definition recommended by the National Center for Health Statistics of the federal Centers for Disease Control and Prevention.

A new definition of "licensed health care practitioner" was added as subdivision (e). Which health care practitioners may perform which health care services is a function of state law, most importantly the New York State Education Law. The new definition simply refers to whichever health care practitioners are authorized to perform terminations of pregnancy pursuant to the state Education Law, or other applicable law. In turn, those health care practitioners are among those who are obligated or authorized to file or prepare reports, as specified in sections 203.03 and 203.05. The simplicity of this definition facilitates reporting, including electronic reporting, and avoids the need to delineate which health care practitioners are obligated or authorized to file termination of pregnancy reports or to prepare documents associated therewith.

§ 203.03 Reporting terminations of pregnancy.

- (a) When a termination of pregnancy occurs in the City it shall be reported as follows:
- (1) If the event occurs in a hospital or [on its ambulance service] en route thereto, by the person in charge [thereof] of such hospital or his or her designee; or[,]
- (2) If the event occurs elsewhere than in a hospital or en route thereto, by the licensed [physician] health care practitioner in attendance at or after such event; or
- (3) If a [nurse-midwife] licensed health care practitioner attends at or after the event elsewhere than in a hospital or en route thereto as an associate of a hospital, by the person in charge of the [maternity clinic or] hospital with which [she] the licensed health care practitioner is associated or by the designee of such person in charge; or
- (4) If the event is investigated by the office of [the] chief medical examiner, by [the chief] a medical examiner within that office.
- (b) The person required to report a termination of pregnancy pursuant to [subsection] subdivision (a)(1), (2) or (3) of this section shall file:
- (1) A certificate of induced termination of pregnancy for an induced termination of pregnancy; or
- (2) A certificate of spontaneous termination of pregnancy, including a confidential medical report, for a spontaneous termination of pregnancy. The chief; provided that a medical examiner, when required to report pursuant to [subsection] paragraph (a)(4) of this section, shall file a certificate of spontaneous termination of pregnancy only.
- (c) A certificate of [spontaneous] termination of pregnancy required by this section shall be filed within 24 hours after the event if a permit to dispose of the conceptus pursuant to Article 205 of this Code is required or requested, and in all other cases a certificate of [induced] termination of pregnancy shall be filed within five business days after the event with any office maintained and designated by the Department for such purposes[, but if the termination of pregnancy is revealed by pathological examination of tissues, the required certificate shall be filed within 15 days after recovery of the tissue].
- (d) [T]In circumstances where the issuance of a disposition permit pursuant to Article 205 of this Code is required or requested and a person required to report a termination of pregnancy pursuant to subdivision (a) of this section does not file a report thereof electronically, the requirement of filing[, the] a certificate and confidential medical report, if any, required by this section may be fulfilled by delivery of the same immediately upon demand and within the time prescribed by [subsection] subdivision (c) of this section to a

funeral director or undertaker authorized to take charge of the conceptus or to the person in charge of the [c]City mortuary if the remains are to be buried in the [c]City cemetery. Such funeral director, undertaker or person in charge of the [c]City mortuary, or an agent of such funeral director or undertaker registered with the Department pursuant to Article 205 of this Code or a designee of the person in charge of the mortuary, shall then file the certificate within 48 hours following the receipt of the certificate of termination of pregnancy. Funeral directors, undertakers, [and c]City mortuary personnel, and their agents or designees, shall not divulge information in the confidential documents except to authorized personnel of the Department. [Certificates required to be filed by this section may be filed with the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department.]

- (e) All spontaneous terminations of pregnancy occurring at or en route to hospitals or other facilities that report births electronically to the Department pursuant to Article 201 of this Code, all induced terminations of pregnancy occurring at hospitals or other facilities reporting 100 or more induced terminations of pregnancy per year, and all terminations of pregnancy reported by the office of chief medical examiner, shall be reported to the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. In circumstances where the issuance of a disposition permit pursuant to Article 205 of this Code is required or requested, and a person required to report a termination of pregnancy pursuant to subdivision (a) of this section files a report thereof electronically, a funeral director or undertaker authorized to take charge of the remains, or the person in charge of the City mortuary when said mortuary files an application for a disposition permit, shall also file, within 72 hours following the termination of pregnancy, the application for such a permit electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. All hospitals or other facilities that are not required to report terminations of pregnancy electronically pursuant to this subdivision may, at their election and upon approval by the Department, implement an electronic reporting system, or continue to report terminations of pregnancy on approved paper forms. However, once a hospital or facility has commenced reporting electronically, such hospital or facility may not report on paper forms unless otherwise authorized by the Department.
- (f) All facilities required or electing to report electronically pursuant to subdivision (e) of this section shall apply to the Department prior to implementing any electronic reporting system and, upon approval by the Department, shall make electronic reports only in such manner and on computer programs prescribed and provided by or otherwise authorized by the Department. Written paper reports may be submitted for a limited period of time only in the case of extenuating circumstances, temporary equipment failure, or prolonged inability to access the electronic reporting system, and only with the specific approval of the Department. In addition, the Department may, on its own initiative, allow written, paper reports to be submitted if electronic reporting is not possible in a particular circumstance, as a result of a deficiency in the Department's electronic reporting system. The Department may, in addition, require summary, cumulative or periodic reports on such reporting schedule as it may deem necessary.
- (g) The person required to report a termination of pregnancy or to file an application for a disposition permit shall provide to the Department information that was required to be reported, but that was not so reported, within five business days of that person receiving the information.
- (h) Upon a request by the Department for additional information that may be necessary to complete, clarify or verify the information required to be reported, the person required to report a termination of pregnancy or to file an application for a disposition permit shall provide such information to the Department within five business days of the request.

Notes:

This section was amended by resolution adopted on [].

Subdivision (a) was amended to update terminology from physician or nurse-midwife to other licensed health care practitioners, in order to reflect the current practice of having medical practitioners other than physicians in attendance at terminations of pregnancy. Permitting a licensed health care practitioner who was in attendance, other than a physician, to report a termination of pregnancy facilitates reporting and does not affect medical care standards.

Subdivision (b) was modified to accommodate legal nomenclature and to reflect the change to paragraph (4) of subdivision (a) clarifying that when the office of chief medical examiner files a certificate of spontaneous termination of pregnancy, any medical examiner within that office may file the certificate without a confidential medical report.

Subdivision (c) was amended to change the 24 hour filing requirement for spontaneous terminations and 5 day filing requirement for induced terminations of pregnancy to a 24 hour reporting requirement for *all* terminations of pregnancy when a permit to dispose of the conceptus is required or requested. Certificates and confidential medical reports, if any, related to terminations not resulting in the issuance of a disposition permit must be filed within 5 business days after the event. As per amendments to section 203.09 (see below), such permit is required for all terminations occurring at 20 weeks gestation or later and may be requested for terminations occurring at less than 20 weeks. It should be noted that section 4162 of the New York State Public Health Law also requires the issuance of a disposition permit for a conceptus of 20 weeks gestation or later. Subdivision (c) was also amended to remove the provision pertaining to filing within 15 days for the termination of pregnancy revealed by pathological examination. This provision is no longer applicable as pathological examination is no longer required for determining pregnancy status.

