



THE CITY RECORD

Official Journal of The City of New York

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

Printed on paper containing
40% post-consumer material

VOLUME CXXXVI NUMBER 80

MONDAY, APRIL 27, 2009

PRICE \$4.00

TABLE OF CONTENTS

PUBLIC HEARINGS & MEETINGS

Board Meetings1601

City Council1601

Cit Planning Commission1602

Employees' Retirement System1620

Equal Employment Practices

 Commission1620

Landmarks Preservation Commission ..1620

Transportation1620

COURT NOTICES

Supreme Court1621

 Queens County1621

 See Court Notice Maps1653-1656

PROPERTY DISPOSITION

Citywide Administrative Services1622

 Division of Municipal Supply Services 1622

Police1622

 Auction1622

PROCUREMENT

City Council1622

 Administration1622

City University1623

Citywide Administrative Services1623

 Division of Municipal Supply Services 1623

 Vendor Lists1623

Design and Construction1623

Economic Development Corporation ..1623

Education1623

 Division of Contracts and Purchasing 1623

Environmental Protection1623

 Bureau of Water Supply1623

Health and Hospitals Corporation1623

 Materials Management1624

Homeless Services1624

 Office of Contracts and Procurement ..1624

Housing Authority1624

Parks and Recreation1624

 Contract Administration1624

Police1624

 Contract Administration Unit1624

Sanitation1624

 Agency Chief Contracting Officer ...1624

School Construction Authority1624

 Contract Administration1624

 Contract Services1625

 Procurement1625

Transportation1625

 Division of Franchises, Concessions and

 Consents1625

 Division of Traffic1625

AGENCY RULES

Conflicts of Interest Board1526

Fire1626

SPECIAL MATERIALS

City Planning1650

Collective Bargaining1651

Housing Preservation and Development 1651

Police1651

Transportation1651

Changes in Personnel1652

LATE NOTICES

Correction1653

Housing Preservation and Development 1653

Juvenile Justice1653

THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

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

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

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

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

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

The City of New York Home Page
provides Internet access via the WORLD
WIDE WEB to solicitations and awards
<http://www.nyc.gov/cityrecord>

PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOARD MEETINGS

NOTICE OF MEETINGS

City Planning Commission
Meets in Spector Hall, 22 Reade Street, New York, New York 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.

City Council
Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, New York 10007, at 1:30 P.M.

Contract Awards Public Hearing
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

Design Commission
Meets in City Hall, Third Floor, Manhattan, New York 10007 on the second Monday of the month, except August. For changes in the schedule, copies of monthly agendas, or additional information, please call (212) 788-3071 or visit our web site at nyc.gov/artcommission

Department of Education
Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

Board of Elections
32 Broadway, 7th floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner

Environmental Control Board
Meets at 66 John Street, 10th floor, conference room, New York, NY 10038 at 9:15 A.M., once a month at the call of the Chairman.

Board of Health
Meets in Room 330, 125 Worth Street, Manhattan, New York 10013, at 10:00 A.M., at the call of the Chairman.

Health Insurance Board
Meets in Room 530, Municipal Building, Manhattan, New York 10007, at call of the Chairman.

Board of Higher Education
Meets at 535 East 80th Street, Manhattan, New York 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

Citywide Administrative Services
Division Of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, N.Y. 10004.

Commission on Human Rights
Meets on 10th floor in the Commission's Central Office, 40 Rector Street, New York, New York 10006, on the fourth Wednesday of each month, at 8:00 A.M.

In Rem Foreclosure Release Board
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Franchise And Concession Review Committee
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Wednesdays, commencing 2:30 P.M., and other days, times and location as warranted.

Real Property Acquisition And Disposition

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, Commencing 10:00 A.M., and other days, times and location as warranted.

Landmarks Preservation Commission

Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise notified by the Commission. For current meeting dates, times and agendas, please visit our website at www.nyc.gov/landmarks.

Employees' Retirement System

Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, New York 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

Housing Authority

Board Meetings will be held every other Wednesday at 10:00 A.M. (unless otherwise noted) in the Board Room on the 12th Floor of 250 Broadway. These meetings are open to the public. Pre-registration of speakers is required. Those who wish to register must do so at least forty-five (45) minutes before the scheduled Board Meeting. Comments are limited to the items on the agenda. Speakers will be heard in the order of registration. Speaking time will be limited to three (3) minutes. The public comment period will conclude upon all speakers being heard or at the expiration of thirty (30) minutes allotted by law for public comment, whichever occurs first.

For Board Meeting dates and times, and/or additional information, please visit our website at nyc.gov/nycha or contact us at (212) 306-6088. Copies of the agenda can be picked up at the Office of the Secretary at 250 Broadway, 12th floor, New York, New York, no earlier than 9:30 P.M. on the Friday before the upcoming Wednesday Board Meeting. Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Secretary at (212) 306-6088 no later than five (5) business days before the Board Meeting.

Parole Commission

Meets at its office, 100 Centre Street, Manhattan, New York 10013, on Thursday, at 10:30 A.M.

Board of Revision of Awards

Meets in Room 603, Municipal Building, Manhattan, New York 10007, at the call of the Chairman.

