



THE CITY RECORD

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

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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

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

CD 7 N 090318 ZRQ

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

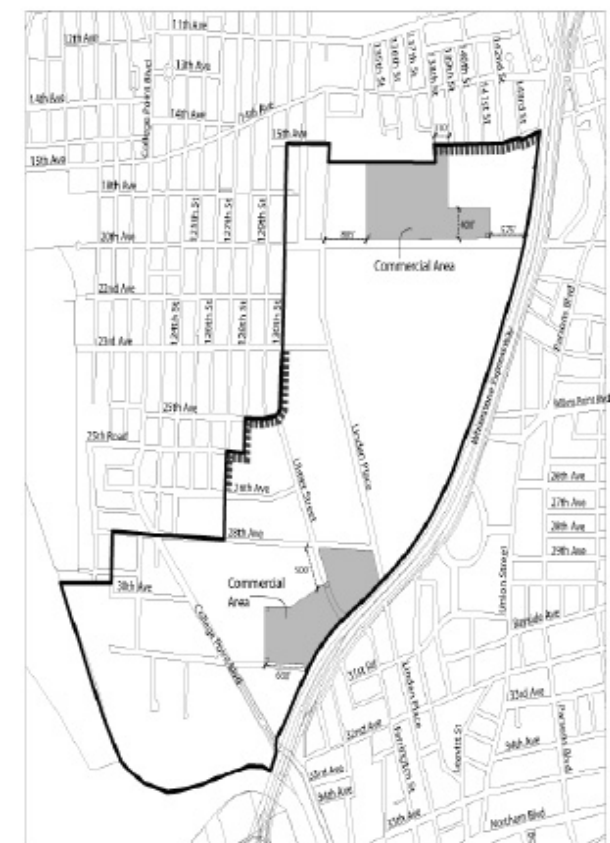
For any #development#, #enlargement#, alteration or change of #use# on a #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (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 - Special College Point District
Special College Point District
40' wide buffer



No. 4

CD 7 C 090319 ZMQ

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.

Table with 5 columns: Angle of Park, A, B, C, D. Rows include values for 0*, 0**, 45, 50, 55, 60, 65, 70, 75, 90 degrees.

* 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.

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 feet in width, and all adjoining #streets# by a perimeter landscaped area at least seven feet in width.

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 strikethrough 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 River 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).

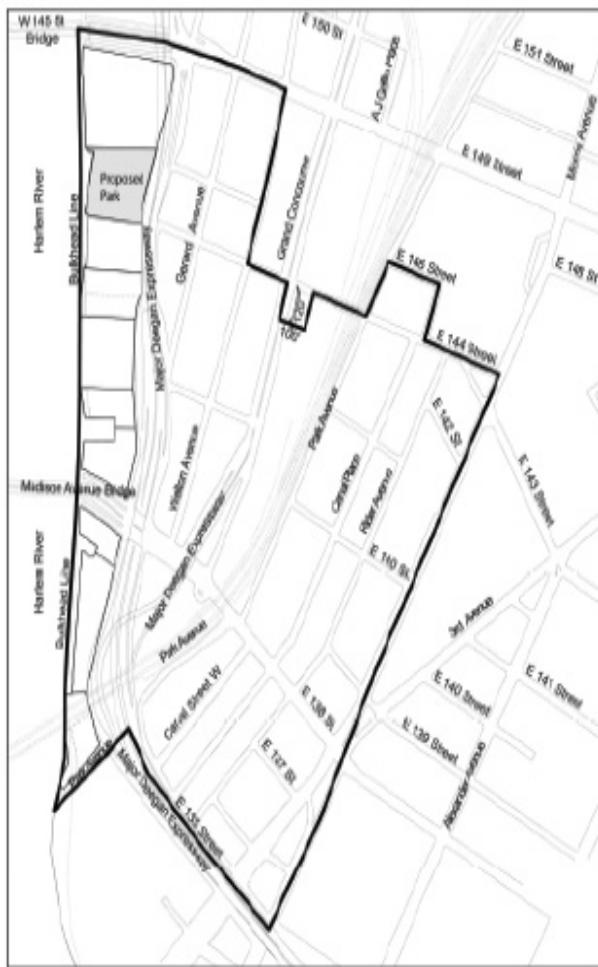
Table with 2 columns: Community District, Zoning District. Lists various districts and their corresponding zoning codes like R6A, R7-2, R7A, R7X, R8A, etc.

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:

Table with 2 columns: Parcel #, Block and Lot numbers. Lists parcels 1 through 9 and their corresponding block and lot details.

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.

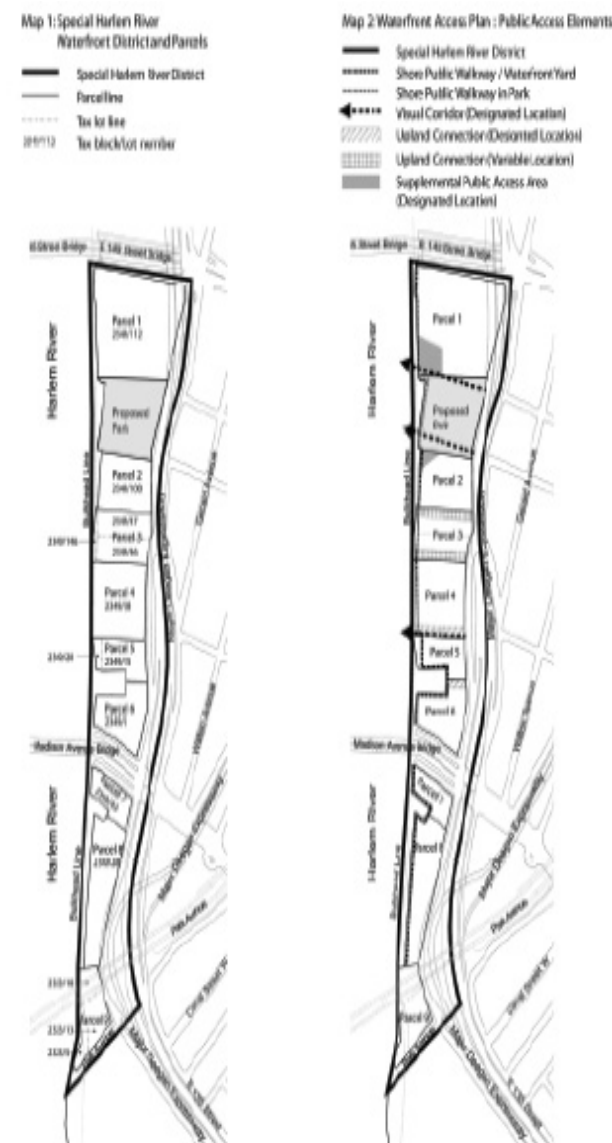
87-76 Connection with adjacent zoning lots

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

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 138th Street, Rider Avenue, a line 150 feet southwesterly 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

CITY PLANNING

■ PUBLIC HEARINGS

FORMULATION of PROPOSED 2010 CONSOLIDATED PLAN FIVE-YEAR STRATEGIC PLAN

A public hearing on the formulation of the Proposed 2010 Consolidated Plan: the Five-Year Strategic Plan (2010 - 2014) for US-HUD Formula Entitlement Funds will be held on **TUESDAY, APRIL 14, 2009** beginning at **10:00 A.M.** at the Department of City Planning located at 22 Reade Street, Spector Hall, Manhattan.

The Consolidated Plan defines the use of federal entitlement funds for housing, homeless assistance, supportive housing services and community development programs and is required by the United States Department of Housing and Urban Development (HUD). It consolidates the statutory requirements of the Cranston-Gonzalez Housing Act's Comprehensive Housing Affordability Strategy, and the City's application for the four HUD Office of Community Planning and Development entitlement programs: Community Development Block Grant (CDBG), HOME Investment Partnership, Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The report will define the use of these federal funds for Consolidated Plan Program Years 2010 - 2014.

The PUBLIC HEARING has been scheduled to obtain comments on the formulation of the document and on the City's use of federal funds to address housing, services for the homeless, supportive housing service and community development needs, and the development of proposed activities. Another purpose of this session is to answer and discuss questions concerning the *Proposed 2010 Consolidated Plan: One Year Action Plan*. In addition, at this forum, agency representatives will receive comments on the City's performance of Consolidated Plan activities in 2008.

For more information contact: Charles V. Sorrentino, New York City Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street 4N, New York, New York 10007, (212) 720-3337.

m31-a13

CIVILIAN COMPLAINT REVIEW BOARD

■ PUBLIC MEETING

The Civilian Complaint Review Board's Monthly Public meeting has been scheduled for Wednesday, April 8th, 2009 at 10:00 A.M. at 40 Rector Street, 2nd Floor.

Contact: Philip Weitzman, Press Secretary, (212) 442-1629, pweitzman@ccrb.nyc.gov.

The agency's Executive Director Report will be available online on Friday, April 3rd, 2009 at nyc.gov/ccrb.

a1-7

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

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 14 - Monday, April 6, 2009 at 7:00 P.M., 810 East 16th Street, (between Avenue H and Dead End), Brooklyn, NY

BSA# 301-08-BZ

1103 East 22nd Street between Avenue J and Avenue K
Application has been filed with the Board of Standards and Appeals (BSA) for an extension of time to complete construction and to obtain a Certificate of Occupancy. In conjunction with this extension request, there is also an amendment request to modify the previously approved plans, and a request for a waiver of the rules of procedure due to a late filing.

m31-a6

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 2 - Thursday, April 2, 2009 at 7:00 P.M., Sunnyside Community Services, 43-31 39th Street, 1st Floor, Sunnyside, NY

BSA# 1-09-BZ

Premises - 39-01 Queens Boulevard
IN THE MATTER OF an application for a special permit to allow the operation of a Physical Culture Establishment (PCE) Health Club at the premises.

N090316ZRY

Department of City is proposing an Inclusionary Housing text amendment zoning changes. The proposed text amendment would create a homeownership option that would allow affordable units qualifying for the bonus to be permanently affordable homeownership units.

The school construction authority notice has been filed for the proposed acquisition of Block 249, Lot 1, to discuss the notice of filing for the proposed site selection and acquisition of the property currently occupied by Middle College High School at LaGuardia Community College.

m30-a2

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 4 - Tuesday, April 7, 2009, 7:00 P.M., VFW Post #150, 51-11 108th Street, Corona, NY

Global Entertainment Group, LLC (DBA) Play - 77-17 Queens Boulevard
Application to NYC Department of Consumer Affairs, Global Entertainment Group, LLC (DBA) Play is requesting permission to operate an unenclosed sidewalk café consisting of 13 tables and 26 seats at above location.

Sabor Latino, Corp. - 95-35 40th Road
Application to NYC Department of Consumer Affairs, Sabor Latino, Corp is requesting permission to operate an unenclosed sidewalk cafe consisting of 18 tables and 36 seats at above location.

a1-7

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

BOROUGH OF STATEN ISLAND

COMMUNITY BOARD NO. 2 - Tuesday, April 7, 2009 at 7:30 P.M., 460 Brielle Avenue, Staten Island, NY

BSA# 44-09-BZ

2175 Richmond Avenue
Construct a new two-story retail store and office building with accessory on-site parking for seventy-one (71) parking spaces.

BSA# 951-55-BZ

1098 Richmond Road
Application to make minor amendment to previously approved plans including the proposed installation of a canopy over the fuel pumps as well as minor reconfiguration of the existing pump islands.

a1-7

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, April 6, 2009 at 7:30 P.M., M.S. 158, 46-35 Oceania Street, Bayside, NY

BSA# 20-09-BZ

An application to the NYC Board of Standards and Appeals for a special permit to allow rooftop cellular communication equipment exceeding 400 sq.ft. located in an R3-2 residential zone, within a C1-2 overlay at 54-44 Little Neck Parkway.

A request by the Douglaston/Little Neck Historical Society and the Douglaston Hill Committee to change the official City Map, returning numbered streets to their original name status on seven (7) streets in the Douglaston Hill area of Queens.

m31-a6

DESIGN & CONSTRUCTION**■ PUBLIC HEARINGS**

PLEASE TAKE NOTICE, that in accordance with Section 201-204 (inclusive) of the New York State Eminent Domain Procedure Law ("EDPL"), a public hearing will be held by the New York City Department of Design and Construction, on behalf of the City of New York in connection with the acquisition of certain properties for roadway reconstruction including sewers, water mains, traffic lights, sidewalk, and pedestrian ramps at certain portions of Barnes Avenue from Tilden Street to East 222nd Street (Capital Project HWX647B) - Borough of The Bronx.

The time and place of the hearing is as follows:

DATE: Monday, April 20, 2009
 TIME: 10:00 A.M.
 LOCATION: Community Board No.12
 4101 White Plains Road
 Bronx, NY 10466

The purpose of this hearing is to inform the public of the proposed acquisition of certain street beds and adjacent properties and to review the public use to be served by the project and the impact on the environment and residents. The scope of this Capital Project entails roadway reconstruction including the installation of sewers, water mains, traffic lights, sidewalk, and pedestrian ramps, etc.

The properties proposed to be acquired are located in the borough of the Bronx as follows:

Barnes Avenue from Tilden Street to East 222nd Street as shown on Damage and Acquisition Map No. 12520, dated May 2, 2008.

