



# THE CITY RECORD

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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### QUEENS BOROUGH PRESIDENT

#### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on **Thursday, July 24, 2008** 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.

**CD03 - BSA #164-99 BZ** - IN THE MATTER of an application submitted by Gerald J. Caliendo, RA, AIA, on behalf of Ivan Douque, pursuant to Sections 11-411& 73-244 of the NYC Zoning Resolution, to re-open, extend term and amend previously approved plan of a special permit allowing an existing entertainment and dancing establishment (U.G.12) in a C2-3/R6 district located at 79-03 Roosevelt Avenue, Block 1290, Lot 46, Zoning Map 19d, Jackson Heights, Borough of Queens.

**CD 02 - ULURP #080276 MMQ** - IN THE MATTER of an application submitted by the NYC Economic Development Corporation and the NYC Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the NYC Charter and Section 5-430 et. Seq. of the NYC Administrative Code for an amendment to the City map involving:

- A change in the street system;
- the establishment of a park and park additions; and the delineation of permanent sewer corridors within an area bounded by 50th Avenue, 2nd Street, the U.S. Pierhead Line at Newtown Creek and the East River;
- the elimination of portions of 48th Avenue between Vernon boulevard and 21st Street;
- the elimination, discontinuance and closing of a portion of Vernon Boulevard and the establishment of a Public Place between 50th and 51st Avenues;
- the adjustment of grades necessitated thereby, and any acquisition or disposition of real properties related thereto,

Zoning Map 8d, Hunters Point, Borough of Queens.

(Related Applications: 080362 ZMQ, 080363 ZRQ, 080364 PCQ, 080365 HAQ)

**CD 02 - ULURP #080362 ZMQ** - IN THE MATTER of an application submitted by the NYC Economic Development

Corporation and the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map Section No. 8d:

1. changing from an M1-4 District to an R7-3 District property bounded by 54th Avenue, a line 530 feet easterly of 2nd Street, the U.S. Pierhead and Bulkhead Line, and 2nd Street and its southerly centerline prolongation;
2. changing from an M3-1 District to an R10 District property bounded by the southerly street line of 50th Avenue and its westerly prolongation, 2nd Street and its southerly centerline prolongation, the U.S. Pierhead and Bulkhead Line, and the U.S. Pierhead Line;
3. establishing within a proposed R7-3 District a C2-5 District bounded by 54th Avenue, a line 75 feet easterly of 2nd Street and its southerly centerline prolongation, a line 695 feet southerly of 54th Avenue, and 2nd Street and its southerly centerline prolongation;
4. establishing within a R10 District a C2-5 District bounded by:
  - a. the southerly street line of 50th Avenue and its westerly prolongation, a line 75 feet easterly of Center Boulevard\*, 51st Avenue\*, and Center Boulevard\*;
  - b. the southerly street line of 50th Avenue, 2nd Street, 51st Avenue\*, and a line 75 feet westerly of 2nd Street;
  - c. a line 105 feet northerly of Borden Avenue\*, 2nd Street, 51st Avenue\*, and a line 75 feet westerly of 2nd Street;
  - d. a line 118 feet northerly of 54th Avenue\*, and Center Boulevard\*;
  - e. 54th Avenue\*, a line 75 feet easterly of Center Boulevard\*, 55th Avenue\*, and Center Boulevard\*;
  - f. the southerly boundary line of a park\* and its easterly prolongation, 2nd Street, 56th Avenue\*, and a line 75 feet westerly of 2nd Street; and
  - g. the southerly boundary line of a park\* and its westerly prolongation, a line 75 feet southeasterly of Center Boulevard\*, 57th Avenue\*, and Center Boulevard\*;
5. establishing a Special Hunters Point South District ("SHP") bounded by the southerly street line of 50th Avenue and its westerly prolongation, 2nd Street, 54th Avenue; a line 530 feet easterly of 2nd Street, the U.S. Pierhead and Bulkhead Line, and the U.S. Pierhead Line;

Hunters Point, Community District 2, Borough of Queens.

\*Note: Several streets are proposed to be demapped and new streets and parks are proposed to be established under a concurrent application C 080276 MMQ for a change in the City Map.

(Related Applications: 080276 MMQ, 080363 ZRQ, 080364 PCQ, 080365 HAQ)

**CD 02 - ULURP #080364 PCQ** - IN THE MATTER of an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the NYC Charter for the acquisition of property located at 2nd Street (Block 1, Lots 1 and 10; Block 5, Lot 1; Block 6, Lots 1,2 and 14) the bed of 54th Avenue between 2nd Street and the East River; and the bed of 55th Avenue between 2nd Street and the East River, Zoning Map No. 8d, Hunters Point, Borough of Queens.

(Related Applications: 080276 MMQ, 080362 ZMQ, 080363 ZRQ, 080365 HAQ)

**CD 02 - ULURP #080365 HAQ** - IN THE MATTER of an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 2nd Street (Block 1, Lot 1), 2nd Street (Block 1, Lot 10), 54-02 2nd Street (Block 5, Lot 1), 51-20 & 24, and 52-50 2nd Street (Block 6, Lots 1, 2 and 14) and demapped portions of 54th & 55th Avenues, as an Urban Development Action Area: and
  - b) an Urban Development Action Area Project for such area: and
- 2) pursuant to Section 197-c of the NYC Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of Hunters Point South, a mixed-use development, Zoning Map 8d, Hunters Point, Borough of Queens.

(Related Applications: 080276 MMQ, 080362 ZMQ, 080363 ZRQ, 080364 PCQ)

◀ jy18-24

## CITY COUNCIL

### ■ PUBLIC HEARINGS

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

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Monday, July 21, 2008:

#### PIER A LEASE

**MANHATTAN CB-1** **20095017 PNM**  
Application pursuant to Section 1301(2)(f) of the New York City Charter concerning the proposed maritime lease at Pier A in Manhattan between the Department of Small Business Services and Battery Park City Authority.

jy11-21

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

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 9:30 A.M. on Monday, July 21, 2008:

#### ST. ANN'S AVENUE DEVELOPMENT

**BRONX CB - 1** **C 050018 ZMX**  
Application submitted by Ebling Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c:

1. changing from an M1-1 District to an R7X District property bounded by East 159th Street, Eagle

Avenue, East 156th Street, and St. Ann's Avenue; and

- 2. establishing within the proposed R7X District a C2-3 District bounded by East 159 Street, a line 100 feet southeasterly of St. Ann's Avenue, East 156th Street, and St. Ann's Avenue,

as shown on a diagram (for illustrative purposes only) dated March 24, 2008.

LEADER HOUSE

MANHATTAN CB - 7 N 050402 ZRM Application submitted by Leader House Associates, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York concerning Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), relating to ownership provisions within the former West Side Urban Renewal Area.

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

ARTICLE VII ADMINISTRATION

Chapter 8: Special Regulations Applying to Large-Scale Residential Developments

\*\*\*

78-06 Ownership

- (a) Except as otherwise provided in this Section, any #large-scale residential development# for which application is made for an authorization or special permit or modification thereto in accordance with the provisions of this Chapter shall be on a tract of land that at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. Except as otherwise provided in this Section, no authorization or special permit or modification thereto, shall be granted for such #development# unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #development#) of, or executed a binding sales contract for, all of the property comprising such tract.

~~(b) Except as otherwise provided in paragraph (c) of this Section with respect to a #large-scale residential development# within an urban renewal area or former urban renewal area, for any #large-scale residential development# located in the Community District(s) listed in this paragraph, the owner(s) of a vacant parcel(s) may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), provided that such modification does not:~~

- ~~(1) result in the distribution of #floor area# from any #zoning lot# not coextensive with or included within such parcel(s); or~~
- ~~(2) increase the total allowable #floor area# on any #zoning lot# included within such parcel(s) beyond that amount permitted by the applicable district regulations.~~

~~Such modifications may include the withdrawal of such parcel(s) from the boundaries of the #large-scale residential development#, provided that such modification would not create a non-compliance within the #large-scale residential development#.~~

Table with 2 columns: Community District, Borough. Row 1: CD 7, Queens

(b) Notwithstanding the provisions of paragraph (a) of this Section, the following actions shall be permitted:

- (e) (1) When a #development# is part or all of a designated urban renewal project, the City's urban renewal agency, or a person authorized by such agency, may make application for and may be granted authorizations or special permits under the provisions of this Chapter, even though such #large-scale residential development# does not meet the ownership requirements set forth elsewhere in paragraph (a) of this Section. All parcels comprising such #large-scale residential development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.
- (2) In the event that the urban renewal plan has expired, the owner(s) of a vacant parcel(s) within such #large-scale residential development#, if located in a former urban renewal area listed in this paragraph, (e) (b)(2), may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), pursuant to and subject to the ~~limitations—conditions~~ of paragraph (b)(5) of this Section.

Table with 3 columns: Former Urban Renewal Area, Community Board, West Side Urban Renewal Area. Row 1: CD7, Manhattan

(3) The owner(s) of a developed parcel(s) within a #large-scale residential development# located in a former urban renewal area listed in paragraph (b)(2), where at least 50 percent of such parcel(s) is located within a C1-9 or C2-8 District, may make application for, and may be granted, modifications of authorizations or special permits previously granted under the provisions of this Chapter, in order to utilize available #floor area# for #commercial# or #community facility uses#, subject to the conditions of paragraph (b)(5) of this Section and provided further that:

- (i) no #residential use# existing prior to (date of enactment) located above the level of the ground floor may be changed to a non-#residential use#;
- (ii) the #enlarged# portion of the #building# shall be restricted to #community facility uses# and #commercial uses# listed in Use Groups 6A, 6C and 6F, provided that any ground floor #community facility use#, and any bank or loan office shall occupy not more than 25 feet of the #wide street# frontage, measured to a depth of 30 feet from the #wide street line#, and no #community facility use# shall be permitted above the level of the second #story# ceiling;
- (iii) any #enlargement# fronting upon Columbus or Amsterdam Avenue shall contain a number of establishments, such that the entire #block# front on Columbus or Amsterdam Avenue shall contain no fewer than three establishments, each with a separate entrance on Columbus or Amsterdam Avenue. The Columbus or Amsterdam Avenue frontage of any one such establishment shall not exceed 100 feet;
- (iv) the ground floor street wall of an #enlargement# located within C1-9 or C2-8 Districts shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor street wall, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area;
- (v) required #open space# with appropriate circulation, seating, lighting and plantings shall be accessible and usable by all residents of the #development#;
- (vi) a plan, including elevations, shall be submitted showing the proposed #building(s)# and modification, and #open space#; and
- (vii) the #enlargement# enhances the streetscape and the design promotes a harmonious relationship with the existing #development# and contiguous blocks within the #large-scale residential development#.

In addition, any significant adverse impacts resulting from a #development# or #enlargement# pursuant to such modifications, considered in combination with #developments# or #enlargements# within the same former urban renewal area listed in paragraph (b)(2), previously the subject of modifications under this paragraph, (b)(3), shall have been avoided or minimized to the maximum extent practicable by incorporating as conditions to the modification those mitigative measures that have been identified as practicable.

The provisions of paragraphs (b)(3)(i) and (b)(3)(iii) shall not apply to #enlargements# of #community facility uses# and bank or loan offices existing prior to (date of enactment), provided that such #enlargement# does not increase existing street frontage on Columbus or Amsterdam Avenues by more than ten feet.

An application filed pursuant to this paragraph, (b)(3), shall be referred to the affected Community Board, and the Commission shall not grant any modification of an authorization or special permit pursuant thereto prior to 45 days after such referral.

(4) For any #large scale residential development# located in the Community District(s) listed in this paragraph, (b)(4), the owner(s) of a vacant parcel(s) may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5).

Table with 2 columns: Borough, Community District. Row 1: Queens, Community District #7

(5) Modifications of authorizations or special permits previously granted under the provisions of this Chapter, as permitted in paragraphs (b)(2), (b)(3) and (b)(4) of this Section, shall not:

- (i) result in the distribution of #floor area#

from any #zoning lot# not coextensive with or included within such parcel(s); or

- (ii) increase the total allowable #floor area# on any #zoning lot# included within such parcel(s) beyond that amount permitted by the applicable district regulations.

Such modifications may include the withdrawal of such parcel(s) from the boundaries of the #large scale residential development#, provided that such modification would not create a #non-compliance# within the #large-scale residential development#.

- (d) (6) When a #residential large-scale residential development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, other than the City's urban renewal agency, or its agent, having the power of condemnation, authorizations or special permits may be applied for and may be granted under the provisions of this Chapter, even though such #large scale residential development# does not meet the ownership requirements set forth elsewhere in this Section.

\*\*\*

CARROLL GARDENS

BROOKLYN CB - 6 N 080345 ZRK

Applicatin submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning the modification of bulk regulations in Articles II and III, relating to certain narrow streets in Community District 6.

Matter Underlined is new, to be added; Matter in ~~Strikeout~~ is old, to be deleted; Matter within # is defined in Section 12-10; \*\*\* indicate where unchanged text appears in the Zoning Resolution

\*\*\*

23-10 OPEN SPACE AND FLOOR AREA REGULATIONS

\*\*\*

23-145 For residential buildings developed or enlarged pursuant to the Quality Housing Program

R6 R7 R8 R9 R10 In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for any #residential building# on a #zoning lot developed# or #enlarged# pursuant to the Quality Housing Program shall be as set forth in the following table and the maximums for #developments#, or #enlargements# where permitted, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO FOR QUALITY HOUSING BUILDINGS (in percent)

Table with 4 columns: District, #Corner Lot#, #Interior Lot# or #Through Lot#, Maximum #Floor Area Ratio#. Rows include R6, R6\*\*, R6\* R6A R7B, R6B, R7, R7\* R7A R7D, R7X, R8 R8A R8X, R8\*, R8B, R9 R9A, R9X, R10

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying #floor area# and open space regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

\*\*\*

23-20 DENSITY REGULATIONS

\*\*\*

23-22 Maximum Number of Dwelling Units or Rooming Units

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum number of #dwelling units# or #rooming units# shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. In R1 through R5 Districts, no #rooming units# shall be permitted and any #dwelling unit# shall be occupied by only one #family#. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

For the purposes of this Section, where a #floor area ratio# is

determined pursuant to Sections 23-142 or 23-143, notwithstanding the #height factor# of the #building#, the maximum #residential floor area ratio# shall be 2.43 in an R6 District within 100 feet of a #wide street#, 3.44 in an R7 District, and 6.02 in an R8 District. In an R6 District beyond 100 feet of a #wide street#, the maximum #residential floor area ratio# shall be as specified in Sections 23-142 or 23-143, or 2.2, whichever is greater.

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying density regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

FACTOR FOR DETERMINING MAXIMUM NUMBER OF DWELLING UNITS OR ROOMING UNITS

District	Factor for #Dwelling Units#	Factor for #Rooming Units#
R1-1	4,750	
R1-2	2,850	
R2, R2A	1,900	
R2X	2,900	
R3-1 R3-2*	625	
R3A	710	
R3-2 R4 R4-1 R4B	870	
R3X	1,000	
R4A	1,280	
R4** R5** R5B	900	
R5, R5D	760	
R5A	1,560	
R5B***	1,350	
R6 R7 R8B	680	500
R8 R8A R8X R9 R9A	740	530
R9-1 R9X R10	790	600

\* for #single# and #two-family detached# and #semi-detached residences#  
 \*\* for #residences# in a #predominantly built-up area#  
 \*\*\* for #buildings# subject to the provisions of Section 25-633 (Prohibition of curb cuts in certain districts)

23-60 HEIGHT AND SETBACK REGULATIONS

23-67 Special Provisions Relating to Specified Streets

23-671 Special Provisions for Zoning Lots Directly Adjoining Public Parks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
 In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 23-63 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

23-672 Special provisions for certain streets in Community District 6 in the Borough of Brooklyn

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

24-57 Modifications of Height and Setback Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10  
 In all districts, as indicated, for certain #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-51 to 24-55, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

35-24 Special Street Wall Location and Height and Setback Regulations in Certain Districts

TABLE B HEIGHT AND SETBACK FOR BUILDINGS IN NON-CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Building Height
C1 or C2 mapped in R6** C4-2** C4-3**	30	45	55
C1 or C2 mapped in R6* inside Core*** C4-2* inside Core*** C4-3* inside Core***	40	55	65
C1 or C2 mapped in R6* outside Core*** C4-2* outside Core*** C4-3* outside Core***	40	60	70

\* Refers to that portion of a district which is within 100 feet of a #wide street#  
 \*\* Refers to that portion of a district on a #narrow street#, except within a distance of 100 feet from its intersection with a #wide street#  
 \*\*\* Core refers to #Manhattan Core#.

Note: In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

EAST RIVER WATERFRONT

**MANHATTAN CBs - 1 and 3 N 080358 ZRM**  
 Application submitted by the Department of Small Business Services pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning Section 62-416 (Special regulations for zoning lots that include parks) relating to the East River Waterfront Esplanade and Piers Project in Community Districts 1 and 3, in the Borough of Manhattan.

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

ARTICLE VI SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2 Special Regulations Applying in the Waterfront Area

62-40 REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS

62-416 Special regulations for zoning lots that include parks

- (a) In M2 and M3 Districts as permitted in Section 62-27 (Special Use Regulations for Public Parks, Playgrounds or Private Parks), where a #zoning lot# or adjoining #zoning lots# are #predominantly developed# as a park, the requirements of Section 62-41, inclusive, and Section 62-60 shall be deemed satisfied for that portion of the #zoning lots# occupied by such park #use#, provided that:
  - (a)(1) such park is comprised of a minimum of nine acres of land above water and the #water coverage# of #piers# or #platforms#, located on the #zoning lot# or the #zoning lot# and adjoining #zoning lots#, having at least 600 feet of #shoreline#;
  - (b)(2) such park provides a continuous paved walkway along the entire portion of the #zoning lots# occupied by such #use# with a minimum clear width of no less than 12 feet, within 40 feet of the #shoreline# for at least 75 percent of those portions of the park that abut the #shoreline#;
  - (c)(3) such walkway connects with all other #shore public walkways# on the #zoning lot# and adjoining #zoning lots# and any adjoining public sidewalks or other pedestrian areas within #pier# public access areas, a public #street#, #public park#, other public place or park;
  - (d)(4) such walkway shall be open and accessible from #pier# public access areas, a public #street#, park or other public place at intervals over the length of the park, not exceeding 1,000 feet with an average of 600 feet, by a continuous paved walkway with a minimum clear width of not less than 10 feet;
  - (e)(5) such park is open and accessible to the public from dawn to dusk, except when hazardous conditions are present that would affect public safety;
  - (f)(6) a maintenance and operation agreement providing for the maintenance and operation of the park in good condition is entered into with the Department of Parks and Recreation (DPR), except that no such maintenance and operation agreement shall be required for a park developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such a park; and
  - (g)(7) #visual corridors# shall be provided in accordance with Section 62-42 (Requirements for Visual Corridors).

Any maintenance and operation agreement required pursuant to paragraph (a)(6) of this Section shall include a requirement that prior to obtaining any building permit or opening any portion of the park to the public, the property owner or operator of the park shall post with DPR security in the form of a maintenance bond, letter of credit or other security acceptable to DPR, in an amount certified by a registered architect or landscape architect to be sufficient to cover 125 percent of the cost of maintaining the park for a 12 month period following its final completion, and that such security shall be replaced every five years with new security in an amount sufficient to cover 125 percent of the then current annual cost of maintaining the park, as certified by a registered architect or landscape architect, for the life of the park. Any maintenance and operation agreement shall be attached to or included within a duly recorded, signed declaration of restrictions, indexed against the #zoning lot#, binding the owners and any lessees, tenants, successors and assigns to maintain and operate the park in conformance with this Section and with the maintenance and operation agreement for the life of the park. The filing of such declaration, where required, shall be a precondition to certification pursuant to paragraph (e) of Section 62-711.

Any portion of a #zoning lot# that is not #developed# for a park #use# shall be subject to all of the requirements of Sections 62-40 and 62-60. For purposes of determining obligations pursuant to this Section, such portions of a #zoning lot# not used for park purposes shall be treated as a separate #zoning lot# or separate #zoning lots#, except that the entire #zoning lot#, including the portion used for park purposes, shall be considered in determining #lot area# for purposes of Section 62-411 (Requirements for shore public walkways).

(b) In order to implement the East River Waterfront Esplanade and Piers Project described in the Final Environmental Impact Statement (FEIS) dated May 18 2007, of the Lower Manhattan Development Corporation and the record of decision (ROD) adopted by such corporation on November 7, 2007 (the ERW Project), in C2-8, C4-6, C6-4 and M1-4 Districts located in Manhattan Community Districts 1 and 3, for #zoning lots predominantly developed# as publicly accessible open space under the ERW Project, the Chairperson shall allow for the phased implementation of such publicly accessible open space, and the requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS), inclusive, and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA), inclusive, shall be deemed satisfied, provided that:

(1) the application for certification pursuant to Section 62-711 for any such phase(s) includes a report demonstrating that:

(i) a site plan of the design of the publicly accessible open space in such phase(s) has been shown by the applicant to the affected Community Boards and Council Member(s) and such Community Boards and Council Member(s) have had at least 45 days to review such plan;

(ii) any comments and recommendations of the affected Community Boards and Council Member(s) have been considered by the applicant, and such report includes a response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall address how the design has been modified;

(iii) the publicly accessible open space in such phase(s) will be open and accessible to the public at a minimum from dawn to dusk, except when hazardous conditions are present that would affect public safety; and

(iv) a maintenance and operation agreement providing for the maintenance and operation of the publicly accessible open space in such phase(s) in good condition is entered into with the DPR, except that no such maintenance and operation agreement shall be required for a publicly accessible open space developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such publicly accessible open space; and

(2) the site plan of the design for the publicly accessible open space phase(s) in such application is determined by the Chair to be in substantial compliance with the ERW Project as described in the FEIS and ROD.

No excavation or building permit shall be issued for #development# under any phase for publicly accessible open space under the ERW Project certified pursuant to Section 62-711 in accordance with this paragraph until all applicable federal, state and local permits and approvals have been received with respect to such phase, including, without limitation, permits and approvals of the New York State Department of Environmental Conservation.

**The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Monday, July 21, 2008:**

**The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 1:00 P.M. on Monday, July 21, 2008:**

HERITAGE HOUSE

**MANHATTAN CB - 11 C 080195 HAM**  
 Application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 50, 52, 54, 56, 58 and 60 East 131st Street (Block 1755, Lots 45-49 and 146), as an

Urban Development Action Area; and

- b. an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a six-story building, tentatively known as Heritage House, with approximately 40 residential units, to be developed under the Department of Housing Preservation and Development's Cornerstone Program.

**BROOKLYN CB - 4 20095009 HAK**

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Article 11 of the Private Housing Finance Law, for a modification to a previously approved Urban Development Action Area Project and related tax exemption located at 295 Jefferson Street (Block 3166/Lot 52), Council District No. 4, Borough of Brooklyn.

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

1. Find that the present status of the listed area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

NON-ULURP NO.	ADDRESS	BLOCK/LOT	BORO	COMMUNITY PROGRAM	BOARD
20095001 HAX	665 Jefferson Place	2936/65	Bronx	Asset Sales	03
20095002 HAX	667 Jefferson Place	2935/64	Bronx	Asset Sales	03
20095003 HAK	332 Eldert Street	3419/24	Brooklyn	Asset Sales	04
20095004 HAK	38 Martense Street	5089/20	Brooklyn	Asset Sales	14
20095005 HAK	72, 74 Lott Street	5127/15,16	Brooklyn	Asset Sales	17
20095006 HAQ	76-04 Little Neck Parkway	8505/38	Queens	Asset Sales	13
20095007 HAQ	39-22 29th Street	398/33	Queens	Asset Sales	01
20095008 HAQ	218-14 103rd Avenue	11107/31	Queens	Asset Sales	13

jy15-21

**NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:**

**The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 9:30 A.M. on Monday, July 21, 2008:**

**HUDSON YARDS**

**MANHATTAN CB - 4 N 080184 (A) ZRM**

A revised application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), concerning Article IX, Chapter 6 (Special Clinton District), and concerning Article VIII, Chapter 1 (Special Midtown District).

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

**Article VIII - Special Purpose Districts**

**Chapter 1 Special Midtown District**

\* \* \*

**81-741 General provisions**

\* \* \*

- (d) Additional floor area bonuses

All #developments# located on the west side of Eighth Avenue between 42nd and 45th Streets within the Theater Subdistrict may receive an increase in #floor area# pursuant to Section ~~96-21 (Floor Area Increase)~~ 96-22 (Special Regulations for Eighth Avenue Perimeter Area) for those #developments# complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING).

\* \* \*

**Article IX - Special Purpose Districts**

**Chapter 3 Special Hudson Yards District**

\* \* \*

**93-05 Applicability of District Regulations**

\* \* \*

**93-054 Applicability of Chapter 4 of Article VII**

\* \* \*

**93-055 Modification of use and bulk regulations for zoning lots bounding Hudson Boulevard Park**

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public parks# located between West 35th Street, Hudson Boulevard East, West 33rd Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard West for the purposes of applying all #use# and #bulk# regulations of this Resolution.

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public park# located between West 39th Street, Tenth Avenue, West 38th Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard East and West, as applicable, for the purposes of applying all #use# and #bulk# regulations of this Resolution.

\* \* \*

**93-14 Retail Continuity and Glazing Requirements Along Designated Streets**

Map 2 (Mandatory Ground Floor Retail and Glazing) in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the building's #street# frontage, as indicated on Map 2.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying zoning district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the building's total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

For any new #development# or #enlargement# on such designated ~~retail~~ #streets#, each ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. For #developments# or #enlargements# fronting upon Hudson Boulevard that are adjacent to existing #buildings# located within the Hudson Boulevard #street# bed or #public park#, the Hudson Boulevard #street wall# of such new #development# or #enlargement# shall be designed in a manner that will enable the glazing requirements of this section to be met upon demolition of the #buildings# within such #street# bed or #public park#, and, within six months of such demolition, such glazing requirements shall be complied with.

The provisions of this Section shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

\* \* \*

**93-20 FLOOR AREA REGULATIONS**

\* \* \*

**93-223 Maximum floor area ratio in Hell's Kitchen Subdistrict D**

- (a) Subareas D1 and D2

In Subareas D1 and D2 of Hell's Kitchen Subdistrict D, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32. The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, as follows:

- (1) The #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase pursuant to Sections 93-31 or 93-32 there is a #floor area# increase of six square feet, pursuant to Section 23-90, as modified by Section 93-23.
- (2) Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31 or 93-32.

Furthermore, in Subarea D1, the #floor area ratio# on a #zoning lot# may exceed 13.0 only where the community facility #floor area ratio# is not less than the excess of such #floor area ratio# above 13.0.

\* \* \*

**93-30 SPECIAL FLOOR AREA REGULATIONS**

**93-31 District Improvement Fund Bonus**

In the #Special Hudson Yards District# and Area P-2 of the #Special Garment Center District#, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections 93-21, 93-22 or 121-31, as applicable, provided that instruments in a form acceptable to the City are executed and recorded ~~ensuring~~ and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

The Commissioner of Buildings shall not authorize the construction of any #development# or #enlargement# utilizing #floor area# bonused pursuant to this Section, including foundations with respect thereto, nor shall the construction of any bonused portion thereof be authorized, until the Chairperson has certified that the requirements of this Section have been met. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such bonused floor area.

~~Such~~ The contribution amount shall be \$100 per square foot of #floor area# as of January 19, 2005, and shall be adjusted by the Chairperson annually on July 1 of the following year and each year thereafter, . Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received, and contributions may be made only on days when the Hudson Yards Infrastructure Corporation (the "Corporation") is open for business and during business hours as specified by the Corporation.

The Commission may promulgate rules regarding the administration of this Section, and the Commission may also, by rule, adjust the contribution amount specified in the preceding paragraph to reflect changes in market conditions within the #Hudson Yards Redevelopment Area# if, in its judgment, the adjusted amount will facilitate the district-wide improvements that are consistent with the purposes of this Chapter and the purposes of the #Special Garment Center District#. The Commission may make such an adjustment by rule, not more than once a year.

For any such adjustment by rule decreasing the contribution amount, or increasing the contribution amount by more than the percentage change in the Consumer Price Index for all urban consumers, the following shall apply:

- (a) Such rule shall be effective for not more than two years; and
- (b) The Commission shall not publish the proposed rule pursuant to the City Administrative Procedure Act unless the City Council Land Use Committee and the Department of City Planning have jointly filed an application for a zoning text amendment under Section 201 of the New York City Charter, which would make such adjustment of the contribution amount permanently effective. The contribution amount established under such rule as finally adopted shall continue in effect with further adjustments based upon the Consumer Price Index for all urban consumers, until the next adjustment of the contribution amount pursuant to this Section.

~~Such contribution amount shall be payable or secured at the time foundation work has been completed and the Commissioner of Buildings shall not authorize any additional construction until the Chairperson has certified that payment has been made or adequate security therefore has been provided.~~

\* \* \*

**93-34 Distribution of Floor Area in the Large-Scale Plan Subdistrict A**

\* \* \*

- (b) Requirements for application

An application filed with the Chairperson of the Commission for the distribution of #floor area# by certification pursuant to paragraph (a) of this Section shall be made jointly by the owner of the #development# rights of the Eastern Rail Yards Subarea A1 and the receiving site and shall include:

- (1) a site plan and #floor area# zoning calculations for the receiving site; and
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yards Subarea A1.

~~Such~~ ~~N~~notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yards Subarea A1 and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit for any #development# or #enlargement# utilizing #floor area# distributed pursuant to this Section, including foundations with respect thereto, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such distributed #floor area#.

93-50 SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A THROUGH E

In Subdistricts A through E, the height and setback regulations set forth in Section 93-42 shall apply, except that such regulations are modified in certain locations as set forth in this Section.

(a) Recesses

Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to building entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 93-63.

Where #street walls# are required to extend along the entire #street# frontage of a #zoning lot#, no recesses shall be permitted within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines# except where corner articulation rules apply.

(b) Sidewalk Widening

Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening.

93-512 Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A

(a) Hudson Boulevard

For the purposes of this paragraph, (a), Hudson Boulevard shall be considered to be a #wide street#. The #street wall# of the #development# or #enlargement# shall be located on the Hudson Boulevard sidewalk widening line and extend along at least 70 percent of the length of the Hudson Boulevard frontage of the #zoning lot#.

Alternatively, for #zoning lots# that occupy the entire Hudson Boulevard #block# front, the Hudson Boulevard #street wall# may rise above a height of 120 feet without setback at the Hudson Boulevard sidewalk widening line, provided that:

- (1) the aggregate width of such #street wall# facing Hudson Boulevard does not exceed 100 feet;
(2) all other portions of the #building# that exceed a height of 120 feet are set back at least 25 feet from the Hudson Boulevard #street line# at a height not lower than 90 feet; and
(3) all portions of the #building# that exceed a height of 120 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

For the purposes of applying the #street wall# location and setback provisions of this paragraph to #developments# and #enlargements# fronting on the #public park# between West 28th and West 30th Streets, the #street lines# and sidewalk widening lines of Hudson Boulevard shall be prolonged northward to West 30th Street.

93-513 Four Corners Subarea A2

(a) Hudson Boulevard

The provisions of paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that the maximum base height shall be 150 feet, and, for the purposes of applying such #street wall# location and setback provisions to #developments# and #enlargements# fronting upon the #public park# between West 33rd and West 35th Streets, the westerly #street line# and sidewalk widening lines of Hudson Boulevard West shall be prolonged southward to West 33rd Street.

93-54 Special Height and Setback Regulations in Hell's Kitchen Subdistrict D

93-541 Height and setback in Subareas D1 and D2

(a) Tenth Avenue

(1) For #zoning lots# that do not occupy the entire Tenth Avenue #block# front, and for #zoning lots# that occupy the entire Tenth Avenue #block# front where existing #residential buildings# will remain, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire Tenth Avenue #street line#, except that 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 lines.

(2) For #zoning lots# that occupy the entire Tenth Avenue #block# front, and where no existing #buildings# fronting upon Tenth Avenue will remain, the #street wall# of the #development# or #enlargement# shall be located within 10 feet of the Tenth Avenue #street line# and extend along the entire Tenth Avenue frontage of the #zoning lot# and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet.

Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. Alternatively, for #zoning lots# that occupy the entire Tenth Avenue #block# front and no portion of any #building# is within 10 feet of the Tenth Avenue #street line#, the Tenth Avenue #street wall# may rise above 150 feet without setback, provided that:

- (i) the aggregate width of such #street wall# does not exceed 100 feet;
(ii) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet; and
(iii) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42, and
(iv) all portions of the Tenth Avenue #street wall# that do not exceed a height of 90 feet are located ten feet from the Tenth Avenue #street line#, except that recesses may be provided in accordance with the recess provisions of paragraph (a) of Section 93-50. Above a height of 90 feet, up to a height of 150 feet, any #street wall# facing Tenth Avenue shall be located no closer to Tenth Avenue than 10 feet.

(b) Hudson Boulevard

The regulations set forth in paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale

- (c) Midblocks between Tenth Avenue and Hudson Boulevard
The regulations set forth in paragraph (c) of Section 93-512 shall apply.
(d) Length of building wall
The maximum length of any #story# located above a height of 150 feet that faces north or south shall not exceed 100 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 150 feet. Any side of such rectangle from which perpendicular lines may be drawn to the nearest #narrow street line# shall not exceed 100 feet.
(e) Tower #lot coverage#
Where more than one tower on a #zoning lot# contains #residences#, the minimum #lot area# requirement of paragraph (c)(1) of Section 93-42 shall not apply to the highest 80 feet of at least half of the number of such towers.

93-542 Height and setback in Subareas D4 and D5

In Subareas D4 and D5 of Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

- (a) the rooftop regulations set forth in Section 93-41 shall apply to all #developments# or #enlargements#; and
(b) within the C2-5 District of Subarea D4, #commercial uses# shall be limited to two #stories# or a height of 30 feet, whichever is less.
(c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation.

93-55 Special Height and Setback Regulations in the South of Port Authority Subdistrict E

In the South of Port Authority Subdistrict E, for any #development# or #enlargement# on a #zoning lot# fronting on Eighth Avenue, the #street wall# of such #development# or #enlargement# shall be located on the Eighth Avenue sidewalk widening line and extend along the entire #street# frontage of the #zoning lot#. Such #street wall# shall rise without setback to a minimum height of 90 feet or the height of the #building#, whichever is less, and a maximum height of 120 feet. Above a height of 90 feet, no portion of the #development# or #enlargement# shall penetrate a #sky exposure plane# that begins at a height of 120 feet above the Eighth Avenue sidewalk widening line and #street lines# of West 39th Street and West 40th Streets, as applicable, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance except as provided below:

- (a) any portion of the #building# or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane#.
(b) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane#. In addition, a dormer, as listed in paragraph (c) of Section 23-62, may penetrate the #sky exposure plane#.

93-55 93-56 Special Permit for Modification of Height and Setback Regulations

93-65 Transit Easements

Any #development# or #enlargement# on a #zoning lot# that includes the locations listed below shall provide an easement for subway-related use and public access to the subway mezzanine or station:

- (a) The area bounded by Tenth Avenue, West 41st Street, a line 190 feet east of and parallel to Tenth Avenue, and a line 55 feet south of and parallel to West 41st Street. The entrance shall be accessed from Tenth Avenue.
(b) The area bounded by the western boundary of the #public park# between West 34th and West 35th Streets, West 34th Street, a line 40 feet west of and parallel to the western boundary of the #public park# between West 34th and West 35th Streets, and a line 75 feet north of and parallel to West 34th Street. The entrance shall be accessed from the #public park# between West 34th and West 35th Streets.
(c) The area bounded by Eleventh Avenue, West 36th Street, a line 90 feet east of and parallel to Eleventh Avenue, a line 50 feet south of and parallel to West 36th Street, a line 50 feet east of and parallel to 11th Avenue, and West 34th Street. The entrance

shall be accessed from West 36th Street or 11th Avenue within 50 feet of West 36th Street.

(d)(b) For any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue, the transit easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

\* \* \*

Article IX - Special Purpose Districts

Chapter 6 Special Clinton District

\* \* \*

96-20 PERIMETER AREA

#Developments# within the Perimeter Area shall be eligible for increased #floor area# only pursuant to Sections 96-21 (Special Regulations for 42nd Street Perimeter Area) or 96-22 (Special Regulations for Eighth Avenue Perimeter Area)...

\* \* \*

96-21 Special Regulations for 42nd Street Perimeter Area

The provisions of this Section shall apply to #developments# or #enlargements# located in all #Commercial Districts# within the area bounded by the following:

\* \* \*

(b) Floor area regulations

\* \* \*

(2) Floor area regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix B, the basic #floor area ratio# of any #development# or #enlargement# shall be 10.0. However, the #floor area ratio# of any #development# or #enlargement# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. For #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Legitimate Theater Use).

Where a transit easement volume is required on a #zoning lot# in Subarea 2, such easement volume may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Any such floor spaces occupied by such transit easement volume shall not count as #floor area#. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# to vacate the tenants of such temporary #uses#.