Board of Standards and Appeals

Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

Tax Commission

Meets in Room 936, Municipal Building, Manhattan, New York 10007, each month at the call of the President.

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 Zoning and Franchises will hold a public hearing on the following matter in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 9:30 A.M. on Thursday, April 30, 2009:

IL PALAZZO

MANHATTAN CB - 2 20085511 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 151 Mulberry Street Corp., d/b/a Il Palazzo, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 151 Mulberry Street, Borough of Manhattan.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matter in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Thursday, April 30, 2009:

P.S. 69-K ANNEX

BROOKLYN CB - 10 20095202 SCX
Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 415-Seat Primary School Facility, known as P.S. 69-K Annex, to be located at 942 62nd Street (Block 5729, Lot 24), Borough of Brooklyn, Community School District No. 20.

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 Thursday, April 30, 2009:

ALBANY CROSSINGS APARTMENTS

BROOKLYN CB - 3 20095467 HAK
Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to the conveyance by a redevelopment company for property located at Block 1859/Lot 1, Council District 36, Borough of Brooklyn.

KINGSTON HEIGHTS APARTMENTS

BROOKLYN CB - 3 20095468 HAK
Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to the conveyance by a redevelopment company, for property located at Block 1851/Lots 58 and 61, Council District 36, 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:

- Find that the present status of the listed areas 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;
- Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
- 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;
- Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
- Approve an exemption of the Projects from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

NO.	ADDRESS	BLOCK/ LOT	BORO	COMMUNITY PROGRAM	BOARD
20095466 HAK	1050 Hancock Street	3395/11	Brooklyn	Tenant Interim Lease	04
20095469 HAK	133-41 West 140th Street	2009/23	Manhattan	Tenant Interim Lease	10

20095470 HAM	211 West 135th Street	1941/23	Manhattan	Tenant Interim Lease	10
20095471 HAM	2460 7th Avenue	2029/29	Manhattan	Tenant Interim Lease	10

a24-30

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 The New York City College of Technology, Klitgord Auditorium, 285 Jay Street, Brooklyn, New York (Between Tillary and Johnson Streets), on Wednesday, May 6, 2009, commencing at 9:30 A.M.

**BOROUGH OF BROOKLYN
No. 1
CANARSIE REZONING**

CD 18 C 090313 ZMK

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. 17d, 23a, 23c and 23d:

1. eliminating from an existing R4 District a C1-1 District bounded by Avenue L, East 95th Street, a line 200 feet southeasterly of Avenue L, and East 93rd Street;
2. eliminating from an existing R4 District a C1-2 District bounded by:
 - a. a line 200 feet southeasterly of Farragut Road, Rockaway Parkway, Glenwood Road, a line midway between Rockaway Parkway and East 98th Street, Conklin Avenue, Rockaway Parkway, a line 150 feet southeasterly of Flatlands Avenue, and East 96th Street,
 - b. a line 150 feet northwesterly of Flatlands Avenue, East 89th Street, Flatlands Avenue, and a line midway between East 88th Street and East 89th Street;
 - c. a line 150 feet northwesterly of Avenue L, East 95th Street, Avenue L, East 93rd Street, a line 150 feet southeasterly of Avenue L, and East 91st Street;
 - d. Avenue N, Rockaway Parkway, Seaview Avenue, and a line midway between East 96th Street and Rockaway Parkway;
3. eliminating from an existing R5 District a C1-2 District bounded by:
 - a. Ralph Avenue, East 79th Street, a line 100 feet easterly of Ralph Avenue, a line 100 feet northeasterly East 78th Street, a line perpendicular to the northeasterly street line of East 78th Street distant 80 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of East 78th Street and the easterly street line of Ralph Avenue, and East 78th Street;
 - b. Ralph Avenue, East 77th Street, a line 150 feet southeasterly of Ralph Avenue, East 76th Street, and Glenwood Road,
 - c. East 88th Street, a line 150 feet northwesterly of Flatlands Avenue, a line midway between East 88th Street and East 89th Street, and Flatlands Avenue;
 - d. a line 150 feet northwesterly of Glenwood Road, East 105th Street, Glenwood Road, and East 103rd Street;
 - e. a line 100 feet northwesterly of Seaview Avenue, East 98th Street, Seaview Avenue, a line 450 feet northeasterly of Rockaway Parkway, a line 200 feet southeasterly of Seaview Avenue, Rockaway Parkway, Skidmore Avenue, a line 350 feet southwesterly of Rockaway Parkway, St. Jude Place, Seaview Avenue, and Rockaway Parkway;
 - f. Schenck Street, Rockaway Parkway, a line 100 feet southeasterly of Schenck Street, and a line 215 feet southwesterly of Rockaway Parkway;
4. eliminating from an existing R4 District a C 2-1 District bounded by a line 150 feet northwesterly of Avenue L, Rockaway Parkway, a line 320 feet southeasterly of Avenue L, East 96th Street, a line 150 feet southeasterly of Avenue L, and East 95th Street;
5. eliminating from an existing R5 District a C2-1 District bounded by:
 - a. Avenue M, East 98th Street, a line 360 feet southeasterly of Avenue M, and Rockaway Parkway; and
 - b. Flatlands Avenue, a line 325 feet northeasterly of 108th Street, the