The properties affected include the following areas as shown on the Tax Map of the City of New York for the borough of the Bronx:

- Block 4668, part of Lots 1, 7, 8, 9, 10, 11;
- Block 4671, part of Lots 31, 32, 33, 51;
- Block 4672, part of Lots 39, 40, 42, 138; and
- Bed of Street for Barnes Avenue from Tilden Street to East 222nd Street.

There are no proposed alternate locations.

Any person in attendance at this meeting shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed acquisition. Each speaker shall be allotted a maximum of five (5) minutes. In addition, written statements may be submitted to the General Counsel at the address stated below, provided the comments are received by 5:00 P.M. on April 27, 2009 (5 working days from public hearing date). NYC Department of Design and Construction Office of General Counsel, 4th Floor 30-30 Thomson Avenue Long Island City, NY 11101

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

m30-a3

FRANCHISE AND CONCESSION REVIEW COMMITTEE**■ MEETING****NOTICE OF CANCELLATION**

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee that was to hold a Public Meeting on Wednesday, April 8, 2009 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan, has been cancelled.

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

a1-8

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

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 08-8604.

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

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARING

APRIL 21, 2009, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 21, 2009, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

5-98-BZ

APPLICANT – Maxfield Blaufeux & Heywood Balaufaux, for Priority Landscaping Incorporated, owner.
SUBJECT – Application March 13, 2009 – Extension of Term of a previously granted Variance (§72-21) for a garden supply sales and nursery establishment (UG17) with accessory parking and storage in an R5 zoning district which expired on February 23, 2009.
PREMISES AFFECTED – 1861 McDonald Avenue, east side 200' north of Quentin Road, Block 6633, Lot 55, Borough of Brooklyn.
COMMUNITY BOARD #15BK

209-04-BZ

APPLICANT – Joseph P. Morsellino, for Waterfront Resort, Incorporated, owner.
SUBJECT – Application March 23, 2009 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) to permit the conversion and enlargement of an existing industrial building to residential use in an M2-1 zoning district which expires on July 19, 2009.
PREMISES AFFECTED – 109-09 15th Avenue, northwest corner of 15th Avenue and 110th Street, Block 4044, Lot 60, Borough of Queens.
COMMUNITY BOARD #7Q

41-06-BZ

APPLICANT – Akerman Senterfitt Stadtmauer Bailkin, for New York Hospital Queens, owner.
SUBJECT – Application February 9, 2009 – Amendment of a previously approved variance (§72-21) which permitted, on a portion of the campus of New York Hospital, the construction of a underground parking structure with 372 accessory parking spaces. The application did not comply with the front and side yard requirements. (§§24-33 & 24-34). The current application seeks to legalize a 4'-8" open area along the side lot line within the C1-2 overlay which does not comply with §33-25 (Minimum Required Side Yards). The site is located in a R6/C1-2 zoning district.
PREMISES AFFECTED – 139-24 Booth Memorial Avenue, south side of Booth Memorial Avenue and West Side of 141st Street, Block 6401, Lot 19, Borough of Queens.
COMMUNITY BOARD #7Q

APRIL 21, 2009, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 21, 2009, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

260-08-BZ

APPLICANT – Eric Palatnik, for Moisei Tomshinsky, owner.
SUBJECT – Application October 21, 2008 – Special Permit (§73-622) for the In-Part Legalization and enlargement of a single family home. This application seeks to vary floor area (23-141) in an R3-1 zoning district.
PREMISES AFFECTED – 148 Oxford Street, between Shore Boulevard and Oriental Boulevard, Block 8757, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #15BK

268-08-BZ

APPLICANT – Sheldon Lobel, P.C., for 314 7th Avenue, LLC, owner.
SUBJECT – Application October 30, 2008 – Special Permit filed, pursuant to §73-621 of the New York City Zoning Resolution, to permit the enlargement of an as-of-right eating and drinking establishment (Use Group 6) into the footprint of an existing accessory parking garage of a mixed-use residential and commercial building. The subject site is located in a R6A/C1-4 zoning district.
PREMISES AFFECTED – 314 Seventh Avenue, southwest corner of the intersection formed by Eight Street and Seventh Avenue, Block 1006, Lot 37, Borough of Brooklyn.
COMMUNITY BOARD #6BK

301-08-BZ

APPLICANT – Fridman Saks LLP, for 2717 Quentin Realty LLC, owner.
SUBJECT – Application December 10, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary floor area and lot coverage (23-141), side yard (23-461), perimeter wall height (23-631(b)) and less than the minimum rear yard (23-47) in an R3-2 zoning district.
PREMISES AFFECTED – 2717 Quentin Road, between East 27th and East 28th Streets, Block 6790, Lot 32, Borough of Brooklyn.
COMMUNITY BOARD #15BK

16-09-BZ

APPLICANT – Slater & Beckerman, LLP, for The Devlin Building LLC, owner; Yoga Works, Inc., lessee.
SUBJECT – Application February 4, 2009 – Special Permit (§73-36) to allow a physical culture establishment on the second and third floors of an existing five-story building. The proposal is contrary to ZR Section 42-10. M1-5B district.
PREMISES AFFECTED – 459 Broadway, south west corner of Broadway and Grand Street, Block 231, Lot 30, Borough of Manhattan.
COMMUNITY BOARD #2M

42-09-BZ

APPLICANT – Francis R. Angelino, Esq., for Arrow Linen Supply Company, Inc., owner.
SUBJECT – Application March 6, 2009 – Special Permit filed pursuant to §§11-411 & 11-412 to permit a re-instatement of a variance which expired on July 12, 1992 which allowed the extension of a legal non conforming use within a residential zoning district. The application seeks an amendment to allow for a one-story enlargement of approximately 770 sq. ft. in the rear of the lot for additional storage for the commercial laundry. The subject site is located in a R5B zoning district
PREMISES AFFECTED – 441-477 Prospect Avenue, between Eight Avenue and Prospect Park West, Block 1113, Lot 73, Borough of Brooklyn.
COMMUNITY BOARD #7BK

Jeff Mulligan, Executive Director

m31-a1

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

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

PUBLIC AUCTION SALE NUMBER 09001- U AND V

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 29, 2009 (SALE NUMBER 09001-V). 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, April 15, 2009 (SALE NUMBER 09001-U) 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.

a1-29

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.”

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AWARDS

Goods

MISCELLANEOUS SOFTWARE CATALOG - DOT – Intergovernmental Purchase – PIN# 8570900966 – AMT: \$134,854.82 – TO: A S A P Software Express, 850 Asbury Dr., Buffalo Grove, IL 60089. NYS Contract #PT 60291.

● **DELL PC AGGREGATE PURCHASE - DSBS** – Intergovernmental Purchase – PIN# 8570900964 – AMT: \$270,901.93 – TO: Calculator and Computer Center, 555 Theodore Fremd Ave., Suite B102, Rye, NY 10580. NYS Contract #PT 55666.

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

a1

■ 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.

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

- Collection Truck Bodies
- Collection Truck Cab Chassis
- 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

■ AWARDS

Construction / Construction Services

ENGINEERING DESIGN – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502008RQ0024P – AMT: \$5,000,000.00 – TO: STV Incorporated, 225 Park Avenue South, New York, NY 10003. HWDR01, Eight Engineering Design and Related Services Requirements Contract, Citywide.

a1

ECONOMIC DEVELOPMENT CORPORATION

CONTRACTS

■ SOLICITATIONS

Goods & Services

CORRECTION: ADVERTISING SERVICES CONCESSION, MANHATTAN CRUISE TERMINAL RFP – Request for Proposals – PIN# 35660001 – DUE 05-04-09 AT 4:00 P.M. – The City of New York (the “City”), acting through the New York City Department of Small Business Services (“DSBS”), is requesting proposals for a concession for advertising at the Manhattan Cruise Terminal located at Pier 88 and Pier 90 on the West Side of Manhattan in New York City. The Manhattan Cruise Terminal is a first-class cruise ship facility. The City wishes to enhance and fully capitalize on this facility's popularity.

The concessionaire shall be responsible for the development and implementation of the advertising opportunities at the Manhattan Cruise Terminal. The scope of the advertising services at the Manhattan Cruise Terminal shall include, but not be limited to, developing and advertising marketing plan; conducting the physical design, construction, control, installation, and maintenance of the advertising signage; promoting, soliciting, negotiating and procuring contracts for advertising users; processing and collecting advertising sales revenues; and paying the City a concession fee that includes a minimum annual guarantee, as further described in the Request For Proposals (“RFP”).

The selected concessionaire will enter into a concession agreement with the City for a term of five (5) years, with one (1) renewal option, at the City's sole discretion, for another five (5) years. The concession agreement will be terminable at will by the City upon twenty-five (25) days' notice. The concession agreement shall be administered by the New York City Economic Development Corporation (“NYCEDC”) who shall act as the City's representative for all purposes with respect to this RFP and the concession agreement.

The concessionaire shall be selected on the basis of factors stated in the RFP which are: the proposed concession fee; the overall experience of proposer and overall quality of proposal; and the marketing strategy and approach to advertising sales revenues.

Additional information on the cruise industry and NYCruise including location map, 2009 NYCruise Schedule, and cruise demographics are located in the attachments to the RFP.

Companies who have been certified with the New York City Small Business Services as Minority and Women Owned Business Enterprises (“M/WBE”) are strongly encouraged to apply. To find out more about M/WBE certification, please call 311 or go to www.nyc.gov/getcertified.

Respondents may submit questions and/or requests for clarifications to NYCEDC no later than 4:00 P.M. on Tuesday, April 14, 2009. Questions regarding the subject matter of this RFP may be asked at the pre-proposal meeting or must be submitted in writing to the Project Manager, Jennifer Wertz, either at the following NYCEDC mailing address: NYCEDC, 110 William Street, 6th Floor, New York, NY 10038, or via e-mail: cruiseadvertisingMCT@nycdec.com. For all questions that do not pertain to the subject matter of this RFP please contact NYCEDC's Contracts Hotline at (212) 312-3969.

Answers to all questions/requests for clarifications will be available for in-person pick-up from NYCEDC at 110 William Street, 6th Floor, New York, NY (between Fulton Street and John Street) and will be posted, to NYCEDC's website at www.nycdec.com/RFP by Monday, April 20, 2009. Any proposer may request a printed copy by sending a written request to the Project Manager at the above address.

To download a copy of the solicitation documents please visit www.nycdec.com/RFP. Proposals in response to this RFP are due no later than 4:00 P.M., except as provided for in Section 1-13(j)(2)(i) of the Concession Rules on Monday, May 4, 2009. Proposers shall submit six (6) sets of the proposal (including six sets of all required attachments) and should submit one (1) electronic version of the proposal to: NYCEDC, 110 William Street, 6th Floor, New York, NY 10038, attention: Maryann Catalano, Senior Vice President.

PRE-PROPOSAL MEETING AND SITE TOUR

There will be a pre-proposal meeting and site tour at the Manhattan Cruise Terminal, (entrance located at 711 12th Avenue (55th Street and 12th Avenue), New York, NY 10019), that will be held at 11:00 A.M. on Tuesday, April 7, 2009. The pre-proposal meeting and site tour will start at the main entrance lobby area of Pier 88. If you are considering responding to this RFP, please make every attempt to attend this recommended pre-proposal meeting and site tour.

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.
Economic Development Corp., 110 William Street, 6th Floor, New York, NY 10038. Maryann Catalano (212) 312-3969, cruiseadvertisingMCT@nycdec.com

a1-14

HEALTH AND HOSPITALS CORPORATION

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

j1-d31

■ SOLICITATIONS

Goods & Services

CONCRETE SLAB – Competitive Sealed Bids – PIN# 2109070 – DUE 04-22-09 AT 2:00 P.M. – Voluntary walk thru scheduled for 4/14/09 at 10:00 A.M. at Jacobi Medical Center.
● **AMBULANCE STRETCHER** – Competitive Sealed Bids – PIN# 2109069 – DUE 04-20-09 AT 3:00 P.M.
● **FEDERAL SUMP PUMPS** – Competitive Sealed Bids – PIN# 2109068 – DUE 04-20-09 AT 2:00 P.M.

Bid packages can be obtained from Purchasing Department, Nurses Residence Building #4, 7th Fl., 7S17, or request by fax: (718) 918-7823.

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.

Jacobi Medical Center, 1400 Pelham Pkwy. Bldg. 4, 7S17, Bronx, NY 10461. Karyn Hill (718) 918-3149, karyn.hill@nbhn.net

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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, mzmoira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

■ SOLICITATIONS

Construction / Construction Services

REPLACEMENT OF STEAM CONTROL ZONE VALVE STATIONS – Competitive Sealed Bids – PIN# HE9000022 – DUE 04-13-09 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

m30-a3

REPLACEMENT OF FIRE ALARM SYSTEM AT PATTERSON HOUSES (CHILDREN CENTER) – Competitive Sealed Bids – PIN# EL8016510 – DUE 04-13-09 AT 10:30 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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

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

m30-a3

HUMAN RESOURCES ADMINISTRATION

■ INTENT TO AWARD

Services (Other Than Human Services)

NON-PERISHABLE FOOD – Renewal – PIN# 069073100006 – DUE 04-15-09 AT 3:00 P.M. – The

New York City Human Resources Administration through its Office of Domestic Violence and Emergency Intervention Service (ODVEIS) intends to renew its contract with the vendor listed below to continue to provide warehousing and delivery of non-perishable food to various Emergency Food Assistance Program (EFAP) distribution centers in all 5 Boroughs of New York City.