\* \* \*

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05) Map 1: Special Hudson Yards District, Subdistricts and Subareas

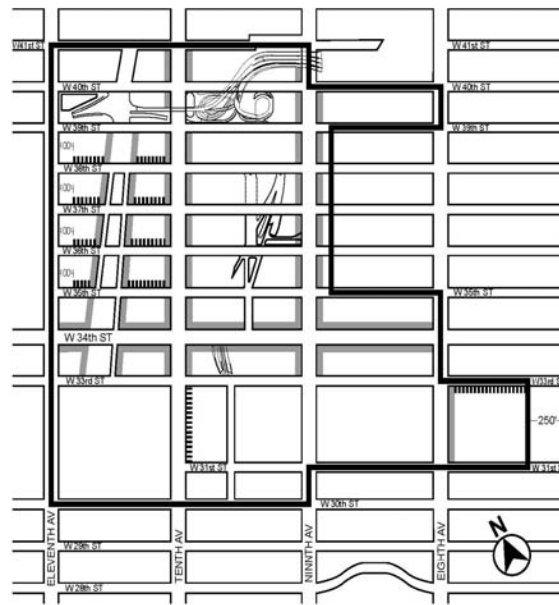


- Special Hudson Yards District
Subdistricts
Subareas within subdistricts
Phase 1 Hudson Boulevard and Park
Phase 2 Hudson Boulevard and Park
Large-Scale Plan Subdistrict A
Eastern Rail Yard Subarea A1
Four Corners Subarea A2
Subareas A3 through A5
Farley Corridor Subdistrict B
Western Blocks Subarea B1
Central Blocks Subarea B2
Farley Post Office Subarea B3
Pennsylvania Station Subarea B4
34th Street Corridor Subdistrict C
Hell's Kitchen Subdistrict D
Subareas D1 through D5
South of Port Authority Subdistrict E

EXISTING

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05) Map 2: Mandatory Ground Floor Retail

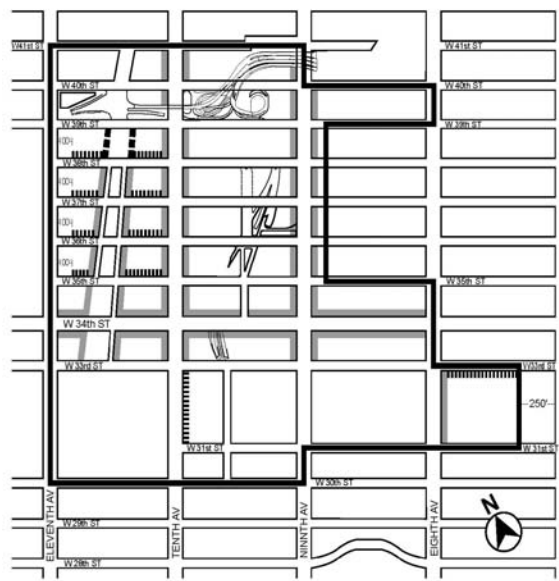


- Special Hudson Yards District
100% Retail Requirement
50% Retail Requirement

EXISTING

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05) Map 2: Mandatory Ground Floor Retail and Glazing Requirements



- Special Hudson Yards District
100% Retail and Glazing Requirement
50% Retail and Glazing Requirement
Glazing Requirement Only

PROPOSED

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05) Map 3: Mandatory Street Wall Requirements

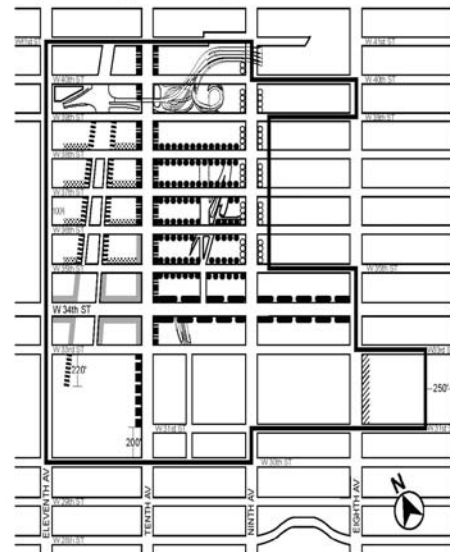


Table with 4 columns: Minimum Base Height, Maximum Base Height, Percentage of zoning lot street frontage that must be occupied by a street wall, and a legend for existing requirements.

EXISTING

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05) Map 3: Mandatory Street Wall Requirements

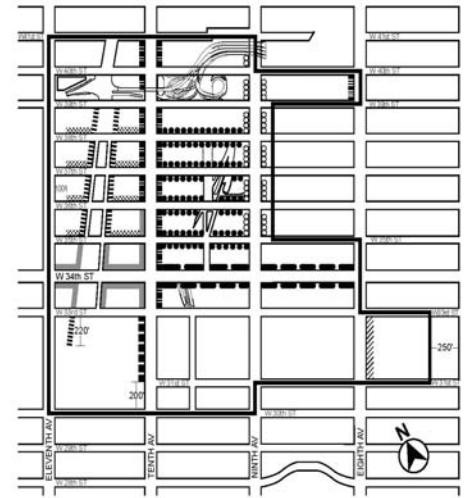
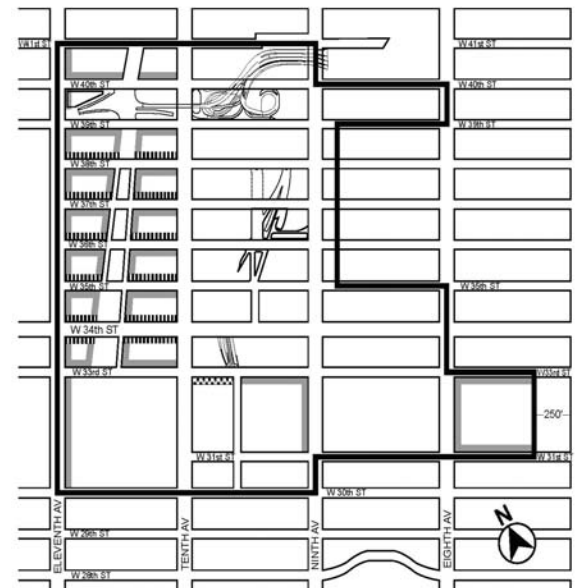


Table with 4 columns: Minimum Base Height, Maximum Base Height, Percentage of zoning lot street frontage that must be occupied by a street wall, and a legend for proposed requirements.

PROPOSED

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05) Map 4: Mandatory Sidewalk Widening

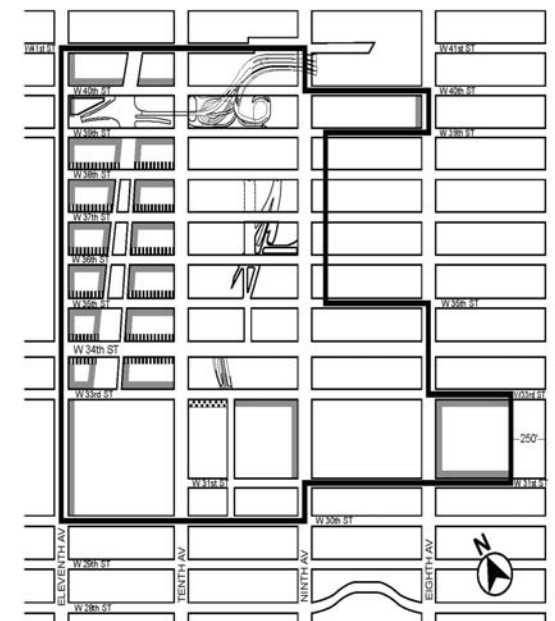


- Special Hudson Yards District
10' Sidewalk widening
5' Sidewalk widening
5' Sidewalk widening required if more than 75% of the total floor area existing on the zoning lot on January 19, 2005 is demolished

EXISTING

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05) Map 4: Mandatory Sidewalk Widening

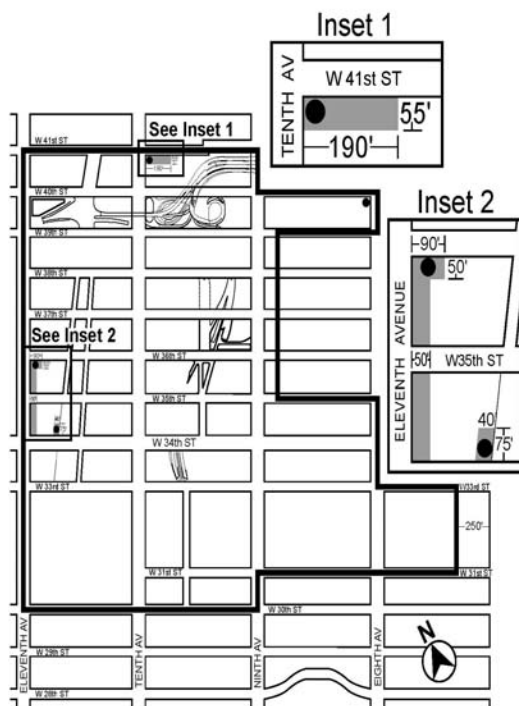


- Special Hudson Yards District
10' Sidewalk widening
5' Sidewalk widening
5' Sidewalk widening required if more than 75% of the total floor area existing on the zoning lot on January 19, 2005 is demolished

PROPOSED

**Special Hudson Yards District**

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05)  
Map 5: Transit Easements and Subway Entrances

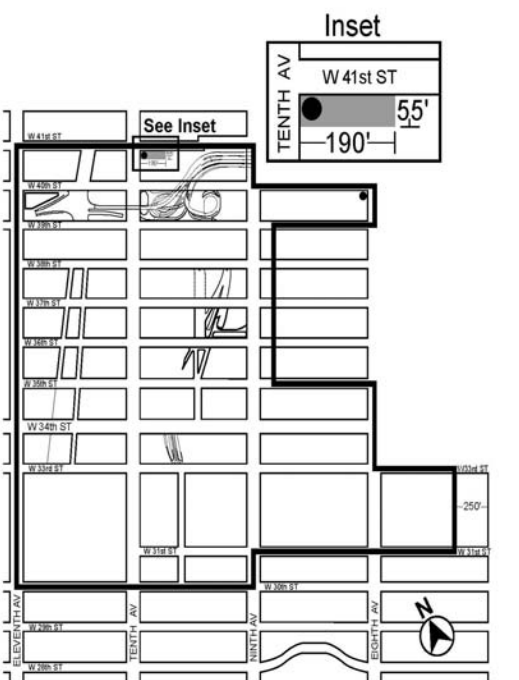


— Special Hudson Yards District  
 — Transit Easement  
 ● Subway Entrance

**EXISTING**

**Special Hudson Yards District**

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05)  
Map 5: Transit Easement and Subway Entrance



— Special Hudson Yards District  
 — Transit Easement  
 ● Subway Entrance

**PROPOSED**

jy15-21

**HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS**

**THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON WEDNESDAY, JULY 23, 2008, AT 10:30 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTER:**

**Advice and Consent**

- **M-1079**, Communication from the Queens Borough President submitting the name of Irwin G. Cantor for re-appointment as a member of the **New York City Planning Commission** ("CPC") pursuant to §§ 31 and 192(a) of the *New York City Charter*. Should Mr. Cantor receive the advice and consent of the Council, he will serve the remainder of a five-year term that expires on June 30, 2013.

**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.

Hector L. Diaz  
City Clerk, Clerk of the Council

jy17-23

**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, July 23, 2008, commencing at 10:00 A.M.

**BOROUGH OF BROOKLYN**  
No. 1  
**FULTON STREET BID**

**CD 2 N 080456 BDK**  
**IN THE MATTER OF** an application submitted by the Department of Small Business Services on behalf of the Fulton Street Business Improvement District pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, concerning the formation of the Fulton Street Business Improvement District.

**BOROUGH OF MANHATTAN**  
Nos. 2, 3 & 4  
**EAST 125TH STREET DEVELOPMENT**  
No. 2

**CD 11 C 080331 HAM**  
**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 2293 Third Avenue (Block 1789, Lot 46); East 125th Street to East 126th Street, from 2nd Avenue to 3rd Avenue (Block 1790, Lots 1, 3, 5, 6, 8, 12, 13, 20, 24, 25, 26-31, 40, 41, 44-46, 49, and 101); 2321 3rd Avenue (Block 1791, Lot 1); 2469 2nd Avenue (Block 1791, Lot 25); and 230 East 127th Street (Block 1791, Lot 34), Sites 13A, 12, 8A, and 9 of the Harlem-East Harlem Urban Renewal Area, as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a mixed use project, tentatively known as the East 125th Street Development, with residential, retail and publicly accessible open space.

**No. 3 C 080332 HUM**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the 15th amendment to the Harlem East Harlem Urban Renewal Plan for the Harlem East Harlem Urban Renewal Area, Community District 11, Borough of Manhattan.

The proposed Plan changes the designated land uses of Sites 8A, 9, 12, and 13A; removes a density restriction; updates the timetable for the implementation of the plan; extends the expiration date; and adds Block 1790, Lots 8 and 46, and Block 1791, Lots 25 and 34 as properties to be acquired. These changes will facilitate the development of the East 125th Street Development Project.

**No. 4 C 080333 ZMM**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6a & 6b:

1. changing from an R7-2 District to a C6-3 District property bounded by East 127th Street, a line 250 feet westerly of Second Avenue, a line midway between East 126th Street and East 127th Street, Second Avenue, East 126th Street, and Third Avenue;
2. changing from a C4-4 to District to a C6-3 District property bounded by a line midway between East 125th Street/Dr. Martin Luther King Jr. Boulevard and East 126th Street, a line 100 feet easterly of Third Avenue, East 125th Street/Dr. Martin Luther King Jr. Boulevard, a line 130 feet easterly of Third Avenue, a line 75 feet southerly of East 125th Street/Dr. Martin Luther King Jr. Boulevard, and Third Avenue; and
3. changing from an M1-2 District to a C6-3 District property bounded by:
  - a) East 127th Street, Second Avenue, a line midway between East 126th Street and East 127th Street, and a line 250 feet westerly of Second Avenue; and
  - b) East 126th Street, Second Avenue, East 125th Street/Dr. Martin Luther King Jr. Boulevard, a line 100 feet easterly of Third Avenue, a line midway between East 125th Street/Dr. Martin Luther King Jr. Boulevard and East 126th Street, and Third Avenue; and

as shown on a diagram (for illustrative purposes only) dated March 24, 2008.

**NOTICE**

On Wednesday, July 23, 2008, 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 Office of the Deputy Mayor for Economic Development and Rebuilding in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning modifications and amendments to the Harlem-East Harlem Urban Renewal Plan, including a UDAAP and land disposition; amendments to the zoning map to change C4-4, R7-2, M1-2 to C6-3 districts; and a certification regarding a transit easement volume; to facilitate the development of a hotel, affordable housing and parking within the area generally bounded by East 125th Street, 2nd Avenue, East 127th Street, and 3rd Avenue.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 07DME025M.

**No. 5 DELURY SQUARE PARK**

**CD 1 C 080336 MMM**  
**IN THE MATTER OF** an application, submitted by the Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et. seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Fulton Street, and John DeLury Sr. Plaza;
- the establishment of DeLury Square Park;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

in accordance with Map No. 30224 dated May 1, 2008, and signed by the Borough President.

**BOROUGH OF QUEENS**  
Nos. 6 & 7  
**BUDGET RENT-A-CAR**  
No. 6

**CD 3 C 060466 MMQ**  
**IN THE MATTER OF** an application, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et. seq. of the New York City Administrative Code by GTJ Co., Inc., for an amendment to the City Map involving

- the elimination, discontinuance and closing of 88th Street between 23rd Avenue and 24th Avenue and portions of 24th Avenue between 88th Street and 90th Place;
- the delineation of a Permanent Sewer Easement;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

in accordance with Map No. 4994 dated May 2, 2007, and signed by the Borough President.

**No. 7**

**CD 3 C 060467 ZMQ**  
**IN THE MATTER OF** an application submitted by GTJ Co., Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c:

1. changing from an R3-2 District to a C4-1 District property bounded by a line 320 feet northerly of the former centerline of 24th Avenue\*, 89th Street, the centerline of former 24th Avenue\*, and a line 140 feet westerly of 89th Street; and
2. changing from a C4-2 District to a C4-1 District property bounded by a line 320 feet northerly of the former centerline of 24th Avenue\*, a line 140 feet westerly of 89th Street, the centerline of former 24th Avenue\*, and a line 100 feet easterly of the former 88th Street\*.

as shown on a diagram (for illustrative purposes) dated March 24, 2008.

\* Note: 24th Avenue and 88th Street are proposed to be de-mapped under a concurrent related application C 060466 MMQ for a change in the City Map.

**No. 8 WALDHEIM REZONING**

**CD 7 C 080457 ZMQ**  
**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10b, 10c and 10d:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by Franklin Avenue, a line 150 feet northeasterly of Bowne Street, Ash Avenue, and Bowne Street;
2. eliminating from within an existing R3-2 District a C2-2 District bounded by a line 150 feet northwesterly of 45th Avenue, a line midway between Smart Street and Bowne Street, 45th Avenue, and a line midway between Bowne Street and Robinson Street;
3. eliminating from within an existing R7-1 District a C1-2 District bounded by Franklin Avenue, Bowne Street, Ash Avenue, and a line 150 feet southwesterly of Bowne Street;
4. changing from an R3-2 District to an R3X District property bounded by a line midway between Sanford Avenue and Franklin Avenue, Parsons Boulevard, Franklin Avenue, a line 80 feet southwesterly of Parsons Boulevard, Beech Avenue, Parsons Boulevard, a line midway between Cherry

Avenue and Delaware Avenue, a line 100 feet northeasterly of Parsons Boulevard, Beech Avenue, a line 460 feet southwesterly of 147th Street, the southeasterly street line of Ash Avenue, 147th Street, a line 125 feet southeasterly of Sanford Avenue, 149th Street, Beech Avenue, a line midway between 149th Street and 149th Place, a line 125 feet southeasterly of Sanford Avenue, a line 115 feet southwesterly of Murray Street, Sanford Avenue, a line midway between 155th Street and 156th Street, Beech Avenue, 156th Street, 45th Avenue, a line perpendicular to the southeasterly street line of 45th Avenue distance 150 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 45th Avenue and the northeasterly street line of Parsons Boulevard, Parsons Boulevard, a line midway between 45th Avenue and Georgia Road, a line 320 feet northeasterly of Burling Street, 45th Avenue, Parsons Boulevard, Delaware Avenue, Burling Street, a line 380 feet southeasterly of Cherry Avenue, a line midway between Smart Street and Bowne Street, Cherry Avenue, and Bowne Street;

5. changing from an R3-2 District to an R4 District property bounded by Franklin Avenue, Parsons Boulevard, a line 125 feet northwesterly of Beech Avenue, a line 460 feet southwesterly of 147th Street, Beech Avenue, a line 100 feet northeasterly of Parsons Boulevard, a line midway between Cherry Avenue and Delaware Avenue, Parsons Boulevard, Beech Avenue, and a line 80 feet southwesterly of Parsons Boulevard;
6. changing from an R3-2 District to an R4A District property bounded by Sanford Avenue, 156th Street, Beech Avenue, and a line midway between 155th Street and 156th Street;
7. changing from an R3-2 District to an R4-1 District property bounded by:
  - a. Sanford Avenue, a line 115 feet southwesterly of Murray Street, a line 125 feet southeasterly of Sanford Avenue, a line midway between 149th Street and 149th Place, Beech Avenue, 149th Street, a line 125 feet southeasterly of Sanford Avenue, and 147th Street; and
  - b. Cherry Avenue, a line midway between Smart Street and Bowne Street, a line 380 feet southeasterly of Cherry Avenue, Burling Street, 45th Avenue, and Robinson Street;
8. changing from an R3-2 District to an R6A District property bounded by Ash Avenue, 147th Street, the southeasterly street line of Ash Avenue, a line 460 feet southwesterly of 147th Street, a line 125 feet northwesterly of Beech Avenue, and Parsons Boulevard;
9. changing from an R6 District to an R6A District property bounded by Sanford Avenue, 147th Street, Ash Avenue, Parsons Boulevard, a line midway between Sanford Avenue and Franklin Avenue, and Bowne Street;
10. changing from an R6 District to an R7-1 District property bounded by Elder Avenue, Kissena Boulevard, 45th Avenue, and Colden Street;
11. changing from an R7-1 District to an R7B District property bounded by Franklin Avenue, Bowne Street, Cherry Avenue, Robinson Street, a line 250 feet southeasterly of Cherry Avenue, a line 100 feet southwesterly of Union Street, a line 100 feet southeasterly of Cherry Avenue, and a line 150 feet northeasterly of Kissena Boulevard;
12. establishing within a proposed R3X District a C1-3 District bounded by:
  - a. Franklin Avenue, a line 100 feet northeasterly of Bowne Street, Ash Avenue, and Bowne Street; and
  - b. Elm Avenue, a line 150 feet northeasterly of 147th Street, 45th Avenue, a line 100 feet northeasterly of Parsons Boulevard, a line midway between 45th Avenue and Hawthorn Avenue, Parsons Boulevard, a line midway between 45th Avenue and Georgia Road, a line 100 feet southwesterly of Parsons Boulevard, 45th Avenue and its northeasterly centerline prolongation, and 147th Street;
13. establishing within a proposed R4-1 District a C1-3 District bounded by a line 100 feet northwesterly of 45th Avenue, a line midway between Smart Street and Bowne Street, 45th Avenue, and a line midway between Bowne Street and Robinson Street; and
14. establishing within a proposed R7B District a C1-3 District bounded by Franklin Avenue, Bowne Street, Ash Avenue, and a line 100 feet southwesterly of Bowne Street;

as shown on a diagram (for illustrative purposes only) dated June 2, 2008, and subject to the conditions of CEQR Declaration E-220.

**Nos. 9 & 10  
DUTCH KILLS REZONING  
No. 9**

**CD 1** **N 080428 ZRQ**  
**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for amendments to the Zoning Resolution of the City of New York, concerning Article XI, Chapter 7, (Special Long Island City Mixed Use District),

relating to the addition of the Dutch Kills Subdistrict and expansion of the Special Long Island City Mixed Use District, in Community District 1, Borough of Queens.

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

12-10  
 DEFINITIONS  
 Special Little Italy District (2/3/77)

\* \* \*  
 Special Long Island City Mixed Use District (7/26/01)

The "Special Long Island City Mixed Use District" is a Special Purpose District designated with the letters "LIC" in which regulations set forth in Article XI, Chapter 7, apply. There are ~~three~~ four special subdistricts within the #Special Long Island City Mixed Use District#: the Hunters Point Subdistrict, the Court Square Subdistrict, ~~and~~ the Queens Plaza Subdistrict and the Dutch Kills Subdistrict. The #Special Long Island City Mixed Use District# and its regulations supplement, modify and supersede those of the districts on which it is superimposed.

Special Lower Manhattan District (8/27/98)

\* \* \*  
 \* \* \*  
 7/26/01  
 Article XI - Special Purpose Districts

Chapter 7  
 Special Long Island City Mixed Use District  
 7/26/01

117-00  
 GENERAL PURPOSES

The "Special Long Island City Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Long Island City community. These general goals include, among others, the following specific purposes, to:

- (a) ~~to~~ support the continuing growth of a mixed residential, commercial and industrial neighborhoods by permitting expansion and new development of residential, commercial, community facility and light manufacturing uses where adequate environmental standards are assured;
- (b) ~~to~~ encourage the development of moderate to high density commercial uses within a compact transit-oriented area;
- (c) ~~to~~ strengthen traditional retail streets in Hunters Point by allowing the development of new residential and retail uses;
- (d) encourage the development of affordable housing;
- (~~e~~ e) ~~to~~ promote the opportunity for people to work in the vicinity of their residences;
- (~~e~~ f) ~~to~~ retain jobs within New York City;
- (~~f~~ g) ~~to~~ provide an opportunity for the improvement of Long Island City; and
- (~~g~~ h) ~~to~~ promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

7/26/01

117-01  
 Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Section 12-10 (DEFINITIONS).

Mixed use, building or development

For the purposes of this Chapter, a "mixed use building" or a "mixed use development" shall be any #building# or #development# used partly for #residential use# and partly for #community facility#, #commercial# or #manufacturing use#.

~~Special Long Island City Mixed Use District (repeated from Section 12-10)~~

~~The "Special Long Island City Mixed Use District" is a Special Purpose District designated with the letters "LIC" in which regulations set forth in Article XI, Chapter 7, apply. There are three special subdistricts within the #Special Long Island City Mixed Use District#: the Hunters Point Subdistrict, the Court Square Subdistrict, and the Queens Plaza Subdistrict. The #Special Long Island City Mixed Use District# and its regulations supplement, modify and supersede those of the districts on which it is superimposed.~~

7/26/01  
 117-02  
 General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of the #Special Long Island City Mixed Use District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special Long Island City Mixed Use District#, except as otherwise provided in this Chapter. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded 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.

(a) Notwithstanding the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS), when a #building# that existed on October 25, 1995, within the Hunters Point or Court Square Subdistricts, is damaged or demolished by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to the #bulk# permitted by this Chapter, whichever is greater.

(b) For #developments# or #enlargements# containing both #residential# and non-#residential uses#, or for changes in #use# that would result in a #building# occupied by #residential# and non-#residential uses#, the #residential use# shall be located on a #story# or #stories# above the highest #story# occupied, in whole or in part, by a non-#residential use#. Non-#residential uses# may, however, be located on the same #story#, or on a #story# higher than that occupied by #residential uses#, provided that the non-#residential uses#:

- (1) are located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
- (2) are not located directly over any portion of the #building# containing #dwelling units#.

(c) Regulations relating to #accessory# parking facilities, #public parking lots# and #public parking garages# within the ~~#Special Long Island City Mixed Use District#~~ Hunters Point Subdistrict, the Court Square Subdistrict and the Queens Plaza Subdistrict are set forth in Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and in Portions of Community Districts 1 and 2 in the Borough of Queens).

(d) In the granting of special permits or authorizations within the #Special Long Island City Mixed Use District#, the City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding uses.

(e) Where references are made to #block# numbers within this Chapter, such numbers are to be found on the maps appended to this Chapter.

(f) In areas within the #Special Long Island City Mixed Use District# that are not within a Subdistrict, the regulations of the underlying zoning district shall apply.

7/26/01  
 117-03  
 District Plan and Maps

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B and C:

Appendix A	Map of the #Special Long Island City Mixed Use District# and Subdistricts
Appendix B	Court Square Subdistrict Plan Map and Description of Improvements
Appendix C	Queens Plaza Subdistrict Plan Maps:
	Map 1 - Designated Districts within the Queens Plaza Subdistrict
	Map 2 - Ground Floor Use and Frontage
	Map 3 - Sidewalk Widening, Street Wall Location and Ground Floor Use.

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

8/12/04  
 117-04  
 Subdistricts

In order to carry out the purposes and provisions of this Chapter, ~~three~~ four subdistricts are established within the #Special Long Island City Mixed Use District#. In each of these subdistricts ~~certain~~ special regulations apply that do not apply ~~elsewhere~~ within the ~~remainder~~ of the #Special Long Island City Mixed Use District# and supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive. ~~The Special District and Subdistricts are shown in Appendix A of this Chapter.~~

~~Special regulations set forth in Sections 117-10 through 117-30, inclusive, shall apply to the Hunters Point Subdistrict and shall supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.~~

~~The Court Square Subdistrict Plan Map is shown in Appendix B of this Chapter. Special regulations set forth in Sections 117-40 through 117-45, inclusive, shall apply to the Court Square Subdistrict and shall supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.~~



The Queens Plaza Subdistrict Plan Maps are included in Appendix C of this Chapter. Special regulations set forth in Sections 117-50 through 117-57, inclusive, shall apply to the Queens Plaza Subdistrict and shall supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.

Sections 117-60 through 117-64, inclusive, shall apply to the Dutch Kills Subdistrict.

**117-05**  
Applicability of Article I, Chapter 1

Within the #Special Long Island City Mixed Use 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 potential hazardous material contamination, or noise or air quality impacts, 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 potential 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 impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

\* \* \*  
**117-60**  
DUTCH KILLS SUBDISTRICT

In the #Special Long Island City Mixed Use District#, the special regulations of Sections 117-60 through 117-64, inclusive, shall apply within the Dutch Kills Subdistrict.

**117-61**  
General Provisions

In specified areas of the Dutch Kills Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#. For the purposes of Section 117-60, inclusive, regulating the Dutch Kills Subdistrict, such #Residence# and M1 Districts are referred to as the "designated districts." The designated districts within the Dutch Kills Subdistrict are indicated on the #zoning map# and are as follows:

- M1-2/R5B
- M1-2/R5D
- M1-2/R6A
- M1-3/R7X

The special provisions of Article XII, Chapter 3, of the #Special Mixed Use District# shall apply to the designated districts within the Dutch Kills Subdistrict except where modified by the provisions of the Subdistrict, and shall supplement or supersede the provisions of the underlying designated #Residence# or M1 District, as applicable.

**117-62**  
Special Use Regulations

In the Dutch Kills Subdistrict, the provisions of Section 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) shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

**117-63**  
Special Bulk Regulations in the Designated Districts

Maximum #floor area ratio#, #lot coverage# and #street wall# provisions in the designated districts are modified as set forth in Sections 117-631 through 117-633, inclusive.

**117-631**  
Floor area ratio and lot coverage modifications

(a) In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory parking# is contained within a #public parking garage#.

(b) M1-2/R5B Designated District

The maximum #floor area ratio# for #residential use# shall be 1.65.  
The maximum #lot coverage# for a #residential building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.

(c) M1-3/R7X Designated District

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

(2) Maximum floor area ratio  
Within such #Inclusionary Housing designated area#, the maximum #floor

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

**117-632**  
Street wall location

In the Dutch Kills Subdistrict, the #street wall# of any #residential# or #mixed use development# or #enlargement# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#. For all #zoning lots#, the #street wall# of a #building# need not be located further from the #street line# than 15 feet.

**117-633**  
Maximum street wall height

In M1-2/R5B designated districts, for #residential buildings#, the maximum height of a #street wall# above the #base plane# shall be 33 feet or three #stories#, whichever is less.

**117-634**  
Maximum building height for mixed use buildings in designated R5 Districts

The provisions regarding the maximum height of #mixed use buildings# within 25 feet of a #street line#, as set forth in Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations), shall be modified in the Dutch Kills Subdistrict, where the designated Residence District is an R5 District, as follows:

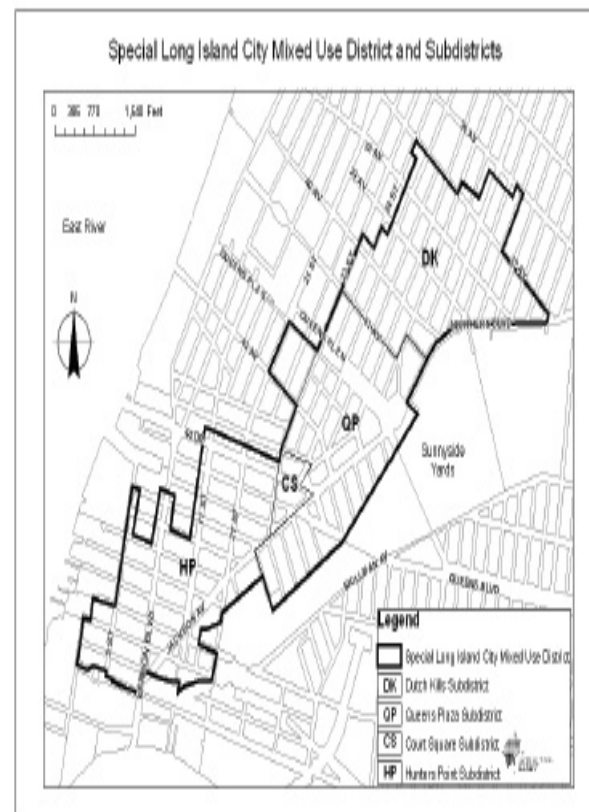
- (a) In designated R5B Districts, no #building or other structure# shall exceed a height of 33 feet within 25 feet of a #street line#;
- (b) In designated R5D Districts, no #building or other structure# shall exceed a height of 40 feet within 25 feet of a #street line#.

**117-64**  
Special Parking Regulations

The provisions of Section 123-70 (Parking and Loading) and the underlying #accessory# off-street parking and loading regulations for the designated districts, are modified as follows:

- (a) Commercial and community facility uses
  - (1) The #accessory# off-street parking and loading requirements of a C8-2 District, as set forth in Article III, Chapter 6, shall apply to all #commercial# and #community facility uses#, except that this modification shall not apply to #uses# listed in Use Group 5. The #accessory# off-street parking and loading requirements applicable to the designated M1 District set forth in Article IV, Chapter 4, and Section 123-70 shall apply to Use Group 5.
  - (2) For Use Group 5 #uses#, the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall be modified as follows: the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be 5 spaces.
- (b) Residential uses
  - (1) The provisions of Section 25-241 (Reduced requirements) shall not apply in the designated M1-3/R7X District.
  - (2) In the applicable designated #Residence Districts#, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) are modified as follows:
    - i) in the designated M1-2/R6A and M1-3/R7X Districts, the provisions of Section 25-26 shall only apply to #zoning lots# existing both on (date of amendment adoption) and on the date of application for a building permit.
    - ii) for all new #residential developments# or #enlargements# in the designated M1-3/R7X District, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.
  - (3) Where the designated district is a M1-2/R5B District, the provisions of Section 25-633 (Prohibition of curb cuts in certain districts) shall not apply.

APPENDIX A  
Special Long Island City Mixed Use District and Subdistricts (Proposed Text Map)



No. 10

CD 1 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 Nos. 9b:

1. changing from an M1-3D District to an M1-2 District property bounded by a line 100 feet southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue, and 24th Street;
2. changing from an M1-1 District to an M1-2/R5B District property bounded by 36th Avenue, 33rd Street, a line 200 feet southwesterly of 36th Avenue, a line midway between 32nd Street and 33rd Street, a line 150 feet northeasterly of 37th Avenue, and a line midway between 31st Street and 32nd Street;
3. changing from an M1-1 District to an M1-2/R6A District property bounded by a line 100 feet southwesterly of 36th Avenue, a line midway between 31st Street and 32nd Street, a line 150 feet northeasterly of 37th Avenue, a line midway between 32nd Street and 33rd Street, a line 200 feet southwesterly of 36th Avenue, 33rd Street, 37 Avenue, 29th Street, a line 460 feet southwesterly of 36th Avenue, and a line midway between 30th Street and 31st Street;
4. changing from an M1-3D District to an M1-2/R5B District property bounded by:
  - a. a line 100 feet southwesterly of 37th Avenue, 29th Street, a line 100 feet northeasterly of 38th Avenue, and a line 100 feet northwesterly of 27th Street;
  - b. a line 100 feet southwesterly of 38th Avenue, a line midway between 29th Street and 30th Street, a line 100 feet northeasterly of 39th Avenue, and a line midway between Crescent Street and 27th Street;
  - c. a line 100 feet southwesterly of 39th Avenue, a line midway between 24th Street and Crescent Street, a line 100 feet northeasterly of 40th Avenue, and 24th Street;
  - d. a line 100 feet southwesterly of 39th Avenue, a line 100 feet northwesterly of 29th Street, a line 100 feet northeasterly of 40th Avenue, and a line midway between 27th Street and Crescent Street;
  - e. a line 100 feet southwesterly of 40th Avenue, a line midway between 24th Street and Crescent Street, a line 100 feet northeasterly of 41st Avenue, and 23rd Street; and
  - f. a line 100 feet southwesterly of 40th Avenue, 29th Street, a line 100 feet northeasterly of 41st Avenue, and a line midway between 27th Street and Crescent Street;
5. changing from an M1-3D District to an M1-2/R5D District property bounded by:
  - a. a line 100 feet southwesterly of 37th Avenue, a line 100 feet northwesterly of 27th Street, a line 100 feet northeasterly of 38th Avenue, and a line 100 feet southeasterly of 24th Street; and
  - b. by a line 100 feet southwesterly of 38th Avenue, a line midway between Crescent Street and 27th Street, a line 100 feet northeasterly of 39th Avenue, a line

- midway between 29th Street and 30th Street, a line 100 feet southwesterly of 38th Avenue, a line midway between 30th Street and 31st Street, 39th Avenue, a line midway between 29th Street and 30th Street and its southwesterly prolongation, 40th Road, 29th Street, a line 100 feet southwesterly of 40th Avenue, a line midway between Crescent Street and 27th Street, a line 100 feet northeasterly of 41st Avenue, a line midway between Crescent Street and 24th Street, a line 100 feet southwesterly of 40th Avenue, 23rd Street, a line 100 feet northeasterly of 40th Avenue, and a line 100 feet southeasterly of 24th Street; and excluding the area bounded by a line 100 feet southwesterly of 39th Avenue, a line 100 feet northwesterly of 29th Street, a line 100 feet northeasterly of 40th Avenue, and a line midway between 27th Street and Crescent Street;
6. changing from an M1-3D District to an M1-2/R6A District property bounded by:
- a. 37th Avenue, 34th Street, a line 100 feet southwesterly of 38th Avenue, a line midway between 31st Street and 32nd Street, 39th Avenue, a line midway between 30th Street and 31st Street, a line 100 feet southwesterly of 38th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet northeasterly of 38th Avenue, 29th Street, a line 100 feet southwesterly of 37th Avenue, and 24th Street; and
- b. a line 100 feet northeasterly of 41st Avenue, 29th Street, 41st Avenue, and 23rd Street;
7. changing from an M1-3D District to an M1-3/R7X District property bounded by 37th Avenue, the northerly centerline prolongation of Standard Lane, Northern Boulevard, 40th Road, a line midway between 29th Street and 30th Street and its southwesterly prolongation, 39th Avenue, a line midway between 31st Street and 32nd Street, a line 100 feet southwesterly of 38th Avenue, and 34th Street; and
8. establishing a Special Long Island City District (LIC) bounded by 36th Avenue, 33rd Street, 37th Avenue, the northerly centerline prolongation of Standard Lane, Northern Boulevard, 40th Road, 29th Street, 41st Avenue, 23rd Street, a line 100 feet northeasterly of 40th Avenue, 24th Street, a line 100 feet southwesterly of 39th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 37th Avenue, 24th Street, 37th Avenue, 29th Street, a line 460 feet southwesterly of 36th Avenue, a line midway between 30th Street and 31st Street, a line 100 feet southwesterly of 36th Avenue, and a line midway between 32nd Street and 33rd Street;

as shown on a diagram (for illustrative purposes only) dated May 19, 2008, and subject to the conditions of CEQR Declaration E-218.