- northwesterly prolongation of a U.S. Pierhead and Bulkhead Line, the southwesterly prolongation of a U.S. Pierhead and Bulkhead Line, and East 108th Street;
6. eliminating from an existing R4 District a C2-2 District bounded by:
 - a. Foster Avenue, East 98th Street, a line 150 feet southeasterly of Foster Avenue, and Rockaway Avenue;
 - b. a line 200 feet northwesterly of Farragut Road, a line midway between Rockaway Parkway and East 98th Street and its southeasterly prolongation, Glenwood Road, Rockaway Parkway, a line 200 feet southeasterly of Farragut Road, a line midway between East 96th Street and Rockaway Parkway, a line 150 feet northwesterly of Farragut Road, and Rockaway Parkway;
 - c. Conklin Avenue, a line midway between East 92nd Street and East 93rd Street, a line 150 feet southeasterly of Flatlands Avenue, East 91st Street, Flatlands Avenue, and a line 150 feet southwesterly of East 92nd Street;
7. eliminating from an existing R5 District a C2-2 District bounded by:
 - a. a line 100 feet northwesterly of Flatlands Avenue, East 83rd Street, Flatlands Avenue, East 81st Street, a line 100 feet southeasterly of Flatlands Avenue, East 76th Street, Flatlands Avenue, and the northwesterly centerline prolongation of East 77th Street; and
 - b. Skidmore Avenue, Rockaway Parkway, Schenck Street, and East 96th Street;
8. changing from an R5 District to an R3-1 District property bounded by a line 100 feet southeasterly of Avenue L, East 105th Street, a line 100 feet northwesterly of Avenue M, and a line midway between East 100th Street and East 101st Street;
9. changing from an R5 District to an R3X District property bounded by a line 100 feet southeasterly of Avenue L, a line midway between East 100th Street and East 101st Street, a line 100 feet northwesterly of Avenue M, East 105th Street, Avenue L, a line 100 feet northeasterly of East 105th Street, a line midway between Avenue L and Flatlands 5th Street, East 108th Street, the northeasterly centerline prolongation of Flatlands 6th Street, a line 150 feet northeasterly of East 108th Street, the northeasterly centerline prolongation of Avenue M, East 108th Street, Seaview Avenue, a line midway between East 104th Street and East 105th Street, Avenue N, East 105th Street, a line 175 feet southeasterly of Avenue M, a line midway between East 102nd Street and East 103rd Street, a line 100 feet northwesterly of Avenue N, East 102nd Street, Avenue N, a line midway between East 101st Street and East 102nd Street, a line 175 feet northwesterly of Avenue N, a line midway between East 100th Street and East 101st Street, a line 100 feet southeasterly of Avenue M, and East 99th Street;
10. changing from an R5 District to an R4 District property bounded by:
 - a. Glenwood Road, East 103rd Street, Flatlands Avenue, East 102nd Street, a line 100 feet southeasterly of Flatlands Avenue, East 101st Street, Avenue K, East 102nd Street, Avenue L, East 104th Street, Avenue K, East 103rd Street, Avenue J, East 104th Street, Flatlands 1st Street and its southwesterly centerline prolongation, a line 100 feet northeasterly of East 105th Street, Flatlands 3rd Street, East 105th Street, a line 100 feet southeasterly of Avenue L, East 99th Street, a line 100 feet northwesterly of Avenue L, a line midway between East 98th Street and East 99th Street, a line 225 feet southeasterly of Avenue K, Rockaway Parkway, a line 400 feet southeasterly of Avenue J, a line 100 feet southwesterly of East 98th Street, a line 200 feet northwesterly of Avenue J, East 98th Street, a line 375 feet southeasterly of Flatlands Avenue, East 99th Street, Flatlands Avenue, and a line midway between East 101st Street and East 102nd Street; and
 - b. Avenue M, East 99th Street, a line 100 feet southeasterly of Avenue M, a line midway between East 100th Street and East 101st Street, a line 175 feet northwesterly of Avenue N, a line midway between East 101st Street and East 102nd Street, Avenue N, East 101st Street, Seaview Avenue, East 98th Street, a line 100 feet northwesterly of Seaview Avenue, and a line midway between East 98th Street and East 99th Street;
11. changing from an R4 District to an R4-1 District property bounded by:

- a. Krier Place, East 92nd Street, a line 100 feet southeasterly of Foster Avenue, a line midway between East 92nd Street and East 93rd Street, a line 100 feet northwesterly of Farragut Road, East 92nd Street, Farragut Road, East 93rd Street, a line 250 feet southeasterly of Farragut Road, a line midway between East 92nd Street and East 93rd Street, a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 88th Street and East 89th Street, a line 175 feet southeasterly of Foster Avenue and its southwesterly prolongation, and a line 100 feet northeasterly of Remsen Avenue;
- b. Foster Avenue, a line midway between East 95th Street and East 96th Street, a line 275 feet southeasterly of Foster Avenue, East 96th Street, a line 175 feet southeasterly of Foster Avenue, a line midway between East 96th Street and Rockaway Parkway, a line 100 feet northwesterly of Flatlands Avenue, East 96th Street, a line 100 feet southeasterly of Flatlands Avenue, Rockaway Parkway, a line 225 feet southeasterly of Avenue K, East 95th Street, Avenue K, East 94th Street, a line 100 feet northwesterly of Avenue L, East 91st Street, a line perpendicular to the southwesterly street line of East 91st Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of East 91st Street and the southeasterly street line of Avenue K, Remsen Avenue, a line 100 feet northwesterly of Avenue J, a line midway between East 88th Street and East 89th Street, Flatlands Avenue, East 91st Street, a line 100 feet southeasterly of Flatlands Avenue, East 93rd Street, a line 100 feet northwesterly of Flatlands Avenue, and a line midway between East 94th Street and East 95th Street;
- c. Foster Avenue, East 99th Street, a line 200 feet southeasterly of Farragut Road, a line midway between Rockaway Parkway and East 98th Street, a line 200 feet southeasterly of Foster Avenue, East 98th Street;
- d. Glenwood Road, East 100th Street, a line 75 feet northwesterly of Flatlands Avenue, East 99th Street, Flatlands Avenue, Rockaway Parkway, Conklin Avenue, and a line midway between Rockaway Parkway and East 98th Street;
- e. a line 100 feet southeasterly of Avenue L, Remsen Avenue, a line 100 feet southeasterly of Avenue M, a line midway between East 88th Street and East 89th Street, a line 100 feet northwesterly of Avenue M, and East 89th Street;
- f. a line 100 feet southeasterly of Avenue L, Rockaway Parkway, Seaview Avenue, a line 100 feet northeasterly of East 95th Street, a line 250 feet northwesterly of Seaview Avenue, East 95th Street, Avenue N, a line midway between East 92nd Street and East 93rd Street and its northwesterly prolongation, a line 100 feet northwesterly of Seaview Avenue, East 92nd Street, Seaview Avenue, Remsen Avenue, a line 75 feet northwesterly of Seaview Avenue, a line midway between East 89th Street and Remsen Avenue, a line 150 feet southeasterly of Avenue N, Remsen Avenue, Avenue N, and East 91st Street;
12. changing from an R5 District to an R4-1 District property bounded by:
 - a. a line 100 feet southeasterly of Foster Avenue, a line midway between East 88th Street and East 89th Street, a line 100 feet northwesterly of Flatlands Avenue, East 85th Street, a line 100 feet southeasterly of Glenwood Road, East 86th Street, a line 100 feet southeasterly of Farragut Road, and East 88th Street;
 - b. a line 100 feet southeasterly of Flatlands Avenue, East 88th Street, Flatlands Avenue, a line midway between East 88th Street and East 89th Street, a line 100 feet northwesterly of Avenue J, and East 86th Street;
 - c. a line 100 feet northwesterly of Avenue M, a line midway between East 88th Street and East 89th Street, a line 100 feet southeasterly of Avenue M, East 88th Street, Avenue N, and East 87th Street;
 - d. Flatlands Avenue, East 99th Street, a line 375 feet southeasterly of Flatlands Avenue, and East 98th Street;
 - e. a line 100 feet southeasterly of Avenue L, East 99th Street, Avenue M, a line midway between East 98th Street and East 99th Street, a line 100 feet northwesterly of Seaview Avenue, East