Food Bank for New York City, Food for Survival located at 355 Food Center Drive, Hunts Point Co-op Market, Bronx, NY 10474; PIN 06907310006; Contract amount \$4,433,856; Contract term 7/1/09-6/30/12.

Anyone having comments on vendor performance of the proposed renewal contract may contact Mr. Deepak Sharma at (212) 620-5943 on or before 4/15/2009.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Human Resources Administration, 180 Water Street, 7th Floor, New York, NY 10038.
Deepak Sharma (212) 620-5943, sharmad@hra.nyc.gov

CHIEF PROCUREMENT OFFICER

AWARDS

Human/Client Service

HOME ATTENDANT SERVICES – Negotiated Acquisition – Judgment required in evaluating proposals – Home Health Management Service Inc. 853 Broadway, Suite 200, NYC, NY 10003
PIN#: 06909H068022
Contract Term: 07/01/08-06/30/09
Contract Amount: \$0.00

Barele Inc.
44 Court Street, Suite 700, Brooklyn, NY 11201
PIN#: 06909H068003
Contract Term: 07/01/08-06/30/09
Contract Amount: \$0.00

The Caring Neighbor Inc.
331 E. 70th Street, 6th Fl., NYC, NY 10021
PIN#: 06909H068053
Contract Term: 07/01/08-06/30/09
Contract Amount: \$0.00

HOUSEKEEPER SERVICES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06908H067709 – AMT: \$.00 – TO: Rockaway Vendor Housekeeping Services Inc., 1603 Central Ave., Far Rockaway, NY 11693-4003.
● **HOME ATTENDANT SERVICES** – Renewal – PIN# 06909H040902 – AMT: \$.00 – TO: Village Center for Care, 154 Christopher Street, NYC, NY 10014. Contract Term: 07/01/08-06/30/11.
● **HOME ATTENDANT TRAINING** – Contract Change – PIN# 06907H010601 – AMT: \$21,262.00 – TO: Personal Touch Home Care of NY, Early Intervention, 186-18 Hillside Ave., Jamaica, NY 11432. Contract Term: 04/01/07-03/31/10.

PARKS AND RECREATION

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction/Construction Services

RECONSTRUCTION OF FENCING AND ENTRANCE FOR THE QUEENS COUNTY FARM MUSEUM – Competitive Sealed Bids – PIN# 8462009Q453C01 – DUE 05-05-09 AT 10:30 A.M. – Located at Little Neck Parkway, between 72nd Road and 74th Avenue, Queens, known as Contract #Q453-106M. Vendor Source ID#: 59014.
● **RECONSTRUCTION OF A PORTION OF JOHN F. MURRAY PLAYGROUND** – Competitive Sealed Bids – PIN# 8462009Q141C01 – DUE 05-05-09 AT 10:30 A.M. Queens, known as Contract #Q141-107M. Vendor Source ID#: 59015.

These procurements are subject to participation goals for MBEs and/or WBEs s 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 64
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.

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

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

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.

Interested proposers are encouraged to attend the on-site proposer meeting and site tour on Monday, April 13, 2009 at 11:00 A.M. We will be meeting at the proposed concession site, which is located at Gangway Six, west of Castle Clinton, off the promenade of Battery Park, Manhattan. We will be meeting inside Battery Park on the promenade, in front of Gangway Six.

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.
Gabrielle Ohayon (212) 360-1397, gabrielle.ohayon@parks.nyc.gov

m27-a9

OPERATION OF THREE (3) BEACH EQUIPMENT RENTAL AND MERCHANDISE CARTS

– Competitive Sealed Bids – PIN# X39-CSV – DUE 04-20-09 AT 11:00 A.M. – At Orchard Beach, Pelham Bay Park, Bronx. Parks will hold a recommended bidder meeting on Tuesday, April 14, 2009 at 11:00 A.M. at the concession site, which is located at the Orchard Beach Main Pavilion, Pelham Bay Park, Bronx. All interested parties are urged to attend.

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

m30-a10

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction/Construction Services

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

GYM UPGRADE – Competitive Sealed Bids – PIN# SCA09-12320D-1 – DUE 04-20-09 AT 10:30 A.M. Project Range: \$1,030,000.00 to \$1,090,000.00. 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

m31-a6

ELECTRICAL SYSTEMS – Competitive Sealed Bids – PIN# SCA09-12475D-1 – DUE 04-16-09 AT 11:30 A.M. – PS 112 (Bronx). Project Range: \$1,140,000.00 to \$1,200,000.00.
● **REINFORCING SUPPORT ELEMENTS** – Competitive Sealed Bids – PIN# SCA09-12445D-1 – DUE 04-16-09 AT 2:30 P.M. - Health Professions and Human Services High School (Manhattan). Project Range: \$1,440,000.00 to \$1,520,000.00.

Non-refundable bid documents charge: \$100.00, certified check or money order. 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

m30-a3

FLOORING – Competitive Sealed Bids – PIN# SCA09-12380D-1 – DUE 04-17-09 AT 10:00 A.M. PS 189 (Brooklyn). Project Range: \$1,960,000.00 to \$2,060,000.00. Non-refundable bid document 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. Stephanie Lyle (718) 752-5854
slyle@nycsca.org

m31-a6

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

IP SURVEILLANCE CAMERA

– Competitive Sealed Bids – PIN# SCA09-12296D-1 – DUE 04-13-09 AT 12:30 P.M. Four (4) Various Schools (Staten Island/Brooklyn). Project Range: \$1,250,000.00 to \$1,315,000.00. Non-refundable bid document 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. Stephanie Lyle (718) 752-5854
slyle@nycsca.org

m30-a3

BUREAU OF CONTRACTS AND SERVICES

SOLICITATIONS

Construction/Construction Services

REMOVE AND INSTALL FLOORS – Competitive Sealed Bids – PIN# SCA09-12383D-1 – DUE 04-16-09 AT 3:00 P.M. – PS 273 (Brooklyn). Project Range: \$980,000.00 - \$1,040,000.00. 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

m30-a3

TRANSPORTATION

ADMINISTRATION

INTENT TO AWARD

Services (Other Than Human Services)

WALK21 INTERNATIONAL PEDESTRIAN PLANNING CONFERENCE – Sole Source – Available only from a single source - PIN# 84109MBAD408 – DUE 04-16-09 AT 5:00 P.M. – The New York City Department of Transportation intends to enter into a Sole Source agreement with Access Associates Limited, trading as Walk21, 24 Moorend Road, Cheltenham, Gloucestershire, GL53 0HD, United Kingdom, for the hosting of the tenth international Walk21 international pedestrian planning conference in October 2009 in Manhattan. The agreement will grant the City the right to use the Walk21 trademark in its advertising, to utilize the Walk21 Web site, and to receive technical assistance from Walk21 staff. Walk21 collaborates closely with the local host in conference planning and speaker recruitment, and chairs the Walk21 Program Committee. There is no organization comparable to Walk21 in terms of its unique branding and database of global database of thousands of key or interested professionals in the pedestrian planning field. Any firm

which believes that it can also provide these services is invited to so indicate by letter to: Department of Transportation, 40 Worth Street, Room 1228, New York, NY 10013. Vincent Pullo, Agency Chief Contracting Officer, (212) 839-2117, vpullo@dot.nyc.gov

a1-7

CATERING SERVICES ASSOCIATED WITH WALK21 CONFERENCE – Sole Source – Available only from a single source - PIN# 84109MBAD409 – DUE 04-16-09 AT 5:00 P.M. – The New York City Department of Transportation intends to enter into a Sole Source agreement with Aramark Inc., doing business as Top of the Square Catering, 60 Washington Square South, New York, New York 10012, for the provision of catering services in association with the Walk21 Conference, which is to be held in October 2009 at New York University's Helen and Martin Kimmel Center for University Life, in the borough of Manhattan in the City of New York. Of the various hotels and academic institutions considered, New York University was the only one to meet the Agency's calendar, space, and cost requirements for this event. It is the policy of the Kimmel Center to only allow catering by its own caterer, Top of the Square Catering. Any firm which believes that it can also provide these services within these restrictions is invited to so indicate by letter to: Department of Transportation, 40 Worth Street, Room 1228, New York, NY 10013. Vincent Pullo, Agency Chief Contracting Officer, (212) 839-2117, vpullo@dot.nyc.gov

a1-7

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.

CHIEF MEDICAL EXAMINER

PUBLIC HEARINGS

CANCELLATION OF PUBLIC HEARING

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 Health and Mental Hygiene, Office of Chief Medical Examiner (OCME) and Amega Scientific Corporation, 617 Stokes Road, Suite 4334, Medford, NJ 08055 to provide Calibration, Qualification and Remedial Maintenance Services for equipment and software. The contract amount shall be \$223,300.00. The contract term shall be from July 1, 2009 to January 31, 2014 with one (1) one-year option to renew from February 1, 2014 to January 31, 2015. PIN# 81610ME0004.

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

A draft copy of the proposed contract is available for public inspection at the Office of Chief Medical Examiner, 421 East 26th Street, 10th Floor, Contracts/Purchasing Division, New York, NY 10016, from March 23, 2009 to April 2, 2009, Monday through Friday, excluding Holidays, from 10:00 A.M. to 3:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request should be sent to Barbara Markowitz, Agency Chief Contracting Officer at the Office of Chief Medical Examiner, 421 East 26th Street, 10th Floor, Contracts/Purchasing Division, New York, NY 10016. If OCME receives no written request to speak within the prescribed time, OCME reserves the right not to conduct the public hearing.

m31-a2

AGENCY RULES

ENVIRONMENTAL CONTROL BOARD

NOTICE

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED AMENDMENT OF THE RULES OF PROCEDURE OF THE ENVIRONMENTAL CONTROL BOARD, CHAPTER 3 OF TITLE 48 OF THE RULES OF THE CITY OF NEW YORK

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Environmental Control Board by Section 1049-a of the New York City Charter, that the Environmental Control Board intends to promulgate amendments to its Rules of Procedure as required by Local Law 35 of 2008.

Written comments concerning the proposed amendments to the rules may be sent to James Macron, Counsel to the Environmental Control Board, 66 John St., 10th Floor, New York, N.Y. 10038, on or before May 1, 2009. A public hearing on the proposed rule will be held on May 1, 2009, at 10:00 A.M., at the Environmental Control Board, 66 John St., 10th Floor, New York, N.Y. 10038. Persons seeking to testify are requested to notify James Macron, Esq., by April 30, 2009, by e-mail at jmacron@dep.nyc.gov or by telephone at (212) 361-1515. Persons requesting that a sign language interpreter or other form of reasonable accommodation for disability be provided at the hearing are asked to notify James Macron, Esq., as set forth above, by April 24, 2009. Written comments and a summary of the oral comments will be available for public inspection within a reasonable time after receipt thereof between the hours of 9:00 a.m. and 4:30 p.m. at the Environmental Control Board's offices, 66 John St., New York, N.Y. 10038.

Proposed Amendments

Following are proposed amendments of the Rules of Procedure of the Environmental Control Board, which appear as Chapter 3 of Title 48 of the Rules of the City of New York. No amendment of Subchapter G is proposed. Because of its length, Subchapter G is not reproduced below. Matter in underline is new, to be added; Matter in [brackets] is to be deleted.

ENVIRONMENTAL CONTROL BOARD RULES OF PROCEDURE

Subchapter A	General Rules
B	Adjudications – Pre-Hearing Procedure
C	Adjudications – Hearing Procedure
D	Adjudications - Appeal Procedure
E	Miscellaneous
F	Special Hearings and Enforcement Proceedings
G	Penalties

SUBCHAPTER A

GENERAL RULES

- § 3-11 Definitions.
- § 3-12 Scope of Rules.
- § 3-13 Filing.
- § 3-14 Form of Documents.
- § 3-15 Computation of Time.
- § 3-16 Appearances.
- § 3-17 Public Information and Access.

§ 3-11 Definitions.

As used herein the following terms shall have the meanings specified.

Appearance. “Appearance” means a communication with the board or its tribunal that is made by a party or the representative of a party in connection with a notice of violation that is or was pending before the board or its tribunal. An appearance may be made in person or otherwise – for example, by mail.

Board. “Board” means the Environmental Control Board of the City of New York[;].

Executive Director. “Executive Director” means the [E]xecutive [D]irector of the Environmental Control Board of the City of New York[;].

Hearing Officer. “Hearing Officer” means a person designated as a hearing officer by the chairman of the board[;].

Notice of Violation. “Notice of Violation” means the document issued by a petitioner to a respondent which specifies the charges forming the basis of an adjudicatory proceeding before the Environmental Control Board.

Party. “Party” means the person named as petitioner or respondent, or intervening as of right, in an adjudicatory or enforcement action before the board or its tribunal.

Person. “Person” means any individual, partnership, unincorporated association, corporation or governmental agency[;].

Petitioner. “Petitioner” means the commissioner, department or bureau within a department of the City of New York which commences an adjudicatory or enforcement proceeding before the Environmental Control Board[;].

Respondent. “Respondent” means the person against whom the charges alleged in a notice of violation have been filed[;].