#### NOTICE

**On Wednesday, July 23, 2008, 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 zoning map amendments affecting all or portions of 40 blocks in Dutch Kills neighborhood of Queens Community District 1. The proposed zoning map amendments would create the Dutch Kills Subdistrict within the Special Long Island City Mixed-Use District and establish Inclusionary Housing provisions for an area along Northern Boulevard proposed for an M1-3/R7X District:**

**This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 08DCP021Q.**

#### No. 11 LAURELTON REZONING

**CD 13 C 080462 ZMQ**  
**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City charter for an amendment of the Zoning Map, Section Nos. 19a, 19b and 19c:

1. eliminating from an existing R3-2 District a C1-2 District bounded by 225th Street, a line 150 feet northeasterly of Merrick Boulevard, a northwesterly service road of Laurelton Parkway, and a line 150 feet southwesterly of Merrick Boulevard;
2. eliminating from an existing R3-2 District a C2-2 District bounded by:
- a. a line 100 feet northeasterly of 141st Avenue, 225th Street, 141st Road, 224th Street, Prospect Court, a line 150 feet northwesterly of 224th Street, 141st Avenue, and 224th Street; and
- b. 143rd Road, a line 150 feet southeasterly of Springfield Boulevard, 144th Avenue, North Conduit Avenue, and Springfield Boulevard;
3. changing from an R3-2 District to an R2 District property bounded by:

- a. a line 75 feet northeasterly of 133rd Avenue, a line midway between 225th Street and 226th Street, 133rd Avenue, and 224th Street;
- b. a line 150 feet northeasterly of Merrick Boulevard, a line midway between Francis Lewis Boulevard and 231st Street, a line 100 feet northeasterly of Merrick Boulevard, 229th Street, a line 95 feet northeasterly of Merrick Boulevard, 228th Street, a line 100 feet northeasterly of Merrick Boulevard, and 225th Street;
- c. a line 100 feet southwesterly of 135th Avenue, 224th Street, 137th Avenue, 224th Street, a line 100 feet northeasterly of 141st Avenue, 225th Street, a line 80 feet northeasterly of 141st Avenue, 224th Street, Carson Street, a line midway between 222nd Street and 223rd Street, 139th Avenue, 222nd Street, a line 100 feet northeasterly of 139th Avenue, a line midway between 222nd Street and 223rd Street, 138th Avenue, the southwesterly prolongation of the southeasterly street line of 223rd Street, 137th Avenue, and 223rd Street;
- d. a line 100 feet northeasterly of 137th Avenue, 226th Street, 137th Avenue, and 225th Street; and
- e. 141st Avenue, 226th Street, Mentone Avenue, and 225th Street;
4. changing from a C8-1 District to an R2 District property bounded by a line 150 feet northeasterly of Merrick Boulevard, 225th Street, a line 100 feet northeasterly of Merrick Boulevard, and a line midway between 222nd Street and 223rd Street;
5. changing from an R2 District to an R2A District property bounded by:
- a. 121st Street, Laurelton Parkway, 131st Avenue and its southeasterly centerline prolongation, 232nd Street, a line 140 feet southwesterly of 131st Avenue, a line 90 feet southeasterly of 233rd Street, 133rd Avenue, a line 50 feet southeasterly of 234th Street, a line 150 feet northeasterly of Merrick Boulevard, 234th Street, the northwesterly prolongation of the southwesterly street line of 133rd Road, a line 80 feet southeasterly of 233rd Street, a line 150 feet northeasterly of Merrick Boulevard, a line midway between Francis Lewis Boulevard and 231st Street, 133rd Avenue, a line midway between Francis Lewis Boulevard and 230th Street, a line 330 feet northeasterly of 133rd Avenue, a line midway between 229th Street and 230th Street, 130th Avenue, 224th Street, 131st Avenue, 223rd Street, a line 100 feet southwesterly of 131st Avenue, a line midway between 222nd Street and 223rd Street, a line 100 feet northeasterly of 133rd Avenue, 223rd Street, a line 100 feet southwesterly of 133rd Avenue, a line midway between 222nd Street and 223rd Street, a line 150 feet northeasterly of Merrick Boulevard, 220th Street, 133rd Avenue, a line midway between 220th Street and 221st Street, a line 100 feet southwesterly of 131st Avenue, 220th Street, 131st Avenue, Springfield Boulevard, a northeasterly boundary line of Montefiore Cemetery, the southwesterly prolongation of a line midway between 227th Street and 228th Street, and Francis Lewis Boulevard; and
- b. 137th Avenue, Francis Lewis Boulevard, 230th Place, a line 100 feet northeasterly of 141st Avenue, a line midway between 229th Street and 230th Street, a line 100 feet southwesterly of 139th Avenue, 228th Street, a line 100 feet northeasterly of 139th Avenue, a line midway between 228th Street and 229th Street, a line 100 feet southwesterly of 138th Avenue, 229th Street, 138th Avenue, 227th Street, a line 100 feet northeasterly of 138th Avenue, and a line midway between 225th Street and 226th Street;
6. changing from an R3-2 District to an R2A District property bounded by:
- a. a line 150 feet northeasterly of Merrick Boulevard, a line 80 feet southeasterly of 233rd Street, a line 100 feet northeasterly of Merrick Boulevard, and a line midway between Francis Lewis Boulevard and 231st Street;
- b. a line 150 feet northeasterly of Merrick Boulevard, a line 50 feet southwesterly of 234th Street, a line 100 feet southwesterly of 133rd Road, and 234th Street;
- c. a line 100 feet northeasterly of 137th Avenue, 230th Street, 137th Avenue, and 226th Street; and
- d. 137th Avenue, the southwesterly prolongation of the southeasterly street line of 223rd Street, 138th Avenue, a line midway between 222nd Street and 223rd Street, a line 100 feet northeasterly of 139th Avenue, 222nd Street, 139th

- Avenue, a line midway between 222nd Street and 223rd Street, Carson Street, a line 100 feet northwesterly of 222nd Street, 138th Avenue, a line 100 feet southeasterly of 220th Place, 137th Road, and 220th Place;
7. changing from a C8-1 District to an R2A District property bounded by a line 150 feet northeasterly of Merrick Boulevard, a line midway between 222nd Street and 223rd Street, a line 100 feet northeasterly of Merrick Boulevard, and 220th Street;
8. changing from an R3-2 District to an R3-1 District property bounded by:
- a. a line 100 feet southwesterly of Merrick Boulevard, 229th Street, a line 95 feet southwesterly of Merrick Boulevard, 230th Street, 135th Avenue, and a line midway between 228th Street and 229th Street; and
- b. 135th Avenue, a line midway between 228th Street and 229th Street, a line 100 feet southwesterly of 135th Avenue, a line midway between 227th Street and 228th Street, a line 120 feet southwesterly of 135th Avenue, and a line midway between 226th Street and 227th Street;
9. changing from an R2 District to an R3-2 District property bounded by:
- a. 131st Avenue and its southeasterly centerline prolongation, Laurelton Parkway, Merrick Boulevard, a northwesterly service road of Laurelton Parkway, a line 150 feet northeasterly of Merrick Boulevard, a line 50 feet southeasterly of 234th Street, 133rd Avenue, a line 90 feet southeasterly of 233rd Street, a line 140 feet southwesterly of 131st Avenue, and 232nd Street; and
- b. the northwesterly prolongation of the southwesterly street line of 133rd Road, 234th Street, and a line 150 feet northeasterly of Merrick Boulevard;
10. changing from an R3-2 District to an R3A District property bounded by:
- a. Springfield Boulevard, 135th Avenue, a line 100 feet southeasterly of Springfield Boulevard, a line midway between 134th Road and 135th Avenue, a line 200 feet southeasterly of Springfield Boulevard, 134th Road, 217th Street, a line 175 feet southwesterly of Merrick Boulevard, a line 100 feet northwesterly of 218th Street, a line 150 feet southwesterly of Merrick Boulevard, 222nd Street, 134th Road, 223rd Street, a line 150 feet southwesterly of Merrick Boulevard, 225th Street, a line 100 feet southwesterly of Merrick Boulevard, 227th Street, a line 95 feet northeasterly of 135th Avenue, a line 80 feet southeasterly of 225th Street, a line 100 feet northeasterly of 135th Avenue, 225th Street, a line 75 feet northeasterly of 135th Avenue, 224th Street, a line 100 feet northeasterly of 135th Avenue, the northeasterly centerline prolongation of 223rd Street, 135th Avenue, 218th Street, 137th Avenue, 219th Street, 137th Road, 218th Street, 138th Avenue, and Carson Street; and
- b. a line 100 feet southwesterly of Merrick Boulevard, a line 100 feet southeasterly of 234th Street, a line 100 feet northeasterly of 134th Road and its southeasterly prolongation, Laurelton Parkway and its southwesterly centerline prolongation (at North Conduit Avenue), South Conduit Avenue, the southwesterly centerline prolongation of 230th Place, the northeasterly boundary line of the Long Island Rail Road (Montauk Division) right-of-way, a line perpendicular to the southwesterly street line of Mentone Avenue distant 325 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Mentone Avenue and the southeasterly street line of 225th Street, Mentone Avenue, a line 100 feet southeasterly of 228th Street, 141st Avenue, 230th Place, Francis Lewis Boulevard, 137th Avenue, 230th Street, a line 100 feet northeasterly of 137th Avenue, a line midway between 229th Street and 230th Street, 135th Avenue, and 230th Street;
11. changing from a C8-1 District to an R3A District property bounded by a line 100 feet northeasterly of 219th Street, a line 125 feet southwesterly of Merrick Boulevard, a line 100 feet northeasterly of 220th Street, a line 100 feet southwesterly of Merrick Boulevard, 221st Street, a line 140 feet southwesterly of Merrick Boulevard, 222nd Street, a line 100 feet southwesterly of Merrick Boulevard, 223rd Street, 134th Road, 222nd Street, and a line 150 feet southwesterly of Merrick Boulevard;
12. changing an R3-2 District to an R3X District property bounded by:
- a. 135 Avenue, 222nd Street, 136th Avenue,

a line midway between 221st Street and 222nd Street, a line 100 feet northeasterly of 137th Avenue, 221st Street, 137th Avenue, 220th Place, 137th Road, a line 100 feet southeasterly of 220th Place, 138th Avenue, a line 100 feet northwesterly of 222nd Street, Carson Street, a line 125 feet southeasterly of 219th Street, a line 145 feet southwesterly of 139th Avenue and its southeasterly prolongation, a line 240 feet southeasterly of 219th Street, 140th Avenue and its southeasterly centerline prolongation, a line 110 feet southeasterly of 219th Street, 141st Avenue, a line 300 feet southeasterly of 222nd Street, a line midway between 141st Avenue and 141st Road, a line 175 feet northwesterly of 224th Street, 141st Road, a line 100 feet northwesterly of 224th Street, Prospect Court and its southeasterly centerline prolongation, a line 210 feet southeasterly of 225th Street, North Conduit Avenue, 225th Street, South Conduit Avenue, Springfield Boulevard, a line 120 feet northwesterly of 142nd Road, a line 255 feet northwesterly of 221st Street, Edgewood Avenue, the northeasterly prolongation of a line 80 feet northwesterly of 221st Street, the southwesterly boundary line of the Long Island Rail Road (Montauk Division) right-of-way, a line 140 feet northwesterly of 222nd Street, 141st Road, a line 100 feet northwesterly of Springfield Boulevard, a line 100 feet northeasterly of 138th Road, Carson Street, 138th Avenue, 218th Street, 137th Road, 219th Street, 137th Avenue, and 218th Street; and

b. a line 100 feet southwesterly of Merrick Boulevard, a line midway between 228th Street and 229th Street, 135th Avenue, a line midway between 226th Street and 227th Street, a line 120 feet southwesterly of 135th Avenue, a line midway between 227th Street and 228th Street, a line 100 feet southwesterly of 135th Avenue, a line midway between 228th Street and 229th Street, 135th Avenue, a line midway between 229th Street and 230th Street, a line 100 feet northeasterly of 137th Avenue, 225th Street, 137th Avenue, 224th Street, a line 290 feet southwesterly of 135th Avenue, a line midway between 225th Street and 226th Street, 135th Avenue, a line 80 feet southeasterly of 225th Street, a line 95 feet northeasterly of 135th Avenue, and 227th Street;

13. changing from an R2 District to an R4B District property bounded by:

- a. 130th Avenue, a line midway between 227th Street and 228th Street, a line 225 feet southwesterly of 130th Avenue, and a line midway between 226th Street and 227th Street;
- b. a line 100 feet northeasterly of 141st Avenue, a line midway between 227th Street and 228th Street, 141st Avenue, and 226th Street; and
- c. a line 100 feet northeasterly of 141st Avenue, 230th Place, and 141st Avenue, and a line midway between 228th Street and 229th Street;

14. changing from an R3-2 District to an R4B District property bounded by:

- a. 130th Avenue, a line midway between 226th Street and 227th Street, 133rd Avenue, a line midway between 225th Street and 226th Street, a line 75 feet northeasterly of 133rd Avenue, and 224th Street; and
- b. 141st Avenue, a line 100 feet southeasterly of 228th Street, Mentone Avenue, a line perpendicular to the southwesterly street line of Mentone Avenue distant 325 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of Mentone Avenue and the southeasterly street line of 225th Street, a northeasterly boundary line of the Long Island Rail Road (Montauk Division) right-of-way, 225th Street, Mentone Avenue, and 226th Street;

15. changing from an R2 District to an R5D District property bounded by 133rd Road, a line 100 feet southeasterly of Springfield Boulevard, a line midway between 133rd Road and Merrick Boulevard, and Springfield Boulevard;

16. changing from an R3-2 District to an R5D District property bounded by a line 150 feet southwesterly of Merrick Boulevard and its northwesterly prolongation (at 217th Street), a line 100 feet northwesterly of 218th Street, a line 175 feet southwesterly of Merrick Boulevard, 217th Street, 134th Road, a line 200 feet southeasterly of Springfield Boulevard, a line midway between 134th Road and 135th Avenue, a line 100 feet southeasterly of Springfield Boulevard, 135th Avenue, and Springfield Avenue;

17. changing from a C8-1 District to an R5D District

property bounded by a line midway between Merrick Boulevard and 133rd Road, 218th Street, 133rd Road, 220th Street, a line 100 feet northeasterly of Merrick Boulevard, 225th Street, a line 150 feet southeasterly of Merrick Boulevard, 223rd Street, a line 100 feet southwesterly of Merrick Boulevard, 222nd Street, a line 140 feet southwesterly of Merrick Boulevard, 221st Street, a line 100 feet southwesterly of Merrick Boulevard, a line 100 feet northwesterly of 220th Street, a line 125 feet southwesterly of Merrick Boulevard, a line 100 feet northwesterly of 219th Street, a line 150 feet southwesterly of Merrick Boulevard and its northwesterly prolongation (at 217th Street), and Springfield Boulevard;

18. establishing within a proposed R3X District a C1-3 District bounded by Springfield Boulevard, a line 60 feet northeasterly of 144th Avenue, a line 75 feet southeasterly of Springfield Boulevard, 144th Avenue, and North Conduit Avenue;

19. establishing within an existing R3-2 District a C1-3 District bounded by:

- a. 225th Street, a line 100 feet northeasterly of Merrick Boulevard, 228th Street, a line 95 feet northeasterly of Merrick Boulevard, 229th Street, a line 100 feet northeasterly of Merrick Boulevard, 234th Street, a line 100 feet southwesterly of 133rd Road (straight portion) and its southeasterly centerline prolongation, a northwesterly service road of Laurelton Parkway, a line 100 feet northeasterly of 134th Road, a line 100 feet southeasterly of 234th Street, a line 100 feet southwesterly of Merrick Boulevard, 230th Street, a line 95 feet southwesterly of Merrick Boulevard, 229th Street, and a line 100 feet southwesterly of Merrick Boulevard;
- b. 224th Street, a line 80 feet northeasterly of 141st Avenue, 225th Street, and 141st Avenue;
- c. 224th Street, the Long Island Rail Road (Montauk Division) right-of-way, 225th Street, and 141st Road; and
- d. 141st Road, 224th Street, Prospect Court, and a line 100 feet northwesterly of 224th Street;

20. establishing within a proposed R5D District a C2-3 District bounded by Springfield Boulevard, 133rd Road, a line 100 feet southeasterly of Springfield Boulevard, a line midway between 133rd Road and Merrick Boulevard, 218th Street, a line 100 feet northeasterly of Merrick Boulevard, 225th Street, a line 100 feet southwesterly of Merrick Boulevard, 222nd Street, a line 140 feet southwesterly of Merrick Boulevard, 221st Street, a line 100 feet southwesterly of Merrick Boulevard, a line 100 feet northwesterly of 220th Street, a line 125 feet southwesterly of Merrick Boulevard, a line 100 feet northwesterly of 219th Street, a line 150 feet southwesterly of Merrick Boulevard, a line 100 feet northwesterly of 218th Street, a line 175 feet southwesterly of Merrick Boulevard, 217th Street, 134th Road, a line 200 feet southeasterly of Springfield Boulevard, a line midway between 134th Road and 135th Avenue, a line 100 feet southeasterly of Springfield Boulevard, and 135th Avenue;

as shown on a diagram (for illustrative purposes only) dated June 2, 2008 and subject to the conditions of CEQR Declaration E-219.

**BOROUGH OF STATEN ISLAND  
Nos. 12 & 13  
ST. GEORGE REZONING  
No. 12**

**CD 1 N 080425 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 amendment of the Zoning Resolution of the City of New York relating to Article I, Chapters 1, 2, 4, 5 and Article 10, Chapter 8 to establish the Special St. George District in Staten Island, CD 1.

**Special St. George District**

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 South Richmond Development District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.

Establishment of the Special St. George District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 8, the #Special St. George District# is hereby established.

\* \* \*  
**12-10  
DEFINITIONS**

\* \* \*

Special South Richmond Development District

\* \* \*

Special St. George District

The “Special St. George District” is a Special Purpose District designated by the letters “SG” in which special regulations set forth in Article X, Chapter 8, apply. The #Special St. George 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 Stapleton Waterfront District

\* \* \*

**14-44  
Special Zoning Districts Where Certain Sidewalk Cafes are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

\* \* \*

Staten Island	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
South Richmond Development District	Yes	Yes
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

\* \* \*

**Chapter 5  
Residential Conversion of Existing Non-Residential Buildings**

\* \* \*

**15-01  
Applicability within Special Districts**

\* \* \*

The provisions of this Chapter shall apply in the #Special Downtown Jamaica District# as modified by Article XI, Chapter 5 (Special Downtown Jamaica District).

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article X, Chapter 8 (Special St. George District).

\* \* \*

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

All text is new; it is not underlined

**Chapter 8  
Special St. George District**

**108-00  
GENERAL PURPOSES**

The “Special St. George 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, to:

- (a) build upon St. George’s existing strengths as a civic center, neighborhood and transit hub by providing rules that will bolster a thriving, pedestrian friendly business and residence district;
- (b) establish zoning regulations that facilitate continuous ground floor retail and the critical mass needed to attract and sustain a broader mix of uses;
- (c) require a tall, slender building form that capitalizes on St. George’s hillside topography and maintains waterfront vistas;
- (d) encourage the reuse and reinvestment of vacant office buildings;
- (e) accommodate an appropriate level of off-street parking while reducing its visual impact, and
- (f) promote the most desirable use of land and building development in accordance with the District Plan for St George and thus conserve the value of land and buildings and thereby protect the City’s tax revenues.

**108-01  
Definitions**

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

**Commercial Street**

A “commercial street” shall be a street, or portion thereof, where special regulations pertaining to ground floor uses on #commercial streets#, pursuant to Section 108-11, apply to #zoning lots# fronting upon such #streets#. #Commercial streets# are designated on Map 2, in the Appendix to this Chapter.

## 108-02 General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special St. George 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.

However, the regulations of this Chapter shall not apply to any property that is the subject of a site selection for a court house and public parking garage pursuant to application 080379 PSR. Such property shall be governed by the underlying regulations of this Resolution.

Furthermore, any property that is the subject of a site selection and acquisition for the use of a lot for open parking pursuant to application 080378 PCR may be governed by the regulations of this Chapter or the underlying regulations of this Resolution for a period of two years after (date of enactment). After (date of enactment), such property shall be subject to the regulations of this Chapter.

## 108-03 District Plan and Maps

The regulations of this Chapter are designed to implement the #Special St. George District# Plan.

The District Plan includes the following four maps :

Map 1	Special St. George District Plan
Map 2	Commercial Streets
Map 3	Minimum and Maximum Base Heights
Map 4	Tower Restriction Areas

The maps are located in the Appendix to this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

## 108-04 Subdistricts

In order to carry out the purposes and provisions of this Chapter, the #Special St. George District# shall include two Subdistricts: Subdistrict A (Upland) and Subdistrict B (Waterfront), as shown on Map 1 (Special St George District Plan) in the Appendix to this Chapter.

## 108-05 Applicability of District Regulations

### 108-051 Applicability of Article I, Chapter 1

Within the #Special St. George 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:

- 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
- 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.

### 108-052 Applicability of Article 1, Chapter 2

The definition of "lower density growth management area" in Section 12-10 (DEFINITIONS) shall be modified to exclude all districts within the #Special St George District#.

### 108-053 Applicability of Article 1, Chapter 5

The provisions of Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), shall apply in the #Special St. George District#, except as modified in this Chapter.

## 108-10 USE REGULATIONS

### 108-11 Ground Floor Uses on Commercial Streets

Map 2 (Commercial Streets) in Appendix A of this Chapter specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# on the ground floor of a #building# shall be limited to #commercial uses#. The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

#Commercial uses# shall have a depth of at least 30 feet from the #street wall# of the #building# facing the #commercial street# and shall extend along the entire width of the #building# except for lobbies and entrances to #accessory# parking spaces, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#. Enclosed parking spaces, or parking spaces

covered by a #building#, including such spaces #accessory# to #residences# shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building# facing the #commercial street#.

## 108-12 Transparency Requirements

Any #street wall# of a #building# containing ground floor #commercial# or #community facility uses#, excluding #schools#, shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area.

## 108-13 Location of Uses in Mixed Buildings

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) are 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 uses#. 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#.

## 108-14 Security Gates

Within the #Special St. George District#, 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 area, except that this provision shall not apply to entrances or exits to parking garages.

## 108-20 FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

### 108-21 Maximum Floor Area Ratio

In C4-2 Districts within Subdistrict A, the underlying #floor area ratio# and #open space# regulations shall not apply. In lieu thereof, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 3.4, and no #floor area# bonuses shall apply. However, for #zoning lots# with less than 10,000 square feet of #lot area# without frontage on a #commercial street#, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 2.2, and no #floor area# bonuses shall apply.

### 108-22 Maximum Lot Coverage

In C4-2 Districts within Subdistrict A, the underlying #open space ratio# provisions shall not apply. In lieu thereof, the maximum permitted #lot coverage# for a #residential building# or portion thereof shall be 70 percent for an #interior# or #through lot# and 80 percent for a #corner lot#. However, no maximum #lot coverage# shall apply to any #corner lot# of 5,000 square feet or less.

### 108-23 Rear Yard Equivalents

In C4-2 Districts within Subdistrict A, the #rear yard equivalent# regulations for #residential uses# on #through lots# or the #through lot# portion of a #zoning lot# are modified as set forth in this Section. Such #yards# shall be provided within 45 feet of the centerline of the #through lot# or #through lot# portion, and the level of such #yards# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# that face such #yards#. Furthermore, no #rear yard equivalent# regulations shall apply to any #through lot# or #through lot# portion of a #zoning lot# on which a tower is #developed# or #enlarged# pursuant to Section 108-34.

## 108-30 HEIGHT AND SETBACK REGULATIONS

In C1-2 Districts mapped within R3-2 Districts, all #buildings# shall comply with the height and setback regulations of R4 Districts, except that the maximum perimeter wall height shall be 26 feet, and the #street wall# location provisions of Section 108-32 (Street Wall Location and Base Height) shall apply.

The underlying height and setback regulations in C4-2 Districts within Subdistrict A shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply.

In Subdistrict B, the underlying height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except as modified in Section 108-31 (Rooftop Regulations).

All heights shall be measured from the #base plane#.

### 108-31 Rooftop Regulations

The provisions of this Section shall apply to all #buildings# in C4-2 Districts within Subdistricts A and B.

- 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:

- 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

- 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).

- Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and conversions of non-#residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

## 108-32 Street Wall Location and Base Height

The provisions of this Section, inclusive, shall apply to all #buildings# within Subdistrict A.

### 108-321 Street walls along commercial streets

For #zoning lots# with #commercial street# frontage, the #street wall# of any #development# or #enlargement# shall extend along at least 70 percent of the #commercial street# frontage of the #zoning lot# and be located within eight feet of the #street line# of the #commercial street#. In C4-2 Districts within Subdistrict A, such #street walls# shall rise without setback to the minimum height specified on Map 3 (Minimum and Maximum Base Heights), or the height of the #building#, whichever is less.

### 108-322 Street walls along non-commercial streets

For #zoning lots# without #commercial street# frontage, the #street wall# of any #development# or #enlargement# shall extend along at least 50 percent of the #street# frontage of the #zoning lot# and be located within eight feet of the #street line#. In C4-2 Districts within Subdistrict A, such #street walls# shall rise without setback to the minimum height specified on Map 3 (Minimum and Maximum Base Heights), or the height of the #building#, whichever is less.

### 108-323 Maximum base height

The maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights). All portions of #buildings# above such maximum base height shall provide a setback at least ten feet in depth measured from any #street wall# facing a #wide street# and 15 feet in depth from any #street wall# facing a #narrow street#. In C4-2 Districts within the Subdistrict A, dormers may exceed the maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

### 108-33 Maximum building height

In C4-2 Districts within Subdistrict A, the maximum #building# height shall be 70 feet, except where towers are permitted pursuant to Section 108-34.

### 108-34 Towers

The tower provisions of this Section shall apply to any #zoning lot# with a #lot area# of at least 10,000 square feet. Any portion of a #building developed# or #enlarged# on such #zoning lots# that exceeds a height of 70 feet shall be constructed as either a point tower or a broad tower, as follows:

- Point tower

Each #story# located entirely above a height of 70 feet shall not exceed a gross area of 6,800 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 85 feet. The highest three #stories#, or as many #stories# as are located entirely above a height of 70 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#.

- Broad tower

Each #story# located entirely above a height of 70 feet shall not exceed a gross area of 8,800 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 135 feet. The upper #stories# shall provide setbacks with a minimum depth of 15 feet measured from the east 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 70 feet, whichever is less. For towers with at least six #stories# located entirely above a height of 70 feet, the lowest level at which such setbacks may be provided is 100 feet, and the highest #story# shall be located entirely within the western half of the tower.

- Orientation of all towers

The maximum length of the outermost walls of any side of each #story# of a #building# facing the #shoreline# that is entirely above a height of 70 feet shall not exceed 80 feet. For the purposes of this Section, the #street line# of St. Marks Place shall be considered to be a line parallel to the #shoreline#, and any side of such rectangle facing

St. Marks Place from which lines perpendicular to the #street line# of St Marks Place may be drawn, regardless of intervening structures, properties or #streets#, shall not exceed 80 feet.

(d) Location of all towers

Any portion of a #building# that exceeds a height of 70 feet shall be no closer to a #side lot line# than eight feet, and any #story# of a #building# that is entirely above a height of 70 feet shall be located within 25 feet of a #street line#.

(e) Maximum tower height

The maximum height of any #building# utilizing the tower provisions of this Section shall be 200 feet.

(f) Tower and base integration

All portions of a #building# that exceed the applicable maximum base height set forth in Section 108-323 shall be set back at least 10 feet from the #street wall# of a #building# facing a #wide street# and at least 15 feet from the #street wall# of a #building# facing a #narrow street#. However, up to 50 percent of the #street wall# of the portion of the #building# located above a height of 70 feet need not be set back from the #street wall# of the #building#, and may rise without setback from grade, provided such portion of the #building# is set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

(g) Tower exclusion areas

No #building# may exceed a height of 70 feet within the areas designated on Map 4 (Tower Restriction Areas), in the Appendix to this Chapter.

**108-40 MANDATORY IMPROVEMENTS**

**108-41 Sidewalks**

Sidewalks with a depth of at least 12 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire #street# frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 12 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 12 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

**108-50 PARKING REGULATIONS**

In the #Special St George District#, the underlying regulations governing permitted and required #accessory# off-street parking spaces are modified as set forth in this Section.

**108-51 Required off-street parking and loading**

In C4-2 Districts, the following special regulations shall apply:

(a) Residential uses

One off-street parking space shall be provided for each #dwelling unit# created after (effective date of amendment), including any #dwelling units# within #buildings# converted pursuant to Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings). However, where the total number of required spaces is five or less, or, for conversions, where the total number of required spaces is 20 or less, no parking shall be required, except that such waiver provision shall not apply to any #zoning lot# subdivided after (effective date of amendment). The provisions of Section 73-46 (Waiver of Requirements for Conversions) shall apply to conversions where more than 20 parking spaces are required.

(b) Commercial uses

For #commercial uses#, the off-street parking and loading requirements of a C4-3 District shall apply, except that food stores with 2,000 or more square feet of #floor area# per establishment shall require one parking space per 400 square feet of #floor area#, and, for places of assembly and hotels, the off-street parking and loading requirements of a C4-2 District shall apply.

(c) Community facility use

For ambulatory diagnostic or treatment health care facilities listed in Use Group 4, the off-street parking requirements of a C4-3 District shall apply.

**108-52 Special Floor Area Regulations**

The #floor area# of a #building# shall not include floor space used for off-street parking spaces provided in any #story# that complies with the provisions of Section 108-54 (Location of Accessory Off-street Parking Spaces).

**108-53 Use of Parking Facilities**

All #accessory# off-street parking spaces may be provided within parking facilities, including #public parking garages#, on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

(a) such parking facilities are located within the #Special St. George District#;

(b) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and

(c) the number of #accessory# parking spaces within such facility shall not exceed the combined number

of spaces permitted on each #zoning lot# using such facility, less the number of spaces provided on each #zoning lot# using such facility.

**108-54 Location of Accessory Off-street Parking Spaces**

No open parking areas shall be located between the #street wall# of a #building# and the #street line#, and no open parking area shall front upon a #commercial street#. All open parking areas, regardless of the number of parking spaces, shall comply with the perimeter screening requirements of Section 37-921.

All off-street parking spaces within structures shall be located within facilities that, except for entrances and exits, are:

(a) entirely below the level of each #street# upon which such facility fronts; or

(b) located, at every level above-grade, behind commercial, community facility or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets#. The minimum depth of any such #floor area# shall be 30 feet, except that such depth may be reduced to 15 feet where the #street wall# containing such #floor area# fronts upon a #street# with a slope in excess of 11 percent; and

(c) no parking shall be permitted on the roof of such facilities.

**108-55 Special Requirements for Roofs of Parking Facilities**

The 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. No parking spaces shall be provided on the roof of such facility. 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. No less than 75 percent of such roof area shall be accessible for the recreational use of the occupants of the building in which it is located; and no more than 25 percent may be accessible solely from an adjacent #dwelling unit#. Hard surfaced areas shall not cover more than 60 percent of such roof area.

**108-56 Curb Cuts on Commercial Streets**

No curb cuts shall be permitted on #commercial streets# as shown on Map 2 in the Appendix to this Chapter. However, if access to a required #accessory# parking facility or loading berth is not possible because of such restriction, a curb cut may be allowed if the Chairperson off the City Planning Commission certifies to the Commissioner of Buildings that such location is the only possible location for the facility or loading berth, is not hazardous to traffic safety, is at least 50 feet from the intersection of two #street lines#, and is constructed so as to have minimal effect on the streetscape.

**108-57 Accessory Indoor Bicycle Parking**

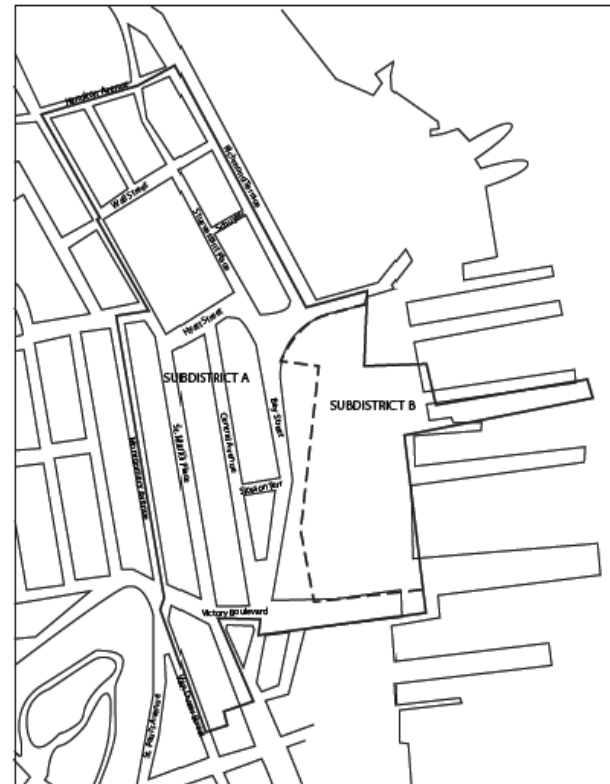
A designated area for #accessory# bicycle parking shall be provided for #developments# or #enlargements# with #residential# or #commercial uses#. Such facility shall be enclosed, accessible and secure. Floor space used for #accessory# bicycle parking located below a height of 33 feet, including #accessory# facilities, such as lockers, showers and circulation space, shall not be included in the definition of #floor area#.

(a) For #residential developments# or #enlargements# with ten or more units per #building# or #building segment#, one bicycle parking space shall be provided for every two #dwelling units#, up to a maximum of 200 bicycle parking spaces.

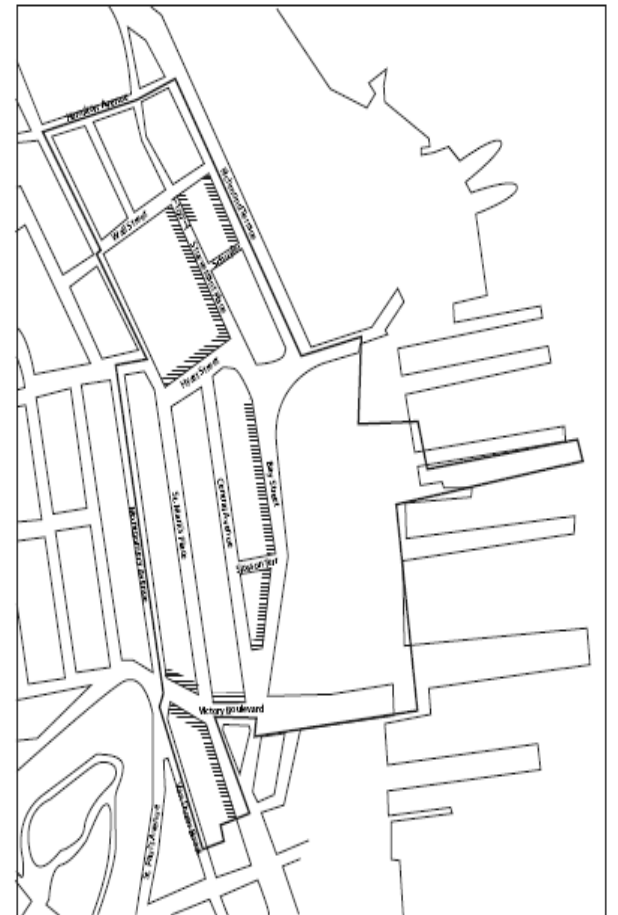
(b) For commercial office #developments# or #enlargements# with 10,000 square feet or more of office #floor area#, one bicycle parking space shall be provided for every 5,000 square feet of office space, up to a maximum of 200 bicycle parking spaces.

(c) For commercial #developments# or enlargements# with 10,000 square feet or more of retail or service #floor area#, one bicycle parking space shall be provided for every per 10,000 square feet of retail space, up to a maximum of 100 bicycle parking spaces.

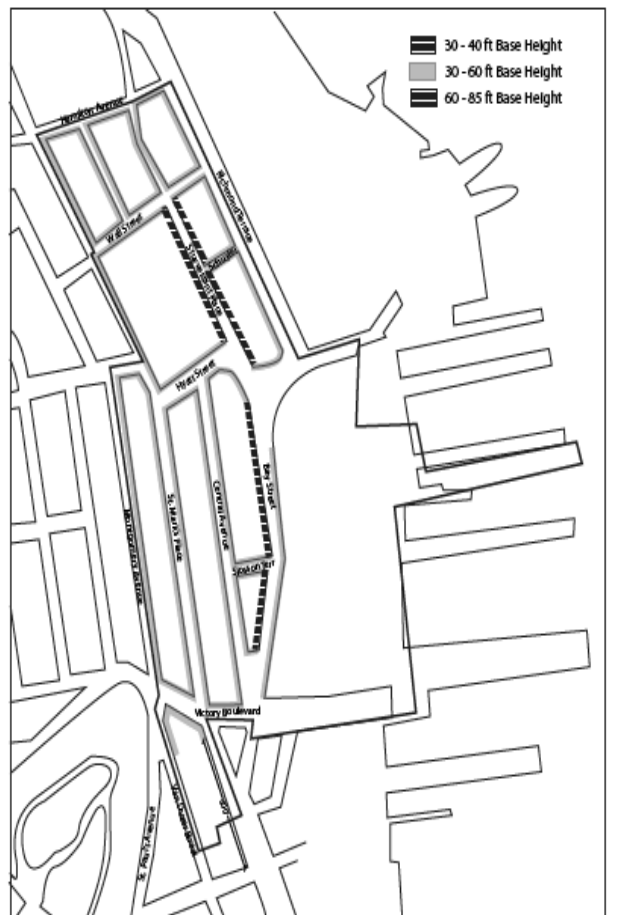
SPECIAL ST GEORGE DISTRICT MAP 1. District Plan



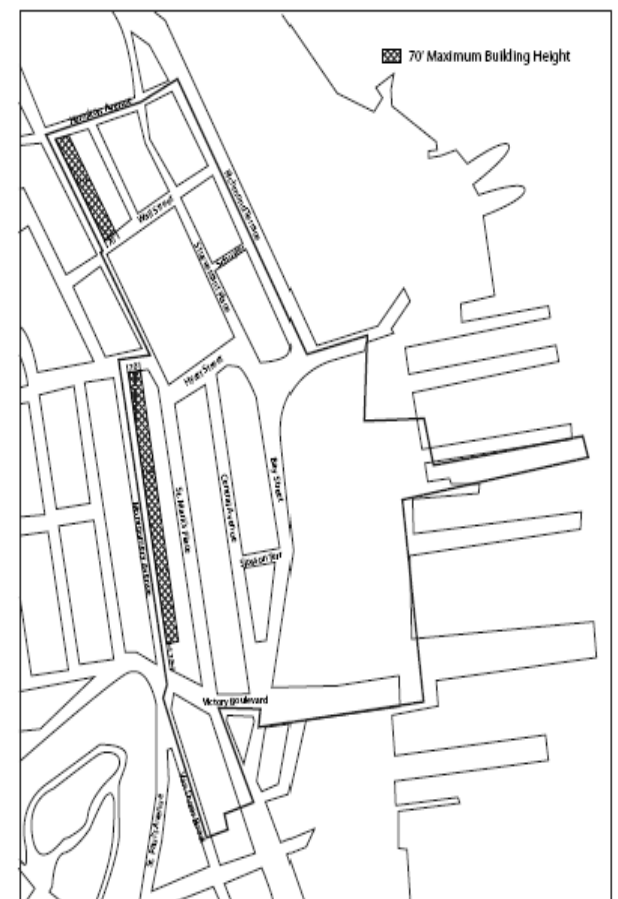
SPECIAL ST GEORGE DISTRICT MAP 2. Commercial Street Locations



SPECIAL ST GEORGE DISTRICT MAP 3. Minimum and Maximum Base Height



SPECIAL ST GEORGE DISTRICT MAP 4. Tower Restriction Areas



## No. 13

## CD 1 C 080426 ZMR

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. 21c

1. eliminating from an existing R3-2 District a C1-2 District bounded by Victory Boulevard, Bay Street (westerly portion), a line 600 feet northwesterly of Hannah Street, and Van Duzer Street;
2. changing from an R3-2 District to a C4-2 District property bounded by Victory Boulevard, Bay Street (westerly portion), a line 600 feet northwesterly of Hannah Street, and Van Duzer Street; and
3. establishing a Special St. George District bounded by:
  - the property line of the US Government Lighthouse Department,
  - the US Bulkhead line of the Upper Bay,
  - a line forming an angle of 104 degrees with the second-named course distant 225 feet northerly (as measured along the second-named course) of the first-named course,
  - a line perpendicular to the third-named course distant 326 feet westerly (as measured along the third-named course) of the second-named course,
  - the northerly street line of Borough Place and its westerly prolongation,
  - Richmond Terrace and its southeasterly centerline prolongation,
  - Hamilton Avenue,
  - St. Marks Place,
  - Fort Place,
  - Montgomery Avenue,
  - the northerly centerline prolongation of St. Pauls Avenue,
  - Van Duzer Street,
  - a line 150 feet northwesterly of Hannah Street,
  - a line midway between Van Duzer Street and Bay Street,
  - the southwesterly centerline prolongation of Minthorne Street,
  - Bay Street (westerly portion),
  - Victory Boulevard,
  - Bay Street (easterly portion),
  - the southerly street line of Victory Boulevard and its westerly and easterly prolongations,
  - the northerly prolongation of a line 135 feet easterly of Murray Hulbert Avenue,
  - the easterly prolongation of a line 921 feet northerly of the southerly street line of Victory Boulevard,
  - a US Pierhead Line, and
  - the property line of the US Government Lighthouse Department;

as shown on a diagram (for illustrative purposes only) dated May 19, 2008, and subject to the conditions of CEQR Declaration E-217.