Subdivision (d) was amended to make proper reference to New York City, and to accommodate the fact that in some cases, but not necessarily all, a conceptus may be buried or otherwise disposed of pursuant to a permit issued by the

Department. In such circumstances, the required documents may be filed by a funeral director, undertaker or person in charge of the City mortuary, as the case may be, or a registered agent or designee of such persons. Such an alternative means of filing is only available, however, when the report is being filed in paper form. Reference to electronic filing was deleted and incorporated into the new subdivision (e).

Subdivision (e) was added to require all facilities reporting births electronically or reporting 100 or more induced terminations of pregnancy in any 1 year, and the office of chief medical examiner, to report terminations of pregnancy electronically. When a required reporter files electronically, a funeral director or undertaker authorized to take charge of the remains, or the person in charge of the City mortuary when filing an application for a disposition permit, must also file such application electronically. Facilities not required to report electronically may opt to do so with approval by the Department or may continue to report on paper. However, once a facility begins to file electronically, it may not revert to paper filing unless so authorized by the Department.

Subdivision (f) was added to require departmental approval of electronic reporting systems, in order to ensure the uniformity and quality of data collection. The subdivision also requires approval from the DOHMH prior to the electronic transfer of data from a facility to the Department to ensure the protection of the confidentiality of the information provided. The subdivision also provides for alternative arrangements, upon the Department's approval or initiative, in particular circumstances.

Subdivision (g) was added to provide for situations in which a reporter receives required information after reporting the termination of the pregnancy. The reporter must submit such information within 5 business days of receipt.

Subdivision (h) was added to require reporters to provide, within 5 business days of a request by the Department, additional information necessary to complete, clarify or verify the information required to be reported. Such information may include, for example, updated causes of death.

§ 203.05 Preparation and certification of certificates.

- (a)(1) Preparation. Any certificate or confidential medical report required by this [section] Article shall be prepared by the same person required to file the same pursuant to § 203.03 but when a termination of pregnancy occurs in a hospital or [on its ambulance service] en route thereto, the certificate and confidential medical report, if any, shall be prepared by [the physician] a licensed health care practitioner in attendance, [or] assisting or present at or after the event, by the chief medical officer of the hospital, [or] by the physician in charge of the service on which the woman was treated, or by a designee of the person in charge of the hospital who is trained or approved by the Department. When a [nurse-midwife] licensed health care practitioner attends at or after a termination of pregnancy elsewhere than in a hospital or en route thereto, he or she, or a designee of such person who is trained or approved by the Department, shall prepare the required certificate [, and a physician shall countersign the certificate and examine it for correctness of the medical information entered thereon and make necessary changes] and confidential medical report, if any.
- (2) Certification. A certificate of spontaneous termination of pregnancy and the confidential medical report shall be certified by a physician in attendance or assisting at or after the event, by the chief medical officer of the hospital where the event occurred, or by the physician in charge of the service on which the woman was treated. A certificate of induced termination of pregnancy shall be certified by a licensed health care practitioner, who is licensed or authorized pursuant to the State Education Law or other applicable law to perform such a termination of pregnancy, in attendance or assisting at or after the event, by the chief medical officer of the hospital where the event occurred, or by the physician in charge of the service on which the woman was treated. When a termination of pregnancy certificate is filed by the office of chief medical examiner, the certificate shall be certified by a medical examiner within that office. A person certifying a certificate and confidential medical report, if any, shall examine said documents for correctness of the information contained thereon and make necessary changes.
- (b) The certificates specified in § 203.03(b), except for certificates filed electronically pursuant to § 203.03(e), shall be prepared on forms prescribed by the Board and furnished by the Department. [Certificates that are electronically filed by means of c] Computer programs specified and provided or otherwise authorized for use by the Department [must be filed in an electronic form prescribed by the Board and furnished by the Department] for electronic filing shall be reflective of the forms prescribed by the Board except to the extent that differences may be necessary or warranted in order to accommodate electronic formatting. The person preparing the certificate shall enter all information required by the appropriate form. When a termination of pregnancy occurs in a hospital or [on its ambulance service] en route thereto, the information shall be taken from the hospital record of the case. If worksheets are used to prepare certificates of termination of pregnancy and confidential medical reports, if any, the worksheets shall be ones provided by the Department or in a form approved by the Department. If individuals other than a physician, licensed midwife, registered professional nurse, certified nurse practitioner or registered physician assistant use such worksheets, then such individuals shall be trained or approved by the Department. The person preparing the certificate and confidential medical report, if any, or such person's employer, shall retain such worksheets for a period of three years from the date of the event, and shall, upon request, make such worksheets available to the Department for inspection.

Notes:

This section was amended by resolution adopted on [].

The title of section 203.05 was amended to "Preparation and Certification of Certificates" and the paragraph titles "Preparation" and "Certification" were added to subdivision

(a). These changes were made to indicate that separate rules apply to the preparation and certification of certificates.

Paragraph (1) of subdivision (a) was amended to include licensed health care practitioners, as defined in § 203.01, and to reflect gender neutrality. Licensed health care practitioners, besides only physicians, may attend, assist or be present at terminations of pregnancy. Permitting a licensed health care practitioner in attendance, assisting or present at or after the event, other than a physician, to prepare reports facilitates the expeditious preparation of certificates and does not affect medical care standards. Accordingly, when a termination of pregnancy occurs in a hospital, reports may be prepared by a licensed health care practitioner who was in attendance, assisting or present at or after the event; the chief medical officer of the hospital; or the physician in charge of the treating hospital service. When a termination of pregnancy occurs elsewhere than in a hospital and is attended by a licensed health care practitioner, the practitioner may prepare the report.

This paragraph was also amended to permit the designee of a person in charge of a hospital, or the designee of the attending licensed health care practitioner elsewhere than in a hospital, to prepare the required certificate and confidential medical report, if any. Such a designee must be trained or approved by the Department. This is particularly useful for electronic reporting and will enable the hospital, or, for example, a doctor attending a termination of pregnancy in his or her office, to delegate the task of preparing the certificate to a lower level employee. The training and approval requirement should improve data quality.

Paragraph (2) of subdivision (a) is substantially new and was amended to clarify that, regardless of which kind of licensed health care practitioner or other individual is authorized to file a report or to prepare a certificate, only a physician may certify a certificate of spontaneous termination of pregnancy or the associated confidential medical report. For induced termination of pregnancy certificates, a licensed health care practitioner, as well as the several physicians specified, may certify such reports. A certifying physician, or a medical examiner who is also a physician, is required to examine the documents being certified and make necessary changes. Accordingly, the requirement for a physician's countersignature has been deleted.