Tribunal. “Tribunal” means the hearing officers and staff at the Environmental Control Board under the direction of the executive director charged with holding hearings on notices of violation, or hearings in the course of any special enforcement proceeding by the board.

§ 3-12 Scope of Rules.

The rules contained herein govern the conduct of all adjudicatory hearings at the tribunal brought pursuant to the provisions of § 1049-a of the New York City Charter and provisions of the New York City Administrative Code, or as otherwise authorized by law, and the conduct of such special hearings or enforcement proceedings before the board as authorized by Title 24 of the New York City Administrative Code.

§ 3-13 Filing.

All documents required or permitted to be filed with the tribunal or the board shall be filed at the office of the executive director or at the tribunal or a branch thereof when more specifically provided by notice from the tribunal.

§ 3-14 Form of Documents.

(a) All documents filed with the executive director shall contain a caption setting forth the title of the action, the file or docket number assigned to the action and a designation as to the nature of the document.

(b) All documents filed must be signed by the party or by the party's attorney or other duly authorized agent. The signature of an attorney constitutes a certification that he or she has read the document; that to the best of his or her knowledge, information and belief, there is good ground to support it[;], and that it is not interposed for delay.

(c) All documents, other than notices of violation (provision for which is made in [rule] § 3-3), required to be served on other parties, shall be accompanied by an affidavit of service when filed. Such affidavit of service shall recite the date and manner of service as to each party and be executed by the serving party.

§ 3-15 Computation of Time.

(a) Except as otherwise provided herein, computation of any period of time prescribed in these rules shall be as follows:

(1) The start date for the time period shall not be considered in the computation. The next business day is the first day of the time period.

(2) The computation is based on the number of calendar days.

(3) If the last day in the period is a Saturday, Sunday or New York City legal holiday, the period is extended to the next business day.

(b) When mail is used for service of any document (other than a notice of violation) on an opposing party, five additional days shall be granted the opposing party in taking any action or making any response required or permitted by these rules.

(c) Any emergency action taken by the board which requires action within a 24 hour period shall be taken regardless of whether the 24 hour period includes a Saturday, Sunday or legal holiday.

§ 3-16 Appearances.

The following persons are permitted to participate in proceedings before the tribunal:

(a) An individual may appear [in] on his or her own behalf or by an authorized agent, or by attorney licensed to practice in the State of New York.

(b) A business entity, not-for-profit organization or government agency may appear by any authorized officer or employee or by attorney licensed to practice in the State of New York, or by any other duly authorized agent.

(c) Any representative who is authorized by a City agency to appear on its behalf before the board or its tribunal may be authorized by any other City agency that issues notices of violation returnable to the board to appear on its behalf. An appearance includes any time an agency appears before a hearing officer to present a case or a motion for adjournment or for any other purpose concerning a notice of violation.

§ 3-17 Public Information and Access.

(a) The executive director shall maintain files containing all information, documents, evidence, tape recordings, transcripts, and any other items submitted or produced in the course of any adjudicatory or special hearing or enforcement proceeding.

(b) Case files shall be available to the public in accordance with the Public Information Law of the State of New York (Public Officers Law, Art. 6) and the Rules of the City of New York (43 RCNY 1). Case files shall be retained on the premises of the tribunal for one year after the final action in a proceeding and then may be archived or destroyed in accordance with law.

SUBCHAPTER B

ADJUDICATIONS – PRE-HEARING PROCEDURE

- § 3-31 Notice of Violation.
- § 3-32 Admissions and Payments by Mail.
- § 3-33 Pre-hearing Reschedules.
- § 3-34 Adjudication by Mail.
- § 3-35 Motions to Intervene
- § 3-36 Consolidation.
- § 3-37 Discovery.
- § 3-38 Subpoenas.

§ 3-31 Notice of Violation.

(a) *Form:* All adjudicatory hearings instituted by a petitioner shall be commenced by the issuance of a notice of violation on a form approved by the board.

(b) *Contents:* The notice of violation shall contain the name and address, when known, of a respondent[;]; a brief description of the alleged violation, its date and place of occurrence[;]; and reference to the provision of law or rule charged. The notice of violation shall contain information advising the respondent of the maximum penalty and of the time in which the respondent may admit or deny the violation charged. The notice of violation shall also contain a warning to the respondent that failure to plead in the manner and time stated in the notice may result in a default decision and order being entered against the respondent. On or after November 25, 2008, any notice of violation filed pursuant to this section that refers to section 1404 of the Charter as the legal authority [and] for jurisdiction under which a hearing is to be held shall be deemed to refer to [section] § 1049-a of the Charter.

(c) *Service:* A notice of violation issued by a petitioner may be served on a respondent in accordance with the methods set out in §1049-a(d)(2) of the New York City Charter which render the tribunal's decision and order automatically docketable in Civil Court, or alternatively as provided by the statute, rule or other provision of law governing the violation alleged. Lawful service in a manner other than that provided for in §1049-a(d)(2) shall give the tribunal jurisdiction to hold a hearing or render a decision and order whether after hearing or in default thereof, but such decision and order shall not be entered in Civil Court or any other place provided for entry of civil judgments without court proceedings.

(d) *Filing:* The original or a copy of the notice of violation, together with the proof(s) of service, shall be filed with the tribunal prior to the first scheduled hearing date. Failure to timely file all proofs of service shall not divest the tribunal of jurisdiction to proceed with a hearing or to issue a default order.

§ 3-32 Admissions and Payments by Mail.

Where the notice of violation states that a mailable penalty schedule exists for the cited violation, a respondent may admit to the violation charged and pay the penalty by mail in the manner and time directed by the notice of violation. Payment in full is deemed an admission of liability and no further hearings or appeal will be allowed.

§ 3-33 Pre-hearing Reschedules.

Upon application by respondent, ex-parte, to the executive director and for good cause shown, the executive director may postpone the hearing date set in the notice of violation for a

brief period of time and reschedule the hearing. The executive director may deny any further requests for a reschedule and require respondent to appear and make such motion for adjournment to a hearing officer at the scheduled hearing.

§ 3-34 Adjudication by Mail.

(a) The executive director may designate certain classes of alleged violations or defenses as appropriate for adjudication by mail and prescribe procedures for such adjudication. Where respondent is offered the option of contesting the violation or presenting a defense by mail, respondent may move for such adjudication by application addressed to the tribunal. Such application shall set forth all facts and arguments relevant to the case relied on by the respondent. The application may be supported by affidavits or other documentary evidence.

(b) Upon receipt by the tribunal of an application for adjudication by mail, the matter shall be assigned to a hearing officer who shall review the record. The hearing officer may request further evidence to be submitted by respondent, may direct respondent to serve a copy of the application on petitioner, or may render a recommended decision and order based on the evidence in the record. The hearing officer may also deny the application for adjudication by mail and direct respondent to appear for a hearing in person.

§ 3-35 Motions to Intervene.

(a) *As of Right.*

(1) A person may intervene as of right in an adjudicatory or enforcement proceeding if such person may be directly and adversely affected by an order of the board. An order imposing a monetary penalty only shall not be deemed an order directly or adversely affecting any person other than respondent.

(2) A written application by any person to intervene as of right shall be filed with the tribunal and served upon each party to the proceeding not less than 5 days before the hearing. Such application shall set forth in detail the reasons the applicant seeks to intervene. Upon being served with an application for intervention, any party wishing to respond thereto may do so within 3 days after receipt of the application. Such response, accompanied by any supporting documents, must be filed with the tribunal and served upon the applicant and all other parties. When such written application is made by any person, the matter shall be assigned to a hearing officer for disposition.

(3) An intervenor as of right shall have all the rights of an original party, except that the hearing officer may provide that such intervenor shall be bound by orders previously entered or evidence previously received, and that the intervenor shall not raise issues or seek to add parties which might have been raised or added more properly at an earlier stage of the proceeding.

(b) *Discretionary Intervention.*

When written application by any person for discretionary intervention is filed with the tribunal prior to the date set for hearing in any adjudicatory proceeding, the matter shall be assigned to a hearing officer. The hearing officer, subject to the necessity of conducting an orderly and expeditious hearing, may permit such person to intervene if good cause is shown therefore or if the applicant is in a position to assist in the proof or defense of the proceeding. An intervenor permitted to intervene at the discretion of the hearing officer shall be assigned such role in the proceeding as the hearing officer in his or her discretion may direct, taking into consideration the avoidance of unfairness to the parties and the intervenor and the avoidance of undue delay. An oral application to intervene by any person may be made at the commencement of the hearing and shall be considered by the hearing officer assigned to the case. A discretionary intervenor is not a party to the proceeding and has no standing to appeal the hearing officer's recommended decision and order.

§ 3-36 Consolidation.

In the interest of convenient, expeditious and complete determination of cases involving the same or similar issues or the same parties, the hearing officer may consolidate two or more notices of violation for adjudication at one hearing.

§ 3-37 Discovery.

(a) Upon written request received by the opposing party at least five business days prior to the scheduled hearing date, any party is entitled to receive from the opposing party a list of the names of witnesses who may be called and copies of documents intended to be submitted into evidence.

(b) Pre-hearing discovery shall be limited to the matters enumerated above. All other applications or motions for discovery, including depositions on oral examination, shall be made to a hearing officer at the commencement of the hearing and the hearing officer may order such further discovery as is deemed appropriate in his or her discretion.

(c) Upon the failure of any party to properly respond to a lawful discovery order or request or such party's wrongful refusal to answer questions or produce documents, the hearing officer may take whatever action he or she deems appropriate including but not limited to preclusion of evidence or witnesses, or striking the pleadings or defenses of such party. It shall not be necessary for a party to have been subpoenaed to appear or produce documents at any properly ordered discovery proceeding for such sanctions to be applicable.

§ 3-38 Subpoenas.

(a) Upon application to the tribunal by a party, the tribunal shall issue a subpoena for attendance at deposition or hearing, which may include a command to produce specified books, documents or tangible things which are reasonably necessary to a resolution of the issues, subject to the limitations on discovery prescribed by these rules.

(b) All subpoenas shall be issued on forms approved by the board and shall be signed by a hearing officer. A hearing officer, on motion timely made before the return date of the subpoena, or on the hearing officer's own motion, may quash or modify the subpoena if it is unreasonable or was wrongfully issued.

SUBCHAPTER C

ADJUDICATIONS – HEARING PROCEDURES

§ 3-51 General Rules.

§ 3-52 Hearing Officers.

§ 3-52.1 Adjournments.

§ 3-53 Amendments to Notice of Violation.

§ 3-54 Evidence.

§ 3-55 Interlocutory Appeals.

§ 3-56 Transcript.

§ 3-57 Decisions.

§ 3-51 General Rules.

(a) *Expedition.* Hearings shall proceed with all reasonable expedition and insofar as is practicable shall be held at one place and shall continue without suspension, except for brief recesses, until concluded. Subject to § 3-52.1, t(T)he hearing officer shall have the authority to grant brief adjournments, for good cause shown, and consistent with the requirements of expedition.

(b) *Notice of Hearing.* The notice of violation shall set the hearing date and place or, if none, the executive director shall set such time and place. In no event shall such hearing date be set for more than 60 days after the filing of the notice of violation at the tribunal. At least 10 days notice of such hearing date and location shall be sent to all parties. Where respondent waives the 10 day notice and requests an expedited hearing, the executive director may assign the case for immediate hearing, upon appropriate notice to petitioner and opportunity for petitioner to appear.

(c) *Rights of Parties.* Every party, except intervenors under § 3-35(b), shall have the right of due notice, cross examination, presentation of evidence, objection, motion, argument and all other rights essential to a fair hearing.

(d) *Order of Hearing.* The following shall be the order of all adjudicatory hearings, subject to modification by the hearing officer for good cause:

- (1) Presentation and argument of motions preliminary to a hearing on the merits;
- (2) Presentation of opening statements; if any
- (3) Petitioner's case in chief;
- (4) Respondent's case in chief;
- (5) Petitioner's case in rebuttal;
- (6) Respondent's case in rebuttal;
- (7) Respondent's closing argument;
- (8) Petitioner's closing argument.

(e) *Oaths.* All persons giving testimony as witnesses at a hearing must be placed under oath.

(f) *Language Assistance Services.* (1) Appropriate language assistance services shall be afforded to respondents whose primary languages are not English to assist such respondents in communicating meaningfully with hearing officers. Such language assistance services shall include interpretation of hearings and of pre-hearing conferences conducted by hearing officers, where interpretation is necessary to assist the respondent in communicating meaningfully with the hearing officer. At the beginning of any hearing or pre-hearing conference, the hearing officer shall advise the respondent of the availability of interpretation. In determining whether interpretation is necessary to assist the respondent in communicating meaningfully with the hearing officer, the hearing officer shall consider all relevant factors, including but not limited to the following: (i) information from board administrative personnel identifying a respondent as requiring language assistance services to communicate meaningfully with a hearing officer; (ii) a request by the respondent for interpretation; (iii) even if interpretation was not requested by the respondent, the hearing officer's own assessment whether interpretation is necessary to enable meaningful communication with the respondent. If the respondent requests an interpreter and the hearing officer determines that an interpreter is not needed, that determination and the basis for the determination shall be made on the record.