- 98th Street, Seaview Avenue, Rockaway Parkway, Avenue M, and a line midway between Rockaway Parkway and East 98th Street;
- f. a line 175 feet southeasterly of Avenue M, East 105th Street, Avenue N, a line midway between East 104th Street and East 105th Street, Seaview Avenue, East 103rd Street, a line 100 feet northwesterly of Avenue N, and a line midway between East 102nd Street and East 103rd Street;
- g. Flatlands 4th Street, East 108th Street, a line midway between Avenue L and Flatlands 5th Street, a line 100 feet northeasterly of East 105th Street, a line midway between Flatlands 4th Street and Avenue L, and a line 250 feet northeasterly of East 105th Street;
- h. East 108th Street, the northeasterly centerline prolongation of Avenue M, a line 100 feet northeasterly of East 108th Street, a line midway between the northeasterly centerline prolongation of Avenue M and Flatlands 7th Street and its northeasterly prolongation, a U.S. Pierhead and Bulkhead Line, and Flatlands 9th Street and its northeasterly centerline prolongation;
13. changing from a C8-1 District to an R4-1 District property bounded by:
- a. Farragut Road, a line midway between East 99th Street and East 100th Street, a line 200 feet southeasterly of Farragut Road, and East 99th Street;
- b. a line 50 feet northwesterly of Glenwood Road, a line 80 feet northeasterly of East 99th Street, Glenwood Road, and a line midway between Rockaway Parkway and East 98th Street;
14. changing from an R4 District to an R4A District property bounded by:
- a. a line 330 feet northwesterly of Foster Avenue, East 94th Street, Foster Avenue, a line midway between East 94th Street and East 95th Street, a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 92nd Street and East 93rd Street, a line 250 feet southeasterly of Farragut Road, East 93rd Street, Farragut Road, East 92nd Street, a line 100 feet northwesterly of Farragut Road, a line midway between East 92nd Street and East 93rd Street, a line 100 feet southeasterly of Foster Avenue, East 92nd Street, Foster Avenue, and East 93rd Street;
- b. a line perpendicular to the southwesterly street line of East 91st Street distant 100 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of East 91st Street and the southeasterly street line of Avenue K, East 91st Street, a line 100 feet southeasterly of Avenue L, East 89th Street, a line 100 feet northwesterly of Avenue M, a line midway between East 88th Street and East 89th Street, a line 100 feet southeasterly of Avenue K, and Remsen Avenue;
- c. Avenue K, East 95th Street, a line 225 feet southeasterly of Avenue K, Rockaway Parkway, a line 100 feet northwesterly of Avenue L, and East 94th Street;
15. changing from an R5 District to an R4A District property bounded by:
- a. a line 100 feet southeasterly of Avenue K, a line midway between East 88th Street and East 89th Street, a line 100 feet northwesterly of Avenue M, East 87th Street, a line 175 feet northwesterly of Avenue M, a line midway between East 86th Street and East 87th Street, a line 100 feet southeasterly of Avenue L, East 87th Street, Avenue L, a line midway between East 86th Street and East 87th Street, a line 275 feet northwesterly of Avenue L, and East 87th Street;
- b. a line 225 feet southeasterly of Avenue K, a line midway between East 98th Street and East 99th Street, a line 100 feet northwesterly of Avenue L, East 99th Street, a line 100 feet southeasterly of Avenue L, a line midway between Rockaway Parkway and East 98th Street, Avenue M, and Rockaway Parkway;
16. changing from an R4 District to an R5 District property bounded by:
- a. Avenue N, Remsen Avenue, a line 150 feet southeasterly of Avenue N, a line midway between East 89th Street and Remsen Avenue, a line 75 feet northwesterly of Seaview Avenue, Remsen Avenue, Seaview Avenue, and a line midway between East 88th Street and East 89th Street, and
- b. Avenue N, East 95th Street, a line 250 feet northwesterly of Seaview Avenue, a line 100 feet northeasterly of East 95th Street, Seaview Avenue, East 92nd Street, a line 100 feet northwesterly of Seaview Avenue, and a line midway between East 92nd Street and East 93rd Street and its northwesterly prolongation;
17. changing from a C3 District to an R5 District property bounded by the southwesterly centerline prolongation of Paerdegat 12th Street, Paerdegat Avenue North, a northwesterly boundary line of Canarsie Beach Park, and a U.S. Pierhead and Bulkhead Line;
18. changing from an R4 District to an R5B District property bounded by:
- a. a line 100 feet northwesterly of Foster Avenue, East 93rd Street, Foster Avenue, and East 92nd Street;
- b. a line 100 feet northwesterly of Foster Avenue, East 96th Street, Foster Avenue, a line midway between East 96th Street and Rockaway Parkway, a line 175 feet southeasterly of Foster Avenue, East 96th Street, a line 275 feet southeasterly of Foster Avenue, a line midway between East 95th Street and East 96th Street, Foster Avenue, and East 94th Street; and
- c. a line 100 feet northwesterly of Avenue J, Remsen Avenue, a line 100 feet southeasterly of Avenue K, a line midway between East 88th Street and East 89th Street, Avenue K, a northeasterly boundary line of Canarsie Cemetery and its northwesterly and southeasterly prolongations, Church Lane and its southwesterly centerline prolongation, and a line midway between East 88th Street and East 89th Street;
19. changing from an R5 District to an R5B District property bounded by:
- a. a line 200 feet southeasterly of Foster Avenue, East 85th Street, a line 100 feet southeasterly of Foster Avenue, East 88th Street, a line 100 feet southeasterly of Farragut Road, East 86th Street, a line 100 feet southeasterly of Glenwood Road, East 85th Street, a line 100 feet northwesterly of Flatlands Avenue, a line 100 feet southwesterly of East 78th Street, Flatlands Avenue, the southeasterly centerline prolongation of East 77th Street, Glenwood Road, Ralph Avenue, East 79th Street, Glenwood Road, East 80th Street, Farragut Road, and East 81st Street;
- b. a line 100 feet southeasterly of Flatlands Avenue, East 81st Street, Flatlands Avenue, East 84th Street, a line 100 feet southeasterly of Flatlands Avenue, East 85th Street, Flatlands Avenue, East 86th Street, a line 100 feet northwesterly of Avenue J, a line midway between East 88th Street and East 89th Street, Church Lane and its southwesterly centerline prolongation, a northeasterly boundary line of Canarsie Cemetery and its northwesterly and southeasterly prolongations, Avenue K, a line midway between East 88th Street and East 89th Street, a line 100 feet southeasterly of Avenue K, East 87th Street, a line 275 feet northwesterly of Avenue L, a line midway between East 86th Street and East 87th Street, Avenue L, East 85th Street, Avenue M, East 82nd Street, Avenue K, a line midway between East 81st Street and East 82nd Street, Avenue J, East 80th Street, a line midway between Paerdegat 2nd Street and Paerdegat 3rd Street, a line perpendicular to the northwesterly street line of Paerdegat 2nd Street distant 250 feet southwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of East 80th Street and the northwesterly street line of Paerdegat 2nd Street, a line midway between Paerdegat 1st Street and Paerdegat 2nd Street, Paerdegat Avenue, and East 76th Street;
- c. a line 100 feet southeasterly of Flatlands Avenue, East 103rd Street, Flatlands Avenue, East 104th Street, a line 100 feet southeasterly of Flatlands Avenue, East 106th Street, Flatlands Avenue, East 107th Street, Avenue J, East 108th Street, Flatlands 1st Street and its southwesterly centerline prolongation, East 104th Street, Avenue J, East 103rd Street, Avenue K, East 104th Street, Avenue L, East 102nd Street, Avenue K, and East 101st Street;
- d. a line 100 feet northwesterly of Avenue N, East 103rd Street, Seaview Avenue, East 101st Street, Avenue N, and East 102nd Street;
20. changing from an R4 District to an R5D District property bounded by:
- a. Foster Avenue, East 98th Street, a line 200 feet southeasterly of Foster Avenue, a line midway between Rockaway Parkway and East 98th Street, Conklin Avenue, Rockaway Parkway, a line 100 feet southeasterly of Flatlands Avenue, East 96th Street, a line 100 feet northwesterly of Flatlands Avenue, and a line midway between East 96th Street and Rockaway Parkway;
- b. a line 100 feet northwesterly of Flatlands Avenue, East 93rd Street, a line 100 feet southeasterly of Flatlands Avenue, East 91st Street, Flatlands Avenue, and a line midway between East 88th Street and East 89th Street; and
- c. a line 100 feet northwesterly of Avenue L, Rockaway Parkway, a line 100 feet southeasterly of Avenue L, and East 91st Street;
21. changing from an R5 District to an R5D District property bounded by:
- a. a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 88th Street and East 89th Street, Flatlands Avenue, East 88th Street, a line 100 feet southeasterly of Flatlands Avenue, East 86th Street, Flatlands Avenue, East 85th Street, a line 100 feet southeasterly of Flatlands Avenue, East 84th Street, Flatlands Avenue, East 81st Street, a line 100 feet southeasterly of Flatlands Avenue, East 76th Street, Flatlands Avenue, and a line 100 feet southwesterly of East 78th Street;
- b. Flatlands Avenue, East 98th Street, a line 100 feet southeasterly of Flatlands Avenue, and Rockaway Parkway;
- c. Flatlands Avenue, East 103rd Street, a line 100 feet southeasterly of Flatlands Avenue, and East 102nd Street;
- d. Flatlands Avenue, East 106th Street, a line 100 feet southeasterly of Flatlands Avenue, and East 104th Street;
- e. Flatlands Avenue, a line 325 feet northeasterly of East 108th Street, a line 100 feet southeasterly of Flatlands Avenue, and East 108th Street;
22. establishing within a proposed R4-1 District a C1-3 District bounded by:
- a. Avenue N, Rockaway Parkway, a line 100 feet northwesterly of Seaview Avenue, East 98th Street, Seaview Avenue, and a line midway between East 96th Street and Rockaway Parkway;
- b. Glenwood Road, a line midway between East 96th Street and Rockaway Parkway, a line 100 feet southeasterly of Glenwood Road, and East 96th Street; and
- c. a line 100 feet southeasterly of Avenue L, a line midway between East 93rd Street and East 94th Street, a line 150 feet southeasterly of Avenue L, and East 93rd Street;
23. establishing within an existing R5 District a C1-3 District bounded by:
- a. Seaview Avenue, a line 450 feet northeasterly of Rockaway Parkway, a line 200 feet southeasterly of Seaview Avenue, Rockaway Parkway, Skidmore Avenue, a line 350 feet southwesterly of Rockaway Parkway, and St. Jude Place; and
- b. a line 100 feet northwesterly of Glenwood Road, East 105th Street, Glenwood Road, and East 103rd Street;
24. establishing within a proposed R5D District a C1-3 District bounded by:
- a. a line 100 feet northwesterly of Flatlands Avenue, East 89th Street, Flatlands Avenue, and East 88th Street;
- b. Glenwood Road, a line midway between Rockaway Parkway and East 98th Street, Conklin Avenue, Rockaway Parkway, a line 100 feet southeasterly of Flatlands Avenue, East 96th Street, a line 100 feet northwesterly of Flatlands Avenue, a line midway between East 96th Street and Rockaway Parkway, a line 200 feet southeasterly of Farragut Road, and Rockaway Parkway; and