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

jy7-23

**CONSUMER AFFAIRS****PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN, PURSUANT TO LAW, that the New York City Department of Consumer Affairs will hold a Public Hearing on Wednesday, July 23, 2008, at 2:00 P.M., at 66 John Street, 11th Floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

- 1) 117 Avenue Of The Americas Food Corp.  
117 Avenue Of The Americas, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 2) 1326 Restaurant LLC  
1326 Second Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 3) 151 Mulberry Street Corp.  
151 Mulberry Street, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 4) 160 Bistro, Inc.  
160 seventh Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 5) 205 East 75th Street LLC  
205 East 75th Street, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 6) 316 Bowery LLC  
316 Bowery, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 7) 609 Edibles LLC  
2410 Arthur Avenue, in the Borough of The Bronx  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 8) 8868 Corp.  
1492 Second Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 9) Arriba Arriba Mexican Restaurant Inc.

762 Ninth Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 10) Banjara Dining Inc.  
344 East 6th Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 11) Bar Giacosa Corp.  
268 Sixth Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 12) Better Living LLC  
103 Second Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 13) Brooklyn Pastry Shop, Ltd  
384 Fifth Avenue, in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 14) Buckwheat And Alfalfa Inc.  
182 8th Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 15) Coffee Place Corp.  
1223 Quentin Road, in the Borough of Brooklyn  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 16) Cufu Inc.  
1538 Second Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 17) Cup Café NY LLC.  
78-82 Reade Street, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 18) Delano Café Corp.  
29-02A Francis Lewis, in the Borough of Queens  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 19) Elsayed III Corp.  
293 East 10 Street, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 20) Emera Group Inc.  
610 Tenth Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 21) Enterprises Restaurant, LLC  
21 East 62 Street, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 22) FMT LLC  
8915 Fifth Avenue, in the Borough of Brooklyn  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 23) Four Green Fields LLC  
140 Seventh Avenue South, in the Borough of Manhattan  
(To continue, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 24) Gallo Nero Inc.  
185 Bleeker Street, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 25) Gerakas Enterprises LLC  
117 Second Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 26) GJ & S Restaurant Inc.  
1561 Second Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 27) Greenpoint Trading Company Inc.  
195 Franklin Street, in the Borough of Brooklyn  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 28) Happy Walking Boys Corp.  
184 West 10 Street, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 29) Jo-Rach Inc.  
148 Mulberry Street, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 30) Lokal Restaurant Corp.  
905 Lorimer Street, in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 31) Lucifer Restaurant LLC.  
401 East 20 Street, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 32) Mast Enterprises Inc.  
31-29 Ditmars Boulevard, in the Borough of Queens  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 33) Nargis Corp.  
2818 Coney Island Avenue, in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed

sidewalk café for a term of two years.)

- 34) Nera Corp.  
145 Avenue A, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 35) NYLA Café LLC  
101 Rivington Street, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 36) Paesano Rest. Corp.  
136 Mulberry Street, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 37) Pan Asian Bistro L.E.S. Inc.  
172 Orchard Street, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 38) Paramount Foods Inc.  
1724 Second Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 39) Pyramid Restaurant Group, Inc.  
201 East 37 Street, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 40) Restaurant 101 Inc.  
101B Dyckman Street, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 41) RF Restaurant And Foods Corp.  
78 Carmine Street, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 42) Rosso Enterprises Corp.  
21-23 Peck Slip, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 43) SL & H Bagel Inc.  
128 Second Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 44) SPN, Inc.  
2 East 3rd Street, in the Borough of Manhattan  
(To establish, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 45) Talias Restaurant Group LLC.  
668 Amsterdam Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 46) Third Ave. Rest. Inc.  
430 Amsterdam Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 47) Vynl On Second LLC  
1491 Second Avenue, in the Borough of Manhattan  
(To establish, maintain, and operate an enclosed sidewalk café for a term of two years.)
- 48) Yak I Inc.  
654 Amsterdam Avenue, in the Borough of Manhattan  
(To continue, maintain, and operate an unenclosed sidewalk café for a term of two years.)

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

jy18

**DESIGN & CONSTRUCTION****NOTICE**

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 the installation of storm and sanitary sewers and water mains at certain portions of South Railroad Street from North Pine Terrace to Annadale Road and Sneden Avenue from Eagan Avenue to Arden Avenue (Capital Project SER002181) - Borough of Staten Island.

The time and place of the hearing is as follows:

DATE: Friday, August 8, 2008  
 TIME: 10:00 A.M.  
 LOCATION: NYC Department of Design and Construction  
 4434 Amboy Road, 2nd Floor  
 Staten Island, NY 10312

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 includes the installation of new storm and sanitary sewers and water mains.

The properties proposed to be acquired are located in the Borough of State Island as follows:

South Railroad Street from North Pine Terrace to Annadale Road as shown on Damage and Acquisition Map No. 4183, dated November 14, 2005 and Sneden Avenue from Eagan

Avenue to Arden Avenue as shown on Damage and Acquisition Map No. 4161, dated June 18, 2008.

The properties affected include the following areas as shown on the Tax Map of the City of New York for the Borough of Staten Island:

#### South Railroad Street

Block 6249, part of Lots 260, 431, 433, 530; and Bed of street for South Railroad Street from North Pine Terrace to Annadale Road.

#### Sneden Avenue

Block 6205, part of Lot 200;  
Block 6209, part of Lots 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30;  
Block 6211, part of Lots 24, 32, 33; and  
Bed of Street for Sneden Avenue from Eagan Avenue to Arden Avenue.

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 August 15, 2008 (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.**

jy14-18

## EMPLOYEES' RETIREMENT SYSTEM

### INVESTMENT MEETING

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Monday, July 21, 2008 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

jy14-18

## ENVIRONMENTAL PROTECTION

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on July 31, 2008 commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and The Watershed Agricultural Council, Inc., 33195 State Highway 10, Walton, New York 13856 for CAT-361: Watershed Agricultural and Forestry Program. The Contract term shall be 46 months from the date of the written notice to proceed. The Contract amount shall be \$32,000,000.00 - Location: NYC Watershed Region - PIN# 82608WS00035.

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and Hazen & Sawyer, P.C./CH2M Hill New York, A Joint Venture, 498 Seventh Avenue, 11th Floor, New York, New York 10018 for PO-88B: Advanced Research and Development of Nutrient Removal and Operations of the NYC Nitrogen Removal Applied Research Program. The Contract term shall be 36 months from the date of the written notice to proceed. The Contract amount shall be \$7,181,040.00 - Location: Boroughs of Queens and Manhattan - PIN# 82607WPC1007.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from July 18, 2008 to July 31, 2008 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Note: Individuals requesting Sign Language Interpreters should contact Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

jy18

## 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 **July 22, 2008** 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 BROOKLYN 08-8420 - Block 1917, lot 28-132 Willoughby Avenue - Clinton Hill Historic District  
A French Second Empire style rowhouse built c. 1871.  
Application is to replace a window.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 08-8744 - Block 286, lot 31/32-138-138A Court Street - Cobble Hill Historic District  
A pair of flats buildings built in 1915-17. Application is to replace storefront infill.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF BROOKLYN 09-1047 - Block 1067, lot 50-799 Carroll Street - Park Slope Historic District  
A rowhouse built in 1889 and redesigned in the neo-Federal style by George Chappell in 1918. Application is to replace the cornice and alter windows.

ADVISORY REPORT  
BOROUGH OF MANHATTAN 09-1281 - Block Various, lot Various-  
West Broadway between Chambers Street and Franklin Street - Tribeca South Historic District and Tribeca West Historic District  
A commercial thoroughfare first laid out in the late 18th Century. Application is to install flood mitigation measures.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-3075 - Block 190, lot 7503-35 North Moore Street - Tribeca West Historic District  
A Romanesque Revival style cold storage warehouse designed by Thomas R. Jackson and built in 1891. Application is to alter windows in the penthouse addition.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-7529 - Block 230, lot 27-93 Grand Street - SoHo Cast Iron Historic District  
A store building designed by J. B. Snook and built in 1869. Application is to alter the storefront.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-6504 - Block 475, lot 7502-35 Wooster Street - SoHo-Cast Iron Historic District  
A French Renaissance style store and loft building designed by S. Curtiss Jr. and built in 1866. Application is to legalize the replacement of an access lift without Landmarks Preservation Commission permit.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-0214 - Block 587, lot 10-26 Commerce Street - Greenwich Village Historic District  
A Federal style rowhouse built in 1821. Application is to alter the roof and enlarge a rear extension. Zoned C2-6.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-7986 - Block 641, lot 58-335 West 12th Street, aka 802-810 Greenwich Street - Greenwich Village Historic District  
A one-story garage building, built in 1944. Application is to demolish the building and construct a four-story building. Zoned R6.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-8470 - Block 608, lot 18-142 West 13th Street - Greenwich Village Historic District  
A rowhouse built in 1842 and altered in 1938. Application is to remove the front stairs, replace windows, and alter the rear facade.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-1039 - Block 645, lot 25-837 Washington Street, aka 426-432 West 13th Street - Gansevoort Market Historic District  
A Moderne style market building designed by David M. Oltarch and built in 1938. Application is to alter the facades and construct a four-story rooftop addition. Zoned M1-5

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-0802 - Block 738, lot 1-44-54 9th Avenue, aka 357 West 14th Street - Gansevoort Market Historic District  
A row of Greek Revival style rowhouses built circa 1845-1846 altered to accommodate stores at the ground floor. Application is to replace storefront infill and install signage and lighting.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-6069 - Block 846, lot 14-17 East 17th Street - Ladies' Mile Historic District  
An early 20th century commercial style store and loft building designed by George and Edward Blum and built in 1911-1912. Application is to legalize stair and elevator bulkheads built in noncompliance with Landmarks Preservation Commission permits. Zoned M1-5M.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-8395 - Block 822, lot 19-19-25 West 20th Street - Ladies' Mile Historic District  
A 20th Century Utilitarian style parking garage designed by Matthew Del Guardio and built in 1926-27, and a parking lot. Application is to construct a new 16-story building on the empty lot, construct a three-story addition on the garage and install signage. Zoned C6-4A/R10A.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-3557 - Block 720, lot 35-425 West 22nd Street - Chelsea Historic District Extension  
An Anglo-Italianate style residence designed by Morgan Pindar and built in 1855. Application is to alter the front facade and construct a rear yard addition. Zoned R7B.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-7304 - Block 850, lot 4-361 West 22nd Street - Chelsea Historic District  
An Italianate style rowhouse built in 1872. Application is to construct a rooftop addition.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-8466 - Block 824, lot 46-12 West 23rd Street - Ladies' Mile Historic District  
A converted dwelling built in 1859 and altered in the Second Empire Commercial style in 1874 by Griffith Thomas. Application is to install storefront infill and signage.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-0627 - Block 850, lot 14-155 Fifth Avenue - Scribner Building, Individual Landmark-Ladies' Mile Historic District  
A Beaux-Arts style store and office building designed by Ernest Flagg and built in 1893-94. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-8327 - Block 1300, lot 1-230 Park Avenue - Former New York Central/now the Helmsley Building - Individual Landmark and Interior Landmark  
A Beaux-Arts style office building built in 1927-29 designed by Warren & Wetmore. Application is to install a door and desks.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-5825 - Block 1399, lot 66-114 East 65th Street - Upper East Side Historic District  
A Beaux-Arts style residence designed by Buchman & Deisler and built in 1899-1900. Application is to enclose a rear terrace. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-7360 - Block 1406, lot 30-177 East 71st Street - Upper East Side Historic District  
A neo-Federal style residence designed by S. E. Gage and built in 1909-10. Application is to construct a rooftop addition and a rear yard addition. Zoned R8B, LH-1A.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-0250 - Block 1408, lot 16-133-137 East 73rd Street aka 1024-1030 Lexington Avenue - Upper East Side Historic District  
A neo-Georgian style residence designed by William H. Birkmire and constructed in 1899-1900 and a neo-Italian Renaissance style building designed by Charles Stegmayer and constructed in 1898-1899. Application is to construct a rooftop addition, alter the rear yard facade, alter the stoop, and establish a storefront master plan.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-0826 - Block 1391, lot 49-64 East 77th Street - Upper East Side Historic District  
A rowhouse built in 1877, and altered in the neo-Colonial style in 1925 by Treanor & Fatio. Application is to modify a door opening to accommodate a window.

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 08-8148 - Block 1496, lot 71-1035 Fifth Avenue - Metropolitan Museum Historic District  
A neo-Classical style apartment building designed by J. E. R. Carpenter and built in 1925. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-0150 - Block 1142, lot 39-116 West 71st Street - Upper West Side / Central Park West Historic District  
A Renaissance Revival style rowhouse designed by Thom & Wilson and built in 1883-84. Application is to construct a rear yard addition and a rooftop stair bulkhead, and to excavate the rear yard. Zoned R5-B.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 09-0104 - Block 1212, lot 27-117 West 81st Street - Upper West Side/Central Park West Historic District  
A Northern Renaissance Revival style rowhouse designed by Henry L. Harris and built in 1884-1885. Application is to alter the rear facade and construct a rooftop addition. Zoned R-8B.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-4655 - Block 1250, lot 7502-334 West 89th Street - Riverside-West End Historic District  
A Renaissance Revival style rowhouse designed by Ralph S. Townsend and built in 1893-94. Application is to replace the areaway fence and install a trash enclosure.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-8519 - Block 1251, lot 117-303 West 90th Street - Riverside-West End Historic District  
A limestone rowhouse designed by Alexander M. Welch, and built in 1896-97. Application is to construct rear and rooftop additions. Zoned R10A.

CERTIFICATE OF APPROPRIATENESS  
BOROUGH OF MANHATTAN 08-8805 - Block 2082, lot 28-1818 Amsterdam Avenue - Joseph Loth and Company Silk Ribbon Mill - Individual Landmark  
A Rundbogenstil style mill building designed by Hugo Kafka and built in 1885, with a neo-Classical front entrance portico designed by Buchman and Fox and built in 1905. Application is to alter the front entrance; install railings on the roof, and HVAC equipment on the roof.

jy9-22

## 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, July 30, 2008. 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 Watchtower Bible and Tract Society of New York, Inc. to maintain and use a bridge over and across Columbia Heights, south of Doughty Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 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, 2009 - \$18,540  
 For the period July 1, 2009 to June 30, 2010 - \$19,054  
 For the period July 1, 2010 to June 30, 2011 - \$19,568  
 For the period July 1, 2011 to June 30, 2012 - \$20,082  
 For the period July 1, 2012 to June 30, 2013 - \$20,596  
 For the period July 1, 2013 to June 30, 2014 - \$21,110  
 For the period July 1, 2014 to June 30, 2015 - \$21,624  
 For the period July 1, 2015 to June 30, 2016 - \$22,138  
 For the period July 1, 2016 to June 30, 2017 - \$22,652  
 For the period July 1, 2017 to June 30, 2018 - \$23,166

the maintenance of a security deposit in the sum of \$23,200, 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.

**#2** In the matter of a proposed revocable consent authorizing Brooklyn Historic Railway Association to maintain and use a railroad tunnel, together with two public entrances, a manhole and ventilators, in Atlantic Avenue from east of Columbia Street, west of Boerum Place, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2008 to June 30, 2018 - \$250/per 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 \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

**#3** In the matter of a proposed revocable consent authorizing Manhattan College to construct, maintain and use a pedestrian bridge over and across Manhattan College Parkway, southwest of West 242nd Street, in the Borough of the Bronx. 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 date of approval to June 30, 2009 - \$5,640/annum  
 For the period July 1, 2009 to June 30, 2010 - \$5,801  
 For the period July 1, 2010 to June 30, 2011 - \$5,962  
 For the period July 1, 2011 to June 30, 2012 - \$6,123  
 For the period July 1, 2012 to June 30, 2013 - \$6,284  
 For the period July 1, 2013 to June 30, 2014 - \$6,445  
 For the period July 1, 2014 to June 30, 2015 - \$6,606  
 For the period July 1, 2015 to June 30, 2016 - \$6,767  
 For the period July 1, 2016 to June 30, 2017 - \$6,928  
 For the period July 1, 2017 to June 30, 2018 - \$7,089  
 For the period July 1, 2018 to June 30, 2019 - \$7,250

the maintenance of a security deposit in the sum of \$45,000, 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.

**#4** In the matter of a proposed revocable consent authorizing The New York and Presbyterian Hospitals, Inc. to construct, maintain and use nine pedestrian information sign posts and two campus directory signs along the sidewalks of 165th Street, between Riverside Drive and Broadway, 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 date of approval to June 30, 2009 - \$4,125/annum  
 For the period July 1, 2009 to June 30, 2010 - \$4,297  
 For the period July 1, 2010 to June 30, 2011 - \$4,383  
 For the period July 1, 2011 to June 30, 2012 - \$4,469  
 For the period July 1, 2012 to June 30, 2013 - \$4,555  
 For the period July 1, 2013 to June 30, 2014 - \$4,641  
 For the period July 1, 2014 to June 30, 2015 - \$4,727  
 For the period July 1, 2015 to June 30, 2016 - \$4,813  
 For the period July 1, 2016 to June 30, 2017 - \$4,899  
 For the period July 1, 2017 to June 30, 2018 - \$4,985  
 For the period July 1, 2018 to June 30, 2019 - \$5,071

the maintenance of a security deposit in the sum of \$5,100, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#5** In the matter of a proposed revocable consent authorizing The Trustee of Columbia University in the City of New York to construct, maintain and use four pedestrian information sign posts along the west sidewalk of Fort Washington Avenue, between Haven Avenue and 169th Street, and a campus directory map on the southeast corner of intersection of St. Nicholas Avenue and West 168th Street, all 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 date of approval to June 30, 2009 - \$2,000/annum  
 For the period July 1, 2009 to June 30, 2010 - \$2,043  
 For the period July 1, 2010 to June 30, 2011 - \$2,086  
 For the period July 1, 2011 to June 30, 2012 - \$2,129  
 For the period July 1, 2012 to June 30, 2013 - \$2,172  
 For the period July 1, 2013 to June 30, 2014 - \$2,215  
 For the period July 1, 2014 to June 30, 2015 - \$2,258  
 For the period July 1, 2015 to June 30, 2016 - \$2,301  
 For the period July 1, 2016 to June 30, 2017 - \$2,344  
 For the period July 1, 2017 to June 30, 2018 - \$2,387  
 For the period July 1, 2018 to June 30, 2019 - \$2,430

the maintenance of a security deposit in the sum of \$2,500, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

**#6** In the matter of a proposed revocable consent authorizing Teachers Insurance and Annuity Association of America to continue to maintain and use a conduit under and across East 46th Street, west of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2007 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2007 to June 30, 2008 - \$6,238  
 For the period July 1, 2008 to June 30, 2009 - \$6,416  
 For the period July 1, 2009 to June 30, 2010 - \$6,594  
 For the period July 1, 2010 to June 30, 2011 - \$6,772  
 For the period July 1, 2011 to June 30, 2012 - \$6,950  
 For the period July 1, 2012 to June 30, 2013 - \$7,128  
 For the period July 1, 2013 to June 30, 2014 - \$7,306  
 For the period July 1, 2014 to June 30, 2015 - \$7,484  
 For the period July 1, 2015 to June 30, 2016 - \$7,662  
 For the period July 1, 2016 to June 30, 2017 - \$7,840  
 For the period July 1, 2017 to June 30, 2018 - \$8,018

the maintenance of a security deposit in the sum of \$8,100, 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.

**#7** In the matter of a proposed revocable consent authorizing St. Vincent's Hospital and Medical Center of New York to continue to maintain and use a conduit under West 12th Street and under Seventh Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of twelve years from July 1, 2006 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2006 to June 30, 2007 - \$4,728  
 For the period July 1, 2007 to June 30, 2008 - \$4,863  
 For the period July 1, 2008 to June 30, 2009 - \$5,002  
 For the period July 1, 2009 to June 30, 2010 - \$5,141  
 For the period July 1, 2010 to June 30, 2011 - \$5,280  
 For the period July 1, 2011 to June 30, 2012 - \$5,419  
 For the period July 1, 2012 to June 30, 2013 - \$5,558  
 For the period July 1, 2013 to June 30, 2014 - \$5,697  
 For the period July 1, 2014 to June 30, 2015 - \$5,836  
 For the period July 1, 2015 to June 30, 2016 - \$5,975  
 For the period July 1, 2016 to June 30, 2017 - \$6,114  
 For the period July 1, 2017 to June 30, 2018 - \$6,253

the maintenance of a security deposit in the sum of \$6,300, 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.

jy9-30

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

#### DIVISION OF MUNICIPAL SUPPLY SERVICES

##### ■ AUCTION

#### PUBLIC AUCTION SALE NUMBER 09001-B

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, July 23, 2008 (SALE NUMBER 09001-B). 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:

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

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at: <http://www.nyc.gov/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.

jy16-23

##### ■ SALE BY SEALED BID

### SALE OF: 1 SANDBLAST CABINET AND 1 LOT OF STEAM POWERED DECK WINCHES AND GENIE INDUSTRIES PERSONAL LIFT

S.P.#: 08025

DUE: July 31, 2008

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

DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

☛ jy18-31

## 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 1137

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is July 28, 2008 from 10:00 A.M. - 2:00 P.M. Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on July 29, 2008 at approximately 9:00 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.

jy16-29





1270 Ryana Avenue, Bronx, New York 10474. Raymond Samedy, Project Manager, (718) 595-4826. Vendor Source ID#: 53654.

**MAINTENANCE AND REPAIR OF RESIDUAL CONTAINERS AT THE WARDS WPCP, NEW YORK** – Competitive Sealed Bids – PIN# 826091220CON – DUE 08-07-08 AT 11:30 A.M. - CONTRACT 1220-CON: Document Fee \$80.00. There will be a pre-bid conference on 07/31/08 at the Wards Island WPCP. Dennis Jones, Project Manager, (212) 860-1640. Vendor Source ID#: 53655.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*Department of Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373.*  
*Greg Hall (718) 595-3236, ghall@dep.nyc.gov*

☛ jy18

**FIRE**

■ SOLICITATIONS

*Goods*

**2008 POLARIS RANGER 6X6 700CC E71 ENGINE** – Sole Source – Available only from a single source - PIN# 057090000611 – DUE 07-29-08 AT 3:00 P.M. – The Fire Department intends to enter into sole source negotiations with RKO Enterprises for the purchase of a 2008 Polaris Ranger, 6x6 700cc E71 Engine. This vehicle will be part of our Brush Fire Unit. It will assist in putting out fires, saving lives and rescuing people. Qualified vendors wishing to express interest in this procurement, must submit such expression in writing.

*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.*  
*Fire Department, 9 MetroTech Center, Rm. 5S-12K, Brooklyn, NY 11201. Aurea Otero (718) 999-1334, oterooal@fdny.nyc.gov*

jy17-23

**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*

**FURNISH AND DELIVER SINK ASSEMBLY AND FIXTURES** – CSB – PIN# 11109000002 – DUE 08-04-08 AT 3:00 P.M.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*Bellevue Hospital Center, Purchasing Department, 462 First Avenue, Room 12E32, New York, NY 10016.*  
*Matthew Gaumer, Procurement Analyst, (212) 562-2887.*

☛ jy18

*Goods & Services*

**WATER PURIFICATION SYSTEM AND SERVICE CONTRACT** – CSB – PIN# 11109000003 – DUE 08-04-08 AT 3:00 P.M.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*Bellevue Hospital Center, Purchasing Department, 462 First Avenue, Room 12E32, New York, NY 10016.*  
*Matthew Gaumer, Procurement Analyst, (212) 562-2887.*

☛ jy18

**MATERIALS MANAGEMENT**

■ SOLICITATIONS

*Goods*

**MOHAWK FLOOR COVERINGS** – CSB – PIN# 011080280075 – DUE 07-28-08 AT 11:00 A.M. To include product, delivery, and installation. Specialty of Mohawk.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*Health & Hospitals Corp., Division of Materials Management, 346 Broadway, Suite 516, NY, NY 10013-3990.*

☛ jy18

**PURCHASING**

■ SOLICITATIONS

*Goods*

**SOFTWARE SUPPLY, LICENSE AND MAINTENANCE FOR MEDSTATIONS** – 1 CSB – PIN# 331-09-003 – DUE 08-01-08 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.*  
*Coney Island Hospital, 2601 Ocean Parkway, Room 1N45, Brooklyn, NY 11235.*

☛ jy18

**HEALTH AND MENTAL HYGIENE**

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATIONS

*Human/Client Service*

**NEW YORK/NEW YORK III SUPPORTED HOUSING CONGREGATE** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 81608PO0763 – DUE 02-13-09 AT 3:00 P.M. – The New York City Department of Health and Mental Hygiene (DOHMH) is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York/New York III Supportive Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. Beginning on February 16, 2007, RFPs may be picked up in person at the address below, between the hours of 10:00 A.M. and 4:00 P.M. on business days only. The RFP is also on line at: <http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynyccongregate-20070117-form.shtml> A pre-proposal conference will be held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, NY. Any questions regarding this RFP must be sent in writing in advance to Karen Mankin at the above address or fax to (212) 219-5890. All questions submitted will be answered at the Pre-Proposal conference. All proposals must be hand delivered at the Agency Chief Contracting Officer, Room 812, New York, NY 10013.

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

*Health and Mental Hygiene, 93 Worth Street, Room 812, New York, NY 10013. Karen Mankin (212) 219-5873, kmankin@health.nyc.gov*

f16-jy30

**HOMELESS SERVICES**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**ON-CALL SNOW REMOVAL, CITYWIDE** – Competitive Sealed Bids – PIN# 071-08S-01-1304 – DUE 08-26-08 AT 11:00 A.M. – Period of Performance: Thirty-six months from date of notice to commence work. Mandatory pre-bid conference to be held at the New Central Warehouse, 101-07 Farragut Road, Brooklyn, NY 11236. Location for optional site visit will be available upon request. Contact persons at Central Warehouse: Georgina Rios (718) 688-8540; Pete Dempsey (718) 688-8520; Donald Mercado (718) 688-8538. Contact person at Beaver Street: Jacques Frazier (212) 361-8405.

*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 Bid Desk, New York, NY 10004. Shirley Fleming-Morris (212) 361-8422, sfleming@dhs.nyc.gov*

☛ jy18

**OFFICE OF CONTRACTS AND PROCUREMENT**

■ SOLICITATIONS

*Human/Client Service*

**SAFE HAVEN OPEN-ENDED RFP** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-08S-04-1164 – DUE 08-27-10 – The Department of Homeless Services has issued an Open Ended Request for Proposals (PIN 071-08S-04-1164) as of August 27, 2007 seeking appropriately qualified vendors to develop and operate a stand-alone Safe Haven for chronic street homeless single adults and/or adult couples without minor children.

There is no due date for proposals under this RFP. Proposals will be reviewed by the Department as they are received and contracts will be awarded on an on-going basis until the Department’s needs are met.

*Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004.*  
*Suellen Schulman (212) 361-8400, sshulma@dhs.nyc.gov*

a27-f12

**CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/DROP-IN CENTERS**

– Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 01-02-09 AT 2:00 P.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission. Request for proposals is also available on-line at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord)

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

f29-d31

**HOUSING PRESERVATION & DEVELOPMENT**

■ AWARDS

*Human/Client Service*

**ANTI-PREDATORY LENDING CONTRACT** – BP/City Council Discretionary – PIN# 806088070066 –

AMT: \$135,000.00 – TO: Urban Justice Center, 123 William Street, 16th Floor, New York, NY 10038.

☛ jy18

**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**INTERNET ACCESS THROUGH SERVICE PROVIDERS** – Negotiated Acquisition – PIN# 85809NA0002 – DUE 07-28-08 AT 3:00 P.M. – DoITT intends to enter into negotiations with US LEC Communications, Inc. DBA PAETEC Business Services to provide internet service connectivity to the City of New York. Any firm which believes it can provide the required service is invited to indicate via email to [acco@doitt.nyc.gov](mailto:acco@doitt.nyc.gov) by July 28th, 2008, 3:00 P.M.

The services cannot be timely procured through competitive sealed bidding or competitive sealed proposals.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
*Department of Information Technology and Telecommunications, 75 Park Place, 9th Floor, New York, NY 10007. Margaret Budzinska (212) 788-6510, acco@doitt.nyc.gov*

☛ jy18-24

**JUVENILE JUSTICE**

■ SOLICITATIONS

*Human/Client Service*

**CORRECTION: PROVISION OF NON-SECURE DETENTION CENTERS** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13007DJJ001 – DUE 11-14-08 AT 3:00 P.M. – CORRECTION: The NYC Department of Juvenile Justice (DJJ) is seeking one or more appropriately qualified vendors to provide non-secure detention services for youth. Services shall include, but not be limited to, custody, basic youth care, food, clothing, shelter, education, health care, recreation, court related services, social work and case management services, social skills instruction, group sessions and monitoring and supervision of these services. In addition, the contract will require that a defibrillator shall be located in each program facility and that all staff requiring CPR training shall be certified in use of said defibrillator.

Each program facility will provide at least 10 and no more than 12 beds in accordance with the applicable regulations promulgated by the New York State Office of Children and Family Services (NYS OCFS), 9 N.Y.C.R.R. Section 180 et seq. The Department is seeking to provide services at facilities that will be operational at any time from January 1, 2007 to December 31, 2010. A vendor may submit an offer for more than one Facility Option. Current Agency vendors operating non-secure group homes that have contracts expiring in calendar year 2006 are urged to respond to this solicitation.

All program facilities shall be appropriately equipped to provide services for male or female youth as required by the Department, and be located in one of the five boroughs. The term of the contracts awarded from this solicitation will be for three years and will include an additional three-year option to renew. The anticipated maximum average annual funding available for each contract will be \$1,067,000, excluding start-up costs. Proposed start-up costs will be considered in addition to the proposed annual line item budget. Greater consideration will be given to applicants offering more competitive prices.

If your organization is interested in being considered for award of the subject contract, please hand deliver a written expression of interest addressed to my attention at 110 William Street, 13th Floor, New York, NY 10038. The expression of interest should specifically address the following:

1. Indicate each program facility for which the vendor is submitting.
2. Describe each proposed facility, its location, and proposed date of operation.
3. Attach appropriate documentation demonstrating the current use of each proposed facility and the vendor’s site control of the facility for a period of at least 3 years.
4. For each proposed facility,
  - a) Indicate the number of beds to be provided and demonstrate that the facility has the capacity to provide the indicated number of beds.
  - b) Demonstrate that the facility will be appropriately equipped to provide services for male or female youth.
5. Demonstrate the vendor’s organizational capability to:
  - a) Provide the indicated number of beds at each proposed facility. (If the vendor is a current provider, also demonstrate the capability to provide the indicated number of beds in addition to those already provided.)
  - b) Ensure that each proposed facility will be fully operational by required date in accordance with the applicable regulations promulgated by the New York State Office of Children and Family Services (NYS OCFS), 9 N.Y.C.R.R. Section 180 et seq.
6. Demonstrate the quantity and quality of the vendor’s successful relevant experience.
7. Attach for each proposed facility three-year annual line item operating budget. Include staffing details. Proposed start up costs should be included in addition to the proposed three-year annual line item operating budget.

All expressions of interest received in the manner set forth will be reviewed to determine if they are responsive to the material requirements of this solicitation. Expressions of interest determined to be non-responsive will not be further considered. Expressions of interest determined to be responsive will be considered in terms of the following factors:

- Appropriateness of each proposed facility.

- Demonstrated site control of each proposed facility.
● Demonstrated level of organizational capability to provide the proposed number of beds and to ensure that each proposed facility is fully operational by the applicable requisite date.
● Demonstrated quantity and quality of successful relevant experience.
● Annual budget amount and cost effectiveness of the budget.

The Department will enter into negotiations with the vendor(s) determined to be the best qualified at the time of evaluation, based on consideration of the above-cited factors. A contract will be awarded to the responsible vendor(s) whose offer(s) is/are determined to be the most advantageous to the City, taking into consideration the price and the other factors set forth in this solicitation. In the case that a vendor is eligible for award of more than one program facility, the Department reserves the right, based upon the vendor's demonstrated organizational capability and the best interest of the City, respectively, to determine how many and for which program facility(ies) the vendor will be awarded a contract.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Juvenile Justice, 110 William Street, 20th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

n20-13

PARKS AND RECREATION

REVENUE AND CONCESSIONS

SOLICITATIONS

Services (Other Than Human Services)

OPERATION AND MAINTENANCE OF A NEWSSTAND - Competitive Sealed Bids - PIN# X42-NS - DUE 08-04-08 AT 3:00 P.M. - Located at Rose Hill Park, Bronx.
● OPERATION AND MAINTENANCE OF A NEWSSTAND - Competitive Sealed Bids - PIN# X25-NS - DUE 08-04-08 AT 3:00 P.M. - Located at 177th Street and Westchester Avenue, Hugh Grant Circle, Bronx.

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

fy10-23

FOR THE OPERATION AND MANAGEMENT OF AN OUTDOOR HOLIDAY GIFT MARKET - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# M10-CC-AS - DUE 08-01-08 AT 1:00 P.M. At Columbus Circle in Central Park, Manhattan.

To download the RFP, visit http://www.nyc.gov/parks.org/sub - opportunities/business - ops/index.php?view - page equal to con - listing and, after logging in, click on the "download" link that appears adjacent to the RFB's description.

For more information or to request to receive a copy of the RFP by mail, prospective proposers may contact the Revenue Division's Supervisor of Concession Development, Gabrielle Ohayon, at (212) 360-1397 or at gabrielle.ohayon@parks.nyc.gov

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Gabrielle Ohayon (212) 360-1397, gabrielle.ohayon@parks.nyc.gov

fy8-21

POLICE

EQUIPMENT SECTION

SOLICITATIONS

Goods

MALE AND FEMALE DUTY TROUSERS - (15,000/30,000) - Competitive Sealed Bids - PIN# 05608ES00008 - DUE 08-13-08 AT 11:00 A.M.
● LAMINATED DUTY JACKETS - (4,000/8,000) - Competitive Sealed Bids - PIN# 05608ES00009 - DUE 08-06-08 AT 11:00 A.M.

A certified check for \$5,000.00 made payable to the Police Commissioner, City of New York, must be included with each completed bid form for a bidder to be considered. 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. Police Department, One Police Plaza, Room #110B, New York, NY 10038. Sgt. Molloy (646) 610-5940. Contract Administration Unit, 51 Chambers Street, Room 310, New York, New York 10007.

fy18

TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

SOLICITATIONS

Goods

CAB/CHASSIS CRANE TRUCK - Competitive Sealed Bids - PIN# OP139600000 - DUE 08-06-08 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Triborough Bridge and Tunnel Authority, 2 Broadway, Bid Suite, New York, NY 10004, Bid Administration, (646) 252-7094, vprocure@mtabt.org. All bids must be delivered to the 2 Broadway, Bid Suite, located at the 3 Stone Street entrance. Please allow extra time for delivery.

fy18

AGENCY RULES

HEALTH AND MENTAL HYGIENE

NOTICE

NOTICE OF INTENTION TO AMEND CHAPTER 23 (FOOD SERVICE ESTABLISHMENT SANITARY INSPECTION PROCEDURES) OF TITLE 24 OF THE RULES OF THE CITY OF NEW YORK

IN COMPLIANCE WITH SECTION 1043(a) OF THE NEW YORK CITY CHARTER NOTICE IS HEREBY GIVEN OF THE PROPOSED AMENDMENT OF CHAPTER 23 (FOOD SERVICE ESTABLISHMENT SANITARY INSPECTION PROCEDURES) OF TITLE 24 OF THE RULES OF THE CITY OF NEW YORK.