(2) When required by paragraph (1) of this subsection, interpretation services shall be provided at hearings and at pre-hearing conferences by a professional interpretation service that is made available by the board, unless the respondent requests the use of another interpreter, in which case the hearing officer in his or her discretion may use the respondent's requested interpreter. In exercising that discretion, the hearing officer shall take into account all relevant factors, including but not limited to the following: (i) the respondent's preference, if any, for his or her own interpreter; (ii) the apparent skills of the respondent's requested interpreter; (iii) whether the respondent's requested interpreter is a child under the age of eighteen; (iv) minimization of delay in the hearing process; (v) maintenance of a clear and usable hearing record; (vi) whether the respondent's requested interpreter is a potential witness who may testify at the hearing. The hearing officer's determination and the basis for this determination shall be made on the record.

§ 3-52 Hearing Officers.

(a) *Who [p]resides.* Hearings in enforcement proceedings shall be presided over by a hearing officer appointed by the board.

(b) *Powers and [d]uties.* Hearing officers shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to these ends, including the following:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas and discovery orders and to rule upon objections to such orders;
- (3) To rule upon offers of proof and receive evidence;
- (4) To regulate the course of the hearing and the conduct of the parties and their representatives;
- (5) To hold conferences for the simplification of issues or any other proper purpose;
- (6) To interrogate witnesses;
- (7) To consider and rule upon all procedural and other motions, including requests for adjournment;
- (8) To make and file recommended decisions and orders.

(c) *Interference.* In the performance of their adjudicative functions, hearing officers shall not be responsible to or subject to the supervision of direction of any officer, employee or agent of a petitioner. No ex-parte communication relating to other than ministerial matters regarding a proceeding,

including internal agency directives not published as rules, shall be received by a hearing officer from the petitioning agency or from individual members of the board.

(d) *Power to [d]Discipline.* The hearing officer may for good cause noted on the record, and after a warning, bar any person, including a party or an attorney or other representatives of a party, from continued participation in a hearing where such person refuses to comply with the hearing officer's directions or behaves in a disorderly, dilatory or obstructionist manner. Any person so barred may make a prompt application to the executive director for a review of the hearing officer's action. The hearing may continue at the hearing officer's discretion, unless the executive director orders that further proceedings be stayed pending a decision on the application. No interlocutory appeal shall lie to the board from the decision of the executive director granting or denying the application.

(e) *Disqualification of Hearing Officer.*

(1) When a hearing officer deems himself or herself disqualified to preside in a particular proceeding, the hearing officer shall withdraw from the proceeding by notice on the record and shall notify the executive director of such withdrawal.

(2) A party may, for good cause shown, request that the hearing officer remove or disqualify himself or herself. Such motion shall be ruled upon by the hearing officer in the proceeding. If the hearing officer denies the motion, the party may obtain a brief adjournment in order to promptly apply for review by the executive director.

(3) Upon recusal or removal of the hearing officer, the executive director shall appoint another hearing officer to continue the case. If a refusal to recuse is upheld by the executive director, the party may re-raise the issue on appeal.

§ 3-52.1 Adjournments.

(a) In general, a hearing officer may adjourn a proceeding if he or she decides that the adjournment would allow one party to present its side of the dispute more effectively and would not be unreasonably inconvenient or unfair to the other party. In certain instances, however, a hearing officer's authority to adjourn a proceeding is limited. This Rule describes those instances. The Rule uses these special definitions:

(i) A respondent's appearance is "timely" if the respondent appeared within one hour of the scheduled hearing time for a notice of violation.

(ii) If the respondent has timely appeared, an appearance by the officer who issued the notice of violation is "timely" if the officer appears within two hours of the scheduled hearing time for the notice of violation or within one hour after a hearing officer has announced that he or she is available to call the notice of violation for a hearing.

(iii) "Extraordinary circumstances" are circumstances that could not reasonably have been foreseen by the petitioner agency. They do not include the fact that the parties disagree about the notice of violation or the charges it contains.

(b) Respect for a respondent's convenience means that a hearing should not be routinely adjourned once a respondent has appeared at a board office as instructed by the notice of violation. If a respondent makes a timely appearance on the date indicated on a notice of violation and at the specific board office location indicated on the notice of violation (or, if no specific board office location is indicated, at any board office location), the hearing officer may adjourn the hearing only if (i) the respondent consents to the adjournment; or (ii) a representative of the petitioning agency appears at the hearing, unless the failure of any representative of the petitioning agency to appear is due to extraordinary circumstances.

(c) Once a hearing has been adjourned for the convenience of one party, it should not routinely be adjourned again to accommodate the same party unless good cause is shown that a further adjournment is necessary to afford the party a reasonable opportunity to present relevant, non-cumulative testimony or evidence that would contribute to a full and fair hearing of each party's side of the dispute. However, absent extraordinary circumstances, a hearing will not be adjourned for the sole purpose of enabling the officer who issued the notice of violation to attend if: (i) the hearing has already been adjourned for the sole purpose of enabling the officer who issued the notice of violation to attend; (ii) the respondent timely appears on the adjourned hearing date at the specific board office location indicated on the adjournment order; and (iii) the issuing officer does not timely appear at the specific board office indicated on the adjournment order. In order to ensure the fairness and efficient functioning of the adjournment process, the petitioning agency will be granted an opportunity to confirm the issuing officer's availability for the proposed adjourned date of the hearing. If it is not possible for the date to be confirmed at the time of the hearing, proposed adjourned dates will be selected at the hearing, the petitioning agency will confirm with the hearing officer and within one week of the initial hearing notify the board of the adjourned date upon which the issuing officer will be available. A written notice will be mailed by the board to the respondent and the petitioning agency confirming the new adjourned date.

(d) An adjournment will sometimes be appropriate because of extraordinary circumstances. Under such circumstances, a petitioning agency may be entitled to an adjournment that would not otherwise be permitted. To ask for an adjournment because of extraordinary circumstances, the agency must file with the board a written statement of the claimed circumstances, accompanied by any supporting documents. The agency must also serve a copy of its request and any supporting documents on the respondent. The request must be made as soon as is reasonable after the agency becomes aware of the circumstances it claims to be extraordinary, but in no event more than five days after the agency becomes aware of those circumstances. The hearing officer before whom the case is pending shall determine whether extraordinary circumstances have been demonstrated to warrant an adjournment. The hearing officer shall also determine whether the case should be continued through consideration of written submissions only or through one or more additional hearing dates. In making those determinations, the hearing officer shall give the respondent an opportunity to state and support a position with respect to the existence of extraordinary circumstances, the appropriateness of an adjournment, the best approach to continuing the hearing and any other matter raised by the petitioning agency's submission.

§ 3-53 Amendments to Notice of Violation.

(a) *By Leave.* If and whenever determination of a controversy on the merits will be facilitated thereby, the hearing officer may, upon such conditions as are necessary to avoid injustice or unfair surprise to a party, allow appropriate amendments to the notice of violation.

(b) *Conformance to Evidence.* When issues not raised by the notice of violation but reasonably within its scope are tried by the express or implied consent of the parties, they shall be treated in all respects as if they had been raised, and such amendments of the notices of violation as may be necessary to make it conform to the evidence shall be allowed at any time.

§ 3-54 Evidence.

(a) *Burden of Proof.* The petitioner shall have the burden of proof in establishing by a preponderance of the credible evidence that respondent has committed the violation charged in the notice of violation, but the proponent of any factual proposition shall be required to sustain the burden of proof with respect thereto. The notice of violation, if sworn to or affirmed, shall constitute prima facie evidence of the facts stated therein.

(b) *Admissibility.* Relevant, material and reliable evidence shall be admitted without regard to technical or formal rules or laws of evidence applicable in the courts of the State of New York. Irrelevant, immaterial, unreliable or unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Official Notice.* Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge and experience of the board or the hearing officer. Opportunity to disprove such noticed fact shall be granted to any party making timely motion therefore.

(d) *Objections.* Objections to evidence shall be timely and shall briefly state the grounds relied upon. Rulings on all objections shall appear on the record.

(e) *Exceptions.* Formal exception to an adverse ruling is not required.

§ 3-55 Interlocutory Appeals.

Interlocutory appeals from rulings of a hearing officer may be filed only after leave to file has been obtained from the hearing officer. Leave to appeal will not be granted except upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision, and that a determination of its correctness before conclusion of the hearing is essential to serve the interests of justice. The board may, in its discretion, refuse to hear such interlocutory appeal even though leave to appeal has been obtained from the hearing officer. Unless otherwise ordered by the board or the hearing officer, an interlocutory appeal shall not stay the proceeding or extend the time for the performance of an act.

§ 3-56 Transcript.

The board shall provide or arrange for either a stenographically reported or mechanically recorded verbatim transcript of all hearings. A digital, tape or other electronic or mechanical recording may be deemed the transcript of the hearing for all purposes under these Rules.

§ 3-57 Decisions.

(a) *Hearing Officer's Recommended Decision and Order.* As soon as possible after conclusion of the hearing, the hearing officer shall prepare a recommended decision and order. The hearing officer's decision shall set forth findings of fact and conclusions of law, and it shall set forth the hearing officer's reasons for findings on all material issues. If the charges contained in the notice of violation are upheld, the hearing officer shall prepare an order setting forth the penalty, and if the board is authorized by law to impose remedial relief or other sanction, the relief or sanctions recommended. The recommended decision and order shall be filed with the executive director and served on all parties.

(b) *Finality.* If timely exceptions are not filed as per § 3-71, the hearing officer's recommended decision and order will be automatically adopted by the board without further action and shall constitute the board's final action in the matter.

SUBCHAPTER D ADJUDICATIONS – APPEAL PROCEDURES

§ 3-71 Exceptions to Recommended Decision and Order.

§ 3-72 Timeliness and Extensions of Time.

§ 3-73 Payment of Penalty.

§ 3-74 Board Review.

§ 3-75 Amendments to Board Appeal Decision and Order.

§ 3-76 Judicial Review of Board Decisions.

§ 3-71 Exceptions to Recommended Decision and Order.

(a) *Filing.* Any party aggrieved by the hearing officer's recommended decision and order may, within 30 days of mailing of the same, file written exceptions with the tribunal. A copy of the exceptions shall be served upon all parties, and proof of such service filed with the tribunal within 30 days of the mailing of said decision and order. Written exceptions must contain a concise statement of the issues presented, specific objections to the findings of fact and conclusions of law set forth in the hearing officer's recommended decision and order, and arguments presenting clearly the points of law and fact relied on in support of the position taken on each issue.

(b) *Answer.* Within 20 days after the service on a party of exceptions to the hearing officer's recommended decision and order, any party supporting the hearing officer's recommended decision and order or opposing the matters raised in the exceptions may file an answering brief. An answering brief shall follow the format and be served as required of exceptions by subparagraph (a).

(c) *Replies.* Further briefing shall not be permitted unless required by the board.

§ 3-72 Timeliness and Extensions of Time.

(a) Any application for a written copy of the transcript of the hearing or a copy of the audio tape shall be made within the time allotted for the filing of exceptions. A copy of such application shall be served upon all parties, and proof of such service filed with the tribunal within the time allotted for filing exceptions. In that event, the time within which exceptions to the hearing officer's recommended decision and order must be filed with the tribunal shall be extended by 20 days from the date when such transcription or audio tape is delivered or mailed to the party requesting same.

(b) Any application to extend time to file for any other reason shall be made to the executive director and supported by evidence of impossibility or other explanation of inability to file timely. A copy of such application shall be served upon all parties, and proof of such service filed with the tribunal.

§ 3-73 Payment of Penalty.

(a) No appeal by a respondent shall be permitted unless within 20 days of the mailing of the hearing officer's recommended decision and order the civil penalty imposed by said order is paid or the respondent shall have posted a cash or recognized surety company bond in the full amount imposed by the decision and order appealed from.

(b) Any application for a waiver of such prior payment of the hearing officer's recommended decision and order and must be supported by evidence of financial hardship. Waivers of such prepayment may be granted in the discretion of the executive director.

§ 3-74 Board Review.

(a) When exceptions have been filed with the tribunal, the board shall consider the entire matter on the basis of the record before it. The notice of violation, the transcript of the hearing and all briefs filed and exhibits received in evidence, together with the hearing officer's recommended decision and order, shall constitute the hearing record.

(b) The board may from time to time establish panels from among its members who shall conduct the review. If an appeal panel deems it necessary, it shall order further testimony or evidence be taken or submitted, or it may order oral argument on any or all of the questions raised on appeal. The appeal panel shall report its findings to the full board for final resolution.

(c) After such review, the board shall issue its decision. Such decision shall contain findings of fact and conclusions of law. An order consistent with such decision shall be made, exercising such of the board's powers as are deemed appropriate.

§ 3-75 Amendments to Board Appeal Decision and Order.

An application to the board by any party for a superseding appeal decision and order may be made within 10 days of mailing of the board's final decision and order, to correct ministerial errors or errors due to mistake of fact or law. [After exhaustion of the procedures set forth above, judicial review of the final decision and order of the board may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.]

§ 3-76 Judicial Review of Board Decisions.

(a) After exhaustion of the procedures set forth above, judicial review of the final decision and order of the board may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.