- c. a line 100 feet northwesterly of Avenue L, East 95th Street, a line 100 feet southeasterly of Avenue L, and East 91st Street;
25. establishing within a proposed R4-1 District a C2-3 District bounded by:
- a. Avenue M, East 98th Street, a line 360 feet southeasterly of Avenue M, and Rockaway Parkway;
- b. a line 50 feet northwesterly of Glenwood Road, a line 200 feet northeasterly of Rockaway Parkway, Glenwood Road, and a line 100 feet northeasterly of Rockaway Parkway;
- c. Conklin Avenue, a line midway between East 92nd Street and East 93rd Street, a line 100 feet northwesterly of Flatlands Avenue, and a line 150 feet southwesterly of East 92nd Street; and
- d. a line 100 feet southeasterly of Avenue L, Rockaway Parkway, a line 220 feet southeasterly of Avenue L, and East 96th Street;
26. establishing within a proposed R4A District a C2-3 District bounded by a line 150 feet northwesterly of Avenue L, East 96th Street, a line 100 feet northwesterly of Avenue L, and East 95th Street;
27. establishing within an existing R5 District a C2-3 District bounded by:
- a. Flatlands Avenue, East 108th Street, a line 100 feet southeasterly of Flatlands Avenue, the northwesterly prolongation of a U.S. Pierhead and Bulkhead Line, the Southwesterly prolongation of a U.S. Pierhead and Bulkhead Line, East 108th Street, a line 400 feet southeasterly of Flatlands Avenue, and East 107th Street; and
- b. Skidmore Avenue, Rockaway Parkway, Schenck Street, and East 96th Street;
28. establishing within a proposed R5B District a C2-3 District bounded by:
- a. Ralph Avenue, East 79th Street, a line 100 feet easterly of Ralph Avenue, a line 100 feet northeasterly of East 78th Street, a line perpendicular to the northeasterly street line of East 78th Street distant 80 feet southeasterly (as measured along the street line) from the point of intersection of the easterly street line of Ralph Avenue and the northeasterly street line of East 78th Street, and East 78th Street; and
- b. Ralph Avenue, East 77th Street, a line 150 feet easterly of Ralph Avenue, East 76th Street, and Glenwood Road; and
29. establishing within a proposed R5D District a C2-3 District bounded by:
- a. a line 100 feet northwesterly of Flatlands Avenue, East 88th Street, a line 100 feet southeasterly of Flatlands Avenue, East 86th Street, Flatlands Avenue, East 85th Street, a line 100 feet southeasterly of Flatlands Avenue, East 84th Street, Flatlands Avenue, East 81st Street, a line 100 feet southeasterly of Flatlands Avenue, East 76th Street, Flatlands Avenue, and a line 100 feet southwesterly of East 78th Street;
- b. a line 100 feet northwesterly of Flatlands Avenue, a line 125 feet northeasterly of Remsen Avenue, Flatlands Avenue, and East 89th Street,
- c. a line 100 feet northwesterly of Flatlands Avenue, East 93rd Street, a line 100 feet southeasterly of Flatlands Avenue, East 91st Street, Flatlands Avenue, and a line 150 feet southwesterly of East 92nd Street;
- d. Foster Avenue, East 98th Street, a line 200 feet southeasterly of Foster Avenue, and Rockaway Avenue;
- e. a line midway between East 96th Street and Rockaway Parkway, a line 225 feet northwesterly of Farragut Road, Rockaway Parkway, a line 200 feet northwesterly of Farragut Road, a line midway between Rockaway Parkway and East 98th Street and its southeasterly prolongation, and Glenwood Road;
- f. Flatlands Avenue, East 98th Street, a line 100 feet southeasterly of Flatlands Avenue, and Rockaway Parkway;
- g. a line 100 feet northwesterly of Avenue L, Rockaway Parkway, a line 100 feet southeasterly of Avenue L, and East 94th Street;
- h. Flatlands Avenue, East 103rd Street, a