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 10:00 A.M. - 12:00 NOON, ON WEDNESDAY, AUGUST 20, 2008 IN THE THIRD FLOOR BOARDROOM, ROOM 330, AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK AT THE HEARING SHOULD NOTIFY RENA BRYANT, SECRETARY, IN WRITING, BY MAIL TO 125 WORTH STREET, CN-31, NEW YORK, NEW YORK 10013, OR BY FAX TO (212) 788-4315 BY 5:00 P.M. TUESDAY, AUGUST 19, 2008. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL WORKING HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

REGISTRATION OF PERSONS WHO WISH TO SPEAK AT THE HEARING WILL BE ACCEPTED AT THE DOOR ON THE DATE OF HEARING. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO REGISTER BEFORE THE HEARING DATE.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY, 125 WORTH STREET, CN-31, NEW YORK, NEW YORK 10013, (212) 788-5242, BY AUGUST 8, 2008.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT http://www.nyc.gov/html/doh/html/notice/notice.shtml ON OR BEFORE 5:00 P.M., AUGUST 20, 2008. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO http://www.nyc.gov/html/doh/html/comment/comment.shtml.

Statutory Authority

This amendment is authorized by §§389(b) and 1043 (a) of the New York City Charter (the "Charter"). Charter §389(b) provides that "heads of mayoral agencies shall have the power to adopt rules to carry out the powers and duties delegated to the agency head or the agency by or pursuant to federal, state or local law." Charter §1043(a) authorizes each agency to "adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law."

Statement of Basis and Purpose

Chapter 23 (Food Service Establishment Sanitary Inspection Procedures) was added to the rules of the Department of Health and Mental Hygiene (the Department) in 2005 to codify inspection procedures of the Bureau of Food Safety and Community Sanitation (BFSCS) of restaurants and other kinds of food service establishments operating pursuant to Department permits. These procedures establish objective measures of sanitary inspections, assigning point values for sanitary violations of Article 81 of the Health Code and Subpart 14-1 of the New York State Sanitary Code (10 NYCRR Chapter 1).

The Department is proposing that Chapter 23 be further

amended to include point values for reduced oxygen packaging (ROP) and (HACCP) violations of provisions recently added to Article 81 of the New York City Health Code (Health Code).

In March 2008, the Board of Health amended Article 81, adding a new §81.06(b) to prevent the occurrence of an imminent health hazard by mandating that a HACCP plan be prepared by a food service establishment or non retail food service establishment whenever such establishment prepares, processes, cooks, holds, and stores foods, in a manner other than as a specified in the Health Code. At the same time, a new §81.12 was added to establish minimum requirements for safe use of ROP techniques.

The amendments to the rules incorporate changes to the charts in Appendix 23-A and Appendix 23-B, and add definitions of HACCP and ROP to §23-02 to reflect those in Health Code §81.03.

Statement Pursuant to Charter Section 1042 - Regulatory Agenda

The proposed rule change was not included in the Department's Regulatory Agenda because the need for the rule was not known at the time the Regulatory Agenda was published.

THE PROPOSAL IS AS FOLLOWS:

Note - Matter to be deleted is in [brackets] Matter underlined is new

§1. Section 23-01 (Definitions and Construction of Words and Terms) of Chapter 23 (Food Service Establishment Sanitary Inspection Procedures) of Title 24 of the Rules of the City of New York, is amended, by adding, in alphabetical order, new definitions for "Hazard Analysis Critical Control Point (HACCP) plan" and "Reduced Oxygen Packaging," to be printed to read as follows:

§23-02 Definitions and Construction of Words and Terms. \* \* \*

Hazard Analysis Critical Control Point (HACCP) plan shall have the same meaning as the definition in §81.03 of the Health Code. \* \* \*

Reduced Oxygen Packaging (ROP) shall have the same meaning as the definition in §81.03 of the Health Code.

§2. Appendix 23-A (Food Service Establishment Inspection Score Worksheet) of Chapter 23 (Food Service Establishment Sanitary Inspection Procedures) of Title 24 of the Rules of the City of New York, is amended, to be printed to read as follows:

APPENDIX 23-A

FOOD SERVICE ESTABLISHMENT SANITARY INSPECTION SCORE WORKSHEET

Table with columns: Critical Violations, Conditions I, II, III, IV, V. Rows include violations such as 'Cold food held above 41 F', 'ROP processed food not cooled by an approved method', 'Food from unapproved or unknown source', etc.

§2. Appendix 23-B (Food Service Establishment Inspection Scoring Parameters - A Guide to Conditions) of Chapter 23 (Food Service Establishment Sanitary Inspection Procedures) of Title 24 of the Rules of the City of New York, is amended, to be printed to read as follows:

APPENDIX 23B

FOOD SERVICE ESTABLISHMENT SANITARY INSPECTION SCORING PARAMETERS.

A GUIDE TO CONDITIONS

Table with columns: Violation, Condition I, Condition II, Condition III, Condition IV, Condition V. Rows include violations such as 'Cold food item held above 41° F', 'ROP food not cooled by an approved method', 'Food from unapproved or unknown source', etc.

CRITICAL VIOLATIONS					
Violation	Condition I	Condition II	Condition III	Condition IV	Condition V
41*	Raw, cooked or prepared food is adulterated, adulterated, contaminated or cross-contaminated, or not discarded in accordance with HACCP plan. Example: lettuce contaminated by raw chicken or 3 lbs of custard cream contaminated by rice droppings; or one 2 lb package of ROP chicken not discarded in accordance with HACCP plan.	Two food items or 8-10 lbs of food are spoiled, adulterated, contaminated or cross-contaminated. Example: lettuce and cooked chicken contaminated by raw chicken or 11 10 lbs of adulterated sausage or ROP beef stew (twelve 4 oz packages) and ROP chicken (twelve 2 lb packages) not discarded in accordance with HACCP Plan or ROP pork tenderloin (eighteen 8 oz packages) not discarded in accordance with HACCP Plan.	Three food items or 11-15 lbs of food is spoiled, adulterated, contaminated or cross-contaminated. Example: lettuce, cooked chicken and raw eggs contaminated by raw chicken; or 11 lbs of lettuce, and 4 lbs of figs contaminated by non-potable water; or ROP beef stew (twelve 4 oz packages) and ROP chicken (twelve 2 lb packages) not discarded in accordance with HACCP Plan and ROP pork tenderloin (eighteen 8 oz packages) not discarded in accordance with HACCP Plan.	Four or more food items or 16 lbs or more food are spoiled, adulterated, contaminated or cross-contaminated. Example: lettuce, cooked chicken, raw eggs and cooked rice contaminated by raw chicken; or 25 lbs of mashed potatoes contaminated by raw pork tripe; or ROP beef stew (twelve 4 oz packages), ROP chicken (twelve 2 lb packages), ROP pork tenderloin (eighteen 8 oz packages) and meal sauce (six 1 lb packages) not discarded in accordance with HACCP Plan or ROP beef stew (two 12 lb packages) not discarded in accordance with HACCP Plan.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
4K	Appropriately scaled metal thermometer or thermocouple not provided or used to evaluate temperatures of potentially hazardous foods during cooking, cooling, reheating and holding.			Appropriate thermometer(s) or thermocouple not provided or used to measure the temperature of potentially hazardous foods.	
5K+	Refrigeration used to implement HACCP plan not equipped with an electronic system that continuously monitors time and temperature.			Refrigeration not equipped with an electronic system that continuously monitors time and temperature.	Inspector must call office to discuss enforcement measures.

CRITICAL VIOLATIONS					
Violation	Condition I	Condition II	Condition III	Condition IV	Condition V
6G*				Approved HACCP plan not maintained on premises.	No approved HACCP plan. Inspector must call office to discuss enforcement measures.
6H	Records and logs not maintained to show HACCP plan has been properly implemented.				Record and logs not maintained to show HACCP plan has been properly implemented. Inspector must call office to discuss corrective action or other enforcement measures.
6I	Food not labeled in accordance with HACCP plan.			Food not labeled in accordance with HACCP plan.	Inspector must call office to discuss corrective action or other enforcement measures.

GENERAL VIOLATIONS					
Violation	Condition I	Condition II	Condition III	Condition IV	Condition V
12A	(General Other) Equipment used for ROP processing not approved by the Department.				
12B	General other.	Inspector must call office to discuss corrective action, enforcement measures or appropriate code citations.			

### HOUSING PRESERVATION & DEVELOPMENT

#### NOTICE

### NOTICE OF PROMULGATION OF RULES PERTAINING TO *IN REM* FORECLOSURE AFFECTING DISTRESSED PROPERTY AND CERTAIN OTHER PROPERTIES

NOTICE IS HEREBY GIVEN pursuant to the authority vested in the Commissioner of the Department of Housing Preservation and Development ("Department") by Chapter 61 of the New York City Charter and Chapter 4 of Title 11 of the New York City Administrative Code and in accordance with the requirements of New York City Charter §1043, that the Department hereby promulgates amendments to the rules pertaining to *in rem* foreclosure affecting distressed property and certain other properties.

Section one. Subdivision e of section 8-03 of chapter 8 of title 28 of the rules of the city of New York is amended to read as follows:

#### § 8-03 Qualification and Selection of a Third Party.

\*\*\*

(e) In selecting a Third Party, HPD shall consider:

- (1) residential management experience;
- (2) financial capacity;
- (3) rehabilitation experience;
- (4) ability to work with government and community organizations;
- (5) neighborhood ties;
- (6) ability to finance or obtain financing for the required rehabilitation;
- (7) whether the Third party is a not for profit organization or neighborhood-based-for-profit individual or organization;
- (8) intent and ability to improve, manage and maintain the property to be transferred;
- (9) whether an application has been submitted under sponsorship of a Not-for-profit Qualified Developer on behalf of the Tenants for eventual ownership by the Tenants of a property that is subject to an *in rem* judgment of foreclosure.

(i) Such an application must be submitted to HPD in such form as HPD shall approve, on or before the date that is specified by HPD in the written notice to Tenants made pursuant to subdivision (c) of § 8-04 of these rules;

(ii) Such application must be sponsored by a Not-for-profit Qualified Developer and accompanied by a letter from such Not-for-profit Qualified Developer indicating that the Not-for-profit Qualified Developer is applying for transfer of the foreclosed property, is prepared to acquire, manage and rehabilitate the foreclosed property, and is sponsoring the Tenants in their effort to eventually own such property; and

(iii) Such application shall only be considered where: (A) the foreclosed property contains at least 10 residential units, (B) such property is at least 50 percent occupied; and (C) the application [it] is signed by 60% of the

Tenant households of such property; and  
 (10) any other factors that HPD deems relevant to such selection.

§ 2. Subdivision c of section 8-04 of such rules is amended to read as follows:

#### § 8-04 Third Party Transfer Process.

\*\*\*

(c) HPD will provide a written notice to Tenants of properties that are the subject of an *in rem* judgment of foreclosure and eligible for the Third Party Transfer Program. Such notice will advise Tenants of the foreclosure action, briefly describe the Third Party Transfer Program, and advise Tenants of an opportunity to apply for eventual ownership of such property under the sponsorship of a Not-for-profit Qualified Developer. Such notice shall be provided prior to entry of such judgment for such property and will be posted in a common area of the property, provided, however, that in the case of a property that is subject to a supplemental judgment of foreclosure due to a default in an installment agreement or a property that is subject to a summary judgment of foreclosure due to dismissal of an owner answer, such notice shall be provided prior to entry of such judgment or as soon as practicable thereafter. In addition, HPD will make an effort to place such notice beneath the doors of individual units in such properties.

§3. Subdivision (a) of section 8-06 of such rules is amended and renumbered as subdivision (b), subdivision (b) of section 8-06 is amended and renumbered as section 8-07, the heading of section 8-06 is amended and new subdivisions (a), (c), (d) and (e) are added, and section 8-07 is renumbered as section 8-08, to read as follows:

#### § 8-06 [Transfer from Not-for-Profit Qualified Developer to Tenant Ownership] Interim Evaluation Period.

(a) A property that has been transferred to a Third Party for which a Not-for-profit Qualified Developer has sponsored a Tenant application pursuant to §8-03(e)(9) of these rules shall be subject to an interim evaluation period during which progress toward eventual ownership by Tenants will be monitored by HPD.

[(a)] (b) No later than [ninety] thirty days after transfer [of a property] to a Third Party of a property for which a Not-for-profit Qualified Developer [which] has sponsored a Tenant application pursuant to § 8-03(e)(9) of these rules, [HPD] such Not-for-Profit Qualified Developer shall inform the Tenants that the property has entered into an interim evaluation period, and shall provide information to the Tenants about the process toward eventual ownership by the Tenants. Such Not-for-Profit Qualified Developer [will] shall make training available to such Tenants, no later than ninety days after such transfer. The training may include courses in building management, maintenance, and managing building finances. HPD may also provide notice to the Tenants regarding commencement of the interim evaluation period.

(c) The interim evaluation period shall include certain milestones for achievement which shall form the basis for HPD to either permit the property to move forward toward eventual ownership by Tenants, or to remove the property from the process toward such ownership. HPD shall evaluate progress toward eventual ownership by Tenants using the following milestones:

- (i) whether Tenants have cooperated with the Third Party and Not-for-Profit Qualified Developer in renewing leases or establishing new leases where none exists;
- (ii) whether at least 80% of the Tenants are actively paying rent;
- (iii) whether Tenants have cooperated with relocation plans, where applicable;
- (iv) whether Tenants have attended training programs offered by the Not-for-Profit Qualified Developer; and
- (v) any additional factors that HPD considers appropriate in evaluating the tenants' progress toward ownership, provided that HPD notifies the Tenants of any such additional factors.

(d) Such interim evaluation period shall commence upon transfer of the property to the Third Party and shall continue upon the transfer of the property to the Not-for-Profit Qualified Developer. Such interim evaluation period shall end when any required rehabilitation of the property has been completed and permanent loan conversion has taken place, or at the conclusion of such longer period as HPD shall determine with notice to the Tenants.

(e) HPD shall evaluate compliance with the milestones listed in subdivision c of this section at regular intervals, and shall inform Tenants and the Not-for-Profit Qualified Developer of its findings. HPD may at any time remove a property from the process toward eventual ownership by Tenants based upon its evaluation. If HPD has not removed the property from such process, at the completion of the interim evaluation period it shall make a determination for such property pursuant to section 8-07 of these rules.

#### [(b)] §8-07 Transfer from Not-for-Profit Qualified Developer to Tenant Ownership.

(a) Unless a determination has otherwise already been made, HPD shall make a determination whether or not to approve the transfer from a Not-for-Profit Qualified Developer to Tenant ownership upon completion of the interim evaluation period. HPD will consider the following criteria when [evaluating a request from the Not-for-profit Qualified Developer and the Tenants for HPD's consent to a transfer of ownership of the property from the Not-for-profit Qualified Developer to the Tenants] making such determination:

- (1) That an application was submitted to HPD pursuant to and in accordance with § 8-03(e)(9) of these rules;
- (2) The time period that has elapsed since transfer of the property to the Not-for-profit Qualified Developer;
- (3) Whether the property has been rehabilitated and permanent loan conversion has taken place;
- (4) The number of Tenants who have signed a petition affirming that there is a functioning tenant organization, that they wish to own the property, and that they understand the extent of the responsibilities of ownership of the property;
- (5) The amount of time that a Tenant organization has been in existence at the property;
- (6) The number of members of the Tenant organization who have participated in any training offered by HPD, including, but not limited to, courses in building management, maintenance, and managing building finances;
- (7) The number of Tenants who have attended a presentation by HPD regarding ownership of the property;

- (8) The level of Tenant interest in ownership as indicated through subscriptions to buy units;
- (9) The record of payment of all existing loans, status of rent payments, and adequacy of management of the property; [and]
- (10) HPD's evaluation of the progress made toward tenant ownership during the interim evaluation period as set forth in section 8-06 of these rules; and
- [(10)] (11) Any other criteria that HPD deems relevant to the request, including, but not limited to, any information provided to it by the Not-for-profit Qualified Developer.

#### [§ 8-07] §8-08 Miscellaneous Provisions.

(a) HPD Discretion. All determinations to be made by HPD in accordance with these Rules shall be in the sole discretion of HPD.

(b) Statutory Authority Not Limited. Nothing in these Rules shall be deemed to limit HPD's authority pursuant to applicable laws.

(c) Technical Violations. Provided that there has been a reasonable good faith effort to comply with these Rules, technical violations of these Rules shall not invalidate any action taken pursuant to these Rules, nor shall such technical violation give rise to any rights, claims, or causes of action.

### STATEMENT OF BASIS AND PURPOSE

The proposed amendments clarify criteria for submission of a tenant petition application under sponsorship of a not-for-profit entity during the Third Party Transfer process. The amendments also clarify an interim evaluation period for buildings where a tenant petition application has been submitted, to ensure that the tenants in such buildings receive training and are made aware of the milestones that must be met for the building to eventually transfer to tenant ownership. Finally, the rules clarify the process for notifying tenants of buildings that are subject to a supplemental judgment of foreclosure.

### RENT GUIDELINES BOARD

#### NOTICE

### 2008 Apartment & Loft Order #40

June 19, 2008

Order Number 40 - Apartments and Lofts, rent levels for leases commencing October 1, 2008 through September 30, 2009.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No 276 of 1974 of the New York City Council and extended by Chapter 82 of the Laws of 2003, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board (RGB) hereby adopts the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2008**. These rent adjustments will apply to rent stabilized apartments with leases commencing on or after **October 1, 2008** and through **September 30, 2009**. Rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law are also included in this order.

#### ADJUSTMENT FOR RENEWAL LEASES (APARTMENTS)

Where heat is provided or required to be provided to a dwelling unit by an owner from a central or individual system at no charge to the tenant, the adjustments are as follows:

For a **one-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **4.5%**

For a **two-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **8.5%**

Provided, however, that where the most recent vacancy lease was executed **six** years or more prior to the date of the renewal lease under this Order, the following shall instead apply:

For a **one-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **4.5% or \$45, whichever is greater.**

For a **two-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **8.5% or \$85, whichever is greater.**

Where heat is neither provided nor required to be provided to a dwelling unit by an owner from a central or individual system, the adjustments are as follows:

For a **one-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **4.0%**

For a **two-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **8.0%**

Provided, however, that where the most recent vacancy lease was executed **six** years or more prior to the date of the renewal lease under this Order, the following shall instead apply:

For a **one-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **4.0% or \$40, whichever is greater.**

For a **two-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **8.0% or \$80, whichever is greater.**

Adjustments for renewal leases shall also apply to dwelling

units in a structure subject to the partial tax exemption program under Section 421a of the Real Property Tax Law, or in a structure subject to Section 423 of the Real Property Tax Law as a Redevelopment Project.

#### VACANCY ALLOWANCE FOR APARTMENTS

No vacancy allowance is permitted except as provided by sections 19 and 20 of the Rent Regulation Reform Act of 1997.

#### ADDITIONAL ADJUSTMENT FOR RENT STABILIZED APARTMENTS SUBLET UNDER SECTION 2525.6 OF THE RENT STABILIZATION CODE

In the event of a sublease governed by subdivision (e) of section 2525.6 of the Rent Stabilization Code, the allowance authorized by such subdivision shall be **10%**.

#### ADJUSTMENTS FOR LOFTS (UNITS IN THE CATEGORY OF BUILDINGS COVERED BY ARTICLE 7-C OF THE MULTIPLE DWELLING LAW)

The Rent Guidelines Board **adopts** the following levels of rent increase above the "base rent", as defined in Section 286, subdivision 4, of the Multiple Dwelling Law, for units to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law:

For **one-year** increase periods commencing on or after **October 1, 2008** and on or before **September 30, 2009**: **3.5%**

For **two-year** increase periods commencing on or after **October 1, 2008** and on or before **September 30, 2009**: **6.5%**

#### VACANT LOFT UNITS

No Vacancy Allowance is permitted under this Order. Therefore, except as otherwise provided in Section 286, subdivision 6, of the Multiple Dwelling Law, the rent charged to any tenant for a vacancy tenancy commencing on or after **October 1, 2008** and on or before **September 30, 2009** may not exceed the "base rent" referenced above plus the level of adjustment permitted above for increase periods.

#### FRACTIONAL TERMS

For the purposes of these guidelines any lease or tenancy for a period up to and including one year shall be deemed a one year lease or tenancy, and any lease or tenancy for a period of over one year and up to and including two years shall be deemed a two-year lease or tenancy.

#### ESCALATOR CLAUSES

Where a lease for a dwelling unit in effect on May 31, 1968 or where a lease in effect on June 30, 1974 for a dwelling unit which became subject to the Rent Stabilization Law of 1969, by virtue of the Emergency Tenant Protection Act of 1974 and Resolution Number 276 of the New York City Council, contained an escalator clause for the increased costs of operation and such clause is still in effect, the lawful rent on **September 30, 2008** over which the fair rent under this Order is computed shall include the increased rental, if any, due under such clause except those charges which accrued within one year of the commencement of the renewal lease. Moreover, where a lease contained an escalator clause that the owner may validly renew under the Code, unless the owner elects or has elected in writing to delete such clause, effective no later than **October 1, 2008** from the existing lease and all subsequent leases for such dwelling unit, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized under this Order.

#### SPECIAL ADJUSTMENTS UNDER PRIOR ORDERS

All rent adjustments lawfully implemented and maintained under previous apartment orders and included in the base rent in effect on **September 30, 2008** shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

#### SPECIAL GUIDELINE

Under Section 26-513(b)(1) of the New York City Administrative Code, and Section 9(e) of the Emergency Tenant Protection Act of 1974, the Rent Guidelines Board is obligated to promulgate special guidelines to aid the State Division of Housing and Community Renewal in its determination of initial legal regulated rents for housing accommodations previously subject to the City Rent and Rehabilitation Law which are the subject of a tenant application for adjustment. The Rent Guidelines Board hereby **adopts** the following Special Guidelines:

For dwelling units subject to the Rent and Rehabilitation Law on **September 30, 2008**, which become vacant after **September 30, 2008**, the special guideline shall be:

- (1) **50%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1] ) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2008**.

#### DECONTROLLED UNITS

The permissible increase for decontrolled units as referenced in Order 3a which become decontrolled after **September 30, 2008**, shall be:

- (1) **50%** above the maximum base rent, or
- (2) Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C.

section 1437f [c] [1] ) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2008**.

#### CREDITS

Rentals charged and paid in excess of the levels of rent increase established by this Order shall be fully credited against the next month's rent.

#### STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing apartment units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

The Rent Guidelines Board is also authorized to promulgate rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law. The purpose of the loft guidelines is to implement the public policy set forth in the Legislative Findings of Article 7-C of the Multiple Dwelling Law (Section 280).

**Dated: June 19, 2008**

Marvin Markus  
Chair  
New York City Rent Guidelines Board

**EXPLANATORY STATEMENT - APARTMENT ORDER #40**  
Explanatory Statement and Findings of the Rent Guidelines Board In Relation to 2008-09 Lease Increase Allowances for Apartments and Lofts under the Jurisdiction of the Rent Stabilization Law<sup>1</sup>

Summary of Order No. 40

The Rent Guidelines Board (RGB) by Order No. 40 has set the following maximum rent increases for leases subject to renewal on or after October 1, 2008 and on or before September 30, 2009 for **apartments** under its jurisdiction:

Where heat is provided or required to be provided to a dwelling unit by an owner from a central or individual system at no charge to the tenant, the adjustments are as follows:

For a **one-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **4.5%**

For a **two-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **8.5%**

Provided, however, that where the most recent vacancy lease was executed **six** years or more prior to the date of the renewal lease under this Order, the following shall instead apply:

For a **one-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **4.5% or \$45, whichever is greater.**

For a **two-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **8.5% or \$85, whichever is greater.**

Where heat is neither provided nor required to be provided to a dwelling unit by an owner from a central or individual system, the adjustments are as follows:

For a **one-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **4.0%**

For a **two-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **8.0%**

Provided, however, that where the most recent vacancy lease was executed **six** years or more prior to the date of the renewal lease under this Order, the following shall instead apply:

For a **one-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **4.0% or \$40, whichever is greater.**

For a **two-year** renewal lease commencing on or after October 1, 2008 and on or before September 30, 2009: **8.0% or \$80, whichever is greater.**

<sup>1</sup>This Explanatory Statement explains the actions taken by the Board members on individual points and reflects the general views of those voting in the majority. It is not meant to summarize all the viewpoints expressed.

#### VACANCY ALLOWANCE

The vacancy allowance is now determined by a formula set forth in the State Rent Regulation Reform Act of 1997 and in Chapter 82 of the Laws of 2003, not by the Orders of the Rent Guidelines Board.

#### SUBLET ALLOWANCE

The increase landlords are allowed to charge when a rent stabilized apartment is sublet by the primary tenant to

another tenant on or after October 1, 2008 and on or before September 30, 2009 shall be **10%**.

#### ADJUSTMENTS FOR LOFTS

For **Loft units** to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law, the Board established the following maximum rent increases for increase periods commencing on or after October 1, 2008 and on or before September 30, 2009. No vacancy allowance or low rent allowance is included for lofts.

1 Year	2 Years
<b>3.5%</b>	<b>6.5%</b>

The guidelines do not apply to hotel, rooming house, and single room occupancy units that are covered by separate Hotel Orders.

Any increase for a renewal lease may be collected no more than once during the guideline period governed by Order No. 40.

#### SPECIAL GUIDELINES

Leases for units subject to rent control on September 30, 2008 that subsequently become vacant and then enter the stabilization system are not subject to the above adjustments. Such newly stabilized rents are subject to review by the State Division of Housing and Community Renewal (DHCR). In order to aid DHCR in this review the Rent Guidelines Board has set a special guideline of whichever is greater:

1. **50%** above the maximum base rent, or
2. The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1] ) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on October 1, 2008.

All rent adjustments lawfully implemented and maintained under previous apartment Orders and included in the base rent in effect on September 30, 2008 shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

#### THE FOLLOWING OUTLINES EXAMPLES OF HOW THE GUIDELINE ADJUSTMENTS WOULD BE CALCULATED UNDER DIFFERENT LENGTHS OF TENANCIES:

**Example 1:** A tenant signed a vacancy lease on October 1, 2002. As of September 30, 2008, he is paying \$650 per month. He decides to sign a one-year lease renewal commencing on October 1, 2008. The adjustment in his rent is 4.5% or \$45, whichever is greater. (Since he has lived in the apartment for six years, his lease renewal is subject to the \$45 minimum increase for tenants in place for six or more years.) A 4.5% increase in rent of \$650 is \$29.25, which is less than \$45. Therefore, his rent increases the full \$45, to \$695.

**Example 2:** A tenant signed a vacancy lease on August 1, 1998. As of July 31, 2009, she is paying \$1,250 per month. She decides to sign a one-year lease renewal commencing on August 1, 2009. The adjustment in her rent is 4.5% or \$45, whichever is greater. (Since she has lived in the apartment for eleven years, her lease renewal is subject to the \$45 minimum increase for tenants in place for six or more years.) However, a 4.5% increase in rent of \$1250 is \$56.25, which is greater than \$45. Therefore, her rent increases \$56.25, to \$1,306.25.

**Example 3:** A tenant signed a vacancy lease on January 1, 2004. As of December 31, 2008, he is paying \$550 per month. He decides to sign a one-year lease renewal commencing on January 1, 2009. The adjustment in his rent is 4.5%. (Since he has lived in the apartment for only five years, his lease renewal is not subject to the \$45 minimum increase for tenants in place for six or more years.) Therefore, his rent increases \$24.75, to \$574.75.

**Example 4:** A tenant signed a vacancy lease on March 1, 1996. On March 1, 2004, the tenant's son succeeded his mother in the apartment. As of February 28, 2009, he is paying \$775 per month. He decides to sign a two-year lease renewal commencing on March 1, 2009. The adjustment in his rent is 8.5% or \$85, whichever is greater. (Since a vacancy lease was last signed thirteen years earlier, the tenant is subject to the minimum \$85 increase.) An 8.5% increase in rent of \$775 is \$65.88, which is less than \$85. Therefore, his rent increases the full \$85, to \$860.

Background of Order No. 40

The Rent Guidelines Board is mandated by the Rent Stabilization Law of 1969 (Section 26-510(b) of the NYC Administrative Code) to establish annual guidelines for rent adjustments for housing accommodations subject to that law and to the Emergency Tenant Protection Act of 1974. In order to establish guidelines the Board must consider, among other things:

- (1) the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating and maintenance costs (including insurance rates, governmental fees, cost of fuel and labor costs), (iii) costs and availability of financing (including effective rates of interest), (iv) overall supply of housing accommodations and overall vacancy rates;

- (2) relevant data from the current and projected cost of living indices for the affected area;
- (3) such other data as may be made available to it.

The Board gathered information on the above topics by means of public meetings and hearings, written submissions by the public, and written reports and memoranda prepared by the Board's staff. The Board calculates rent increase allowances on the basis of cost increases experienced in the past year, its forecasts of cost increases over the next year, its determination of the relevant operating and maintenance cost-to-rent ratio, and other relevant information concerning the state of the residential real estate industry.

#### Material Considered by the Board

Order No. 40 was issued by the Board following two public hearings, seven public meetings, its review of written submissions provided by the public, and a review of research and memoranda prepared by the Board's staff. A total of approximately 49 written submissions were received at the Board's offices from many individuals and organizations including public officials, owners and owner groups, and tenants and tenant groups. The Board members were provided with copies of public comments received by the **June 16, 2008** deadline. All of the above listed documents were available for public inspection.

Open meetings of the Board were held following public notice on March 25, April 15, April 29, May 2, and June 3, 2008. On **May 5, 2008**, the Board adopted proposed rent guidelines for apartments, lofts, and hotels.

Public hearings were held on **June 11, 2008** and **June 16, 2008** pursuant to Section 1043 of the New York City Charter and Section 26-510(h) of the New York City Administrative Code. Testimony on the proposed rent adjustments for rent-stabilized apartments and lofts was heard from 4 p.m. to 10:35 p.m. on June 11, 2008 and from 10 a.m. to 9:50 p.m. on June 16, 2008. Testimony from members of the public speaking at these hearings was added to the public record. The Board heard testimony from approximately 95 apartment tenants and tenant representatives, 69 apartment owners and owner representatives, and 10 public officials. In addition 6 speakers read into the record written testimony from various public officials. On **June 19, 2008** the guidelines set forth in Order No. 40 were adopted.

A written transcription and/or audio recording was made of all proceedings.

#### PRESENTATIONS BY RGB STAFF AND HOUSING EXPERTS INVITED BY MEMBERS OF THE BOARD

Each year the staff of the New York City Rent Guidelines Board is asked to prepare numerous reports containing various facts and figures relating to conditions within the residential real estate industry. The Board's analysis is supplemented by testimony from industry and tenant representatives, housing experts, and by various articles and reports gathered from professional publications.

Listed below are the other experts invited and the dates of the public meetings at which their testimony was presented:

<i>Meeting Date / Name</i>	<i>Affiliation</i>
<b>1 March 25, 2008:</b>	Staff presentation, 2008 <i>Mortgage Survey</i>
	<u>Guest Speaker</u>
1. Joseph Rosenberg	Deputy Commissioner, Intergovernmental Affairs, NYC Department of Housing Preservation and Development
<b>April 15, 2008:</b>	Staff presentations, 2008 <i>Income and Affordability Study and the 2008 Income &amp; Expense Study</i>
	<u>Guest Speaker</u>
1. Martha Stark	Commissioner, NYC Department of Finance
<b>April 29, 2008:</b>	Staff presentation, 2008 <i>Price Index of Operating Costs</i>
<b>May 2, 2008:</b>	<u>Apartment Owners group testimony:</u>
1. Jack Freund	Executive Vice President - Rent Stabilization Association (RSA)
2. John Maniscalco	New York Oil Heating Association
3. Christopher Athineos	Athineos Enterprises, Inc. and Small Property Owners of NY (SPONY)
4. Pat Siconolfi	Community Housing Improvement Program (CHIP)
5. Frank Anelante	Lemle & Wolff, Inc.
6. Michael Schmelzer	Tryax Realty Mgmt.
	<u>Apartment Tenants group testimony:</u>
1. Tom Duane	State Senator
2. Louise Seeley	Executive Director, □ City-Wide Task Force on Housing Court
3. Tom Waters	Housing Policy Analyst, □ Community Service Society
4. David Hanzel	Policy Director, □ Association for Neighborhood and Housing Development
5. James Parrott	Fiscal Policy Institute
6. Victor Bach	Community Service Society
7. Ericka Stallings	New York Immigration Coalition
8. Robert McCreanor	Catholic Migration Office, Tenant Advocacy Program

#### Hotel Tenants group testimony:

1. Yarrow Willman-Cole  
Tenant Organizer, West Side S.R.O. Law Project
2. Jonathan Burke  
MFY Legal Services
3. Larry Wood  
Community Organizer, Goddard Riverside Community Center

**June 3, 2008:** Staff presentations  
*2008 Housing Supply Report Changes to the Rent Stabilized Housing Stock in NYC in 2007*

#### NYS Division of Housing and Community Renewal (DHCR) testimony

1. Leslie Torres  
Deputy Commissioner for Office of Rent Administration
2. Michael Rosenblatt  
Deputy General Counsel
3. Gerald Garfinkle  
Bureau Chief
4. Greg Fewer  
Director of Policy

#### SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM OWNERS AND OWNER GROUPS<sup>2</sup>

Comments from owners and owner groups included:

"For the rent guidelines to be adequate, the RGB must recognize two basic principles. First, the guidelines must be within the range of commensurate adjustments calculated by RGB staff to produce the revenue needed to meet increased operating costs. This year, the range for a one-year lease falls between 4.75% and 7.5% while the two-year range falls between 8.1% and 13.25%. Second, a percentage increase applied to a low rent generates less revenue than the same percentage applied to a high rent. But it costs as much to heat a low-rent apartment as a high-rent apartment. This year, the RGB must provide a minimum rent increase of \$60 per apartment per month to generate the required revenue."

"While building operating costs have been soaring at historically high rates, rent increases granted by the RGB have fallen far behind. In recent years, the one-year rent guideline increase has amounted to only half of the increase in building operating costs. Specifically, the average increase in the one-year guideline since 2000 has been 4% compared to an 8.2% annual increase in the PIOC. In other words, since 2000, building operating costs have increased by nearly 60% while property owners have, at best, collected increases of less than 30% based on the one-year rent guideline increase."

"The PIOC does not measure the frequency of a repair. It just measures the increase of that cost. It is obvious that older buildings require much more maintenance than a newer building. There is no way an owner can maintain these buildings with the small percentage increases similar to those of the past few years. The Board needs to seriously consider passing a minimum rent increase of \$60 aside from the percentage increase, because 5% on a \$600 rent is still \$30 a month. This \$30 or \$360 a year doesn't cover the replacement of just one bathroom faucet in that apartment. It doesn't pay for the increased fuel or the skylight. Please do not let New York's housing fall victim to a fate similar to that which the City faced in the 1970's."

"The stabilized market is not balanced due to the large amount of long term occupancies, low rent apartments. Because there are so many two and three bedrooms paying a little over \$600 a month is why you see the new vacancies starting at \$1300 and up. It is the new tenants who are somewhat helping the landlords carry the buildings...These are tough times for everyone but if small owners are driven out of business, there will be serious deterioration of community and affordable housing stock in NYC."

"Despite what appears to be a clear case for substantially higher renewal guidelines increases this year, a number of RGB members have suggested that the need for such increases may be mitigated by other factors such as the availability of substantial rent increases upon vacancy. However, the economic deterioration of regulated housing since 2000 has occurred despite the availability of such increases. The economic data upon which the RGB relies, derived from income and expense filings by property owners, includes all sources of building income including increased income available from vacancies as well as commercial and non-rental income. Yet, this inclusive economic data demonstrates that income from sources other than rent guideline increases has not been sufficient to offset the negative effect of inadequate rent guideline increases."

"In order to end the fine-tuning of guidelines to take into account irrelevant information, I suggest that each year the Board adopt rate increases consistent with its annual findings of operating cost changes over the prior year. Thus, for 2008-09 the rate increase for a one-year lease would be 7.8% and for a two-year lease 15.1%...I hope that the Board will re-examine its procedures in determining rent increases for the coming year with these suggestions in mind so that owners will receive rent stabilized rents that cover the actual costs of rent stabi

<sup>2</sup> Sources: Submissions by owner groups and testimony by owners

#### SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM TENANTS AND TENANT GROUPS<sup>3</sup>

Comments from tenants and tenant groups included:

"In 2008, more than ever, we are concerned with the impact of Rent Guidelines Board increases on low-income New Yorkers. We are especially concerned with a landlord-backed proposal to impose a minimum rent increase of \$60 for one-year leases and \$80-100 on two-year leases. Rent stabilized tenants occupying apartments with rents affected by this proposal are disproportionately people of low-income already suffering from high rent-income burdens and declining residual income to pay for other necessities of life."  
"The Rent Guidelines Board needs to take a more nuanced approach to rent increases. The Board needs to recognize that there has been rapid deregulation in many neighborhoods...In a City where the supply of affordable,

subsidized housing is shrinking, the Rent Guidelines Board needs to begin to seriously look at its role in preserving a diverse, mixed-income population. Our City needs to be able to house teachers, government workers, artists, nurses and home health attendants, not just investment bankers, doctors and lawyers."

"As of the 2005 HVS, regulated rentals were still the primary housing resource of low-income New Yorkers. Nearly two-thirds of the city's 1.1 million low-income families relied on the private, unsubsidized rental market for their homes. The largest portion (42%) lived in rent-regulated apartments. The Rent Guidelines Board has a critical role to play in assuring that New York City's rent stabilized units continue to provide low-income working families with decent, secure homes in which adults and children can lead productive lives in their communities. If rent increases continue to outpace income gains for working families—as they have in every district and submarket—and families face rising costs on virtually every front, that objective cannot be accomplished. We urge the RGB to keep its rent guidelines increases to a minimum."

"The 2003-2007 recovery and expansion was extremely shallow in terms of the benefits to most New York City working families: hourly wages and median family incomes either failed to keep pace with inflation or rose only slightly in real, inflation-adjusted dollars. Housing costs in New York City are placing an enormous burden on working families. The current recession will exact a heavy economic toll over the next two years, shrinking the city's job base, pushing up unemployment, and exacerbating the financial predicament facing many working families."