(b) If a respondent appeals and the board does not issue a final decision and order after 180 days from the filing of exceptions, the respondent may at any time seek judicial review of the hearing officer's recommended decision and order pursuant to Article 78 of the New York Civil Practice Law and Rules and rely on the hearing officer's recommended decision and order as the final decision and order of the board, provided that three specific conditions are met:

(i) at least 45 days before the filing of a petition pursuant to Article 78 of the New York Civil Practice Law and Rules, the respondent files with the board written notice of the respondent's intention to file the petition;

(ii) the board has still not issued a final decision and order when the respondent files the petition; and

(iii) the respondent serves the petition on the board pursuant to the New York Civil Practice Law and Rules.

(c) After a respondent files with the board notice of intention to file a petition for judicial review under the preceding subsection (b), the board may still issue a final decision and order unless the respondent has already filed the petition.

SUBCHAPTER E MISCELLANEOUS

§ 3-81 Default by Respondent.

§ 3-82 Stays of Default.

§ 3-83 Late Request for Stay of Default.

§ 3-84 Stipulation in Lieu of Hearing.

§ 3-81 Default by Respondent.

(a) Failure of a respondent to make a timely response, or appear or proceed as required by the tribunal or hearing officer or these rules shall constitute a default. Upon default, the hearing officer or board shall thereupon render such decision and order in accordance with § 1049-a(d)(1)(d) of the Charter. Orders rendered in consequence of a default shall take effect immediately. Notice of such order shall be sent to respondent.

(b) Where respondent was permitted to admit and pay by mail pursuant to § 3-32, respondent shall also be offered the opportunity to enter a late admission and payment by mail within 30 days of the mailing date of the default order issued against respondent. An appropriate fee may be imposed by the tribunal for the processing of such late admission.

§ 3-82 Stays of Default.

Except as otherwise provided by rule or statute, a request by respondent for a stay of a default order and a hearing must be made by application to the executive director within 30 days of mailing of the default order. When a timely request is

made for a stay of a first default, the executive director shall grant the request. A timely request for a stay of a second or subsequent default made for the same notice of violation may be denied by the executive director absent a showing of a meritorious defense.

§ 3-83 Late Request for Stay of Default.

(a) A request by a respondent for stay of default and a new hearing made more than 30 days after service of the default order shall be granted where, within 90 days from mailing of the default order, respondent alleges a credible explanation and excuse for the default together with an allegation of a meritorious defense to the violation charged.

(b) The executive director may designate categories of alleged defenses which in the interest of justice shall be grounds for a late stay of default and a hearing without regard to the requirements set out in paragraph (a) above.

§ 3-84 Stipulation in Lieu of Hearing.

(a) At any time prior to the issuance of the hearing officer's recommended decision and order the petitioner may offer the respondent a settlement of the matter by stipulation in lieu of further hearing. The stipulation shall contain an admission of the violation, the further facts stipulated to, if any, the amount of the penalty to be imposed, and the compliance ordered, if any.

(b) If entered into by respondent and filed with the tribunal prior to the first scheduled hearing date, in the manner and form set by the tribunal, the stipulation shall be reviewed by the board. Within a reasonable time after receipt of such stipulation, the board shall cause to be issued a final decision and order incorporating the terms of said stipulation or, if the stipulation is not acceptable to the board, the matter will be rescheduled for further hearing.

(c) If entered into before a hearing officer during the course of a hearing and if the hearing officer approves such stipulation, it shall be incorporated into the hearing officer's recommended decision and order.

(d) Decisions and orders based upon stipulations shall not be appealable.

SUBCHAPTER F SPECIAL PROCEEDINGS AND ENFORCEMENT PROCEEDINGS

§ 3-91 Cease and Desist Actions

§ 3-92 Post-Sealing Special Hearing

§ 3-93 Application for a Temporary or Limited Unsealing or Stay

§ 3-94 Hearings after Emergency Cease and Desist Orders

§ 3-95 Post Judgment Amendment of Records

§ 3-91 Cease and Desist Actions.

(a) *Scope.* This section governs cease and desist actions brought by the board pursuant to Administrative Code §§ 24-178, 24-257, or 24-524, after respondent has had notice and an opportunity for a hearing on the violations alleged pursuant to the provisions of §§ 24-184, 24-263, or 24-524 as appropriate, and has failed to comply with orders issued by the board in such proceedings.

(b) *Issuance of Order and Notice.* Cease and desist actions shall be commenced by the issuance by the board of an order to cease and desist and a notice of special hearing. The order and notice shall identify the particular compliance order previously issued after an adjudicatory hearing, or in default thereof, that respondent is alleged to have disregarded, and the activity, equipment, device and/or process involved. The order shall direct respondent to show cause at a special hearing why the equipment, device or process should not be sealed and additional penalties imposed and shall notify respondent that if respondent does not appear as directed, the board order will be implemented forthwith.

(c) *Service.* The order to cease and desist and notice of special hearing shall be served personally or by certified mail, return receipt requested.

(d) *Hearing.* The special hearing shall be presided over by a hearing officer of the tribunal who shall have all of the powers and duties set out in subchapter C of these rules [for adjudicatory hearings], except as more specifically provided below. The hearing officer shall receive such evidence as may be presented by the petitioner which requested the board to issue the cease and desist order concerning respondent's failure to comply with orders previously issued, and such evidence as respondent may present in defense.

(e) *Report.* In lieu of a recommended hearing decision and order, the hearing officer shall prepare a report summarizing the evidence and arguments offered together with the hearing officer's findings of fact and recommendation as to whether the sealing should proceed and additional penalties be imposed. The report shall be promptly filed with the board.

(f) *Board Order.* Upon receipt of the hearing officer's report, the board may adopt, reject or modify the findings and recommendations and direct such further hearings or issue such further orders to respondent as are appropriate under the circumstances to assure correction of the violations. In any case in which the board issues an order requiring affirmative action to be taken by the respondent, such order may also require the respondent to file with the board a report or reports under oath attesting to respondent's compliance with the order. Failure to file a required report within the time limit set forth may, in the board's discretion, constitute a violation of the order regardless of whether the respondent has otherwise been in compliance with the provisions of the order.

§ 3-92 Post-Sealing Special Hearing.

At any time after a sealing has taken place, a respondent may request a special hearing to present evidence as to why the seal should be removed or sealing order modified. The request may be made by letter addressed to the board or the executive director or their designee at the tribunal. A special post-sealing hearing shall then be scheduled and shall be presided over by a hearing officer of the tribunal and conducted in accordance with the provisions of subparagraphs (d), (e) and (f) of § 3-81 [of these rules].

§ 3-93 Application for a Temporary or Limited Unsealing or Stay.

If it appears that remediation undertaken by a respondent cannot proceed or its effectiveness cannot be tested while a seal remains in place, the respondent may, by written application addressed to the executive director, request that a seal be temporarily removed or stayed for a limited period. The executive director may authorize a temporary unsealing or stay of sealing for the above specified reasons for such limited period and subject to such conditions as the executive director deems appropriate.

§ 3-94 Hearings after Emergency Cease and Desist Orders.

When the board has issued an emergency cease and desist order, without hearing, on account of an imminent peril to public health, pursuant to Administrative Code §§ 24-178(f), 24-346(e) or 24-523(b), any person affected by such emergency order may, by written notice to the board, request a hearing or an accelerated hearing in accordance with said provisions. The hearing held pursuant to the request shall be held by the board and shall not be referred to a hearing officer. The hearing shall otherwise be conducted in accordance with the relevant provisions of law and such of the board's rules for adjudicatory hearings as may be applicable.

§ 3-95 Post Judgment Amendment of Records.

(a) Upon the motion of any party, the board may amend a judgment or judgments to designate a judgment debtor by his, her or its correct legal name.

(b) The motion shall be made in writing and filed with the executive director. The movant shall also file an affidavit setting forth the facts and evidence relied on by the movant and an affidavit of service, by certified or registered mail and regular mail, of the motion on the party whose name is sought to be corrected in the judgment or judgments at his, her or its last known address and at the address or addresses at which the notice or notices of violation was or were served. Such motion shall be served on all parties. The date and time of the hearing on the motion is to be set forth in the moving papers in accordance with the direction of the executive director but shall not be sooner than 10 days after the service of such motion on the party whose name is sought to be corrected. At such hearing any party may appear, in person or otherwise, with or without counsel, cross-examine witnesses, present evidence and testify. If the party whose name is sought to be corrected does not appear at the hearing the hearing officer may proceed to determine the evidence presented by the moving party in support of the motion.

(c) If the hearing officer finds that the movant has established, by a preponderance of evidence (i) the true name of the judgment debtor, (ii) that such person is the same person as the person designated on the notice of violation as responsible for the violation or violations and (iii) that service of the notice or notices of violation and of all other papers in the proceeding or proceedings was or were properly made upon such person, he or she shall grant such motion and issue a recommended decision and order directing the amendment and correction, to reflect the correct legal name of such person, of all records relating to the proceedings commenced by the service of such notice or notices of violation, including the records of judgments filed with the civil court and in the office of the county clerk.

(d) The recommended decision and order shall be filed with the executive director and served on all parties. Any party who appeared at the hearing, in person or otherwise, may file exceptions to such recommended decision and order in the manner provided in § 3-71 [of these rules] and the board shall render a final decision and order on such exceptions. Such final decision and order shall be the final decision of the board for purposes of review pursuant to article 78 of the Civil Practice Law and Rules.

(e) If exceptions are not filed within the time provided in § 3-71, the hearing officer's recommended decision and order shall become the final decision and order of the board and, in accordance with applicable law, shall not be subject to review pursuant to article 78 of the Civil Practice Law and Rules.

(f) An order correcting a judgment shall not affect the duration of a judgment. The judgment shall remain in full force and effect for eight years from the date the judgment was originally entered.

Statement of Basis and Purpose

Local Law 35 of 2008, signed by the Mayor on August 12, 2008 and effective November 23, 2008, created a new §1049-a of the City Charter, which consolidates the Environmental Control Board with the Office of Administrative Trials and Hearings. Section 2 of Local Law 35 also amended the City Charter to include a new subdivision b-1 of § 1049-a, which imposes upon the Environmental Control Board the obligation to promulgate rules concerning provision of language assistance services and limitations on the discretion of a hearing officer to adjourn a hearing under certain circumstances. Section 2 also adds a new subdivision (f) of Section 1049-a, which allows for judicial review of a hearing officer's recommended decision and order if the respondent files exceptions in accordance with the board's rules and the board does not render a decision within 180 days, provided that the respondent complies with certain requirements including prior written notice. Section 13 of the Local Law requires that mandated rules must be promulgated no later than 180 days after the effective date of the local law. Therefore, it is required that these amended rules be promulgated no later than May 22, 2009.

The amendments proposed are intended to effectuate the purposes and the specific requirements now set forth in §1049-a, subdivision b-1 of the City Charter, as amended by Local Law 35. Other amendments have been proposed to clarify that a recording of a hearing may serve as a transcript for purposes of an appeal from a hearing officer's decision and to correct typographical errors and inconsistencies in the existing Rules of Procedure.

TAXI AND LIMOUSINE COMMISSION

NOTICE

Notice of Promulgation of Rules

Notice is hereby given in accordance with section 1043(e) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") promulgates rules governing lease rates charged to lessees of taxicab medallions and certain taxicab vehicle requirements.

These rules are promulgated pursuant to sections 1043 and 2303 of the Charter of the City of New York. These proposed rules were not included in the TLC's regulatory agenda for Fiscal Year 2009 because the need for such rules was not anticipated at the time the regulatory agenda was published.

These rules were published for comment in the City Record on February 23, 2009. A public hearing on these rules was held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on March 26, 2009 at 9:30 A.M. Pursuant to section 1043(e)(1)(c) of the Charter, these rules will take effect 30 days following publication in the City Record.

New Material is underlined.

[Brackets indicate deleted material.]

Section 1. Title 35, section 1-78 of the rules of the City of New York is hereby amended to read as follows:

§1-78 Limitations on Standard Lease Rates Charged to Drivers.

(a) *Standard Lease Cap.* An owner of a taxicab may charge a lease rate to a driver that is not greater than the Standard Lease Cap.

(1) The Standard Lease Cap for a medallion and vehicle for one twelve-hour shift shall not exceed:

- (i) \$105, for all day shifts;
- (ii) \$115, for the night shift on Sunday, Monday and Tuesday;
- (iii) \$120, for the night shift on Wednesday; \$129, for the night shifts on Thursday, Friday and Saturday.

(2) The Standard Lease Cap for a medallion and vehicle for one shift for a week or longer shall not exceed \$666 weekly.

(3) *Cost adjustments.* The Standard Lease Caps set forth in paragraphs one and two of this subdivision shall be adjusted as follows:

- (i) For a vehicle that is hacked up pursuant to section 3-03.1 of this title, including a vehicle that is authorized by section 3-03(c)(10) of this title, the Standard Lease Cap shall be adjusted upward by \$3 per shift (\$21 per week).
- (ii) For a vehicle that is hacked up pursuant to section 3-03 of this title, excluding section 3-03(c)(10) of this title, the Standard Lease Cap shall be adjusted downward by \$4 per shift (\$28 per week) beginning on May 1, 2009, by \$8 per shift (\$56 per week) beginning on May 1, 2010, and by \$12 per shift (\$84 per week) beginning on May 1, 2011.