Subdivision (b) was amended to provide that if worksheets are used by anyone authorized to prepare certificates of termination of pregnancy and confidential medical reports, if any, the worksheets must be approved by the DOHMH. This will enable the Department to control the quality of data collection. In addition, the requirement to have the Board of Health approve the electronic form of certificates was deleted, because electronic forms are merely reflective of the paper forms prescribed by the Board pursuant to this subdivision, aside from incidental formatting differences.

§ 203.07 Confidential medical report of spontaneous termination of pregnancy and certificate of induced termination of pregnancy; not subject to [subpoena] compelled disclosure or inspection.

(a) The confidential medical report of a spontaneous termination of pregnancy shall [not] be confidential and not subject to [subpoena] compelled disclosure or to inspection by persons other than the Commissioner or authorized personnel of the Department, except in a criminal action or criminal proceeding, or for official purposes by a federal, State, county or municipal agency charged by law with the duty of detecting or prosecuting crime. The Commissioner may, however, approve the inspection of such medical reports for scientific purposes.

(b) Within the context of this section, scientific purposes shall mean epidemiologic surveillance and investigation by a governmental public health agency, research, [and/]or the compilation of statistics relating factors bearing on disease incidence, prevalence, mortality or treatment.

(c) The certificate of induced termination of pregnancy shall [not] be confidential and not subject to [subpoena] compelled disclosure or to inspection by persons other than the Commissioner or authorized personnel of the Department.

Notes:

This section was amended by resolution adopted on []. Subdivision (a) was amended to provide that the disclosure of the confidential medical report of spontaneous termination of pregnancy shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code.

Subdivision (b) was amended to include epidemiologic surveillance and investigation conducted by governmental public health agencies within the meaning of "scientific purposes."

Subdivision (c) was amended to provide that the certificate of induced termination of pregnancy is confidential and that disclosure shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code.

§ 203.09 Disposal of conceptus.

Every conceptus that has completed 20 or more weeks of gestation shall be disposed of in a manner provided for human remains generally and in accordance with a disposition permit issued pursuant to Article 205 of this [c]Code. When, however, [the certificate of termination of pregnancy has been filed pursuant to §203.03(b),] a conceptus [which] has not completed [24] 20 weeks of gestation, it may be [used for anatomical purposes within the meaning of §205.01(e) and thereafter disposed of by the physician in attendance without further authorization or permit] disposed of in accordance with a disposition permit issued pursuant to Article 205 of this Code, upon request.

Notes:

This section was amended by resolution adopted on [].

This section was amended to change the gestational age from 24 weeks to 20 weeks in conformity with New York state practice and hospital regulations concerning the requirement

to issue a disposition permit for the disposal of such a conceptus. The section was also amended to clarify that a disposition permit may be issued, upon request, for the disposal of a conceptus of less than 20 weeks gestation.

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NOTICE OF INTENTION TO REPEAL AND RE-ENACT ARTICLE 141 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed repeal and reenactment of Article 141 of the New York City Health Code.

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THIS PROPOSAL ON FRIDAY, MAY 1, 2009 FROM 10:00 AM TO 12:00 PM IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY APRIL 30, 2009. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY MAY 1, 2009.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12:00 PM. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAILING TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, OR BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV ON OR BEFORE 5:00PM ON MAY 1, 2009.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC 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 SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

STATUTORY AUTHORITY

These amendments to the New York City Health Code ("Health Code") are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter ("Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene ("Department") with jurisdiction to regulate all matters affecting health in the City of New York. Specifically, Section 556(a)(1) states that the Department shall enforce all provisions of law relative to the necessary health supervision of the purity and wholesomeness of the water supply and the sources thereof; Section 556(a)(3) says the Department shall exercise its functions, powers and duties in the area extending over the city, and over the waters adjacent thereto, and, Section 556(c)(7) says that the Department shall supervise and regulate the public health aspects of the water supply and sewage disposal and water pollution. Section 558(b) and (c) of the Charter empower the Board of Health ("Board") to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants the Department rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

INTRODUCTION

As part of a comprehensive review of the Health Code to assess the efficacy of its Articles in protecting the public health, the Department proposes that current Article 141, Drinking Water, be repealed and reenacted to better reflect current practice and the regulatory environment, to assure that the revised provisions provide adequate legal tools to effectively address the public health aspects of public and private water supplies and to harmonize such provisions with related provisions of the New York State Sanitary Code, 10 NYCRR, Subparts 5-1, 5-2 and 5-6. As part of the revision effort, antiquated and obsolete provisions have been omitted and the standards set forth in the revised Article 141 have been modernized to reflect current industry practice and standard requirements as set forth in the New York State Sanitary Code, the Rules of the City of New York, the Administrative Code of the City of New York, the New York State Public Health Law and standards as established by industry associations, such as the American National Standards Institute (ANSI), American Water Works Association (AWWA), and National Sanitation Foundation (NSF). The revised Article supplements rather than duplicates the regulations of other governmental agencies concerned with water supply such as the New York City Department of Environmental Protection, the New York City

Department of Buildings, and the New York State Department of Health. Pursuant to this review and assessment of the Health Code, the Department proposes that the Board repeal and reenact Article 141 as provided below.

The key revisions to Article 141 are as follows: The current title to the Article, "Drinking Water," has been amended to reflect the regulatory scheme of the Article and is now titled, "Water Supply Safety Standards."

Section 141.01

This section "Definitions" is derived from existing section 141.01 and provides updated definitions and adds to the list of terms in the current definitions section. The existing terms, "device" and "potable water" have been updated to reflect modern usage, and the following terms and their definitions have been added: "ANSI," "APHP," "AWWA," "Bottled Water," "Building," "Bulk Water," "Contamination," "Department," "Disinfection," "Drinking Water," "Fluoridation," "Ground Water," "Licensed Master Plumber," "Municipal Water Supply," "Non-potable Water," "NSF," "ppm," "State," "State Sanitary Code," "UL," "Water Supply Tank," "WEF," "Well" and "Well Water." The addition of these terms and their definitions brings the Article into greater conformity with its regulatory scope and has been updated to compare with the corresponding and applicable definitions in the Rules of the City of New York and the New York State Sanitary Code.

Section 141.03

This section, "Drinking Water Supply Source" is derived from existing section 141.02.

Section 141.05

This section, "Fluoridation of Municipal Water Supply" is derived from existing section 141.08.

Section 141.07

This section, "Building Drinking Water Storage Tanks" is derived from existing section 141.03, which currently contains provisions on drinking water tank inspections, cleaning and painting requirements. The title of this section has been changed to better reflect the subject of Drinking Water Storage Tanks in buildings and the subdivisions have been reorganized to better clarify the requirements related to annual inspections, such as record keeping, public notice and for corrective actions.