"Neighborhoods around New York City have, in recent years, seen a dramatic rise in harassment of tenants as landlords try to remove working families so they can raise the rent. Mayor Bloomberg recently signed a landmark new anti-harassment law, Local Law 7, in part as a response to this problem. There is a direct connection between this increase in harassment and the rise of a new type of buyer of New York City real estate. These new buyers are raising money from Wall Street-type funds that create a pressure for profit levels that, in rent regulated buildings, can only be achieved by displacing tenants and undermining affordable rents...Market pressures are squeezing tenants across the city and new owners have based a business model on removing units from regulation. It is imperative that we protect the city's stock of affordable housing. We urge you to consider these developments as you contemplate this year's increases."

"It is our belief that all New Yorkers should have the right to available, decent and affordable housing. New York City continues to suffer from the worst housing affordability crisis it has experienced since the Great Depression. The huge rent hikes of the last four years have created financial hardship for a lot of rent stabilized tenants. Since 2003, the RGB has abandoned the traditional 2% spread between the one-year and two-year lease renewal guidelines, in favor of a 3+ point spread. This year, if the RGB is not going to adopt a rent freeze, at a minimum it should adopt very low guidelines."

<sup>3</sup> Sources: Submissions by tenant groups and testimony by tenants.

#### SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM PUBLIC OFFICIALS<sup>4</sup>

Comments from public officials included:

"Owners of rent regulated buildings have done extremely well during the past decade—they have seen both their profits and the value of their properties rise exponentially, particularly those with properties in Manhattan. According to the RGB's 2008 Income and Expense Study, owners' Net Operating Income (the amount of income remaining after all operating and maintenance expenses have been paid) increased by 8.8% overall citywide, with Manhattan seeing an even greater increase of 9.5%. It also showed that from 2005 to 2006, the increases in owners income outpaced the increase in operating costs. One of the most important factors the RGB must consider is whether owners of regulated properties have the necessary income to maintain their buildings. The overall condition of the city's rent regulated housing stock is healthy and continues to improve; the RGB's 2008 Income and Expense Study reveals that only 10.7% of all properties are distressed, down from 14% in 1990."

"Most of the loss of the city's affordable housing units is a direct result of unfair annual rent increases by the Rent Guidelines Board, and the Board's compliant approach to undocumented hardship claims by landlords. The Board's policy of relentless increases, and its goal of using the 'cost of living' justification to foster rapid decontrol, is inflicting a terrible and unjust toll on the city's lower and middle class tenants. What does it say about the Board that it cannot take into account that its policies are forcing tens of thousands of citizens from their homes because of increasing rents? By contrast, no landlords, whom the Board invariably supports, are known to have lost their homes to a rent increase, and landlords, by the Board's own determination, have increased their operating income in 2006 by 8.8%. Meanwhile, according to the 2004 data, 43% of renters citywide are paying 50% or more of their income for rent, and these percentages have increased."

"Over the many years that I have testified before this board, it has never frozen rents, even in years' following double-digit rent increases. Instead, year after year, this board—despite the wisdom and pleading of its tenant members and the hundreds of rent stabilized residents who testify before it—consistently takes action to increase rents. I ask you to defy history today by taking note of the state of our economy, understanding what the financial burden of yet another rent increase would mean for New York City's residents, and freezing rent stabilized rents."

"Renters in this city are struggling. In 2004, 43 percent of renters citywide paid 50 percent or more of their income in rent. In fact, renters are experiencing cost of living increases across the board—not only for gas, but also for food, transportation and household products. At the same time, landlords net operating incomes have increased by 8.8 percent from 2005 to 2006."

"Affordable housing is a critical component of the city's economic mix and rent stabilized apartments are probably the largest part of our affordable housing stock. Because of a confluence of factors, affordable housing is disappearing at an alarming rate...Until this broken system is fixed, I urge that the Board vote no to any increase."

"Low and moderate income tenants suffer from very high rent burdens. In 2004 (latest data available), 43% of renters citywide paid 50% or more of their income in rent. The bottom third of the city's regulated renters now have a median rent burden of 45%. Landlord's incomes have increased. The 2008 Income and Expense Study done by the RGB shows that from 2005 to 2006, increases in income outpaced increases in operating costs. Landlords saw income increase from rent of 5.6%; increases in operating costs were 4.1% and net operating income increased by 8.8%. The loss of NYC's affordable housing is, in large part, caused by rent increases approved by the RGB. Between 1994 and 2007, over 71,000 units were lost from rent stabilization due to vacancy decontrol, and over 40,000 units were lost due to co-op/condo conversion. One-third of the city's 120,917 subsidized apartments were lost between 1990 and 2006."

4 Sources: Submissions by public officials.

#### FINDINGS OF THE RENT GUIDELINES BOARD

##### RENT GUIDELINES BOARD RESEARCH

The Rent Guidelines Board based its determination on its consideration of the oral and written testimony noted above, as well as upon its consideration of statistical information prepared by the RGB staff set forth in these findings and the following reports:

- (1) 2008 Mortgage Survey Report, March 2008, (An evaluation of recent underwriting practices, financial availability and terms, and lending criteria);
- (2) 2008 Income and Expense Study, April 2008, (Based on income and expense data provided by the Finance Department, the Income and Expense Study measures rents, operating costs and net operating income in rent stabilized buildings);
- (3) 2008 Tenant Income and Affordability Study, April 2008, (Includes employment trends, housing court actions, changes in eligibility requirements and public benefit levels in New York City);
- (4) 2008 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City, April 2008, (Measures the price change for a market basket of goods and services which are used in the operation and maintenance of stabilized buildings);
- (5) 2008 Housing Supply Report, June 2008, (Includes new housing construction measured by certificates of occupancy in new buildings and units authorized by new building permits, tax abatement and exemption programs, and cooperative and condominium conversion and construction activities in New York City); and,
- (6) Changes to the Rent Stabilized Housing Stock in NYC in 2007, June 2008, (A report quantifying all the events that lead to additions to and subtractions from the rent stabilized housing stock).

The six reports listed above may be found in their entirety on the RGB's website, www.housingnyc.com, and are also available at the RGB offices, 51 Chambers St., Suite 202, New York, NY upon request.

#### 2008 PRICE INDEX OF OPERATING COSTS FOR RENT STABILIZED APARTMENT HOUSES IN NEW YORK CITY

The 2008 Price Index of Operating Costs For Rent Stabilized Apartment Houses in New York City found a 7.8% increase in costs for the period between April 2007 and April 2008.

This year, the PIOC for rent stabilized apartment buildings increased by 7.8%, 2.7 percentage points above the PIOC percentage change from the year before (5.1% in 2007). The PIOC was driven upward by increases in fuel (37.4%) and utility (8.9%) costs. These increases were offset by a slight rise in real estate taxes of 0.3%. More moderate increases were seen in administrative costs (5.3%), labor and replacement costs (both 4.0%), and contractor services (4.6%). Insurance costs and parts and supplies witnessed lower increases, both rising by 2.3%. See Table 1 for changes in costs and prices for all rent stabilized apartment buildings from 2007-08.

The "core" PIOC, which excludes erratic changes in fuel oil, natural gas and electricity costs, is useful for analyzing long-term inflationary trends. The core PIOC rose by 3.4% this year, which was more than the growth in the Consumer Price Index (CPI) of 2.9%.

Table 1

Item	2007-08 Percentage Change in Components of the Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City	2007-08 Weighted Percentage Δ	
		Expenditure Weights	Percentage Δ
Taxes	27.27%	0.32%	0.09%
Labor Costs	14.03%	3.98%	0.56%
Fuel Costs	12.11%	37.35%	4.52%
Utility Costs	15.18%	8.89%	1.35%
Contractor Services	12.97%	4.62%	0.60%
Administrative Costs	7.52%	5.26%	0.40%
Insurance Costs	8.67%	2.33%	0.20%
Parts & Supplies	1.59%	2.28%	0.04%
Replacement Costs	0.66%	3.99%	0.03%
<b>All Items</b>		<b>100.00</b>	<b>7.78</b>

Source: 2008 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City.  
Note: The Δ symbol means change.

#### LOCAL LAW 63/ INCOME & EXPENSE REVIEW

The sample size for the Income and Expense (I&E) study includes over 12,600 properties containing over 571,000 units. This is the sixteenth year that staff has been able to obtain longitudinal data in addition to cross-sectional data. The RGB staff found the following average monthly (per unit) operating and maintenance (O&M) costs in 2007 Real Property Income and Expense (RPIE) statements for the year 2006:

5 Totals may not add due to weighting and rounding.

Table 2

2007 Income and Expense Study Average Monthly Operating and Maintenance Costs Per Unit<sup>6</sup>

	Pre '47	Post '46	All Stabilized
<b>Total</b>	<b>\$666</b>	<b>\$763</b>	<b>\$695</b>

Source: 2008 Income and Expense Study, from 2007 Real Property Income and Expense filings for 2006, NYC Department of Finance.

In 1992, the Board benefited from the results of audits conducted on a stratified sample of 46 rent stabilized buildings by the Department of Finance. Audited income and expense (I&E) figures were compared to statements filed by owners. On average the audits showed an 8% over reporting of expenses. The categories, which accounted for nearly all of the expense over reporting, were maintenance, administration, and "miscellaneous." The largest over-reporting was in miscellaneous expenses.

If we assume that an audit of this year's I&E data would yield similar findings to the 1992 audit, one would expect the average O&M cost for stabilized buildings to be \$639, rather than \$695. As a result, the following relationship between operating costs and residential rental income was suggested by the Local Law 63 data:

Table 2(a)

2006 Operating Cost to Rent/Income Ratio Adjusted to 1992 Audit

	O&M Costs	Rent	O&M to Rent Ratio	Income	O&M to Income Ratio
All stabilized	\$639	\$907	0.70	\$1,009	0.63
Stabilized Pre'47	\$612	\$857	0.71	\$958	0.64
Stabilized Post'46	\$701	\$1,020	0.69	\$1,125	0.62

Source: 2008 Income and Expense Study, from 2007 Real Property Income and Expense filings for 2006, NYC Department of Finance.

**On April 25, 2008 the staff of the Rent Guidelines Board released two memos to Board members with additional Income and Expense Study information. The text of those memos follows:**

#### 2008 Income and Expense Study Memo #1:

In response to the request from the board for a breakdown of Income & Expense cross-sectional data for residential-only buildings (those buildings without commercial space rental income), the following are the key indicators by building size and location:

<sup>6</sup> Totals may not add due to weighting and rounding.  
<sup>7</sup> Overall O&M expenses were adjusted according to the findings of an income and expenses audit conducted by the Department of Finance in 1992. The unadjusted O&M to Rent ratios would be 0.77 (All), 0.78 (Pre-47), and 0.75 (Post-46), respectively. The unadjusted O&M to Income ratios would be 0.69 (All), 0.69 (Pre-47), and 0.68 (Post-46).

#### Cross-Sectional Average Rent, Income, Costs, and NOI, By Building Size, Citywide and by Borough, Residential Only Buildings, 2006

All sizes				
	Rent	Income	Costs	NOI
Citywide	\$893	\$928	\$646	\$282
Core Manh	\$1,368	\$1,431	\$862	\$568
Upper Manh	\$829	\$857	\$665	\$192
Brooklyn	\$750	\$775	\$566	\$210
Queens	\$826	\$849	\$603	\$247
Bronx	\$689	\$717	\$551	\$166
City w/o Core	\$762	\$788	\$586	\$202

20-99 units				
	Rent	Income	Costs	NOI
Citywide	\$823	\$845	\$604	\$241
Core Manh	\$1,279	\$1,294	\$780	\$514
Upper Manh	\$828	\$853	\$654	\$199
Brooklyn	\$739	\$761	\$558	\$203
Queens	\$810	\$828	\$587	\$242
Bronx	\$675	\$702	\$540	\$162
City w/o Core	\$747	\$770	\$574	\$196

11-19 units				
	Rent	Income	Costs	NOI
Citywide	\$896	\$911	\$648	\$263
Core Manh	\$1,264	\$1,277	\$812	\$465
Upper Manh	\$768	\$791	\$654	\$137
Brooklyn	\$728	\$741	\$558	\$182
Queens	\$776	\$783	\$543	\$240
Bronx	\$638	\$660	\$584	\$77
City w/o Core	\$731	\$746	\$573	\$172

100+ units				
	Rent	Income	Costs	NOI
Citywide	\$1,122	\$1,208	\$783	\$425
Core Manh	\$1,525	\$1,666	\$983	\$683
Upper Manh	\$901	\$957	\$758	\$200
Brooklyn	\$826	\$878	\$608	\$271
Queens	\$893	\$938	\$674	\$264
Bronx	\$818	\$859	\$616	\$243
City w/o Core	\$855	\$904	\$650	\$254

In addition, the following chart shows the longitudinal change in rent, income, costs and NOI for all residential-only buildings from 2005 to 2006:

#### Longitudinal Change in Rent, Income, Costs, and NOI, Citywide and by Borough, Residential Only Buildings, 2005-2006

All sizes-Change from 05-06				
	Rent	Income	Costs	NOI
Citywide	5.5%	5.3%	3.2%	10.1%
Core Manh	6.6%	6.6%	2.3%	13.7%
Upper Manh	6.3%	5.9%	5.7%	6.6%
Brooklyn	5.4%	4.4%	2.8%	8.5%
Queens	4.4%	4.2%	3.8%	5.1%
Bronx	4.3%	4.5%	3.0%	10.2%
City w/o Core	5.0%	4.6%	3.6%	7.6%

Source: 2006 and 2007 RPIE Filings, Dept. of Finance

#### 2008 Income and Expense Study Memo #2:

In response to a request from the board for an analysis of RPIE-EZ form filings, the following are the summary findings, broken down by borough, from 1,856 buildings, each containing 10 apartment units or less, which filed RPIE-EZ forms reflecting conditions in 2006. These filings represent all buildings with fewer than eleven units that filed an RPIE-EZ form. Therefore this analysis contains rent stabilized as well as unregulated buildings.

It is important to note that owners of buildings containing fewer than eleven units are not required to file RPIE forms, but the Department of Finance provides an opportunity for owners of these buildings to file RPIE-EZ forms. The Department of Finance created the EZ form to encourage owners of income-producing properties to provide income and expense info — even those that are not required to by law — so that they can base their values on actual data, as opposed to estimates based on comparables. It is important to keep in mind that when considering these findings that the type of respondent of the RPIE-EZ forms is self-selected, and not as broad-based as the findings reported in the RGB's 2008 Income and Expense Study.

The following results are broken out per building per month (per unit results are not available). The first table shows averages, while the second shows median figures.

*Average Income and Expense and the Average Operating and Maintenance Cost to Income Ratio, per Building, per Month, for Buildings with 10 Units or Less, 2006*

	Number of buildings	Average Income per month	Average Expenses per month	Average O&M Cost to Income Ratio
Manhattan	238	\$9,263	\$7,373	79.60%
Bronx	129	\$3,809	\$3,325	87.31%
Brooklyn	995	\$3,593	\$2,727	75.90%
Queens	466	\$3,460	\$2,559	73.97%
Citywide	1,856	\$4,288	\$3,314	77.27%

*Median Income and Expense and the Median Operating and Maintenance Cost to Income Ratio, per Building, per Month, for Buildings with 10 Units or Less, 2006*

	Number of buildings	Median Income per month	Median Expenses per month	Median O&M Cost to Income Ratio
Manhattan	238	\$7,632	\$6,135	80.38%
Bronx	129	\$3,300	\$2,439	73.91%
Brooklyn	995	\$3,123	\$2,311	74.00%
Queens	466	\$3,235	\$2,383	73.65%
Citywide	1,856	\$3,364	\$2,493	74.11%

Notes: Staten Island contained too few buildings (28) to break out individually but is included in the citywide totals. Expense data includes estimates of real estate taxes paid by building owners that were calculated by the Dept. of Finance because building owners are not asked to include that information in their RPIE filings.

In addition, while not available by borough, the average audited O&M expense to rent ratio in 2006 was 71.0% (unaudited was 77.3%) and the median audited O&M expense to rent ratio was 68.1% (unaudited was 74.1%)

**FORECASTS OF OPERATING AND MAINTENANCE PRICE INCREASES FOR 2008-09**

In order to decide upon the allowable rent increases for two-year leases, the Rent Guidelines Board considers price changes for operating costs likely to occur over the next year. In making its forecasts the Board relies on expert assessments of likely price trends for the individual components, the history of changes in prices for the individual components and general economic trends. The Board's projections for 2008-09 are set forth in Table 3, which shows the Board's forecasts for price increases for the various categories of operating and maintenance costs.

**Table 3**

Year-to-Year Percentage Changes in Components of the Price Index of Operating Costs: Actual 2007-08 and Projected 2008-09

	Price Index 2007-08	Projected Price Index 2008-09
Taxes	0.3%	10.3%
Labor Costs	4.0%	3.6%
Fuel Costs	37.4%	4.7%
Utility Costs	8.9%	11.0%
Contractor Services	4.6%	5.4%
Administrative Costs	5.3%	6.2%
Insurance Costs	2.3%	6.8%
Parts & Supplies	2.3%	1.7%
Replacement Costs	4.0%	1.5%
<b>Total (Weighted)</b>	<b>7.8%</b>	<b>7.3%</b>

Source: 2008 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City, which includes the 2009 PIOC Projection.

Overall, the PIOC is expected to grow by 7.3% from 2008 to 2009, with projected increases in every PIOC component. Three of the more volatile components, Fuel, Insurance Costs, and Utilities, are projected to rise 4.7%, 6.8%, and 11.0% respectively. Taxes are projected to increase 10.3% due to an increase in billable assessments and the tax rate for Class Two properties. Contractor Services are expected to rise 5.4%, Administrative Costs 6.2%, and Labor Costs are projected to increase by 3.6%. The table on this page shows predicted changes in PIOC components for 2009. The core PIOC is projected to rise 7.7%, a higher rate than the overall PIOC.

**COMMENSURATE RENT ADJUSTMENT**

Throughout its history, the Rent Guidelines Board has used a formula, known as the commensurate rent adjustment, to help determine annual rent guidelines for rent stabilized apartments. In essence, the "commensurate" combines various data concerning operating costs, revenues, and inflation into a single measure indicating how much rents would have to change for net operating income (NOI) in stabilized buildings to remain constant. The different types of "commensurate" adjustments described below are primarily meant to provide a foundation for discussion concerning prospective guidelines.

In its simplest form, the commensurate rent adjustment is the amount of rent change needed to maintain landlords' current dollar NOI at a constant level. In other words, the formula provides a set of one- and two-year renewal rent increases or guidelines that will compensate owners for the change in prices measured by the PIOC and keep net operating income "whole."

The first commensurate method is called the "Net Revenue" approach. While this formula takes into consideration the types of leases actually signed by tenants, it does not adjust landlords' NOI for inflation. The "Net Revenue" formula is

presented in two ways, first adjusting for the mix of lease terms and second, adding an assumption for stabilized apartment turnover and the impact of revenue from vacancy increases. Under the "Net Revenue" formula, a guideline that would preserve NOI in the face of this year's 7.8% increase in the PIOC is 6.25% for a one-year lease and 11.5% for a two-year lease. Guidelines using this formula and adding assumptions for the impact of vacancy increases on revenues when apartments experience turnover are 4.75% for one-year leases and 9.5% for two-year leases.

The second commensurate method considers the mix of lease terms while adjusting NOI upward to reflect general inflation, keeping both operating and maintenance (O&M) and NOI constant. This is commonly called the "CPI-Adjusted NOI" formula. A guideline that would preserve NOI in the face of the 2.9% increase in the Consumer Price Index and the 7.8% increase in the PIOC is 7.5% for a one-year lease and 13.25% for a two-year lease. Guidelines using this formula and adding the estimated impact of vacancy increases are 6.0% for one-year leases and 11.25% for two-year leases.<sup>8</sup>

The original formula that has been in use since the inception of the Rent Guidelines Board is called the "traditional" commensurate adjustment. The "traditional" commensurate yields 5.4% for a one-year lease and 8.1% for a two-year lease, given the increase in operating costs of 7.8% found in the 2008 PIOC and the projection of a 7.3% increase next year.<sup>9</sup>

As a means of compensating for cost changes, this "traditional" commensurate rent adjustment has two major flaws. First, although the formula is supposed to keep landlords' current dollar income constant, the formula does not consider the mix of one- and two-year lease renewals. Since only about three-fifths of leases are renewed in any given year, with a preponderance of leases having a two-year duration, the formula does not necessarily accurately estimate the amount of income needed to compensate landlords for operating and maintenance (O&M) cost changes.

A second flaw of the "traditional" commensurate formula is that it does not consider the erosion of landlords' income by inflation. By maintaining current dollar NOI at a constant level, adherence to the formula may cause profitability to decline over time. However, such degradation is not an inevitable consequence of using the "traditional" commensurate formula.<sup>10</sup>

All of these methods have their limitations. The "traditional" commensurate formula is artificial and does not consider the impact of lease terms or inflation on landlords' income. The "Net Revenue" formula does not attempt to adjust NOI based on changes in interest rates or deflation of landlord profits. The "CPI-Adjusted NOI" formula inflates the debt service portion of NOI, even though interest rates have been generally falling, rather than rising, over recent years. Including a consideration of the amount of income owners receive on vacancy assumes both that vacancy increases are charged and collected, and that turnover rates are constant across the City.

Finally, it is important to note that only the "traditional" commensurate formula uses the PIOC projection and that this projection is not used in conjunction with or as part of the "Net Revenue" and "CPI-Adjusted NOI" formulas. As stated previously, all three formulas attempt to compensate owners for the adjustment in their operating and maintenance costs measured each year in the PIOC. The "Net Revenue" and the "CPI-Adjusted NOI" formulas attempt to compensate owners for the adjustment in O&M costs by using only the known PIOC change in costs (7.8%). The traditional method differs from the other formulas in that it uses both the PIOC's actual change in costs as well as the projected change in costs (7.3%). If the change in projected costs, which may not be an accurate estimate of owner's costs, is added to the "Net Revenue" and "CPI-Adjusted NOI" formulas, the resulting guidelines will likely over- or under-compensate for the change in costs.

<sup>8</sup> The following assumptions were used in the computation of the commensurates: (1) the required change in landlord revenue is 68.9% of the 2008 PIOC increase of 7.8%, or 5.4%. The 68.9% figure is the most recent ratio of average operating costs to average income in stabilized buildings; (2) for the "CPI-Adjusted NOI" commensurate, the increase in revenue due to the impact of inflation on NOI is 31.1% times the latest 12-month increase in the CPI ending February 2008 (2.93%) or 0.9%; (3) these lease terms are only illustrative—other combinations of one- and two-year guidelines could produce the adjustment in revenue; (4) assumptions regarding lease renewals and turnover were derived from the 2005 Housing and Vacancy Survey; and (5) for the commensurate formulae, including a vacancy assumption, the 10.69% median increase in vacancy leases found in the rent stabilized apartments that reported a vacancy lease in the 2006 apartment registration file from the Division of Housing and Community Renewal was used.

<sup>9</sup> The collectability of legally authorized adjustments is assumed. Calculating the "traditional" commensurate rent adjustment requires an assumption about next year's PIOC. In this case, the 7.3% PIOC projection for 2009 is used.

<sup>10</sup> Whether profits will actually decline depends on the level of inflation, the composition of NOI (i.e. how much is debt service and how much is profit), changes in tax law and interest rates.

Each of these formulae may be best thought of as a starting point for deliberations. The other Rent Guidelines Board annual research reports (e.g. the Mortgage Survey report and the Income and Expense Study) and testimony to the Board

can be used to modify the various estimates depending on these other considerations.

Consideration of Other Factors

Before determining the guideline, the Board considered other factors affecting the rent stabilized housing stock and the economics of rental housing.

**EFFECTIVE RATES OF INTEREST**

The Board took into account current mortgage interest rates and the availability of financing and refinancing. It reviewed the staff's 2008 Mortgage Survey of lending institutions. Table 4 gives the reported rate and points for the past nine years as reported by the mortgage survey.

**Table 4**  
2008 Mortgage Survey<sup>11</sup>  
Average Interest Rates and Points for  
New and Refinanced Permanent Mortgage Loans 2000-2008

New Financing of Permanent Mortgage Loans,  
Interest Rate and Points

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Avg. Rates	8.7%	8.4%	7.4%	6.2%	5.8%	5.5%	6.3%	6.3%	5.9%
Avg. Points	0.99	0.99	0.79	0.81	0.67	0.56	0.44	0.61	0.47
Refinancing of Permanent Mortgage Loans, Interest Rate and Points									
	2000	2001	2002	2003	2004	2005	2006	2007	2008
Avg. Rates	8.6%	8.0%	7.4%	6.2%	5.7%	5.5%	6.3%	6.2%	5.8%
Avg. Points	1.01	1.06	0.83	0.78	0.60	0.56	0.44	0.61	0.44

Source: 2000-2008 Annual Mortgage Surveys, RGB.

**On April 10, 2008 the staff of the Rent Guidelines Board released a memo to Board members with additional Mortgage Survey information. The text of that memo follows:**

In response to the request by Steven Schleider for survey data excluding HPD, below is a comparison of this year's cross-sectional data results with and without HPD included in the analysis:

<sup>11</sup> Institutions were asked to provide information on their "typical" loan to rent stabilized buildings. Data for each variable in any particular year and from year to year may be based upon responses from a different number of institutions.

	With HPD (as reported in '08 MSR)	Without HPD
Current new interest rate	5.85%	6.11%
Avg new interest rate	6.05%	6.05%
Current refinanced interest rate	5.79%	6.11%
Avg refinanced interest rate	6.09%	6.09%
Avg # of new loans	60	60
Avg # of refinanced loans	69	73
Avg new points	0.47	0.43
Avg refinanced points	0.44	0.40
Maximum LTV Ratio	76.7%	76.7%
Debt Svc Coverage	1.20	1.21
V&C Losses	3.76%	3.69%
% NP loans	1.25%	1.00%
% in FC	0.30%	0.50%
O&M Costs	\$537	\$543
Avg Rent	\$933	\$946
Cost to rent ratio	57.5%	57.4%

**CONDITION OF THE RENT STABILIZED HOUSING STOCK**



The Board reviewed the number of buildings owned by the City following *in rem* actions and the number of units that are moving out of the rental market due to cooperative and condominium conversion.

Table 5

City-Owned Properties in Central Management Occupied and Vacant Building Counts, Fiscal Years 2000-2007								
	2000	2001	2002	2003	2004	2005	2006	2007
Occupied Bldgs.	1,730	1,203	919	610	373	235	175	133
Vacant Bldgs.	805	633	524	367	275	221	155	92

Source: NYC Department of Housing Preservation and Development, Office of Property Management.

Table 6

	Number of Cooperative / Condominium Plans Accepted for Filing, 1999-2007									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2007
New Construction	50	87	145	136	190	268	361	644	573	
Conversion Non-Eviction	12	9	12	14	10	16	24	53	66	
Conversion Eviction	27	9	2	15	0	15	18	13	16	
Rehabilitation	30	15	13	20	18	18	6	0	8	
<b>Total</b>	<b>119</b>	<b>120</b>	<b>172</b>	<b>185</b>	<b>218</b>	<b>317</b>	<b>409</b>	<b>710</b>	<b>663</b>	
<b>Subtotal:</b>										
HPD Sponsored Plans	26	8	2	15	0	15	18	13	16	

Source: New York State Attorney General's Office, Real Estate Financing.

On June 10, 2008 the staff of the Rent Guidelines Board released a memo to Board members with additional Housing Supply Report information. The text of that memo follows:

At the June 3, 2008 Housing Supply Report presentation, five

questions were asked of RBG staff for which answers were not immediately available. Detailed answers are provided in this memo.

**Question 1: How many Mitchell-Lama Units left the program in 2007?**

There were approximately 6,560 units in New York City that left the Mitchell-Lama program during 2007. The number leaving for all years is presented below in a table, and in graph form on Page 9 of the 2008 Housing Supply Report:

Year	Number Bought Out	Number Remaining
1985	—	137,720
1986	1,476	136,244
1987	2,490	133,754
1988	1,246	132,508
1989	3,008	129,500
1990	1,557	127,943
1991	184	127,759
1992	2,298	125,461
1993	157	125,304
1994	260	125,044
1995	527	124,517
1996	0	124,517
1997	618	123,899
1998	2,109	121,790
1999	286	121,504
2000	72	121,432
2001	1,604	119,828
2002	787	119,041
2003	1,829	117,212
2004	4,390	112,822
2005	5,437	107,385
2006	3,975	103,410
2007	6,560	96,850

**Question 2: On the chart on Page 6 on the 2008 Housing Supply Report, which shows the size distribution by borough of housing applying for permits in 2007, are units or buildings represented?**

This chart represents the breakdown of buildings applying for permits. For instance, the chart shows that in Manhattan 87.6% of all buildings applying for permits were five units or greater. Had this chart shown a breakdown by units, it would have shown at 99.6% of all units in Manhattan were in five family or greater building.

**Question 3: What is the definition of a room in the HVS?**

A room is defined as:

Rooms counted include whole rooms used for living purposes, such as living rooms, dining rooms, bedrooms, kitchens, finished attic or basement rooms, recreation rooms, permanently enclosed porches that are suitable for year-round use, and lodger's rooms. Also included are rooms used for offices by a person living in the unit.

A partially divided room, such as a dinette next to a kitchen or living room, is a separate room only if there is a partition from floor to ceiling, but not if the partition consists only of shelves or cabinets.

Not included in the count of rooms are bathrooms, halls, foyers or vestibules, balconies, closets, alcoves, pantries, strip or pullman kitchens, laundry or furnace rooms, unfinished attics or basements, other unfinished space used for storage, open porches, trailers used only as bedrooms, and offices used only by persons not living in the unit.

If a room is used by occupants of more than one unit, the room is included with the unit from which it is most easily reached.

**Question 4: How is low- and middle-income defined among affordable housing programs?**

The definition of low- and middle-income varies among different programs. Generally, it is based on family size and a percentage of Area Median Income (AMI). For instance, various affordable housing programs sponsored by the NYC Housing Development Corporation (HDC) define low-income as 40%, 50% or 60% of AMI. Moderate to middle-income is defined by HDC as a combined annual family income of up to 100%, 130% or 175% of AMI. According to the HDC website, the Federal Department of Housing Preservation and Urban Development (HUD) calculates the City's AMI currently at \$76,800 for a family of four. Under HDC's Low-Income Affordable Marketplace Program (LAMP), low-income is defined as a combined annual income of up to 60% of AMI, which is currently \$46,080 for a family of four. Under the 80/20 and Mixed-Income programs, low-income is 40% or 50% of AMI, which is currently \$30,720 or \$38,400, respectively, for a family of four. Under HPD's New Housing Opportunities Program (New HOP), apartments created under this program are reserved for middle-income households with an income of up to 175% of AMI (currently \$134,000 for a family of four). Housing provided by the NYC Housing Authority is eligible to those earning no more than \$43,000 as an individual or a family of four earning a total gross family income of under \$61,450. Preference for housing is given to working families. Rent charged by the Housing Authority is based on 30% of the family's adjusted gross income.

**Question 5: Do the new housing completions data include hotel units?**

According to the NYC Dept. of City Planning, who compiles the completions data based on information provided by the Dept. of Buildings, there is a chance that the completions data does include hotel units. However, City Planning does their best to remove hotel units from the completions data, but since this is a manual process, hotel units cannot be completely discounted from the data. The completions data also includes adult housing, for instance an assisted living facility for seniors, or other housing for specialized

populations, which if removed from the data would lower the amount of housing available for the general public.

12 The figures given above for eviction and non-eviction plans include those that are abandoned because an insufficient percentage of units were sold within the 15-month deadline. In addition, some of the eviction plans accepted for filing may have subsequently been amended or resubmitted as non-eviction plans and therefore may be reflected in both categories. HPD sponsored plans are a subset of the total plans.

**CONSUMER PRICE INDEX**

The Board reviewed the Consumer Price Index. Table 7 shows the percentage change for the NY-Northeastern NJ Metropolitan area since 2000.

Table 7

Percentage Changes in the Consumer Price Index for the New York City - Northeastern New Jersey Metropolitan Area, 2001-2008 (For "All Urban Consumers")

	2001	2002	2003	2004	2005	2006	2007	2008
1st Quarter Avg.	2.7%	2.5%	3.1%	3.2%	4.4%	2.7%	2.9%	3.8%
Yearly Avg.	2.5%	2.6%	3.1%	3.5%	3.9%	3.8%	2.8%	--

Source: U.S. Bureau of Labor Statistics.

13 1st Quarter Average refers to the change of the CPI average of the first three months of one year to the average of the first three months of the following year.

**CALCULATING OF THE CURRENT OPERATING AND MAINTENANCE EXPENSE TO RENT RATIO**

Each year the Board estimates the current average proportion of the rent roll which owners spend on operating and maintenance costs. This figure is used to ensure that the rent increases granted by the Board compensate owners for the increases in operating and maintenance expenses. This is commonly referred to as the O&M to rent ratio.

Over the first two decades of rent stabilization, the change in the O&M to rent ratio contained in Table 8 (hereinafter, referred to as "Table 14" - its past designation) was updated each year to reflect the changes in operating costs as measured by the PIOC and changes in rents as measured by staff calculations derived from guideline increases. Over the years, some Board members and other housing experts have challenged the price index methodology and the soundness of the assumptions used in calculating the O&M to rent ratio in "Table 14". Several weaknesses in the table have been acknowledged for some time.

The first problem with "Table 14" is that the calculation does not account for the changes in the housing stock and market factors, both of which have certainly affected the relationship between rents and operating costs to some degree. Next, for the purpose of measuring the relationship between legal regulated rents and operating cost changes, the usefulness of "Table 14" is also limited. The rent index contained in the table does not adjust for administrative rent increases (MCI's and Apartment Improvement increases) and rents charged below established guidelines (preferential).

The operating cost index contained in the table is more troublesome. The .55 base contained in the table reflects an estimate concerning nearly all post-war units. The vast majority of stabilized units (about 7 out of 10) are now in pre-war buildings, which had higher O&M ratios in 1970. The cost index was adjusted (departing from the PIOC) in the 1970's in an attempt to accommodate for this influx of pre-war buildings into the stabilized sector. This attempt was misguided. The rent index reflects changes in rents initially in the post-war sector - so adjustments to the cost index to reflect the influx of pre-war units' results in a one-sided distortion of the changing relationship between costs and rents.

Staff's research suggests that the PIOC may have overstated actual cost increases from 1970 to 1982. Similarly, from 1990

to 2006, the I&E rose 111% and the adjusted PIOC rose 126%. What remains clear, however, is that "Table 14," in its current form, presents a highly misleading picture of the changing relationship of operating costs to rents over time.

Table 8 (Formerly Table 14)<sup>14</sup>

Calculation of Operating and Maintenance Cost Ratio For Rent Stabilized Buildings from 1970 to 2008

Table with columns: Period, Percent O&M Rent Increase, Rent Index, Period, Percent Rent Increase, Rent Index, O&M Rent Ratio. Rows show data from 4/1/70 to 4/1/95.

14 Source: Price Index of Operating Costs 1970 - 2008, NYC Housing and Vacancy Surveys.
15 Estimate of percentage increases are based on the Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City for the relevant year and adjustments made by the Rent Guidelines Board; detailed explanations are available in the individual Explanatory Statements of the Board.
16 For explanation of the derivation of individual percentage rent increases see the Explanatory Statements of the Board's previous Orders.

Table 8 (Formerly Table 14) Continued

Calculation of Operating and Maintenance Cost Ratio For Rent Stabilized Buildings from 1970 to 2008

Table with columns: Period, Percent O&M Rent Increase, Rent Index, Period, Percent Rent Increase, Rent Index, O&M Rent Ratio. Rows show data from 4/1/95 to 4/1/08.

For years the staff has expressed serious reservations about the usefulness and accuracy of "Table 14." With current longitudinal income and expense data staff has constructed a new and far more reliable index, using 1989 as a base year. Except for the most recent year and the coming year, this new index measures changes in building income and operating expenses as reported in annual income and expense statements. The second to last year in the table will reflect actual PIOC increases and projected rent changes. The last year in the table - projecting into the future - will include staff projections for both expenses and rents. The proposed new index is in Table 9.

17 The 3.57% increase in rent roll estimated for leases signed during the period 10/1/07-9/30/08 under Order 39 reflects the following: (1) Renewal guidelines are estimated to contribute a 0.948% and 1.682% increase in the rent roll with 31.6% of all units experiencing a one-year lease signing (3.0%) and 58.5% of all units experiencing two-year lease signings (5.75%). These figures are derived from the 2005 Housing and Vacancy Survey (HVS), Table 58, which gives reported lease terms. "Less than one year" was assumed to be a one-year lease and "More than one year" and "More than two years" were assumed to be a two-year lease. These figures for renewal leases (35% of stabilized households have a one-year lease and 65% have two-year leases) were reduced by the turnover rate of 9.9%, derived from the average households who moved in the 2005 HVS (100,500 is the average number of stabilized households that moved annually 2002-2004) and taken as percentages of all stabilized lease signers (1,015,655); (2) the median vacancy increase of 9.46% found in the 2004 annual DHCR rent registration data for apartments is estimated to increase overall rent rolls by 0.936% when multiplied by the HVS turnover rate (9.9%), which estimates the percentage of rent stabilized units that will enter into vacancy leases under Order 39.

18 The 8.00% increase in rent roll estimated for leases signed during the period 10/1/08-9/30/09 under Order 40 reflects the following: (1) Renewal guidelines are estimated to contribute a 2.51% and 4.44% increase in the rent roll with 31.6% of all units experiencing a one-year lease signing (4.5% or \$45, whichever is higher) and 58.5% of all units experiencing two-year lease signings (8.5% or \$85, whichever is higher). These figures are derived from the 2005 Housing and Vacancy Survey (HVS), Table 58, which gives reported lease terms. "Less than one year" was assumed to be a one-year lease and "More than one year" and "More than two years" were assumed to be a two-year lease. These figures for renewal leases (35% of stabilized households have a one-year lease and 65% have two-year leases) were reduced by the turnover rate of 9.9%, derived from the average households who moved in the 2005 HVS (100,500 is the average number of stabilized households that moved annually 2002-2004) and taken as percentages of all stabilized lease signers (1,015,655); (2) the median vacancy increase of 10.69% found in the 2006 annual DHCR rent registration data for apartments is estimated to increase overall rent rolls by 1.06% when multiplied by the HVS turnover rate (9.9%), which estimates the percentage of rent stabilized units that will enter into vacancy leases under Order 40.