line 100 feet southeasterly of Flatlands Avenue, and East 102nd Street;

i. Flatlands Avenue, East 106th Street, a line 100 feet southeasterly of Flatlands Avenue, and East 104th Street; and

j. Flatlands Avenue, a line 325 feet northeasterly of East 108th Street, a line 100 feet southeasterly of Flatlands Avenue, and East 108th Street;

as shown on a diagram (for illustrative purposes only) dated February 17, 2009 and subject to the conditions of CEQR Declaration E-230.

**Nos. 2 & 3
BRIGHTON BEACH REZONING
No. 2**

CD 13 C 090284 ZMK
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. 28c, 28d, and 29b:

1. eliminating from within an existing R6 District a C1-2 District bounded by:
- a. a line 150 feet northwesterly of Neptune Avenue, a line midway between Coney Island Avenue and Brighton 8th Street, Neptune Avenue, Coney Island Avenue, a line 150 feet southeasterly of Neptune Avenue, Brighton 8th Street, Neptune Avenue, and Brighton 7th Street; and
- b. Brighton 10th Street and its westerly centerline prolongation, a line 150 feet easterly of Coney Island Avenue, a line 150 feet northwesterly of Brighton Beach Avenue, Brighton 11th Street, Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line 100 feet southeasterly of Brighton Beach Avenue, Ocean Parkway, a line 150 feet northwesterly of Brighton Beach Avenue, and a line 90 feet westerly of Coney Island Avenue;
2. eliminating from within an existing R6 District a C1-3 District bounded by a line 150 feet northerly and northeasterly of Brighton Beach Avenue, Brighton 15th Street, Brighton Beach Avenue, and Brighton 11th Street;
3. changing from an R6 District to an R4A District property bounded by a line 130 feet southeasterly of Neptune Avenue, a line midway between Brighton 6th Street and Brighton 7th Street, a line 100 feet southeasterly of Neptune Avenue, a line 100 feet westerly of Coney Island Avenue, Oceanview Avenue, Brighton 2nd Street, a line 100 feet northwesterly of Brighton Beach Avenue, and Brighton 1st Street;
4. changing from an R6 District to an R5 District property bounded by:
- a. a line 140 feet southwesterly of Cass Place, a line midway between Brighton 11th Street and Brighton 12th Street, a line 210 feet southwesterly of Cass Place, Brighton 12th Street, a line 400 feet northeasterly of Oceanview Avenue, a line midway between Brighton 11th Street and Brighton 12th Street, a line 240 feet northeasterly of Oceanview Avenue, and Brighton 11th Street;
- b. Brighton 12th Street, Corbin Place, Brighton 15th Street, a line 100 feet westerly of Corbin Place, Oceanview Avenue, a line 100 feet northwesterly of Brighton 14th Street, a line 140 feet northeasterly Oceanview Avenue, and a line 100 feet westerly of Corbin Place; and
- c. a line perpendicular to the northwesterly street line of Brighton 11th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11th Street, a line 160 feet northwesterly of Brighton 11th Street, a line 550 feet northeasterly of the first named course, and Brighton 11th Street;
5. changing from an R6 District to an R5D District property bounded by:
- a. Shore Parkway (North), Coney Island Avenue, a line 100 feet northwesterly of Neptune Avenue, a line perpendicular to the southeasterly street line of Brighton 4th Terrace distant 80 feet northeasterly (as measured along the street line) from the point of intersection of the easterly street line of Brighton 4th Street and the southeasterly street line of Brighton 4th Terrace, Brighton 4th Terrace, Brighton 4th Street, a line perpendicular to the easterly street line of Brighton 3rd Street distant 270 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Neptune Avenue and easterly