(4) *Limits on Additional Charges.* No owner, including any employee or agent of an owner, may charge to or accept from a driver any payment of any kind, such as a tax, surcharge, pass-along, tip or fee of any kind, for the lease of a medallion or of a medallion and a vehicle, other than a lease amount no greater than the applicable Standard Lease Caps set forth in paragraphs one and two of this subdivision, plus

- (i) a credit card pass-along no greater than permitted by section 1-85(b) of this chapter;
- (ii) a security deposit no greater than permitted by section 1-79(c) of this chapter, less any deductions permitted by section 1-79(a) of this chapter;
- (iii) the discount toll amount for use of the EZ-Pass as permitted by sections 1-37 and 1-83 of this chapter;
- (iv) a late charge not to exceed \$25 for any shift; and
- (v) a reasonable cancellation charge, subject to the provisions of section 1-79.1(b)(6) of this chapter; and
- (vi) parking tickets and red light violations permitted to be deducted from the security deposit pursuant to section 1-79(a)(3) and (4) of this chapter provided that the lessor and agent of the lessor permits the driver to challenge such tickets and violations.
- (vii) The lease of a medallion and vehicle under paragraphs one and two of this subdivision includes service and maintenance. Service and maintenance of the vehicle is the responsibility of the lessor of the medallion and vehicle and the lessor and an agent of lessor may not charge the lessee for service and maintenance costs for the vehicle.

(3) 5) (i) The Standard Lease Cap for a medallion only, covering the entire time during a week or longer, shall not exceed \$800 weekly.

(ii) *Cost adjustment.* The Standard Lease Cap set forth in subparagraph (i) of this paragraph shall be adjusted as follows:

For a vehicle that is hacked up pursuant to section 3-03.1 of this title, including a vehicle that is authorized by section 3-03(c)(10) of this title, the Standard Lease Cap shall be adjusted upward by \$42 per week.

(iii) *Maintenance.* The lease of a medallion under this paragraph does not include, and does not require a medallion owner or its agent to provide, service and maintenance of the vehicle. A medallion owner or an agent of the medallion owner must not require the lessee to obtain service and maintenance from any particular provider, including, but not limited to the medallion owner or an agent of the medallion owner.

(c) [The complaining witness for a violation of this rule must be a driver who was subject to a lease prohibited by this rule, or a Commission employee.

(d) The provisions of this rule do not apply to owners and lease drivers whose business relationship is governed by the terms of a collective bargaining agreement which regulates the subject of lease prices.

(e) The Commission shall not lower any upper limitation of lease rates established in Rule 1-78 herein, unless in the view of the Commission, the record before the Commission includes substantial evidence of reduced operating expenses of the affected medallion owners. The Commission shall not raise any upper limitation of lease rates established in Rule 1-78 herein, unless in the view of the Commission, the record before the Commission includes substantial evidence of increased operating expenses of the affected medallion owners. The factors to be reviewed in consideration of any proposed increase in the upper limitation of lease rates shall also include, but not limited to, the effects on driver earnings and the retention of experienced drivers.

(f) As relates to lease caps, the Commission shall periodically hold a public hearing and solicit written comment as to operating expenses, driver earnings and the retention of experienced drivers in the taxi industry. The first such public hearing shall be held no later than March 31, 1998. Thereafter, the Commission shall hold such a hearing no later than two years subsequent to the previous hearing.]

(d) *Credit Card Charges.* An owner or the owner's agent must pay a driver daily in cash the driver's receipts that are charged to a credit card on that day, less only a credit card pass-along no greater than permitted by section 1-85(b) of this chapter for any lease under paragraphs one or two of subdivision (a) of this section. For all other leases, an owner or an owner's agent must pay the driver in cash no less often than weekly the driver's receipts that are charged to a credit card, less only a credit card pass-along no greater than permitted by section 1-85(b) of this chapter.

Section 2. Chapter 1 of title 35 of the Rules of the City of New York is hereby amended by the addition of new section 1-78.1, to read as follows:

§1-78.1 Changes to Lease Caps.

(a) During March of each even-numbered year, the Commission shall hold a public hearing and solicit written comment as to operating expenses, driver earnings, the retention of experienced drivers in the taxi industry, and other matters relevant to the setting of lease caps, for purposes of considering changes to the Standard Lease Caps set forth in section 1-78 of this chapter.

(b) Notwithstanding the provisions of subdivision (a) of this section, the Commission may initiate lease cap changes at any time, based on the Commission's assessment of appropriate policy considerations.

Section 3. Chapter 1 of title 35 of the Rules of the City of New York is hereby amended by the addition of new sections 1-79.1, 1-79.2 and 1-79.3, to read as follows:

§1-79.1 Lease Terms and Form of Lease.

(a) Every lease entered into pursuant to section 1-78 of this chapter, including any amendment to such lease, must be in writing, and must be signed by the owner or a person duly authorized to act on behalf of the owner, and by the leasing driver or drivers. A copy of the fully executed lease must be provided to the leasing driver or drivers.

(b) Every such lease must contain the following terms:

(1) The length of the lease. The lease must state the beginning date and time of the lease and the ending date and time of the lease. A weekly lease must run for seven consecutive calendar days. A shift must run for 12 consecutive hours.

(2) Itemization of the costs covered by the lease. The lease must state the total lease amount, and an itemization of that total cost. The itemization must separately state the amount of the lease that applies to the medallion and the amount if any that applies to the vehicle.

(3) Other costs. The lease must state the amounts if any of the security deposit, the percentage credit card pass-along and any other costs that the driver will be charged.

(4) Notices. For each cost itemized pursuant to paragraphs two and three of this subdivision, the lease must include a reference to the Commission rule authorizing the imposition of such cost on the driver. The lease must either recite the complete text of each such rule or state the address of the

Commission's Web page on which the rule is published.

(5) Overcharges. Every lease must contain clearly legible notice that overcharges are prohibited by the Commission's rules, and that complaints of overcharges may be made in writing to the Commission or by telephone call to 311.

(6) Cancellation charges. Any cancellation charge contained in the lease must be reasonable, and will not be permitted unless the lease also provides that

(i) no cancellation charge may be charged to driver if the medallion owner or its agent demands the return of the medallion and the driver is not late in making lease payments at the time of such demand;

(ii) if an agent demands the return of a medallion upon the request of an owner, the driver has the right to request that the agent supply a replacement medallion and, if a medallion is provided through the agent, the driver will not be responsible for the costs of hacking up a replacement vehicle; and

(iii) when a cancellation payment is made, the driver's obligation to make lease payments terminates upon such payment.

(7) Deposit information. Each lease must include the information regarding deposits required by section 1-79(e) of this chapter.

§1-79.2 Receipts.

A driver shall be given a written receipt for every payment made to or deduction taken by the owner, or any person acting on behalf of the owner. The receipt must include the name of the driver and the number of the medallion subject to the lease. The receipt shall clearly state the date of the payment or deduction, the name of the person who accepted the payment or the deduction, the amount of the payment or deduction, the purpose of the payment or the deduction, and the number of the section of this chapter that authorizes the payment or deduction.

§1-79.3 Retaliation.

An owner may not act in retaliation against any driver for making a good faith complaint against any owner for violation of sections 1-78 through section 1-79.3 of this chapter. "Retaliation" shall be broadly construed, and shall include imposing any adverse condition or consequence on the driver or withholding or withdrawing any beneficial condition or consequence from the driver.

Section 4. The title of section 1-86 of title 35 of the rules of the City of New York is hereby amended to read as follows:

§1-86 Penalties for Violation of Rules Governing Owners of Medallion Taxicabs [and Coaches].

Section 5. Title 35, section 1-86 of the rules of the City of New York be amended by deleting the penalties for violation of section 1-78(b)(i) and 1-78(b)(3) and adding new penalties for violation of sections 1-78(b), 1-78(d), 1-79.1, 1-79.2 and 1-79.3, to read as follows:

Table with 3 columns: Rule No., Penalty, Personal Appearance Required. Rows include §1-78(b)(i), §1-78(b)(3), and §1-78(a)(4).

Table with 3 columns: Section, Amount, Yes/No. Rows include § 1-78(d), §1-79.1(a), §1-79.1(b), §1-79.2, and §1-79.3.

Section 6. The title of section 3-03 of title 35 of the rules of the City of New York is hereby amended to read as follows:

§3-03 Taxicab Specifications [on or after May 1, 1996].

Section 7. Paragraphs (10) and (11) of subdivision (c) of section 3-03 of title 35 of the rules of the City of New York are hereby amended to read as follows:

- (c) Vehicle Specifications. (10) Notwithstanding the foregoing provisions of this subdivision 3-03(c), [beginning on October 1, 2008, no taxicab shall] a vehicle may be hacked up [unless] as a taxicab if the [taxicab] vehicle is powered by diesel fuel, and the vehicle otherwise meets [either the requirements of an accessible taxicab pursuant to section 3-03.2 of this chapter or both of the following: (i) a minimum city rating of twenty-five (25) miles per gallon as labeled pursuant to title 49, section 32908 of the United States Code and regulations promulgated pursuant thereto, and (ii) the vehicle specifications provided in section 3-03.1(c) of this chapter, whether or not the taxicab is a hybrid electric vehicle. (11) Notwithstanding the foregoing provision of this subdivision 3-03(c), beginning on October 1, 2009, no taxicab shall be hacked up unless the taxicab meets either the requirements of an accessible taxicab pursuant to section 3-03.2 of this chapter or both of the following: (i) a minimum city rating of thirty (30) miles per gallon as labeled pursuant to title 49, section 32908 of the United States Code and regulations promulgated pursuant thereto, and (ii) the vehicle specifications provided in section 3-03.1(c) of this chapter, whether or not the taxicab is a hybrid electric vehicle.]

STATEMENT OF BASIS AND PURPOSE

These rules modify existing Taxi and Limousine Commission rules governing taxicab leasing in several respects.

In light of the determination in Metropolitan Taxicab Board of Trade v. City of New York, 08 Civ. 7837 (PAC) (Oct. 31, 2008), these rules rescind the existing rules mandating that taxicabs hacked up beginning on October 1, 2008, must be city-rated at or above 25 miles per gallon, and that taxicabs hacked up beginning on October 1, 2009, must be city-rated at or above 30 miles per gallon.

In the place of that rescinded requirement, the new rules alter the maximum lease rates in such a way as to create incentives for taxicab owners to buy cleaner vehicles. Specifically, the proposed rules permit owners of medallions used for hybrid electric taxicabs and "clean diesel" taxicabs to charge \$3.00 per shift more than the maximum lease rate that would otherwise be allowed. Similarly, owners of less clean taxicabs will, after a phase-in period, be permitted to charge \$12.00 per shift less than the maximum lease rate that would otherwise be allowed. Lease rates for wheelchair accessible taxicabs will remain unchanged.

Under existing rules, a taxicab owner who purchases a vehicle that is costly to run does not bear the gasoline costs incurred in the operation of that vehicle. Instead, gasoline costs are borne by the drivers, who may have no voice in the owner's choice of vehicles. These newly promulgated rules are intended to place gasoline costs on the owner who chooses the vehicle. An owner who chooses a vehicle which is also a fuel efficient vehicle will be able to realize greater lease income than an owner who chooses a less efficient vehicle, while the expenses of leasing drivers will be roughly equal regardless of the taxicab owner's vehicle choice.

The newly promulgated rules also specify that owners and agents may not add costs to the lease, other than charges specifically provided for by Commission rules. Therefore, under the new rules, the maximum lease rates cap the total

of all charges, other than the credit card pass-along and the security deposit, a late charge and a reasonable cancellation charge (subject to certain required contract provisions) that an owner or agent may charge to a leasing driver. In addition, the new rules specify that owners and agents must settle credit card charges with drivers, in cash, on a daily or weekly basis.

The newly promulgated rules formalize the leasing relationship in several respects. A lease, including any amendment to a lease, is required to be in writing and signed by the leasing driver; to contain an itemization of all charges; and to clearly state a lease term; and, if a cancellation charge is permitted, to contain certain provisions regarding cancellation. Similarly, the rules require that owners and agents provide leasing drivers with receipts for all payments made leasing drivers.

The rules further expressly prohibit retaliation by an owner against a driver for filing a complaint alleging in good faith an owner's violation of the TLC's lease rules. In view of TLC's experience that drivers are extremely reluctant to file such complaints for fear of such retaliation, the proposed penalty for retaliation is \$1,000.

Finally, the new rules make two procedural changes in the Commission's existing rules. While owners and drivers could continue to petition for changes to lease caps, the Commission, on its own initiative, would be able to modify lease caps, by rulemaking, on the basis of its assessment of appropriate policy considerations.

The rules also eliminate the requirement that a complaint for a violation of a lease cap provision can be made only by the driver subject to the lease. Drivers may be reluctant to report lease cap violations due to concerns about retribution and blacklisting. Effective enforcement of lease caps requires that complaints of violations be investigated actively, regardless of the source of the information.

TRANSPORTATION

NOTICE

Notice of Adoption of amendment to the rules regarding insurance and indemnification requirements.

Notice is Hereby Given Pursuant to the Authority Vested in the Commissioner of Transportation by section 2903(b) of the New York City Charter, and in accordance with section 1043 of the Charter, that the Department of Transportation hereby adopts the amendments proposed to paragraph (3) of subdivision (a) of section 2-02 of Chapter 2 of Title 34 of the Official Compilation of the Rules of the City of New York, the Highway Rules.