While we believe this to be a more reliable index, it is not without limitations. First, as noted, for the past and coming year the index will continue to rely upon the price index and staff rent and cost projections. Second, while the new table looks at the overall relationship between costs and income, it does not measure the specific impact of rent regulation on that relationship. This new table is listed as Table 9.

Table 9

Revised Calculation of Operating and Maintenance Cost Ratio for Rent Stabilized Buildings from 1989 to 2009

Table with columns: Year, Average Monthly O & M Per d.u., Average Monthly Income Per d.u., Average O & M to Income Ratio. Rows show data from 1989 to 2009.

Source: RGB Income and Expense Studies, 1989-2008, Price Index of Operating Costs 1992 - 2008, RGB Rent Index for 1992 - 2009 (see Table 8).

19 Operating and expense data listed is based upon unaudited filings with the Department of Finance. Audits of 46 buildings conducted in 1992 suggest that expenses may be overstated by 8% on average. See Rent Stabilized Housing in New York City, A Summary of Rent Guidelines Board Research 1992, pages 40-44. Figures in parentheses are adjusted to reflect these findings.
20 Estimated expense figure includes 2006 expense estimate updated by the PIOC for the period from 4/1/06 through 3/31/07 (5.8%). Income includes the income estimate for 2006 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 4/1/06 through 3/31/07 (4.28% - i.e., the 10/1/05 to 9/30/06 rent projection (4.22) times (.583), plus the 10/1/06 to 9/30/07 rent projection (4.38) times (.417)).
21 Estimated expense figure includes 2007 expense estimate updated by the PIOC for the period from 4/1/07 through 3/31/08 (7.8%). Income includes the income estimate for 2007 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 4/1/07 through 3/31/08 (4.04% - i.e., the 10/1/06 to 9/30/07 rent projection (4.38) times (.583), plus the 10/1/07 to 9/30/08 rent projection (3.57) times (.417)).

22 Estimated expense figure includes 2008 expense estimate updated by the staff PIOC projection for the period from 4/1/08 through 3/31/09 (7.3%). Income includes the income estimate for 2008 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 4/1/08 through 3/31/09 (4.10% - i.e., the 10/1/07 to 9/30/08 rent projection (3.57) times (.583), plus the 10/1/08 to 9/30/09 rent projection (8.00) times (.417)).

CHANGES IN HOUSING AFFORDABILITY

For the fourth year in a row, New York City's economy generally improved as compared with the preceding year, with steady unemployment rates, rising wages and employment levels, and Gross City Product growing steadily from the last quarter of 2003 through the fourth quarter of 2007. Citywide unemployment rates held steady at 5.0% during 2007, after falling the prior three years (although rates are still the lowest of the more than 30 years the RGB has access to). Total employment levels in the City increased 2.1%, and the City's Gross City Product increased for the fourth consecutive year and 17th consecutive quarter, increasing by 3.0% during 2007, compared to 3.6% during 2006. Real wages also increased by 4.1% between 2005 and 2006 (the most recent year for which there are statistics). In addition, public assistance cases fell for the third year in a row, dropping more than 8% between fiscal years 2006 and 2007.

However, there were indicators tracked in the I&A Study that showed a downward trend during 2007. HVS data released two years ago showed that household income for rent stabilized tenants declined in real terms by 8.6% between 2001 and 2004, remaining at a nominal \$32,000 for both years. There was also a rise in homeless levels, increasing by 11.5% for families, although declining for single adults. And while employment levels in most tracked sectors increased, there was again a significant decline in the manufacturing sector, falling 4.8% from 2006 levels, while real income in that sector also declined, by 3.3%. In addition, evictions and possessions rose more than 4% in 2007, as well as an increase in the proportion of calendared cases that resulted in eviction, the highest level in 10 years. Cash assistance applications also rose by 8.8% during the 2007 fiscal year, while job placements for those receiving cash assistance declined by 7.0%.

On April 25, 2008 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2008 Income and Affordability Study. The text of that memo follows:

At the April 15, 2008 Income and Affordability Study presentation, six questions were asked of RGB staff for which answers were not immediately available. Detailed answers are provided in this memo.

Question 1: What prices does the CPI capture? What are the most recently available inflation statistics?

Per the Bureau of Labor Statistics, CPI captures the following components:

"The CPI represents all goods and services purchased for consumption by the reference population (Consumer Price Index for All Urban Consumers or Consumer Price Index for Urban Wage Earners and Clerical Workers). The Bureau of Labor Statistics (BLS) has classified all expenditure items into more than 200 categories, arranged into eight major groups. Major groups and examples of categories in each are as follows:

- FOOD AND BEVERAGES (breakfast cereal, milk, coffee, chicken, wine, full service meals and snacks);
• HOUSING (rent of primary residence, owners' equivalent rent, fuel oil, bedroom furniture);
• APPAREL (men's shirts and sweaters, women's dresses, jewelry);
• TRANSPORTATION (new vehicles, airline fares, gasoline, motor vehicle insurance);
• MEDICAL CARE (prescription drugs and medical supplies, physicians' services, eyeglasses and eye care, hospital services);
• RECREATION (television, cable television, pets and pet products, sports equipment, admissions);
• EDUCATION AND COMMUNICATION (college tuition, postage, telephone services, computer software and accessories);
• OTHER GOODS AND SERVICES (tobacco and smoking products, haircuts and other personal services, funeral expenses).

Also included within these major groups are various government-charged user fees, such as water and sewerage charges, auto registration fees, and vehicle tolls. The CPI also includes taxes, such as sales and excise taxes, that are directly associated with the prices of specific goods and services. However, the CPI excludes taxes, such as income and Social Security taxes, not directly associated with the purchase of consumer goods and services.

The CPI does not include investment items, such as stocks, bonds, real estate, and life insurance. (These items relate to savings and not to day-to-day consumption expenses.)

For each of the more than 200 item categories, BLS has chosen samples of several hundred specific items within selected business establishments frequented by consumers, using scientific statistical procedures, to represent the thousands of varieties available in the marketplace. For example, in a given supermarket, BLS may choose a plastic bag of golden delicious apples, U.S. extra fancy grade, weighing 4.4 pounds to represent the "Apples" category."

Presented below are the percentage change in prices for each component detailed above, both from between 2006 and 2007 annually, as well as the change from the first quarter of 2007

as compared to the first quarter of 2008 (the most recently available data).

Component	% Change 2006-2007	% Change 1 <sup>st</sup> Quarter 2007-2008
Total CPI (NY)	2.8%	3.7%
Total CPI (US)	2.8%	4.1%
Food and Beverages (NY)	3.0%	4.5%
Housing (NY)	5.1%	3.2%
Shelter (renters and owners)	5.3%	3.1%
Rent (renters only)	5.2%	4.4%
Fuel and Utilities (renters and owners)	7.6%	10.0%
Household Furnishing and Operations (renters and owners)	1.4%	-3.8%
Apparel (NY)	-1.5%	-1.9%
Transportation (NY)	3.8%	8.0%
Medical Care (NY)	4.0%	3.6%
Recreation (NY)	0.7%	-0.6%
Education and Communication (NY)	3.7%	3.6%
Other Goods and Services (NY)	1.0%	2.4%

Question 2: What are the most up-to-date homeless statistics?

The most recent homeless statistics are from the first quarter of 2008. Comparing the first quarter of 2007 with the first quarter of 2008:

	1st Quarter 07	1st quarter 08	% change
<b>Total Individuals</b>	<b>35,003</b>	<b>34,935</b>	<b>-0.2%</b>
Single Adults	7,273	6,960	-4.3%
Families	9,259	9,034	-2.4%
Children	14,192	14,862	4.7%

Question 3: What are the most up-to-date unemployment statistics?

	1st Quarter 07	1st quarter 08	% point change
<b>NYC</b>	<b>4.97%</b>	<b>5.03%</b>	<b>0.07</b>
U.S.	5.63%	6.1%	0.47
Bronx	6.83%	6.87%	0.03
Brooklyn	5.27%	5.37%	0.10
Manhattan	4.33%	4.4%	0.07
Queens	4.40%	4.53%	0.13
Staten Island	4.43%	4.53%	0.10

Question 4: What are the most up-to-date employment statistics (in thousands)?

	1st Quarter 07	1st quarter 08	% change
<b>Total Employers</b>	<b>13,690.6</b>	<b>3,737.6</b>	<b>1.3%</b>
Manufacturing	102.0	95.3	-6.6%
Construction,	118.6	122.1	3.0%
Natural Resources,			
Mining			
Trade, Transport, Utilities	562.2	537.9	2.1%
Leisure & Hospitality	283.9	292.5	3.0%
Financial Activities	461.4	467.9	1.4%
Information	163.3	168.2	3.0%
Management of Companies	58.6	57.3	-2.3%
Professional &	580.7	585.6	0.8%
Business Services			
Educational &	705.6	714.2	1.2%
Health Services			
Other Services	156.1	158.4	1.5%
Government	556.7	559.6	0.5%

Question 5: What are the most up-to-date cash assistance and food stamp statistics?

The most recent cash assistance statistics are from January and February of 2008. Comparing January and February of 2007 with January and February of 2008:

	Jan/Feb 07	Jan/Feb 08	% change
Cash Assistance	373,749	347,348	-7.1%
Food Stamps	1,099,057	1,126,649	2.5%

Question 6: Are there any statistics on grants to help tenants pay back rent?

The Human Resources Administration does provide grants to tenants facing eviction, but a representative from that agency does not believe these statistics are tracked. If the information is available, it will be provided at a later time.

On June 9, 2008 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the testimony at the June 3, 2008 board meeting. The text of that memo follows:

At the June 3 meeting of the Board the Division of Housing and Community Renewal (DHCR) reported that there were 836,004 rent stabilized units registered in 2007 and 870,072 units registered in 2006. There was some question as to why there was such a large difference in the number of units registered in 2007 versus 2006 when the RGB's *Changes to the Rent Stabilized Housing Stock in NYC in 2007* showed a net loss of 5,088 rent stabilized apartments.

The reason lies in the fact that the DHCR apartment registration file is not static. It is constantly being updated with new registration data. When DHCR testified in June of 2007 the number of registered units in 2006 was 838,592. The number of units registered in 2006 as of June 2008 was

870,072. In a year's time an additional 31,480 were added to the 2006 registration file, most likely due to late registration filings by owners. A similar situation was found in the 2005 apartment registration file. When the DHCR testified before the RGB in June of 2006, they reported 849,582 units registered in 2005 but the number grew to 875,709 units in their June of 2007 testimony, a difference of 26,127 apartments.

Perhaps a more accurate way to analyze this data is to compare the updated apartment registration filings from 2004 to 2006 as reported to the Board from year-to-year. In other words the 2006 apartment registrations as of June 2008, the 2005 registrations as of June 2007 and the 2004 registrations as of June 2006. These numbers are as follows:

Registration Year	Number of Apartments registered
2006	870,072
2005	875,709
2004	879,940

**BUILDINGS WITH DIFFERENT FUEL AND UTILITY ARRANGEMENTS**

The Board was also informed of the circumstances of buildings with different fuel and utility arrangements including buildings that are master-metered for electricity and that are heated with gas versus oil (see Table 10). Under some of the Board's Orders in the past, separate adjustments have been established for buildings in certain of these categories where there were indications of drastically different changes in costs in comparison to the generally prevailing fuel and utility arrangements. This year the Board made no distinction between guidelines for buildings with different fuel and utility arrangements under Order 40.

Table 10

Changes in Price Index of Operating Costs for Apartments in Buildings with Various Heating Arrangements, 2007-08, and Commensurate Rent Adjustment

Index Type	2007-08 Price Index Change	One-Year Rent Adjustment Commensurate With Adjusted O&M to Income Ratio of .689
All Dwelling Units	7.78%	5.36%
Pre 1947	9.07%	6.26%
Post 1946	6.22%	4.29%
Oil Used for Heating	10.06%	6.93%
Gas Used for Heating	4.17%	2.87%
Master Metered for Electricity	5.68%	3.91%

Note: The O&M to Income ratio is from the 2008 Income and Expense Study.

Source: RGB's 2008 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City.

On June 19, 2008 the staff of the Rent Guidelines Board released a memo to Board members. The text of that memo follows:

**Introduction**

Given the significant amount of testimony that was received over the last two months on the subject of promulgating a guideline that provides for a minimum dollar amount of rent adjustment and/or an adjustment tied to the length of a tenant's tenure, Chairman Markus requested that the RGB staff analyze the impact of several different rent guideline adjustment scenarios. Each set of possible adjustments that the Chairman requested be analyzed would increase rents on longer-term tenants, where their rents may fall short of covering the costs of maintaining these units. Given the RGB board members' concern with tenant affordability, the Chair requested that staff analyze to what extent tenants can "afford" these adjustments in rent. Specifically, the analysis studies how would a minimum increase in rent impact long-term tenants' ability to "afford" these hypothetical rental adjustments?

In order for staff to analyze the impact of these increases, we needed data that included both tenant income and rent. Therefore we used the 2005 Housing and Vacancy Survey (HVS). Because the HVS data is now three years old, we have attempted to bring the data contained in it up to 2007/2008

by making a series of assumptions about the increase in both tenant incomes and rent. The methodology used is outlined below. Also included is a summary of our findings and tables that contain the data used in our analysis.

**Methodology**

To adjust rent levels, we relied on the RGB Rent Index, which is a method of estimating the overall effect of the Board's annual rent increases and vacancy increases on stabilized contract rents each guideline year (October 1 to September 30). The RGB Rent Index includes the percentage increases for one- and two-year leases, the estimated increase for vacancy leases, and increases, if applicable, due to the low rent supplement or the minimum rent. The Rent Index was 4.22% in 2005-2006, 4.38% from 2006-2007 and 3.57% from 2007-2008. Increases may actually be higher than the cumulative rent index if increases were applied for MCIs or Individual Apartment Improvements, while the cumulative rent index could also be pushed downward because it includes the impact of vacancies that are not occurring in this set of apartments. These increases were applied cumulatively to 2005 contract rents from the HVS.

To increase 2004 incomes contained in the 2005 HVS we relied on two methods - first we calculated the income increases from 2004-2006 from both the NYS Dept. of Labor and the American Community Survey. Each survey confirmed a 12-13% income increase for all households during this period (Note that the Dept. of Labor figures are an average income for all workers in New York City, regardless of residency, while the ACS is an increase in the median household income of those households residing in New York City). To adjust this figure up from 2006 income to 2007 income, we assumed a slight increase in income above the 12-13% calculated for 2004-2006 and raised the incomes of households under the age of 62 by 15%. For householders that are aged 62 or older, we used a different set of assumptions, relying entirely on increases in Social Security, which rose cumulatively by 10% between 2004 and 2007. Householders over the age of 62 may still be working, or have other members of the household that are working, just as householders under the age of 62 did not necessarily increase their income by 15% and may have had an increase substantially more or substantially less than 15%. However, these were the assumptions used for this analysis.

We then calculated contract rent-to-income ratios, derived from the 2005 HVS data, for 2008 based on the assumptions above, and then with an increase of either 3.5% or 7.0% on a one-year lease (or a \$37 or \$70 minimum for households with varying lengths of tenancy), or 5.5% or 9.5% on a two-year lease (or a \$55 or \$95 minimum for households with varying lengths of tenancy), all on top of the 2008 calculated contract rents. Note that not every household in tenancy for the periods specified would be given a minimum rent increase. Those longer-term tenants whose rent in 2008 exceeded \$1,000 a month would be subject to the percentage guidelines that all other tenants are subject to because the percentage guideline increases would exceed the minimum rent increases specified.

We also looked more closely at the number of households who do not qualify for SCRIE that would be paying more than 30% of their income towards rent (the HUD standard of affordability) or 33.3% (the SCRIE/DRIE standard of affordability). These tables attempt to quantify how many households have "unaffordable" rent, however, as approximately two-thirds of households sign a renewal lease in any given year, the number of households in the 2008/2009 guideline year that would actually be impacted would actually be lower than the figures presented herein.

An assumption was also made that all tenants in place from 2002 and earlier are still in place and have not vacated their apartments.

Staten Island is not a part of the borough analysis of this memo because of the small sample size of the rent stabilized population there. Staten Island households are included in the citywide numbers.

**Note that this analysis excludes those households who claimed to be receiving SCRIE as they would presumably not be impacted by any increase in rent.**

**Summary**

In summary, these charts show what will theoretically happen to contract rent-to-income ratios and rent levels if rent increases of either 3.5% for a one year lease and 5.5% for a two-year lease are passed by the Rent Guidelines Board (or 7.0% for a one-year lease and 9.5% for a two-year lease), in addition to a stipulation that households in occupancy for six years or more (or eight years or more, or ten years or more), pay at least an increase of \$35 on a one-year lease and \$55 on a two-year lease (or \$70 for a one-year lease and \$95 for a two-year lease). The charts in Sections 1 and 2 detail what will happen to contract rent-to-income ratios and rent levels for all tenants under rent stabilization, and then focuses in on just those households that would be subject to the minimum rent stipulations. The charts in Section 3 focus in on the "worst case scenario," quantifying those households not eligible for SCRIE and paying more than 30% of their income towards rent. Again, this data is all derived from the 2005 Housing and Vacancy Survey, which is now three years old, and was updated to 2008 based on the assumptions laid out in the methodology section of this memo. Different assumptions could potentially lead to different results. As stated in the methodology, in all analyses those households who claimed to be receiving SCRIE were excluded on the basis that they presumably do not pay rent increases.

Section 1 focuses on contract rent-to-income ratios. Page 5 illustrates what happens to all tenants when minimum increases are placed on tenants in occupancy for six years or more with a 2008 rent less than \$1,000, and a percentage guideline increase on other tenants, and Page 6 illustrates rent-to-income ratios just for those households who would be receiving the minimum increases. Comparing these two tables, we can see that for instance in 2008 all tenants had a contract rent-to-income ratio of 28.4% (Page 5), but tenants in occupancy for six years or more (with a rent less than \$1,000) had a median rent-to-income ratio of 26.0% (Page 6),

2.4 percentage points lower than all tenants. At the highest proposed increases, a minimum of \$95 for a two-year lease or 9.5%, the median contract rent-to-income ratio for all tenants is 31.7% compared to 30.4% for tenants who would receive the \$95 minimum.

Section 2 focuses on contract rents. Page 11 illustrates what happens to all tenants when minimum increases are placed on tenants in occupancy for six years or more with a 2008 rent less than \$1,000, and a percentage guideline increase on other tenants, and Page 12 illustrates rent-to-income ratios just for those households who would be receiving the minimum increases. Comparing these two tables, we can see that for instance in 2008 all tenants paid a median contract rent of \$958 (Page 11), but tenants in occupancy for six years or more (with a rent less than \$1,000) paid a median contract rent of \$754 (Page 6), \$204 less than all tenants. At the highest proposed increases, a minimum of \$95 for a two-year lease or 9.5%, the median contract rent for all tenants is \$1,049 compared to \$849 for tenants who would receive the \$95 minimum.

Section 3 is focused on those households whose rents would be considered "unaffordable" by either the federal HUD standard or the City's SCRIE/DRIE standards. This section quantifies the number of households not presently receiving SCRIE who should theoretically be eligible for it, and of the households who are not theoretically eligible for SCRIE, which ones have contract rent-to-income ratios in excess of either 30% or 33.3%. As we can see on Page 17, with guideline increases of 7.0% for a one-year lease, and 9.5% for a two-year lease, as well as minimum increases of \$70 or \$95 given to tenants in occupancy for six years or more, just over 408,000 households that are not eligible for SCRIE will have contract rent-to-income ratios in excess of 30%, or approximately 43-45% of non-SCRIE eligible households. However, it is important to note that the proposed guidelines do not put all of these 400,000 households into this category. As the "SCRIE Eligibility 2008" column of this table shows, approximately 357,000 people were already paying more than 30% of their income towards rent (as were 372,000 in 2005), and the proposed guidelines push an additional 37,000-51,000 households into "unaffordable" housing.

It should also be noted that Section 3 identifies those households that should be eligible for SCRIE (indicated by a "Yes" for a theoretical SCRIE eligibility and "No" for a theoretical SCRIE ineligibility), but according to HVS data, many households that should be eligible for SCRIE are either not applying for it or are being denied. In 2005, 91,777 rent stabilized households should have been eligible for SCRIE, but only 21,422 claimed to be receiving it, a rate of 23%. For both rent stabilized and rent controlled households, the 2005 HVS reports that 29,045 households were receiving SCRIE, while the City reports that in FY 2005 45,417 households were receiving this benefit, a rate of 64%. This means that the HVS is underestimating the number of households with SCRIE by 36%, but since less than a quarter of households eligible for SCRIE (according to the HVS) are receiving it, it's also possible that many households are eligible but not aware of this benefit. The Independent Budget Office in 2001 did a similar analysis of 1999 HVS data, which can be found at: <http://www.ibo.nyc.ny.us/newsfax/insidethebudget87.pdf>. These SCRIE-eligible households are already past the 33.3% rent-to-income ratio and if they do not apply for SCRIE will see their rent-to-income ratios grow higher.

Section 3 also looks at just those households who would be eligible for minimum increases, and their eligibility to receive SCRIE. As you can see in the chart on Page 18, in the worst-case scenario analyzed, with minimum increases of \$95 on a two-year lease for tenants in occupancy six years or more, an additional 25,000 households will move into the "unaffordable" category of housing, rising from 129,701 households to 154,773 households. In other words, if every tenant chose a 2-year lease (and historically approximately half do when signing a lease), up to 449,000 households will be paying an increase of \$95 for a two-year lease (see Pages 5, 11, or 17), with 155,000 of those households (see Page 17) paying more than 30% of their income towards rent and ineligible for SCRIE. But in 2008, the base year of analysis, almost 130,000 households, or approximately 25,000 less households, were already paying more than 30% of their income towards rent. The proposed worst-case scenario guidelines produce a net effect of 25,000 households with unaffordable rent. If we look at this same scenario with minimum increases of \$55 on a two-year lease, the figures lower considerably. If all tenants chose a two-year lease at a minimum increase of \$55 for a tenancy of six years or more, approximately 449,000 households would pay this minimum increase while other households would receive the percentage guidelines. Of these 449,000 households, approximately 144,000 would be ineligible for SCRIE and have a rent-to-income ratio in excess of 30%, an increase of 14,000 households from the base of 130,000 households in this position in 2008. Again, only approximately two-thirds of households will sign a renewal lease during the 2008/2009 guideline year, and if historical patterns hold, half will sign a one-year lease and half will sign a two-year lease. The focus of this memo is to identify how many households would be impacted by a minimum increase in rent based on long-term tenancy, and their capacity to afford such increases. But as was touched on in the methodology and summary sections of the memo, the figures represented in the attached tables are inflated from the number of households that would actually be impacted for the following reasons:

- We assumed that all tenants that were in place in 2005, the year the survey was conducted, are still in

place in 2008. We know this is not the case as the rent stabilized stock, as all other housing, is fluid and people move in and out regularly. For instance, in 2005 approximately 34% of rent stabilized tenants had moved into their apartments within the past three years and 51% had moved into their apartments in the previous six years. We have no way of knowing which households moved, but we can say that if the patterns in the 2005 HVS hold true in 2008 that there are longer-term tenants identified in the following analyses are no longer in place. DHCR reports that approximately 10% of households vacate in any given year. Whether this same turnover rate holds true for longer-term tenants is unknown.

- Not everyone signs a lease every year. Approximately 67.5% of tenants sign a lease in any given year, and just over half of those sign a one-year lease and just under half sign a two-year lease (in other words, in any given year, 35% of tenants will sign a one-year lease, 32.5% will sign a two-year lease, and 32.5% do not sign a lease at all). Those who are not signing leases during the upcoming guideline year will not be affected by this proposal. This memo analyzes the data as if every tenant signed a lease in 2008-2009, and all either signed a one-year lease or all signed a two-year lease. To get a better representation of the amount of households affected, discount the figures in the table by approximately 32.5% (the approximate number of households who do not sign a lease in a given year) and then assume that the true figures lie somewhere in between the one- and two-year figures provided.

Other assumptions made in this memo could prove to be incorrect for a variety of reasons, including:

- We assume that even in those households who have remained in place, that their household composition and economic status is the same in 2008 as it was in 2005. In reality, even where a vacancy has not occurred, households may have lost or gained working members, leading to an increase or decrease in household income.
- Every householder who reported they were under the age of 62 was given an income increase of 15%. This is obviously a broad generalization and rent increases may be higher or lower than this figure. In addition, every householder who reported being 62 or older was given the Social Security administration income increase of 10%, which assumes that every householder 62 or older is collecting Social Security and not working.
- Rent increases were based on the cumulative RGB Rent Index, which cannot account for rent increases due to MCIs or Individual Apartment Improvements or changes in preferential rent status. However, the Rent Index may also inflate rent increases because it includes the impact of vacancy leases and for our purposes we are assuming a continuous occupancy.

Lastly, had households claiming to be receiving SCRIE been included in the analysis of contract rent-to-income ratios, median ratios would have risen as the median contract rent-to-income ratio for SCRIE households is 56.3%. But, as stated in the introduction to this memo, any rent guideline increases will not affect these households and therefore they were not included in the analyses.

Analysis follows starting on the next page:

**Section 1: Long-term Rent Stabilized Tenants, Not Receiving SCRIE, Contract Rent-to-Income Ratios**

Analysis in this section includes those households not presently receiving SCRIE who have a tenancy of either six years or more, eight years or more, or ten years or more. Contract rent-to-income ratios are presented using 2005 data, 2008 data using the assumptions outlined in the introduction to this memo and within the tables, and then two different scenarios of rent increases – in the first, rents go up for a one-year lease by 3.5% for all tenants, with a minimum increase of \$35 for tenants residing in the apartment for six years or more; eight years or more; or 10 years or more. Under this scenario rents on a two-year lease go up by 5.5% for all tenants, with a minimum of \$55 for tenants residing in the apartment for six years or more; eight years or more; or 10 years or more. The second scenario assumes a different set of guideline increases – 7.0% for a one-year lease, with a \$70 minimum for tenants residing in the apartment for six years or more; eight years or more; or 10 years or more, and a two-year guidelines increase of 9.5% with a minimum increase of \$95 a month for tenants residing in the apartment for six years or more; eight years or more; or 10 years or more. In addition, this data is presented in two different ways. For each category of tenancy (i.e. six years or more, eight years or more, or 10 years or more), we look at contract rents for all rent stabilized households not receiving SCRIE and then at only those households who will be subject to minimum increases (i.e. only those households with a tenancy of six years or more and paying a minimum of \$35 for a one-year lease, etc.)

Contract Rent-to-Income Ratios for All Tenants Not Receiving SCRIE, with minimum increases for tenants in place six years or more and either 3.5%/5.5% increases or 7.0%/9.5% for all other tenants

Borough	Including Minimum Increases for Tenants with "x" Years Living in Apartment	Number of Households (# valid and missing*)	present (2005) median contract rent-to-income ratio	adjusted median contract rent-to-income ratio (adjusted 2008 rent/2007 income)	One-Year Lease hypothetical median contract rent-to-income ratio after minimum increase of \$35 (or guideline increases of 3.5%)	Two-Year Lease hypothetical median contract rent-to-income ratio after minimum increase of \$55 (or guideline increases of 5.5%)	One-Year Lease hypothetical median contract rent-to-income ratio after minimum increase of \$70 (or guideline increases of 7.0%)	Two-Year Lease hypothetical median contract rent-to-income ratio after minimum increase of \$95 (or guideline increases of 9.5%)
Bronx	6 Years or More	Valid 199,941 Missing* 12,091 Total 212,032	31.6%	31.0%	32.9%	33.6%	34.4%	35.5%
Brooklyn	6 Years or More	Valid 248,488 Missing* 16,235 Total 264,723	30.0%	29.4%	30.6%	31.3%	31.8%	32.9%
Manhattan	6 Years or More	Valid 285,827 Missing* 32,626 Total 318,453	26.2%	25.7%	26.8%	27.4%	27.8%	28.6%
Queens	6 Years or More	Valid 182,979 Missing* 7,929 Total 190,908	29.6%	29.3%	30.4%	31.0%	31.4%	32.2%
Citywide	6 Years or More	Valid 924,999 Missing* 69,234 Total 994,233	28.8%	28.4%	29.6%	30.3%	30.8%	31.7%

\* Missing refers to households whose contract rent-to-income ratios could not be calculated, either because rent and/or income information was not reported to the Census Bureau or because they had an income level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact income figure could not be obtained.

**Contract Rent-to-Income Ratios for Tenants with a Tenancy of Six Years or More Who Will be Eligible to Receive Minimum Increases of \$35 on a One-Year Lease or \$55 on a Two-Year Lease; or \$70 for a One-Year Lease and \$95 for a Two-Year Lease, Not Receiving SCRIE**

Borough	Including Minimum Increases for Tenants with "x" Years Living in Apartment	Number of Households (# valid and missing*)	present (2005) median contract rent-to-income ratio	adjusted median contract rent-to-income ratio (adjusted 2008 rent/2007 income)	One-Year Lease hypothetical median contract rent-to-income ratio after minimum increase of \$35	Two-Year Lease hypothetical median contract rent-to-income ratio after minimum increase of \$55	One-Year Lease hypothetical median contract rent-to-income ratio after minimum increase of \$70	Two-Year Lease hypothetical median contract rent-to-income ratio after minimum increase of \$95
Bronx	6 Years or More	Valid 120,865 Missing* 4,938 Total 125,803	28.8%	28.5%	29.7%	30.5%	32.1%	33.0%
Brooklyn	6 Years or More	Valid 127,286 Missing* 6,015 Total 133,301	27.2%	27.0%	28.1%	28.9%	29.6%	31.0%
Manhattan	6 Years or More	Valid 106,919 Missing* 7,210 Total 114,129	23.5%	23.3%	24.6%	25.4%	26.0%	27.0%
Queens	6 Years or More	Valid 70,367 Missing* 1,942 Total 72,309	27.1%	26.9%	28.2%	29.0%	29.6%	30.5%
Citywide	6 Years or More	Valid 428,995 Missing* 20,106 Total 449,101	26.3%	26.0%	27.5%	28.6%	29.3%	30.4%

\* Missing refers to households whose contract rent-to-income ratios could not be calculated, either because rent and/or income information was not reported to the Census Bureau or because they had an income level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact income figure could not be obtained.

Contract Rent-to-Income Ratios for All Tenants Not Receiving SCRIE, with minimum increases for tenants in place eight years or more and either 3.5%/5.5% increases or 7.0%/9.5% for all other tenants

Table with 12 columns: Borough, Including Minimum Increases for Tenants with 'x' Years Living in Apartment, Number of Households, Present (2005) Median Contract Rent-to-Income Ratio, Adjusted Median Contract Rent-to-Income Ratio (Adjusted 2008 Rent/2007 Income), One-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$35 (or guideline increases of 3.5%), Two-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$55 (or guideline increases of 5.5%), One-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$70 (or guideline increases of 7.0%), Two-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$95 (or guideline increases of 9.5%). Rows for Bronx, Brooklyn, Manhattan, Queens, and Citywide.

\* Missing refers to households whose contract rent-to-income ratios could not be calculated, either because rent and/or income information was not reported to the Census Bureau or because they had an income level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact income figure could not be obtained.

Contract Rent-to-Income Ratios for Tenants with a Tenancy of Eight Years or More Who Will be Eligible to Receive Minimum Increases of \$35 on a One-Year Lease or \$55 on a Two-Year Lease; or \$70 for a One-Year Lease and \$95 for a Two-Year Lease, Not Receiving SCRIE

Table with 12 columns: Borough, Including Minimum Increases for Tenants with 'x' Years Living in Apartment, Number of Households, Present (2005) Median Contract Rent-to-Income Ratio, Adjusted Median Contract Rent-to-Income Ratio (Adjusted 2008 Rent/2007 Income), One-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$35, Two-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$55, One-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$70, Two-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$95. Rows for Bronx, Brooklyn, Manhattan, Queens, and Citywide.

\* Missing refers to households whose contract rent-to-income ratios could not be calculated, either because rent and/or income information was not reported to the Census Bureau or because they had an income level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact income figure could not be obtained.

Contract Rent-to-Income Ratios for All Tenants Not Receiving SCRIE, with minimum increases for tenants in place ten years or more and either 3.5%/5.5% increases or 7.0%/9.5% for all other tenants

Table with 12 columns: Borough, Including Minimum Increases for Tenants with 'x' Years Living in Apartment, Number of Households, Present (2005) Median Contract Rent-to-Income Ratio, Adjusted Median Contract Rent-to-Income Ratio (Adjusted 2008 Rent/2007 Income), One-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$35 (or guideline increases of 3.5%), Two-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$55 (or guideline increases of 5.5%), One-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$70 (or guideline increases of 7.0%), Two-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$95 (or guideline increases of 9.5%). Rows for Bronx, Brooklyn, Manhattan, Queens, and Citywide.

\* Missing refers to households whose contract rent-to-income ratios could not be calculated, either because rent and/or income information was not reported to the Census Bureau or because they had an income level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact income figure could not be obtained.

Contract Rent-to-Income Ratios for Tenants with a Tenancy of Ten Years or More Who Will be Eligible to Receive Minimum Increases of \$35 on a One-Year Lease or \$55 on a Two-Year Lease; or \$70 for a One-Year Lease and \$95 for a Two-Year Lease, Not Receiving SCRIE

Table with 12 columns: Borough, Including Minimum Increases for Tenants with 'x' Years Living in Apartment, Number of Households, Present (2005) Median Contract Rent-to-Income Ratio, Adjusted Median Contract Rent-to-Income Ratio (Adjusted 2008 Rent/2007 Income), One-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$35, Two-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$55, One-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$70, Two-Year Lease Hypothetical Median Contract Rent-to-Income Ratio After Minimum Increase of \$95. Rows for Bronx, Brooklyn, Manhattan, Queens, and Citywide.

\* Missing refers to households whose contract rent-to-income ratios could not be calculated, either because rent and/or income information was not reported to the Census Bureau or because they had an income level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact income figure could not be obtained.

Section 2: Long-term Rent Stabilized Tenants, Not Receiving SCRIE, Median Contract Rent Levels

As in Section 1, analysis in this section includes those households not presently receiving SCRIE who have a tenancy of either six years or more, eight years or more, or ten years or more. Contract rents are presented using 2005 data, 2008 data using the assumptions outlined in the introduction to this memo and within the tables, and then two different scenarios of rent increases - in the first, rents go up for a one-year lease by 3.5% for all tenants, with a minimum increase of \$35 for tenants residing in the apartment for six years or more; eight years or more; or 10 years or more. Under this scenario rents on a two-year lease go up by 5.5% for all tenants, with a minimum of \$55 for tenants residing in the apartment for six years or more; eight years or more; or 10 years or more. The second scenario assumes a different set of guideline increases - 7.0% for a one-year lease, with a \$70 minimum for tenants residing in the apartment for six years or more; eight years or more; or 10 years or more, and a two-year guidelines increase of 9.5% with a minimum increase of \$95 a month for tenants residing in the apartment for six years or more; eight years or more; or 10 years or more. In addition, this data is presented in two different ways. For each category of tenancy (i.e. six years or more, eight years or more, or 10 years or more), we look at contract rents for all rent stabilized households not receiving SCRIE and then at only those households who will be subject to minimum increases (i.e. only those households with a tenancy of six years or more and paying a minimum of \$35 for a one-year lease, etc.)

Median Contract Rents for All Tenants Not Receiving SCRIE, with minimum increases for tenants in place six years or more and either 3.5%/5.5% increases or 7.0%/9.5% for all other tenants

Table with 12 columns: Borough, Including Minimum Increases for Tenants with 'x' Years Living in Apartment, Number of Households, Present (2005) Median Contract Rent, Adjusted Median Contract Rent (Adjusted 2008 Rent/2007 Income), One-Year Lease Hypothetical Median Contract Rent After Minimum Increase of \$35 (or guideline increases of 3.5%), Two-Year Lease Hypothetical Median Contract Rent After Minimum Increase of \$55 (or guideline increases of 5.5%), One-Year Lease Hypothetical Median Contract Rent After Minimum Increase of \$70 (or guideline increases of 7.0%), Two-Year Lease Hypothetical Median Contract Rent After Minimum Increase of \$95 (or guideline increases of 9.5%). Rows for Bronx, Brooklyn, Manhattan, Queens, and Citywide.

\* Missing refers to households whose contract rents could not be calculated, either because rent information was not reported to the Census Bureau or because they had a rent level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact rent figure could not be obtained.

Median Contract Rents for Tenants with a Tenancy of Six Years or More Who Will be Eligible to Receive Minimum Increases of \$35 on a One-Year Lease or \$55 on a Two-Year Lease; or \$70 for a One-Year Lease and \$95 for a Two-Year Lease, Not Receiving SCRIE

Borough	Including Minimum Increases for Tenants with "x" Years Living in Apartment	Number of Households (# valid and missing*)	present (2005) median rent	adjusted median contract rent: 2005 median contract rent * RGB 2005-2006 rent index (4.22%) * RGB 2006-2007 rent index (4.38%) * RGB 2007-2008 rent index (3.57%)	One-Year Lease hypothetical median rent after minimum increase of \$35	Two-Year Lease hypothetical median rent after minimum increase of \$55	Three-Year Lease hypothetical median rent after minimum increase of \$85
Bronx	6 Years or More	Valid 125,803 Missing 0 Total 125,803	\$660	\$744	\$779	\$799	\$839
Brooklyn	6 Years or More	Valid 133,301 Missing 0 Total 133,301	\$675	\$761	\$796	\$816	\$856
Manhattan	6 Years or More	Valid 114,129 Missing 0 Total 114,129	\$612	\$690	\$725	\$745	\$785
Queens	6 Years or More	Valid 72,309 Missing 0 Total 72,309	\$720	\$811	\$846	\$866	\$906
<b>Citywide</b>	<b>6 Years or More</b>	<b>Valid 449,101 Missing 0 Total 449,101</b>	<b>\$669</b>	<b>\$754</b>	<b>\$789</b>	<b>\$809</b>	<b>\$849</b>

\* Missing refers to households whose contract rents could not be calculated, either because rent information was not reported to the Census Bureau or because they had a rent level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact rent figure could not be obtained.