Section 141.09

This section, "Building Water Tank Cleaning, Painting and Coating" is derived from existing section 141.03 and 141.05, which both currently contain provisions on water tank inspection, cleaning, coating and painting. The changes to this section reflect and incorporate current Department practices and standards prescribed by the New York City Building Code, AWWA, ANSI, UL and NSF concerning the maintenance, cleaning and disinfection of building water tanks and any part of the building drinking water systems. In particular, the amendments provide more stringent standards for maintenance, cleaning and disinfection to ensure that tanks are cleaned properly and regularly. Updated and more stringent provisions for permitting of individuals who engage in cleaning or painting water tanks have been added, as have requirements for sampling and record keeping.

Section 141.11

The existing section 141.11 "Drinking Water on Vessels" has been removed from the Health Code to reflect applicable federal regulations (see, 21 CFR Parts 1240, 1250) and Department practice. The Department will no longer regulate water on vessels, but will respond to and assist Federal agencies when requested.

This section, "Chemical Treatment of Drinking Water" includes and amends provisions from existing section 141.07. The title of this section has been changed to better reflect the substance of the section and the subdivisions have been reorganized to better reflect the regulatory effort. The changes to the existing provisions reflect current Department practices, and incorporate references to industry organizations, such as ANSI, AWWA, NSF and UL, as well as the requirements of the New York State Sanitary Code, Subpart 5-2. ANSI, AWWA, NSF and UL provide modern standards and technical guidance on matters related to current, approved chemicals for use in drinking water supplies, devices used to add chemicals to water supplies, and methods for water sampling and analysis.

Section 141.13

This section, "Bottled Water" includes and amends provisions derived from existing section 141.04 on bottled drinking water. The requirement for filing for a permit with the Department has been removed since it duplicates the New York State Department of Health requirement for permitting of bottled water in the State of New York. The provisions have been updated to reflect and conform to the bottled drinking water standards and procedures for distribution as prescribed by Subpart 5-6 of the State Sanitary Code and current Department enforcement practices.

Section 141.15

This section, "Hauling Bulk Water", includes and amends provisions from existing sections 141.021 and 141.11. The requirement for filing for a permit with the Department has been removed since it duplicates the New York State Department of Health requirement for permitting of bulk water in the State of New York. The provisions have been updated to reflect and conform to the bulk water standards and procedures for distribution as prescribed by Subpart 5-6 of the State Sanitary Code and current Department enforcement practice.

Section 141.17

This section, "Groundwater Wells," incorporates provisions from existing sections 141.09 and 141.10. These provisions have been amended to reflect and include references to newer

standards as set forth in the New York State Sanitary Code, Subpart 5-1. New provisions have also been added concerning permit applications for well water use. Groundwater quality standards and well construction standards make reference to and reflect the standards set forth in Part 5 of the State Sanitary Code, and the rules and regulations of the New York State Department of Environmental Conservation and the New York City Department of Environmental Protection and applicable provisions promulgated by the New York City Council contained in the Administrative Code of the City of New York, as these entities have jurisdiction related to the construction, operation and maintenance of groundwater wells.

Section 141.19

This section, "Waivers and Variance," is derived from existing section 141.13 and has been amended to reflect gender neutrality.

The proposal is as follows:

Matter in brackets [] is deleted.
Matter underlined is new.

RESOLVED, that Article 141 and the list of section headings and provisions for Article 141 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be and the same hereby are repealed and reenacted, to be printed together with explanatory notes to read as follows:

ARTICLE 141

WATER SUPPLY SAFETY STANDARDS

§141.01 Definitions

§141.03 Drinking Water Supply Source

§141.05 Fluoridation of Municipal Water Supply

§141.07 Building Drinking Water Storage Tanks

§141.09 Building Water Tank Cleaning, Painting and Coating

§141.11 Chemical Treatment of Building Drinking Water

§141.13 Bottled Water

§141.15 Hauling Bulk Water

§141.17 Groundwater Wells

§141.19 Waivers and Variances

§141.01 Definitions

"ANSI" shall mean American National Standards Institute.

"APHP" shall mean American Public Health Association.

"AWWA" shall mean American Water Works Association.

"Bottled Water" shall mean any product, including natural spring or well water taken from municipal or private utility systems or other water sources, distilled water, deionized water, or any of the foregoing to which chemicals may be added, which are put into sealed bottles, packages or in other containers, to be sold for human consumption.

"Building" shall mean any enclosed structure occupied or intended for supporting or sheltering any occupancy, including the service equipment therein. The term "building" used herein shall include, where applicable, any affiliated buildings or structures, such as a building complex.

"Bulk Water" shall mean water intended for potable purposes which is transported via licensed potable water tankers or trucks or equivalent from one area to another.

"Contamination" shall mean the introduction into water of any biological, chemical, physical, or radiological substance, waste or waste water in concentrations that makes water unfit for its intended use.

"Department" shall mean the New York City Department of Health and Mental Hygiene.

"Device" shall mean the mechanical equipment used for the addition of chemicals to the drinking water supply of a building.

"Disinfection" shall mean a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

"Drinking Water" shall mean water used for human consumption or used directly or indirectly in connection with the preparation of food for human consumption including the cleaning of utensils used in the preparation of food.

"Fluoridation" shall mean treatment of water by the adjustment of fluoride ion concentrations to provide the optimum fluoride concentration in water.

"Groundwater" shall mean water at or below the water table.

"Licensed Master Plumber" shall mean any person licensed by the Commissioner of Buildings to engage in the business or trade of master plumber to perform plumbing work within New York City.

"Municipal Water Supply" shall mean all pipes, mains and structures owned and/or maintained by the City, for the conveyance of drinking water to the public for human consumption or any connection to the municipal water supply system.

"Non-potable Water" shall mean water which is not treated to the approved drinking water standards, is not suitable and not intended for human consumption (drinking, washing or culinary purposes), but is produced and delivered to users for other purposes such as watering of lawns, washing vehicles and property.

"NSF" shall mean National Sanitation Foundation.

"Parts per million (ppm)" shall mean a unit of concentration expressed in parts per million (ppm) and is equivalent to milligrams per liter.

"Potable Water" shall mean drinking water that meets the water quality requirements established in Subpart 5-1 of the State Sanitary Code which is suitable for human consumption or used directly or indirectly in connection with the preparation of food for human consumption, including the cleaning of utensils used in the preparation of food.

"State" shall mean the New York State Department of Health.

"State Sanitary Code" shall mean Title 10, Chapter 1 of the Codes, Rules and Regulations of the State of New York.

"UL" shall mean Underwriters Laboratory.

"Water Supply Tank" shall mean any device used to store drinking water used for potable purposes as part of the drinking water supply system in a building.

"WEF" shall mean Water Environment Federation.