This rule was first published on January 2, 2009 and a public hearing was held on February 4, 2009. This rule shall take effect 30 days from the date hereof.

Paragraph (3) of subdivision (a) of section 2-02 of title 34 of the Rules of the City of New York is amended to read as follows:

- (3) Insurance and indemnification requirements (for all applicants): (i) Each applicant shall, before applying for a permit, obtain a Commercial General Liability (CGL) insurance policy [from a company or companies that may lawfully issue the required policy and has an A.M. Best rating of at least A-VII or a Standard and Poor's rating of at least AA.] or policies satisfying the requirements of this subparagraph. [The] All CGL [Policy] insurance policies, whether primary, excess or umbrella, shall: (A) be issued by a company or companies that may lawfully issue the required policy and has an A.M. Best rating of at least A-VII or a Standard and Poor's rating of at least AA. (B) provide coverage to protect the City of New York ("City") [, the Department] and the applicant from [all] claims for property damage and/or bodily injury, including death, which may arise from any operations performed by or on behalf of the applicant for which the Department has issued it a permit; (B)(C) provide coverage [broad enough to cover the permitted activity] at least as broad as that provided by the most recent edition of ISO Form CG 0001; (C)(D) provide coverage for completed operations; (D)(E) provide [commercial general liability] coverage [in an amount no less than] of at least \$1,000,000 combined single limit per occurrence, except that with respect to applications for permits to place a crane on a street, such minimum amount shall be no less than \$3,000,000 combined single limit per occurrence [in the applicable CGL or automobile liability policy]; (E)(F) [contain each of the following endorsements: (1) The City of New York, the Department of Transportation, together with] provide that the City and its officials and employees are Additional Insureds with coverage at least as broad as set forth in ISO Form[s] CG 20[10]26 (11/85 ed.) [and CG 0001 (1/96 ed.)]; (G) provide that the limit of coverage applicable to the Named Insured is equally applicable to the City as

Additional Insured.

(H) This policy shall not be cancelled or terminated, or modified or changed in a way that affects the City by the issuing insurance company unless thirty (30) days prior written notice is sent to the Named Insured and the Commissioner of the New York City Department of Transportation, except that notice of termination for non-payment may be made on only ten (10) days written notice.

(I) If the permit applicant has applied for more than one thousand permits in the previous calendar year, the insurance policy shall contain each of the following endorsements:

[(2)1] If and insofar as knowledge of an "occurrence", "claim", or "suit" is relevant to the City [of New York] as Additional Insured under this policy, such knowledge by an agent, servant, official or employee of the City of New York will not be considered knowledge on the part of the City [of New York] of the "occurrence", "claim", or "suit" unless notice thereof is received by the: Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department[.]; and

[(3)2] Any notice, demand or other writing by or on behalf of the Named Insured to the insurance company shall also be deemed to be a notice, demand or other writing on behalf of the City [and the Department] as Additional Insured[s]. Any response by the Insurance Company to such notice, demand or other writing shall be addressed to the Named Insured and to the City at the following address: Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department[.], 100 Church Street, New York, New York 10007.

[(4) This policy shall not be cancelled, terminated, modified or changed by the Insurance Company unless thirty (30) days prior written notice is sent by Certified Mail to the Named Insured and the Commissioner of the New York City Department of Transportation,

(5) The limit of coverage under this policy applicable to the City and the Department as Additional Insureds is equal to the limit of coverage applicable to the Named Insured.]

(ii) Each applicant shall, before applying for a permit, obtain [a] Workers Compensation insurance [policy] in accordance with the laws of the State of New York from a licensed insurance company.

(iii) Each applicant shall, before applying for a permit, file with the Department, proof that the applicant has insurance in place that [meets the requirements stated in this paragraph] provides coverage set forth in this subdivision with respect to the permit period [and if], If the applicant chooses to meet this proof with an insurance certificate, the insurance certificate shall set forth the coverage provided, state that completed operations coverage is included and that the City is an additional insured, and shall be accompanied by a sworn statement in a form prescribed by the Department from the insurer or from a licensed insurance broker certifying that the insurance certificate [may be relied upon as proof that the applicant has insurance that meets the requirements stated in this paragraph with respect to the permit period] is accurate in all material respects, and that the described insurance is in effect.

(iv) An applicant may obtain insurance policies applicable to more than one permit application, in which case the proof pursuant to subparagraph (iii) shall state that the policies cover all such permits in specified boroughs, or throughout the City.

(v) The applicant shall provide a copy of any required policy within thirty days of a request for such policy by the Department or the New York City Law Department.

(vi) In its sole discretion, the Department may allow applicants that frequently seek permits to self-insure, provided that the applicant:

(A) presents proof of excess or umbrella [Commercial General Liability and automobile] CGL coverage applicable to its operations under such permits;

(B) certifies that it has a self-insurance program in place that satisfies the requirements contained in subparagraph (i) and will continue it for the life of the permit and the [g]Guarantee [p]Period, as defined in subparagraph (ii) of paragraph (16) of subdivision (e) of §2-11 of these rules;

(C) agrees to provide the same defense of any suit against the City that alleges facts that bring the suit within the scope of the coverage required in subparagraph (i) as an insurer would be obligated to provide under the laws of New York;

(D) submits a statement, signed by a person authorized to bind the applicant and acknowledged by a notary public, in which the applicant agrees to assume full liability for satisfying all obligations set forth in this [P]subparagraph 3[(vi), and

(E) provides the Department with the name and address of the office or official of its self-insurance program who is responsible for satisfying the self insurance obligations.

(vii) The permittee shall maintain insurance throughout the Guarantee Period, as defined in subparagraph (ii) of paragraph (16) of subdivision (e) of section 2-11 of these rules, satisfying the requirements in subparagraph (i) of this

paragraph and providing coverage to protect the City[, the Department] and the applicant from all claims for property damage and/or bodily injury, including death, which may arise from any defects discovered during such Guarantee Period.

(viii) The permittee shall notify in writing the [commercial general liability] CGL insurance carrier, and, where applicable, the worker's compensation and/or other insurance carrier, of any [such] loss, damage, injury, or accident, and any claim or suit arising [therefrom] from any operations performed by or on behalf of the permittee for which the Department has issued it a permit, immediately, but not later than 20 days after such event. The permittee's notice to the [commercial general liability] CGL insurance carrier must expressly specify that "this notice is being given on behalf of the City of New York[, the Department of Transportation] as Additional Insured[s] as well as [(the permittee)] the Named Insured." The permittee's notice to the insurance carrier shall contain the following information: the name of the permittee, the number of the permittee, the date of the occurrence, the location (street address and borough) of the occurrence, and the identity of the persons or things injured, damaged or lost.

(ix) The permittee shall indemnify, defend and hold the City [,the Department, its] and its officials and employees [and agents] harmless against any and all claims, liens, demands, judgments, penalties, fines, liabilities, settlements, damages, costs and expenses of whatever kind or nature (including, without limitation, attorneys' fees and disbursements), known or unknown, contingent or otherwise, allegedly arising out of or in any way related to the operations of the permittee and/or its failure to comply with any of the requirements set forth herein or [of the L]law. Insofar as the facts and law relating to any claim would preclude the City [, the Department, its] and its officials and employees [and agents] from being completely indemnified by the permittee, the City[, the Department,] and its officials and employees [and agents] shall be partially indemnified by the permittee to the fullest extent provided by law.

(x) A failure by the City [of New York] or the Department to enforce any of the foregoing requirements shall not constitute a waiver of such requirement or any other requirement.

STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULE

The Commissioner of the Department of Transportation is authorized to regulate work taking place on City streets and sidewalks pursuant to section 2903 of the New York City Charter and Title 19 of the New York City Administrative Code.

Paragraph (3) of subdivision (a) of section 2-02 is being amended to set forth an industry standard ISO form which provides a reference for permit applicants and their brokers and insurers as to what would constitute sufficient insurance coverage to cover the liability assumed by the permit applicant when obtaining a permit. This amendment also eliminates the requirement for specific notice endorsements for most permit applicants to reduce burdens that small businesses may face in procuring insurance that includes the specific notice endorsements. In addition, this amendment provides minor corrections and clarifications of the rule relating to insurance requirements.

Notice of Opportunity to Comment on Proposed Amendments to the Rules on Fees for Overdimensional Truck Permits.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of the Department of Transportation by subdivision (a) of Section 2903 of the New York City Charter, Title 19 of the Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Transportation proposes to amend subdivision (b), paragraph 17 of Section 4-15 of Chapter 4 of Title 34 of the Official Compilation of the Rules of the City of New York, the Traffic Rules. Matter underlined is new; matter in [brackets] is deleted. The proposed amendment to section 4-15 was included in DOT's regulatory agenda.

Written comments regarding the proposed rule may be sent to Dorothy Roses, Executive Director, Management Support Services, Division of Bridges, 2 Rector Street, New York, NY 10006 by May 1, 2009. A public hearing shall be held on May 1, 2009 at 40 Worth Street, Room 1015, New York, NY at 10:00 A.M. Persons seeking to testify are requested to notify Dorothy Roses at the address stated above. Persons who need a sign language interpreter or other accommodation for a disability at the hearing are asked to notify Dorothy Roses at the foregoing address by April 24, 2009. Persons interested in receiving comments may request them by writing to: Department of Transportation, Record Access Office, 40 Worth Street, New York, N.Y. 10013. Janette Sadik-Khan, Commissioner.

Section one. Paragraph (17) of subdivision (b) of section 4-15 of Title 34 of the Rules of the City of New York is amended to read as follows:

(17) Fees. An administrative fee of [\$25.00] \$35.00 shall be charged for each and every permit issued under this subdivision (b) unless otherwise provided by law. This fee shall not be refundable and is payable in addition to any other fees or charges provided for under the rules of the Department of Transportation.

STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULE

The Commissioner of Transportation is authorized to promulgate rules regarding parking and traffic in the City pursuant to Section 2903 of the New York City Charter.

Section 4-15 is being amended to increase the fees collected for overweight and overdimensional truck permits. The fee

currently charged by the Department no longer accurately reflects administrative and labor costs incurred in processing these permits.

SPECIAL MATERIALS

COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., RM 629, New York, NY 10007 on April 28, 2009 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
3	3491	19
3A	3491	19
4	3491	20
5	3491	41
6	3491	81

Acquired in the proceeding, entitled: SOUTH BEACH BLUEBELT, PHASE 1 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.
Comptroller

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

Address	Application #	Inquiry Period
3 Hamilton Terrace, Manhattan	19/09	March 3, 2006 to Present
255 West 21st Street, Manhattan	20/09	March 3, 2006 to Present
256 West 97th Street, Manhattan	21/09	March 12, 2006 to Present
a/k/a 256-258 West 97th Street		
2651 Broadway, Manhattan	22/09	March 12, 2006 to Present
a/k/a 230 West 101st Street		
875 Park Avenue, Manhattan	23/09	March 13, 2006 to Present

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

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

m27-a6

POLICE

NOTICE

The New York City Police Department (NYPD) is currently accepting applications for permits for the 2009 Arterial Tow Program selection process. Applications are available and may be picked up from May 4, 2009 to May 18, 2009 between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at 315 Hudson Street, 3rd Floor, New York, NY 10013. Or you may download applications by visiting the City Record Website <http://a856-internet.nyc.gov/nycvendoronline/VendorShort/asp/VendorMenu.asp> and follow the links to NYPD solicitations. Note: The applications will not be available for download until May 4, 2009. Completed applications will be accepted from July 6, 2009 to July 10, 2009 between the hours of 9:00 A.M. and 5:00 P.M. at 315 Hudson Street, 3rd Floor, New York, NY 10013. Completed applications are due no later than July 10, 2009 at 5:00 P.M. Any inquiries regarding this solicitation must be directed to Mr. Frank Bello, Agency Chief Contracting Officer, NYPD Contract Administration Unit, **via email at frank.bello@nypd.org or via fax at (646) 610-5129** on or before May 18, 2009.

a1-m18

READER'S GUIDE

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

NOTICE TO ALL NEW YORK CITY CONTRACTORS

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

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

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

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

VENDOR ENROLLMENT APPLICATION

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

- Online at <http://nyc.gov/selltonyc>
- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

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

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

SELLING TO GOVERNMENT TRAINING WORKSHOP

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

PRE-QUALIFIED LIST

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

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

NON-MAYORAL ENTITIES

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

PUBLIC ACCESS CENTER

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

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

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

PROMPT PAYMENT

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

PROCUREMENT POLICY BOARD RULES

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

COMMON ABBREVIATIONS USED IN THE CR

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

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

KEY TO METHODS OF SOURCE SELECTION

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

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

- NA/9 New contractor needed for changed/additional work
- NA/10 Change in scope, essential to solicit one or limited number of contractors
- NA/11 Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F Federal
- IG/S State
- IG/O Other
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A Life
- EM/B Safety
- EM/C Property
- EM/D A necessary service
- AC **Accelerated Procurement/markets with** significant short-term price fluctuations
- SCE **Service Contract Extension/insufficient time;** necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a anti-apartheid preference
- OLB/b local vendor preference
- OLB/c recycled preference
- OLB/d other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

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

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

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

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

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

☛ m27-30

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

NUMBERED NOTES

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