Median Contract Rents for All Tenants Not Receiving SCRIE, with minimum increases for tenants in place **eight** years or more and either 3.5%/5.5% increases or 7.0%/9.5% for all other tenants

Borough	Including Minimum Increases for Tenants with "x" Years Living in Apartment	Number of Households (# valid and missing*)	present (2005) median rent	adjusted median contract rent: 2005 median contract rent * RGB 2005-2006 rent index (4.22%) * RGB 2006-2007 rent index (4.38%) * RGB 2007-2008 rent index (3.57%)	One-Year Lease hypothetical median rent after minimum increase of \$35 (or guideline increases of 3.5%)	Two-Year Lease hypothetical median rent after minimum increase of \$55 (or guideline increases of 5.5%)	Three-Year Lease hypothetical median rent after minimum increase of \$85 (or guideline increases of 9.5%)
Bronx	8 Years or More	Valid 208,218 Missing 3,814 Total 212,032	\$750	\$845	\$875	\$894	\$931
Brooklyn	8 Years or More	Valid 261,928 Missing 2,795 Total 264,723	\$818	\$922	\$956	\$976	\$1,016
Manhattan	8 Years or More	Valid 311,235 Missing 7,218 Total 318,453	\$980	\$1,104	\$1,143	\$1,165	\$1,209
Queens	8 Years or More	Valid 189,118 Missing 1,791 Total 190,909	\$900	\$1,014	\$1,070	\$1,085	\$1,110
<b>Citywide</b>	<b>8 Years or More</b>	<b>Valid 978,263 Missing 15,970 Total 994,233</b>	<b>\$850</b>	<b>\$958</b>	<b>\$1,010</b>	<b>\$1,025</b>	<b>\$1,049</b>

\* Missing refers to households whose contract rents could not be calculated, either because rent information was not reported to the Census Bureau or because they had a rent level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact rent figure could not be obtained.

Median Contract Rents for Tenants with a Tenancy of **Eight** Years or More Who Will be Eligible to Receive Minimum Increases of \$35 on a One-Year Lease or \$55 on a Two-Year Lease; or \$70 for a One-Year Lease and \$95 for a Two-Year Lease, Not Receiving SCRIE

Borough	Including Minimum Increases for Tenants with "x" Years Living in Apartment	Number of Households (# valid and missing*)	present (2005) median rent	adjusted median contract rent: 2005 median contract rent * RGB 2005-2006 rent index (4.22%) * RGB 2006-2007 rent index (4.38%) * RGB 2007-2008 rent index (3.57%)	One-Year Lease hypothetical median rent after minimum increase of \$35	Two-Year Lease hypothetical median rent after minimum increase of \$55	Three-Year Lease hypothetical median rent after minimum increase of \$85
Bronx	8 Years or More	Valid 100,580 Missing 0 Total 100,580	\$650	\$732	\$767	\$787	\$827
Brooklyn	8 Years or More	Valid 114,733 Missing 0 Total 114,733	\$662	\$746	\$781	\$801	\$841
Manhattan	8 Years or More	Valid 104,753 Missing 0 Total 104,753	\$614	\$692	\$727	\$747	\$787
Queens	8 Years or More	Valid 65,706 Missing 0 Total 65,706	\$707	\$797	\$832	\$852	\$892
<b>Citywide</b>	<b>8 Years or More</b>	<b>Valid 388,445 Missing 0 Total 388,445</b>	<b>\$657</b>	<b>\$740</b>	<b>\$775</b>	<b>\$795</b>	<b>\$835</b>

\* Missing refers to households whose contract rents could not be calculated, either because rent information was not reported to the Census Bureau or because they had a rent level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact rent figure could not be obtained.

Median Contract Rents for All Tenants Not Receiving SCRIE, with minimum increases for tenants in place **ten** years or more and either 3.5%/5.5% increases or 7.0%/9.5% for all other tenants

Borough	Including Minimum Increases for Tenants with "x" Years Living in Apartment	Number of Households (# valid and missing*)	present (2005) median rent	adjusted median contract rent: 2005 median contract rent * RGB 2005-2006 rent index (4.22%) * RGB 2006-2007 rent index (4.38%) * RGB 2007-2008 rent index (3.57%)	One-Year Lease hypothetical median rent after minimum increase of \$35 (or guideline increases of 3.5%)	Two-Year Lease hypothetical median rent after minimum increase of \$55 (or guideline increases of 5.5%)	Three-Year Lease hypothetical median rent after minimum increase of \$85 (or guideline increases of 9.5%)
Bronx	10 Years or More	Valid 208,218 Missing 3,814 Total 212,032	\$750	\$845	\$875	\$891	\$925
Brooklyn	10 Years or More	Valid 261,928 Missing 2,795 Total 264,723	\$818	\$922	\$956	\$976	\$1,015
Manhattan	10 Years or More	Valid 311,235 Missing 7,218 Total 318,453	\$980	\$1,104	\$1,143	\$1,165	\$1,209
Queens	10 Years or More	Valid 189,118 Missing 1,791 Total 190,909	\$900	\$1,014	\$1,050	\$1,070	\$1,110
<b>Citywide</b>	<b>10 Years or More</b>	<b>Valid 978,263 Missing 15,970 Total 994,233</b>	<b>\$850</b>	<b>\$958</b>	<b>\$1,010</b>	<b>\$1,025</b>	<b>\$1,049</b>

\* Missing refers to households whose contract rents could not be calculated, either because rent information was not reported to the Census Bureau or because they had a rent level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact rent figure could not be obtained.

Median Contract Rents for Tenants with a Tenancy of **Ten** Years or More Who Will be Eligible to Receive Minimum Increases of \$35 on a One-Year Lease or \$55 on a Two-Year Lease; or \$70 for a One-Year Lease and \$95 for a Two-Year Lease, Not Receiving SCRIE

Borough	Including Minimum Increases for Tenants with "x" Years Living in Apartment	Number of Households (# valid and missing*)	present (2005) median rent	adjusted median contract rent: 2005 median contract rent * RGB 2005-2006 rent index (4.22%) * RGB 2006-2007 rent index (4.38%) * RGB 2007-2008 rent index (3.57%)	One-Year Lease hypothetical median rent after minimum increase of \$35	Two-Year Lease hypothetical median rent after minimum increase of \$55	Three-Year Lease hypothetical median rent after minimum increase of \$85
Bronx	10 Years or More	Valid 76,559 Missing 0 Total 76,559	\$649	\$731	\$766	\$786	\$826
Brooklyn	10 Years or More	Valid 96,449 Missing 0 Total 96,449	\$650	\$732	\$767	\$787	\$827
Manhattan	10 Years or More	Valid 93,369 Missing 0 Total 93,369	\$606	\$683	\$718	\$738	\$778
Queens	10 Years or More	Valid 57,712 Missing 0 Total 57,712	\$700	\$789	\$824	\$844	\$884
<b>Citywide</b>	<b>10 Years or More</b>	<b>Valid 326,219 Missing 0 Total 326,219</b>	<b>\$650</b>	<b>\$732</b>	<b>\$767</b>	<b>\$787</b>	<b>\$827</b>

\* Missing refers to households whose contract rents could not be calculated, either because rent information was not reported to the Census Bureau or because they had a rent level that was "topcoded" by the Census Bureau for privacy purposes, meaning an exact rent figure could not be obtained.

**Section 3: Long-term Rent Stabilized Tenants, Not Receiving SCRIE, By Eligibility for SCRIE**

Finally, we analyze the HVS data to see which households are not receiving SCRIE, but are theoretically eligible for it given their responses to the amount of contract rent they pay and their age and income levels. We also see how many households are not eligible for SCRIE and what percentage of those households not eligible for SCRIE would be paying more than either 30% (the HUD standard of affordability) or 33.3% (the SCRIE and DRIE standard of affordability) of their income towards rent. For each category of tenancy (i.e. six years or more, eight years or more, or 10 years or more), we look at SCRIE eligibility for all rent stabilized households not receiving SCRIE and then at only those households who will be subject to minimum increases (i.e. only those households with a tenancy of six years or more and eligible to paying a minimum of \$35 for a one-year lease, etc.). In the six "SCRIE Eligibility" columns, a "Yes" refers to the household being theoretically eligible for SCRIE, while a "No" means that based on the household's answers to questions about their age, income, and rent, they would not be eligible for SCRIE. In the gray cells, the number of households ineligible for SCRIE and paying more than 30% or 33.3% of their income is quantified, with the percentage in parentheses referring to the percentage of households with "unaffordable" rent as a proportion of households ineligible for SCRIE.



**ADJUSTMENTS FOR UNITS IN THE CATEGORY OF BUILDINGS COVERED BY ARTICLE 7-C OF THE MULTIPLE DWELLING LAW (LOFTS)**

Section 286 sub-division 7 of the Multiple Dwelling Law states that the Rent Guidelines Board "shall annually establish guidelines for rent adjustments for the category of buildings covered by this article." In addition, the law specifically requires that the Board, "consider the necessity of a separate category for such buildings, and a separately determined guideline for rent adjustments for those units in which heat is not required to be provided by the owner, and may establish such separate category and guideline."

In 1986, Abt Associates Inc. conducted an expenditure study of loft owners to construct weights for the Loft Board's index of operating costs and to determine year-to-year price changes. In subsequent years, data from the PIOC for stabilized apartments was used to compute changes in costs and to update the loft expenditure weights. This is the procedure used this year.

The increase in the Loft Index this year was 6.3%, 1.5 percentage points lower than the increase for apartments. This difference is explained by the fact that Attorney fees, which rose 2.1% and 2.3% respectively, carry much more weight for lofts than for apartments. More weight put on these components placed more downward pressure on the Loft Index.

This year's guidelines for lofts are: **3.5%** for a one-year lease and **6.5%** for a two-year lease.

**Table 11**

Changes in the Price Index of Operating Costs for Lofts from 2007-08

	<b>Loft O &amp; M Price Index Change</b>
All Buildings	<b>6.3%</b>

Source: *2008 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City.*

**SPECIAL GUIDELINES FOR VACANCY DECONTROLLED UNITS ENTERING THE STABILIZED STOCK**

Pursuant to Section 26-513(b) of the New York City Administrative Code, as amended, the Rent Guidelines Board establishes a special guideline in order to aid the State Division of Housing and Community Renewal in determining fair market rents for housing accommodations that enter the stabilization system. This year, the Board set the guidelines at the greater of the following:

- (1) 50% above the Maximum Base Rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1]) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

The Board concluded that for units formerly subject to rent control, either an increase to rent levels reflecting the Fair Market Rent guidelines established by the U.S. Department of Housing and Urban Development (HUD), or 50% above the maximum base rent was a desirable minimum increase. Notably, the HUD guidelines differentiate minimum rents on the basis of bedroom count.

**INCREASE FOR UNITS RECEIVING PARTIAL TAX EXEMPTION PURSUANT TO SECTION 421 AND 423 OF THE REAL PROPERTY TAX LAW**

The guideline percentages for 421-A and 423 buildings were set at the same levels as for leases in other categories of stabilized apartments.

This Order does not prohibit the inclusion of the lease provision for an annual or other periodic rent increase over the initial rent at an average rate of not more than 2.2 per cent per annum where the dwelling unit is receiving partial tax exemption pursuant to Section 421-A of the Real Property Tax Law. The cumulative but not compound charge of up to 2.2 per cent per annum as provided by Section 421-A or the rate provided by Section 423 is in addition to the amount permitted by this Order.

**VACANCY ALLOWANCE**

As of June 15, 1997, Vacancy Allowances are now determined by a formula set forth in the State Rent Regulation Reform Act of 1997 and in Chapter 82 of the Laws of 2003.

**SUBLET ALLOWANCE**

The increase landlords are allowed to charge under Order 40 when a rent stabilized apartment is sublet by the primary tenant to another tenant on or after October 1, 2008 and on or before September 30, 2009 shall be **10%**.

**VOTES**

The votes of the Board on the adopted motion pertaining to the provisions of Order #40 were as follows:

	<b>Yes</b>	<b>No</b>	<b>Abstentions</b>
Guidelines for Apartment Order #40	5	4	0

Dated: June 23, 2008  
Filed with the City Clerk: June 27, 2008

Marvin Markus, Chair  
Rent Guidelines Board

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**2008 Hotel Order #38**

**June 19, 2008**

**Order Number 38 - Hotels, Rooming Houses, Single Room Occupancy Buildings and Lodging Houses.** Rent levels to be effective for leases commencing **October 1, 2008** through **September 30, 2009.**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No. 276 of 1974 of the New York City Council and extended by Chapter 82 of the Laws of 2003, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board hereby **adopts** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2008.**

**APPLICABILITY**

This order shall apply to units in buildings subject to the Hotel Section of the Rent Stabilization Law (Sections 26-504(c) and 26-506 of the N.Y.C. Administrative Code), as amended, or the Emergency Tenant Protection Act of 1974 (L.1974, c. 576 §4[§5(a)(7)]). With respect to any tenant who has no lease or rental agreement, the level of rent increase established herein shall be effective as of one year from the date of the tenant's commencing occupancy, or as of one year from the date of the last rent adjustment charged to the tenant, or as of **October 1, 2008**, whichever is later. This anniversary date will also serve as the effective date for all subsequent Rent Guidelines Board Hotel Orders, unless the Board shall specifically provide otherwise in the Order. Where a lease or rental agreement is in effect, this Order shall govern the rent increase applicable on or after **October 1, 2008** upon expiration of such lease or rental agreement, but in no event prior to one year from the commencement date of the expiring lease, unless the parties have contracted to be bound by the effective date of this Order.

**RENT GUIDELINES FOR HOTELS, ROOMING HOUSES, SINGLE ROOM OCCUPANCY BUILDINGS AND LODGING HOUSES**

Pursuant to its mandate to promulgate rent adjustments for hotel units subject to the Rent Stabilization Law of 1969, as amended, (§26-510(e) of the N.Y.C Administrative Code) the Rent Guidelines Board hereby **adopts** the following rent adjustments:

The allowable level of rent adjustment over the lawful rent actually charged and paid on **September 30, 2008** shall be:

- 1) Residential Class A (apartment) hotels - **4.5%**
- 2) Lodging houses - **4.5%**
- 3) Rooming houses (Class B buildings containing less than 30 units) - **4.5%**
- 4) Class B hotels - **4.5%**
- 5) Single Room Occupancy buildings (MDL section 248 SRO's) - **4.5%**

Except that the allowable level of rent adjustment over the lawful rent actually charged and paid on **September 30, 2008** shall be **0%** if permanent rent stabilized or rent controlled tenants paying no more than the legal regulated rent, at the time that any rent increase in this Order would otherwise be authorized, constitute fewer than **85%** of all units in a building that are used or occupied, or intended, arranged or designed to be used or occupied in whole or in part as the home, residence or sleeping place of one or more human beings.

**NEW TENANCIES**

No **"vacancy allowance"** is permitted under this order. Therefore, the rents charged for tenancies commencing on or after October 1, 2008 and on or before September 30, 2009 may not exceed the levels over rentals charged on September 30, 2008 permitted under the applicable rent adjustment provided above.

**ADDITIONAL CHARGES**

It is expressly understood that the rents collectible under the terms of this Order are intended to compensate in full for all

services provided without extra charge on the statutory date for the particular hotel dwelling unit or at the commencement of the tenancy if subsequent thereto. No additional charges may be made to a tenant for such services, however such charges may be called or identified.

**STATEMENT OF BASIS AND PURPOSE**

The Rent Guidelines Board is authorized to promulgate rent guidelines governing hotel units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

**Dated: June 19, 2008**

Marvin Markus  
Chair  
New York City Rent Guidelines Board

**EXPLANATORY STATEMENT – HOTEL ORDER #38**  
Explanatory Statement and Findings of the Rent Guidelines Board  
In Relation to 2008-09 Lease Increase Allowances for Hotels Under the Jurisdiction of the Rent Stabilization Law

Explanatory Statement and Findings of the Rent Guidelines Board Concerning Increase Allowances for Hotel Units Under the Jurisdiction of the Rent Stabilization Law, Pursuant to Hotel Order Number 38, Effective October 1, 2008 through and including September 30, 2009.<sup>21</sup>

Pursuant to the authority vested in it by the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974, implemented by Resolution Number 276 of 1974 of the New York City Council, and extended Chapter 82 of the Laws of 2003, it is the responsibility of the Rent Guidelines Board to establish guidelines for hotel increases. Hotel Order Number 38, adopted on June 19, 2008, applies to stabilized hotel units occupied by non-transient tenants.

Hotel Order Number 38 provides for an allowable increase of **4.5%** over the lawful rent actually charged and paid on September 30, 2008 for rooming houses, lodging houses, Class B hotels, single room occupancy buildings, and Class A residential hotels. The Order does not limit rental levels for commercial space, non-rent stabilized residential units, or transient units in hotel stabilized buildings during the guideline period. The Order also provides that for any dwelling unit in a hotel stabilized building which is voluntarily vacated by the tenant thereof, the level of rent increase governing a new tenancy shall be the same as the guideline for rent increases set forth above.

Rooming house, lodging house, Class B hotel, single room occupancy building, and Class A residential hotel owners shall not be entitled to any of the above rent adjustments, and shall receive a **0 percent adjustment** if permanent rent stabilized or rent controlled tenants paying no more than the legal regulated rent, at the time that any rent increase in this Order would otherwise be authorized, constitute fewer than **85%** of all units in a building that are used or occupied, or intended, arranged or designed to be used or occupied in whole or in part as the home, residence or sleeping place of one or more human beings.

The following was read and entered into the public record of the June 19 meeting to outline the Rent Guidelines Board's intent of the above proviso:

The Board's intention for the meaning of this proviso is that ALL dwelling units in the hotel, whether occupied, vacant, rented to tourists, transients, contract clients, students or other non-permanent tenants, or to permanent rent stabilized tenants, be counted in the denominator of the calculation. The only type of units in the hotel that may be excluded from the denominator are units that are used as stores or for similar business purposes such as doctor's offices. The numerator of the calculation is the number of units occupied by permanent rent stabilized or rent controlled tenants.

*Here are two examples. One: a hotel has 100 units and 2 stores. 32 units are rented to permanent rent stabilized tenants, 10 are vacant and 58 are rented to transients and tourists. The calculation is as follows, the denominator is 100 and the numerator is 32. This calculation results in an occupancy percentage of LESS than 85% under the formula (32%) and an increase CANNOT be taken for the permanent stabilized tenants.*

*Two: a hotel has 150 units, 2 of which are used by a dentist and a doctor for their businesses, 8 are rented to tourists, 5 are vacant and 135 are occupied by permanent rent stabilized tenants. The denominator would be 148 and the numerator would be 135. This calculation results in an occupancy percentage of GREATER than 85% under the formula (91%) and an increase CAN be taken for the permanent stabilized tenants.*

23 This Explanatory Statement explains the actions taken by the Board on individual points and reflects the general views of those voting in the majority. It is not meant to summarize all viewpoints expressed.

**DEFINITIONS**

For the purpose of determining the appropriate classification of a hotel stabilized unit, the Board has set its definitions as follows:

- Residential hotels are "apartment hotels" which are designated as Class A multiple dwellings on the Certificate of Occupancy.
- Rooming houses are Class B multiple dwellings having fewer than thirty sleeping rooms as defined



in Section 4(13) of the multiple dwelling law.

- A single room occupancy building is a Class A multiple dwelling which is either used in whole or in part for single room occupancy or as a furnished room house, pursuant to Section 248 of the multiple dwelling law.
- A Class B hotel is a hotel, which carries a Class B Certificate of Occupancy and contains units subject to rent stabilization.
- Lodging houses are those buildings designated as lodging houses on the Certificate of Occupancy.

BACKGROUND

Public meetings of the Board were held on March 25, April 15 and 29, May 2, and June 3, 2008 following public notices. On May 5, the Board adopted proposed rent guidelines for hotels, apartments, and lofts.

Two public hearings were held on June 11 and June 16, 2008 to hear comments on the proposed rent adjustments for rent stabilized hotels and apartments. The hearings were held from 4:00 p.m. to 10:35 p.m. on June 11 and from 10:00 a.m. to 9:50 p.m. on June 16. The Board heard testimony from approximately 7 hotel tenants and tenant representatives, 3 hotel owners, and 10 public officials. In addition, the Board's office received approximately 3 written statements from owners and owner groups, tenants and tenant groups, and public officials. On June 19, 2008, the guidelines set forth in Hotel Order Number 38 were adopted.

Selected Oral and Written Testimony from Tenants and Tenant Groups:

- "SRO tenants were already paying an average 50% of their for rent in 2002, and they certainly cannot afford to pay more. Any RGB SRO increase would only cause undue burden to the struggling permanent rent-stabilized tenants and absolutely no real income increase to encourage SRO landlords to stop evicting permanent tenants or to stop renting residential rooms to commercial tourists. We therefore urge the Board to vote 0% increases for all categories of hotels, and to retain last year's restrictive proviso language in its entirety."

- "SRO owners, for their part, cannot establish any compelling need for an increase. Except in the rarest cases, SRO owners do not derive their incomes from the rents paid by permanent tenants. SRO landlords cover their costs, and make their profit, by lawfully, and unlawfully, renting out their rooms to transients, tourists, and institutional lessees at rates that exponentially exceed stabilized rents."

- "...[I]t should be noted that the price index for rent stabilized SRO hotels this year is 7.4%. However, the accuracy of the price index for operating costs in a way reflects the reality of an SRO landlord's expenses. In actuality, SRO landlords' operating incomes for all stabilized units remained constant. Only one income and expense study of SRO owners has ever been conducted, in 1991. But the relationship between other elements of SRO owners' position relative to that of apartment owners - rents, tenant incomes, the price index - has remained more or less stable. It is fair to assume then, that the relationships revealed in the 1991 SRO I&E study, which showed SRO owners having costs about two-thirds those of apartment owners, but collecting 75% as much rent, and realizing a net operating income of about 30% (vs. 35% for apartment owners), holds today."

- "The last time I testified against rent increases for SRO's and residential hotels there was a proviso in place stipulating that increases only be granted to those buildings with at least 80% long-term tenants. This made sense since it rewarded owners running their buildings as proper homes and penalized those who were driving out tenants and renting rooms illegally to tourists. Since there is no proviso this year I must ask that no rent increase be granted at all."

- "People on both sides of the aisle are unsatisfied. Although the RGB should make absolutely no concessions for dishonest landlords, they should certainly find creative ways to work alongside those landlords who actually are honest as well as tenants across the city. Consequently, I propose the following recommendations for the RGB: 1. Develop a system of checks and balances to track landlords' income along with expenses. 2. Send surveys to all landlords. Those who do not respond should not be eligible to receive increases. 3. Consider violations factors. Why should landlords be rewarded when violations on their buildings exist and they already owe the city millions of dollars? 4. Require fair market tenants to register yearly along with all regulated tenants because vacancy decontrol statistics are not reported accurately. RGB should strongly recommend this measure to the mayor. While the need for reform is urgent, I sincerely appreciate the Rent Guidelines Board and the work of their staff."

Selected Oral and Written Testimony from Owners and Owner Groups:

- "As you know, there had been an exodus from the City for quite some time. It is absolutely necessary for us to encourage and reward those who choose to stay. We must give them some relief. Even more importantly, we must make it possible for them to stay. As I said earlier, a 2% increase is nothing more than a bandaid. That said, how is it possible that they were afforded no increase last year. We must send all businesses a positive message that we welcome new business and appreciate old business. The result will generate much needed revenue and guarantee job security which will benefit all New York. I ask for an 8% increase across-the-board (with no restrictions) for these categories [of hotels.]"

- "We do not understand why there are no increases in rents for SRO's...The costs have gone up more for the SRO buildings than for the rent stabilized buildings. The SRO buildings we pay for their electricity, the heat, do the cleaning, everything basically. It's just incomprehensible to me that you do not give the same rent increases for SRO buildings as for rent stabilized buildings."

- "My family owns a legal, single room occupancy property

in Brooklyn, a class A in Bayridge, Brooklyn. It has 36 residential units. It is an electrical inclusion building, which means that none of the tenants pay for their own utilities, such as gas, electricity, or water. We are asking for your help in granting SROs a fair guideline to meet the overwhelming increase in operating costs this year."

- "We must remember that as the old 'hoteliers' leave this City, whether it be by attrition or otherwise, new owners tend to be foreign and 'not in touch' with the true meaning of the management of these properties and their original purpose or necessity. Many owners have given up their properties due to lack of response on their behalf. Those who have not need your help."

- "Why are our costs not compensated for? How can this board tell us that there should be no increases for SRO while everybody knows how much the costs have gone up. What is the reason for that?"

Selected Oral and Written Testimony from Public Officials:

- "Another major concern of mine and my constituents is the operation and proliferation of illegal hotels. In Manhattan alone, over 200 buildings are currently operating as illegal hotels. The Board must surely realize that these practices have illegally converted as many as 10,000 rent stabilized units into hotel rooms for tourists and corporate interests that charge hundreds of dollars per night."

- "I have introduced a bill to increase fines significantly for operation of an illegal hotel, and look forward to its passage. But the Board's responsibility in this matter is to take into full account the impact on our affordable housing stock of a loss of 10,000 units, and it must also account for the fact that these illegal conversions are being performed by landlords who also benefit from the Board's belief in their economic hardship."

Material Considered by the Board

In addition to oral and written testimony presented at its public hearing, the Board's decision is based upon material gathered from the 2008 Price Index of Operating Costs for Hotel Stabilized Units in New York City, prepared by the staff of the Rent Guidelines Board, reports and testimony submitted by owner and tenant groups relating to the hotel sector, and reports submitted by public agencies. The Board heard testimony from invited guest speakers on May 2, 2008. Guest speakers representing hotel tenants included Yarrow Willman-Cole from the Goddard-Riverside Community Center's West Side SRO Law Project, Jonathan Burke from the East Side SRO Law Project of MFY Legal Services, and Larry Wood from the Goddard Riverside Community Center. There were no guest speakers representing hotel landlords at this meeting but Helen Maurizio, Executive Director of the Associated Hotels and Motels of Greater New York, submitted written testimony.

FINDINGS OF THE RENT GUIDELINES BOARD

RENT GUIDELINES BOARD RESEARCH

The Rent Guidelines Board based its determination on its consideration of the oral and written testimony noted above, as well as upon its consideration of statistical information prepared by the RGB staff set forth in these findings and the following reports:

- (1) 2008 Mortgage Survey Report, March 2008, (An evaluation of recent underwriting practices, financial availability and terms, and lending criteria);
- (2) 2008 Income and Affordability Study, April 2008, (Includes employment trends, housing court actions, changes in eligibility requirements and public benefit levels in New York City);
- (3) 2008 Price Index of Operating Costs for Rent Stabilized Hotels in New York City, April 2008, (Measures the price change for a market basket of goods and services which are used in the operation and maintenance of stabilized hotels);
- (4) 2008 Housing Supply Report, June 2008, (Includes information on the conversion of Hotels to luxury apartments and transient use, new housing construction measured by certificates of occupancy in new buildings and units authorized by new building permits, tax abatement and exemption programs, and cooperative and condominium conversion and construction activities in New York City); and,
- (5) Changes to the Rent Stabilized Housing Stock in NYC in 2007, June 2008, (A report quantifying all the events that lead to additions to and subtractions from the rent stabilized housing stock).

The five reports listed above may be found in their entirety on the RGB's website, www.housingnyc.com, and are also available at the RGB offices, 51 Chambers St., Suite 202, New York, NY upon request.

PRICE INDEX OF OPERATING COSTS FOR RENT STABILIZED HOTEL UNITS

The Hotel Price Index includes separate indices for each of three categories of rent stabilized hotels (due to their dissimilar operating cost profiles) and a general index for all stabilized Hotels. The three categories of hotels are: 1) "traditional" hotels — a multiple dwelling which has amenities such as front desk, maid or linen service; 2) Rooming Houses — a multiple dwelling other than a hotel with thirty or fewer sleeping rooms; and 3) single room occupancy hotels (SROs) — a multiple dwelling in which one or two persons occupy a single room residing separately and independently of other occupants.

The Price Index for all stabilized Hotels increased 7.4% this year, 2.1 percentage points higher than the 5.3% increase found the year before. The Price Index for Hotels was just 0.4 percentage points lower overall than the increase in costs measured in the Apartment Price Index. Significant disparities between the Hotel Index and the Apartment Index were seen in the Utilities, Labor Costs, and Contractor Services components. The increase in Utilities for all types of Hotels was 6.6% versus 8.9% in apartment buildings. This difference was due to water and sewer, which witnessed double-digit increases, having more weight in the Apartment Index. Labor Costs rose 5.3%, about 1.3 percentage points higher than in the Apartment Index (4.0%). Contractor Services saw a higher increase in the Apartment Index (4.6%) than for Hotels (3.4%) due to more weight being placed on repainting, plumbing and roof repair for apartments, items that witnessed the highest increases. These disparities resulted in a Hotel Index that was lower than that for apartments.

Prices in all other components in the Hotel Index had similar changes in rates to the same components in the Apartment Index. Taxes decreased in Hotels by 0.7%, while increasing 0.3% for apartments. Insurance costs increased at the same rate in both indices and Fuel costs were roughly a percentage point higher for apartments.

Among the different categories of Hotels, the index for "traditional" hotels increased 5.9%, which was lower than increases for both Rooming Houses (8.9%) and SROs (9.6%). The differences between these indices are primarily due to the increased weight placed on the Tax component for "traditional" hotels and the disparity among the three hotel types in the Fuel Costs component, with Rooming Houses showing the lowest increase in the cost for fuel.

Percent Change in the Components of the Price Index of Operating Costs April 2007 to April 2008, By Hotel Type and All Hotels

Spec #	Item Description	All Hotels		
		Hotel	SRO	All Hotels
101	TAXES, FEES, & PERMITS	0.9860	1.0197	0.9863
205-206, 208-216	LABOR COSTS	1.0557	1.0520	1.0511
301-303	FUEL	1.3523	1.3021	1.4369
401-407, 409-410	UTILITIES	1.0565	1.1031	1.0709
501-509, 511-516, 518	CONTRACTOR SERVICES	1.0310	1.0376	1.0388
601-608	ADMINISTRATIVE COSTS	1.0502	1.0487	1.0497
701	INSURANCE COSTS	1.0233	1.0233	1.0233
801-816	PARTS AND SUPPLIES	1.0080	1.0247	1.0227
901-904, 907-911	REPLACEMENT COSTS	1.0156	1.0234	1.0241
	<b>ALL ITEMS</b>	<b>1.0558</b>	<b>1.0895</b>	<b>1.0740</b>

SOURCE: 2008 PRICE INDEX OF OPERATING COSTS

CHANGES IN HOUSING AFFORDABILITY

For the fourth year in a row, New York City's economy generally improved as compared with the preceding year, with steady unemployment rates, rising wages and employment levels, and Gross City Product growing steadily from the last quarter of 2003 through the fourth quarter of 2007. Citywide unemployment rates held steady at 5.0% during 2007, after falling the prior three years (although rates are still the lowest of the more than 30 years the RGB has access to). Total employment levels in the City increased 2.1%, and the City's Gross City Product increased for the fourth consecutive year and 17th consecutive quarter, increasing by 3.0% during 2007, compared to 3.6% during 2006. Real wages also increased by 4.1% between 2005 and 2006 (the most recent year for which there are statistics). In addition, public assistance cases fell for the third year in a row, dropping more than 8% between fiscal years 2006 and 2007.

However, there were indicators tracked in the I&A Study that showed a downward trend during 2007. HVS data released two years ago showed that household income for rent stabilized tenants declined in real terms by 8.6% between 2001 and 2004, remaining at a nominal \$32,000 for both years. There was also a rise in homeless levels, increasing by 11.5% for families, although declining for single adults. And while employment levels in most tracked sectors increased, there was again a significant decline in the manufacturing sector, falling 4.8% from 2006 levels, while real income in that sector also declined, by 3.3%. In addition, evictions and possessions rose more than 4% in 2007, as well as an increase in the proportion of calendared cases that resulted in eviction, the highest level in 10 years. Cash assistance applications also rose by 8.8% during the 2007 fiscal year, while job placements for those receiving cash assistance declined by 7.0%.

CONSUMER PRICE INDEX

The Board reviewed the Consumer Price Index. Table that follows shows the percentage change for the NY-Northeastern NJ Metropolitan area since 2000.

Percentage Changes in the Consumer Price Index for the New York City - Northeastern New Jersey Metropolitan Area, 2000-2008 (For "All Urban Consumers")

Table showing percentage changes in the Consumer Price Index from 2000 to 2008, categorized by quarter and year.

Source: U.S. Bureau of Labor Statistics.

EFFECTIVE RATES OF INTEREST

The Board took into account current mortgage interest rates and the availability of financing and refinancing. It reviewed the staff's 2008 Mortgage Survey of lending institutions. The table below gives the reported rate and points for the past nine years as reported by the mortgage survey.

24 1st Quarter Average refers to the change of the CPI average of the first three months of one year to the average of the first three months of the following year.

2008 Mortgage Survey Average Interest Rates and Points for and Refinanced Permanent Mortgage Loans 1999-2008 New Financing of Permanent Mortgage Loans, Interest Rate and Points

Table showing average interest rates and points for permanent mortgage loans from 1999 to 2008.

Source: 1999-2008 Annual Mortgage Surveys, RGB.

HOTEL CONVERSION

Conversion of single room occupancy (SRO) buildings also continued in high numbers over the past year. SRO owners may convert SRO housing to other uses after obtaining a "Certificate of No Harassment" from HPD. The last several years have seen significantly more Certificates issued than in previous years. While from 1995-1996, there were an average of 67 applications filed each year, from 1997-2001, an average of 114 applications for Certificates were filed. HPD reports there were 182 Certificates applied for in 2007, down from 209 in 2006. In addition, there has been increased focus on the issue of illegal hotels, that is residential units meant to be used by permanent tenants that are instead rented out on a nightly basis to tourists. A bill pending in the City Council would increase fines from \$800 for an illegal conversion to \$1,000-\$5,000 for a first offense, and up to \$20,000 for subsequent offenses.

VOTE

The vote of the Rent Guidelines Board on the adopted motion pertaining to the provisions of Order Number 38 was as follows:

Table showing the vote of the Rent Guidelines Board on Order Number 38, with columns for Yes, No, and Abstentions.

Dated: June 20, 2008 Filed with the City Clerk: June 27, 2008

Marvin Markus, Chair Rent Guidelines Board

25 Institutions were asked to provide information on their "typical" loan to rent stabilized buildings. Data for each variable in

any particular year and from year to year may be based upon responses from a different number of institutions.

BIBLIOGRAPHY

- List of references including City of New York Rent Stabilization Law of 1969, Chapter 576 of the Laws of 1974, and various other city laws and reports.

• jy18

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

NOTICE

OFFICIAL FUEL PRICE SCHEDULE NO. 6081 FUEL OIL AND KEROSENE

Table listing fuel oil and kerosene prices, including contract numbers, item types, vendors, changes, and prices.

OFFICIAL FUEL PRICE SCHEDULE NO. 6082 FUEL OIL, PRIME AND START

Table listing fuel oil, prime and start prices, including contract numbers, item types, vendors, changes, and prices.

OFFICIAL FUEL PRICE SCHEDULE NO. 6083 FUEL OIL AND REPAIRS

Table listing fuel oil and repairs prices, including contract numbers, item types, vendors, changes, and prices.

OFFICIAL FUEL PRICE SCHEDULE NO. 6084 GASOLINE

Table listing gasoline prices, including contract numbers, item types, vendors, changes, and prices.

• jy18

COLLECTIVE BARGAINING

NOTICE

NOTICE OF PETITION REQUESTING AN AMENDMENT TO CERTIFICATION

This is to acknowledge that the New York City Office of Collective Bargaining is in receipt of the Petition Requesting an Amendment to Certification described below:

DATE: June 30, 2008 DOCKET #: AC-44-08

PETITIONER: City Employees Union, Local 237, IBT, 330 West 42nd Street, New York, NY 10036

RECEIVED: Petition Requesting an Amendment to Certification

AMENDMENT REQUESTED: Amend Certification No. 14-80 to reflect that, following the merger of the joint certificate holders, City Employees Union, Local 237, IBT is the sole certificate holder

EMPLOYERS: The City of New York, represented by the Office of Labor Relations, 40 Rector Street, New York, NY 10006

New York City Health and Hospitals Corporation, 125 Worth Street, New York, NY 10013

BOARD OF CERTIFICATION

Karine Spencer DIRECTOR OF REPRESENTATION

jy18

MAYOR'S OFFICE OF ENVIRONMENTAL COORDINATION

NOTICE

NOTICE OF CEQR COMMENCEMENT

Table with 4 columns: CEQR NO., Project Name, Borough, CD. Lists various projects such as Maimonides Medical Center, 40-55 College Point Boulevard, etc.

Table with 4 columns: CEQR NO., Project Name, Borough, CD. Lists various projects such as Rules for the Recreational Use of Water Supply Lands and, Brooklyn North Salt Shed, etc.

Table with 4 columns: CEQR NO., Project Name, Borough, CD. Lists various projects such as Facility Of Omnipoint New York Sports Club, Maimonides Medical Center, etc.

Modified Negative Declaration

Table with 4 columns: CEQR NO., Project Name, Borough, CD. Lists projects like Bradford Avenue Homes, Hudson Square North Rezoning, etc.

Conditional Negative Declaration

Table with 4 columns: CEQR NO., Project Name, Borough, CD. Lists projects like 211 / 283 63rd Street, Westchester Avenue Rezoning, etc.

Modified Positive Declaration

Table with 4 columns: CEQR NO., Project Name, Borough, CD. Lists projects like Coney Island Rezoning.

Positive Declaration

Table with 4 columns: CEQR NO., Project Name, Borough, CD. Lists projects like Lower Concourse Rezoning and Related Actions, Sunset Marketplace, etc.

SCOPING

Draft Scope of Work

Table with 4 columns: CEQR NO., Project Name, Borough, CD. Lists projects like Lower Concourse Rezoning and Related Actions, Coney Island Rezoning, etc.

Final Scope of Work

Table with 4 columns: CEQR NO., Project Name, Borough, CD. Lists projects like Hunter's Point South, Public Safety Answering Center II (PSAC II), etc.

ENVIRONMENTAL IMPACT STATEMENT

Draft EIS and NOC

Table with 4 columns: CEQR NO., Project Name, Borough, CD. Lists projects like East Village / Lower East Side Rezoning, Dutch Kills Rezoning and Related Actions, etc.

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