"Well" shall mean any excavation that is drilled, cored, bored,

washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location or acquisition of ground water.

"Well Water" shall mean water taken from below the ground through piping or similar installed device using external force or vacuum.

§141.03 Drinking Water Supply Source

The owner, agent or other person in control of a building shall supply potable water by connecting to the municipal water supply or a source approved either by the Department or the State, which shall be available at all times on the premises of said building. The drinking water supply system of such building shall be connected to such approved source and shall not be subject to contamination. When supplied from a public source, the drinking water supply system shall not be connected to private or unapproved water supplies.

§141.05 Fluoridation of Municipal Water Supply

The municipal water supply shall be fluoridated in the following manner: A fluoride compound shall be added to the drinking water supply at an optimum concentration of about 1.0 ppm of the fluoride ion, provided, however, the concentration of such ion shall not exceed 1.5 ppm at any time.

§141.07 Building Drinking Water Storage Tanks

(a) Applicability. The owner, agent or other person in control of a building which has one or more water tanks used to store potable water which is distributed as part of the building's drinking water supply system shall comply with the provisions of this section. This section does not apply to the domestic hot water system.

(b) Inspection Requirements. The owner, agent or other person in control of a building shall have the water tank inspected at least once annually. The inspection shall include the examination of the general condition of the tank, including but not limited to the condition of overflow pipes, access ladders, air vents, roof access hatches and screens. The interior and exterior of the water tank and its sealed edges and seams shall be inspected for evidence of pitting, scaling, blistering or chalking, rusting, corrosion and leakage. Inspection of sanitary conditions, including the presence of sediment, biological growth, floatable debris and insects in the tank and rodent or bird activity on and around the tank, shall be performed. The inspection shall include sampling of the water in the water tank to verify the bacteriological quality of the water supply in compliance with Subpart 5-1 of the State Sanitary Code. Sample results shall be reported by a State certified laboratory equipped to analyze drinking water, in accordance with the latest edition of the Standard Methods for the Examination of Water and Wastewater, published jointly by the APHA, the AWWA and the WEF.

(c) Reporting and Record Keeping. A written report documenting the results of such inspection shall be maintained by the owner, agent or other person in control of a building for at least 5 (five) years from the date of the inspection and such reports shall be made available to the Department upon request within 5 (five) business days. The inspection report shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with those requirements.

(d) Public Notice. The owner, agent or other person in control of a building shall post in an easily accessible location to residents in each building served by a potable water tank a notice that inspection results are available upon request. The notice must be placed in a frame with a transparent cover. The public notice shall include the name, address, and phone number where inspection results can be requested. Upon receipt of a request, the owner or manager shall make a copy of the inspection results available within 5 (five) business days.

(e) Corrective Actions. When an inspection identifies any unsanitary condition, the owner, agent or other person in control of a building shall take the necessary steps to immediately correct the condition. If water sampling analysis of the water tank finds noncompliance with the bacteriological quality standards as outlined in Subpart 5-1 of the State Sanitary Code, this condition shall be reported to the Department within 24 hours. If it is found that the quality of such water is attributed to the sanitary condition of the water tank, the owner, agent or other person in control of a building shall clean the tank in accordance with section §141.09 of this Article. A water tank shall be cleaned whenever directed by the Department to correct an unsanitary condition.

§141.09 Building Water Tank Cleaning, Painting and Coating

(a) Applicability. The owner, agent, or other person in control of a building which has one or more water tanks as part of its drinking water supply system shall comply with the provisions of this section.

(b) Qualification. No person or entity shall engage or hold themselves out as engaging in the business of cleaning or painting of a water tank of any kind that is part of a building's drinking water supply system without holding a valid permit issued by the Commissioner, unless:

(1) that person is a licensed master plumber,

as defined in section 141.01, or

(2) that entity is a corporation or partnership in which one of the officers or partners has the qualifications required by subdivision (b)(1) above.

(c) Cleaning, Painting or Coating Requirements. Water tanks that are a part of a building's drinking water supply system shall be cleaned, painted and coated in accordance with the applicable provisions of the Administrative Code of the City of New York, the State Sanitary Code Part 5-1 and applicable industry standards and recommendations including, but not limited to, ANSI, AWWA, UL and NSF standards. No paint containing lead in any form or in any amount shall be used on the inside of a water tank. When a tank is cleaned, painted or coated, its water supply connections to and from the tank shall be disconnected or effectively plugged to prevent foreign matter from entering the distribution piping.

(d) Disinfection. All water, dirt, and foreign material accumulated during the cleaning and/or painting process shall be discharged from the tank. The tank shall then be

disinfected in accordance with the applicable provisions of the Administrative Code of the City of New York and industry standards and recommendations including, but not limited to, ANSI, AWWA, and NSF. The drinking water supply tank shall be completely drained and flushed with potable water before refilling for use.

(e) Sampling. After painting or treating the interior of the tank, a water sample will be taken to ensure volatile organic compounds are not found at levels greater than that allowed by Subpart 5-1 of the State Sanitary Code. Sample results shall be reported by a State certified laboratory equipped to analyze drinking water, in accordance with the latest edition of the Standard Methods for the Examination of Water and Wastewater, published jointly by the APHA, the AWWA and the WEF.

(f) Record Keeping. A record of the date, address and work performed including a list of the cleaning, paints, coating and disinfection products used shall be maintained by the owner, agent or other person in control of a building for at least 5 (five) years from the date of the completed work and such records shall be made available to the Department upon request within 5 (five) business days.

§ 141.11 Chemical Treatment of Building Drinking Water

(a) Applicability. The provisions of this section shall apply to any person proposing to, or engaging in the business of chemical treatment of the drinking water supply system within a building. No owner, agent or other person in control of a building shall add any chemical or other substance to the drinking water supply unless such addition is performed by the holder of a permit issued by the Department. The provisions of this section do not apply to the treatment by addition of chemicals to water not intended for human consumption. When such water is treated however, all the necessary precautions shall be taken to prevent the treated non-potable water from coming into contact with or contaminating a potable drinking water supply system through an accidental inter-connection or cross-connection.

(b) Certification. A permit to treat water chemically in a building shall be issued only for anti-corrosion, anti-scaling or disinfection purposes. Such permit shall be issued to:

(1) A person who has a degree with a major in chemistry, chemical engineering, or sanitary engineering from a college or university approved by the Board of Regents of the University of the State of New York and who has at least 5 (five) years experience in the chemistry of water or in closely related work or a water treatment plant operator with a certification issued by the State under Subpart 5-4 of the State Sanitary Code or an equivalent license or certification acceptable to the Department for the appropriate treatment types; or,

(2) A corporation or partnership in which one of the officers or partners has the qualifications required by subdivision (b)(1) of this section and is engaged in the full time supervision of all operations involving the addition of chemicals to drinking water for potable purposes.

(c) Operators Requirement. The actual addition of chemicals shall be performed only by the permittee or by a representative who is under the direct supervision of the permittee. All personnel involved in the addition of chemicals to the drinking water supply shall have successfully completed the appropriate course approved by the State under Subpart 5-4 of the State Sanitary Code, based on the system treatment complexity, flow and/or service population.

(d) Product Standards. The only chemicals, drinking water additives, treatment devices or equipment that may come in direct contact with drinking water for potable purposes must be in compliance with Subpart 5-1 of the State Sanitary Code, applicable industry standards and recommendations including, but not limited to, ANSI/NSF 60 Drinking Water Treatment Chemicals-Health Effects and ANSI/NSF 61 Drinking Water System Components-Health Effects, AWWA, UL and NSF.

(e) Cross Connection Control. To prevent the treated water from entering the municipal water supply system, cross connection control prevention shall be provided by installing a State-approved RPZ (Reduced Pressure Zone) Backflow Prevention Device on the potable water service connection to the building.

(f) Design, Installation and Maintenance. The system used to chemically treat the water shall be designed, installed and maintained in accordance with the manufacturer's specifications and applicable industry standards to ensure proper chemical dosage and operation. The system shall be tamper proof. Maximum feed pump capacity shall be adjusted to prevent any overfeed of chemicals above recommended levels. The installation of the device shall be such as to prevent the back-siphoning of chemicals. Sampling taps shall be provided both upstream and down stream of the chemical addition point in order to ensure representative samples.

(g) Sampling. Prior to placing the system in operation, the permittee shall confirm that the drinking water supply, after being chemically treated, complies with Subpart 5-1 of the State Sanitary Code. Once the system is operational, the permittee shall take monthly samples of the treated water, to ensure compliance with applicable sections of Subpart 5-1 of the State Sanitary Code. A permittee shall maintain or retain the services of a State certified laboratory equipped to analyze drinking water, in accordance with the latest edition of the Standard Methods for the Examination of Water and Wastewater, published jointly by the APHA, the AWWA and the WEF. Records of water sampling and analysis shall be maintained on file by the permittee for at least 5 (five) years and made available to the Department upon request within 5 (five) business days.

(h) Water Quality. A permittee who is operating and/or maintaining a system under this section shall ensure that the system used to chemically treat the water meets the requirements of the State Sanitary Code, Subpart 5-1 relating to Public Water Systems and applicable industry standards and recommendations including, but not limited to, ANSI, AWWA, UL and NSF standards. The health effects and the maximum dosage shall be monitored and maintained within limits set by the approved product.

(i) Maintenance Record Keeping. All personnel who work or maintain the chemical addition device, shall keep records

showing the dates and times of service and the amount of each chemical applied to the drinking water supply being treated. Such records shall be maintained on file for at least 5 (five) years and made available to the Department upon request within 5 (five) business days.

(j) Chemical Storage. No more than 10 gallons of chemicals shall be stored at the site of the device. Such chemicals shall be kept only in the original sealable container provided by the supplier and in a secured area without public access acceptable to the Department. Such containers shall be clearly marked to indicate that its contents are to be used only for the treatment of the drinking water supply.

(k) Termination of Treatment. When a device is no longer in service, the owner, agent or other person in charge of the building in which it is installed shall cause the device to be completely disconnected from the water supply system and all openings shall be properly sealed.

(l) Reporting. (1) System Installation and/or Termination. Within 24 hours after the installation and commencement of treatment or termination of a system, the permittee shall report to the Department the following information:

(A) The owner, name, address, and description of the premises where the device is located; (B) The date the device was installed and/or terminated and the approval date for the device;

(C) The chemicals to be used with the device; and,

(D) The name and address of the permittee.

(2) Water Quality

When the water quality exceeds the standards as defined under subdivision (h) of this section, the permittee shall provide a report to the Department within 24 hours analyzing the cause of the water quality exceedance and any corrective actions that were taken.

§141.13 Bottled Water

(a) Applicability. No person shall import, manufacture or bottle water for human consumption in bottles or containers for sale or distribution in New York City without a valid permit issued by the State Department of Health and such bottles or containers shall be stamped with a State certification number to distribute bottled water. The requirements of Subpart 5-6 of the State Sanitary Code shall apply to bottled water produced, used, distributed and/or sold in New York City.

(b) Bottled Water Standards. Bottled drinking water shall meet the bacteriological, chemical and physical water quality standards as prescribed by Section 5-6.10 of Subpart 5-6 of the State Sanitary Code.

(c) Enforcement. When the Department finds that bottled water does not comply with the standards promulgated by the State Department of Health, the Department may order said source to discontinue distribution. Such bottled water shall remain out of distribution until compliance with all the applicable standards can be demonstrated to the satisfaction of the Department. The unacceptable product may be embargoed, recalled and/or destroyed pursuant to the provisions of this Code.

§141.15 Hauling Bulk Water

(a) Applicability. No person shall import into, sell or transport from one area to another in New York City water intended for public potable use via tanker truck or equivalent means for the purpose of treatment, packaging, or human consumption without a permit issued by the State Department of Health. The requirements of Subpart 5-6 of the State Sanitary Code shall apply to bulk water produced, used, distributed and/or sold in New York City.

(b) Water Quality Standards. All bulk water shall meet, when delivered, the bacteriological, chemical and physical water quality standards as prescribed by Section 5-6.10 (Maximum contaminant levels) of Subpart 5-6 of the State Sanitary Code

(c) Enforcement. When the Department finds that bulk water does not comply with the standards promulgated by the State, the Department may order said source to discontinue transportation and distribution. Such bulk water shall remain out of transportation or distribution until compliance with all applicable standards can be demonstrated to the satisfaction of the Department. The unacceptable product may be embargoed, recalled and/or destroyed pursuant to the provisions of this Code.

§141.17 Groundwater Wells

(a) Applicability. No owner, person, corporation, well driller or partnership shall engage in the installation, drilling, replacement or operation of a water well, water well pump or well pumping equipment as appurtenances supplying water to any building in New York City for water supply purposes without a permit issued by the Department.

(b) Well Categories and Water Quality Standards:

(1) Potable Wells. Potable well water used for drinking purposes shall meet the bacteriological, chemical and physical water quality standards as prescribed by the State Sanitary Code, Subpart 5-1. No well permit shall be issued for drinking water purposes unless the applicant can establish to the Department's satisfaction that the municipal water supply is not accessible.

(2) Non-Potable Wells. Non-potable well water used for purposes other than drinking shall meet the following water quality standards:

(A) Microbiological Standards: Not to exceed 200 Fecal Coliform per 100ml.

(B) All Other Pollutants: Not to exceed any limitation set by the New York City Department of Environmental Protection. The presence of any other substance shall be evaluated as a potential public health hazard to be determined by the Department.

(c) Application Requirements: No person shall construct or operate a water well without prior construction authorization and a permit issued by the Department. The application shall include the appropriate fees, application forms and other supplemental information as required by the Department.

(d) Construction Standards. No person shall construct, abandon or use any water well without a permit issued by the Department in accordance with Section 5-2.4 of the State Sanitary Code, State Sanitary Code, Subparts 5-1, 5-2 and associated appendices (Appendix 5-A through 5-D) and applicable industry standards and recommendations including, but not limited to, ANSI, AWWA and NSF shall apply to wells constructed in New York City. Well water shall not be used for a purpose other than that stated on the

permit. The well water supply system shall be free from cross connections as set forth in Section 5-1.31 of the State Sanitary Code and in accordance with the applicable provisions of the Administrative Code of the City of New York.

(e) Driller Qualifications. No person shall drill, construct or abandon a well without first registering with the New York State Department of Environmental Conservation pursuant to New York State Environmental Conservation Law §15-1525.

(f) Signage. On each pump, tap and outlet connected to a well whose water is not approved for drinking water, a weather-proof sign with the words: "Danger - WATER UNSAFE - This well water is NOT to be used for drinking or domestic purposes." shall be clearly, legibly and prominently displayed. Every pipe and fitting linked to the non-potable water supply system shall be properly identified to prevent any possible cross connection with the drinking water system or the municipal water supply system.

(g) Well Decommissioning and Abandonment. If a water well is to be sealed or closed, the owner of the property shall make application of notification to the Department on a form prescribed by the Department. Every decommissioned or abandoned groundwater well shall be sealed or closed so as to protect the aquifer from pollution or contamination, and to prevent a hazard to life or property. The Department may require abandonment of any well which it deems to be contaminated or damaged or which has been constructed or operated improperly.

(h) Potable Well Water Standards and Disinfection. A permit to use well water shall not be issued unless the water meets the bacteriological, chemical and physical water quality standards as prescribed by the State Sanitary Code Subpart 5-1. When the Department finds that a well does not comply with the State Sanitary Code or for other reasons, the

Department may order such well to discontinue operations; such well shall remain out of service until compliance with appropriate standards can be demonstrated to the satisfaction of the Department. The owner, operator or permittee of a potable well requiring treatment to meet drinking water quality standards shall have the treatment plan approved by the Department, and shall complete acceptable water quality testing by a State certified laboratory to demonstrate compliance with appropriate standards, including those as required in Subpart 5-1 of the State Sanitary Code.

§141.19 Waivers and Variances

When the strict application of any provision of this Article presents practical difficulties or unusual hardships, the Commissioner, in a specific instance, may modify the application of such provision consistent with the general purpose of this Article and upon such condition as, in his or her opinion are necessary to protect life and health. The denial by the Commissioner of a request for modification may be appealed to the Board in the manner provided pursuant to § 5.21 or successor rule.

Notes: The Department proposes that the Board of Health repeal and reenact Article 141 of the Health Code. The section headings and provisions contained in the proposed Article have been promulgated to regulate the public health and safety aspects of the New York City water supply for both potable and non-potable usage and to better reflect current practice and the regulatory environment, to assure that the revised provisions provide adequate legal tools to effectively address the public health aspects of public and private water supplies and to harmonize such provisions with related provisions of the New York State Sanitary Code, 10 NYCRR, Subparts 5-1, 5-2 and 5-6.

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ NOTICE

OFFICIAL FUEL PRICE SCHEDULE NO. 6225 FUEL OIL AND KEROSENE

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 3/23/2009
2887105	2.0	#1DULS	MANH SPRAGUE ENERGY CORP	+1001 GAL.	1.8661 GAL.
2887105	3.0	#1DULS	BRONX SPRAGUE ENERGY CORP	+1001 GAL.	1.8661 GAL.
2887105	4.0	#1DULS	BROOKLYN SPRAGUE ENERGY CORP	+1001 GAL.	1.9011 GAL.
2887105	5.0	#1DULS	QUEENS SPRAGUE ENERGY CORP	+1001 GAL.	1.9011 GAL.
2887105	6.0	#1DULS	S.I. SPRAGUE ENERGY CORP	+1001 GAL.	1.9661 GAL.
2887105	7.0	#1DULS	P/U SPRAGUE ENERGY CORP	+1001 GAL.	1.7779 GAL.
2887086	3.0	#1DULSB20	CITY WIDE BY TW SPRAGUE ENERGY CORP	+1027 GAL.	1.8570 GAL.
2887086	7.0	#1DULSB20	P/U SPRAGUE ENERGY CORP	+1027 GAL.	1.7873 GAL.
2887086	1.0	#1DULSB5	CITY WIDE BY TW SPRAGUE ENERGY CORP	+1008 GAL.	1.8023 GAL.
2887086	5.0	#1DULSB5	P/U SPRAGUE ENERGY CORP	+1008 GAL.	1.7203 GAL.
2887052	1.0	#2	MANH RAPID PETROLEUM	+0946 GAL.	1.3504 GAL.
2887052	4.0	#2	BRONX RAPID PETROLEUM	+0946 GAL.	1.3502 GAL.
2887052	7.0	#2	BROOKLYN RAPID PETROLEUM	+0946 GAL.	1.3398 GAL.
2887052	13.0	#2	S.I. RAPID PETROLEUM	+0946 GAL.	1.3833 GAL.
2887053	10.0	#2	QUEENS METRO FUEL OIL CORP.	+0946 GAL.	1.3731 GAL.
2887169	1.0	#2B5	CITY WIDE BY TW METRO FUEL OIL CORP.	+0955 GAL.	1.7641 GAL.
2887105	8.0	#2DHS	BARGE M.T.F. 111 SPRAGUE ENERGY CORP	+0946 GAL.	1.6259 GAL.
2887106	9.0	#2DHS	BARGE WI METRO FUEL OIL CORP.	+0946 GAL.	1.5373 GAL.
2887301	1.0	#2DLS	BARGE ST. GEORGE METRO FUEL OIL CORP.	+1066 GAL.	1.6435 GAL.
2887301	3.0	#2DLS	P/U METRO FUEL OIL CORP.	+1066 GAL.	1.5063 GAL.
2887302	4.0	#2DLS	CITY WIDE BY TW SPRAGUE ENERGY CORP.	+1066 GAL.	1.6280 GAL.
2887105	1.0	#2DULS	CITY WIDE BY TW SPRAGUE ENERGY CORP.	+1184 GAL.	1.5133 GAL.
2887105	1.1	#2DULS	P/U SPRAGUE ENERGY CORP.	+1184 GAL.	1.4783 GAL.
2887301	2.0	#2DULS	BARGE ST. GEORGE METRO FUEL OIL CORP.	+1184 GAL.	1.5930 GAL.
2887086	4.0	#2DULSB20	CITY WIDE BY TW SPRAGUE ENERGY CORP	+1173 GAL.	1.6635 GAL.
2887087	8.0	#2DULSB20	P/U METRO FUEL OIL CORP.	+1173 GAL.	2.0143 GAL.
2887086	2.0	#2DULSB5	CITY WIDE BY TW SPRAGUE ENERGY CORP	+1181 GAL.	1.5751 GAL.
2887105	10.0	#2DULSB5	BARGE ST. GEORGE SPRAGUE ENERGY CORP	+1181 GAL.	2.1104 GAL.
2887159	6.0	#2DULSB5	P/U METRO FUEL OIL CORP.	+1181 GAL.	1.6228 GAL.
2887274	7.0	#2DULSDISP	DISPENSED SPRAGUE ENERGY CORP.	+1184 GAL.	1.8402 GAL.
2887052	2.0	#4	MANH RAPID PETROLEUM	+0661 GAL.	1.2532 GAL.
2887052	5.0	#4	BRONX RAPID PETROLEUM	+0661 GAL.	1.2566 GAL.
2887052	8.0	#4	BROOKLYN RAPID PETROLEUM	+0661 GAL.	1.2674 GAL.
2887052	14.0	#4	S.I. RAPID PETROLEUM	+0661 GAL.	1.3004 GAL.
2887053	11.0	#4	QUEENS METRO FUEL OIL CORP.	+0661 GAL.	1.2722 GAL.
2887052	3.0	#6	MANH RAPID PETROLEUM	+0471 GAL.	1.2040 GAL.
2887052	6.0	#6	BRONX RAPID PETROLEUM	+0471 GAL.	1.2040 GAL.
2887052	9.0	#6	BROOKLYN RAPID PETROLEUM	+0471 GAL.	1.2190 GAL.
2887052	15.0	#6	S.I. RAPID PETROLEUM	+0471 GAL.	1.2550 GAL.
2887054	12.0	#6	QUEENS CASTLE OIL CORPORATION	+0471 GAL.	1.2231 GAL.
2787347	1.0	JETA	FLOYD BENNETT SPRAGUE ENERGY CORP	+1226 GAL.	2.1005 GAL.

OFFICIAL FUEL PRICE SCHEDULE NO. 6226 FUEL OIL, PRIME AND START

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 3/23/2009
2787117	1.0	#2	MANH PACIFIC ENERGY	+0946 GAL.	1.4297 GAL.
2787117	79.0	#2	BRONX PACIFIC ENERGY	+0946 GAL.	1.4297 GAL.
2787117	157.0	#2	QNS, BROOKLYN & S.I. PACIFIC ENERGY	+0946 GAL.	1.4287 GAL.
2787118	235.0	#4	CITY WIDE BY TW EAST COAST PETROLEUM	+0661 GAL.	1.4453 GAL.
2787118	236.0	#6	CITY WIDE BY TW EAST COAST PETROLEUM	+0471 GAL.	1.4490 GAL.

OFFICIAL FUEL PRICE SCHEDULE NO. 6227 FUEL OIL AND REPAIRS

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 3/23/2009
2787112	1.0	#2	MANH SJ FUEL CO. INC.	+0946 GAL.	1.3077 GAL.
2787113	79.0	#2	BRONX PACIFIC ENERGY	+0946 GAL.	1.2523 GAL.
2787114	157.0	#2	QNS, BROOKLYN & S.I. NU WAY FUEL OIL	+0946 GAL.	1.4233 GAL.
2787115	234.0	#4	CITY WIDE BY TW EAST COAST PETROLEUM	+0661 GAL.	1.4013 GAL.

OFFICIAL FUEL PRICE SCHEDULE NO. 6228 GASOLINE

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 3/23/2009
2687312	1.0	E70	CITY WIDE BY TW SPRAGUE ENERGY CORP.	+0506 GAL.	1.9255 GAL.
2787192	7.0	PREM	CITY WIDE BY TW METRO TERMINALS	+0547 GAL.	1.6321 GAL.
2887274	6.0	PREM	CITY WIDE BY VEHICLE SPRAGUE ENERGY CORP.	+0547 GAL.	1.8656 GAL.
2787192	1.0	U.L.	CITY WIDE BY TW METRO TERMINALS	+0679 GAL.	1.4541 GAL.
2887274	1.0	U.L.	MANH P/U BY VEHICLE SPRAGUE ENERGY CORP.	+0679 GAL.	1.8252 GAL.
2887274	2.0	U.L.	BX P/U BY VEHICLE SPRAGUE ENERGY CORP.	+0679 GAL.	1.7252 GAL.
2887274	3.0	U.L.	BR P/U BY VEHICLE SPRAGUE ENERGY CORP.	+0679 GAL.	1.7252 GAL.
2887274	4.0	U.L.	QNS P/U BY VEHICLE SPRAGUE ENERGY CORP.	+0679 GAL.	1.7252 GAL.
2887274	5.0	U.L.	S.I. P/U BY VEHICLE SPRAGUE ENERGY CORP.	+0679 GAL.	1.7252 GAL.

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 LOCAL LAW 19 OF 1983

DATE OF NOTICE: March 27, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Table with columns: Address, Application #, Inquiry Period. Lists addresses in Manhattan and their corresponding application and inquiry periods.

The Department of Housing Preservation and Development

has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

m27-a6

SCHOOL CONSTRUCTION AUTHORITY

NOTICE

NOTICE OF FILING

Pursuant to Section 1731 of the New York City School Construction Authority Act, notice has been filed for the

proposed site selection of Block 3353, Lot 40, and any other property in the immediate vicinity which may be necessary for the proposed project, located in the Borough of the Bronx, for the development of a new, approximately 612-seat primary/intermediate school facility in Community School District No. 10.

The proposed site is located at 3177 Webster Avenue, between East 204th Street and East 205th Street in the Norwood neighborhood of the Bronx. The site contains approximately 45,000 square feet (1.03 acres). The site is currently occupied by a public parking lot that can accommodate approximately 150 vehicles.

New York City School Construction Authority 30-30 Thomson Avenue Long Island City, New York 11101

Attention: Ross J. Holden

Comments on the proposed actions are to be sent to the New York City School Construction Authority at the above address and will be accepted until May 11, 2009.

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CHANGES IN PERSONNEL

POLICE DEPARTMENT FOR PERIOD ENDING 02/20/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Police Department.

FIRE DEPARTMENT FOR PERIOD ENDING 02/20/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Fire Department.

ADMIN FOR CHILDREN'S SVCS FOR PERIOD ENDING 02/20/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Admin for Children's Svcs.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for various departments.

m27-a6

LATE NOTICE

PARKS AND RECREATION

REVENUE AND CONCESSIONS

SOLICITATIONS

Services (Other Than Human Services)

OPERATION AND MAINTENANCE OF A FERRY SERVICE - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# M5-E-M - DUE 04-30-09 AT 1:00 P.M. - At Gangway Six in Battery Park, Manhattan.

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

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

m27-a9