street line of Brighton 3rd Street, Brighton 3rd Street, a line 100 feet northwesterly of Neptune Avenue, a line midway between Ocean Parkway and Brighton 3rd Street, a line 100 feet southerly of Shore Parkway (South), and Brighton 3rd Street and its northerly centerline prolongation;

- b. 1. Guilder Avenue,
2. a line midway between Coney Island Avenue and East 11th Street,
3. Neptune Avenue,
4. a line 100 feet easterly of Coney Island Avenue,
5. Brighton 10th Court,
6. a line 80 feet easterly of Coney Island Avenue,
7. Brighton 10th Path,
8. Coney Island Avenue,
9. Brighton 10th Lane,
10. a line 80 feet easterly of Coney Island Avenue,
11. a line 160 feet northwesterly of Brighton 11th Street,
12. a line 550 feet northeasterly of a line perpendicular to the northwesterly street line of Brighton 11th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11th Street,
13. Brighton 11th Street,
14. Oceanview Avenue,
15. a line midway between Brighton 11th Street and Brighton 12th Street,
16. a line 100 feet northeasterly of Oceanview Avenue,
17. Brighton 11th Street,
18. a line perpendicular to the northwesterly street line of Brighton 11th Street distant 470 feet southwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Cass Place and the northwesterly street line of Brighton 11th Street,
19. a line 160 feet northwesterly of Brighton 11th Street,
20. a line 200 feet northeasterly of Course No. 18 above,
21. Brighton 10th Street,
22. Neptune Avenue, and
23. the southerly centerline prolongation of East 12th Street;
- c. a line 100 feet southwesterly of Oceanview Avenue, Brighton 13th Street, a line 220 feet southwesterly of Oceanview Avenue, a line midway between Brighton 13th Street and Brighton 14th Street, a line 100 feet southwesterly of Oceanview Avenue and its southeasterly prolongation (at Brighton 14th Street), a line 100 feet southeasterly of Brighton 14th Street, a line 180 feet northeasterly of Brighton Beach Avenue, Brighton 14th Street, a line 140 feet northeasterly of Brighton Beach Avenue, Brighton 13th Street, a line 100 feet northeasterly of Brighton Beach Avenue, a line midway between Brighton 12th Street and Brighton 13th Street, a line 240 feet southwesterly Oceanview Avenue, and Brighton 12th Street;
- d. Oceanview Avenue, a line 100 feet westerly of Coney Island Avenue, a line 100 feet northwesterly of Brighton Beach Avenue, and Brighton 2nd Street; and
- e. a line 130 feet southeasterly of Neptune Avenue, Brighton 1st Street, a line perpendicular to the easterly street line of Ocean Parkway distant 150 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and easterly street line of Ocean Parkway, and a line 130 feet easterly of Ocean Parkway;
6. changing from an R6 District to an R7A District property bounded by Shore Parkway (North), Brighton 3rd Street and its northerly centerline prolongation, a line 100 feet southerly of Shore Parkway (South), a line midway between Ocean Parkway and Brighton 3rd Street, a line 100 feet northwesterly of Neptune Avenue, Brighton 3rd Street, a line perpendicular to the easterly street line of Brighton 3rd Street distant 270 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Neptune Avenue and easterly street line of Brighton 3rd Street, Brighton 4th Street, Brighton 4th Terrace, a line perpendicular to the southeasterly street line of Brighton 4th Terrace distant 80 feet northeasterly (as measured along the street line) from the point of intersection of the easterly street line of Brighton 4th Street and the southeasterly street line of Brighton 4th Terrace, a

line 100 feet northwesterly of Neptune Avenue, Coney Island Avenue, Neptune Avenue, a line 100 feet easterly of Coney Island Avenue, Brighton 10th Court, a line 80 feet easterly of Coney Island Avenue, Brighton 10th Path, Coney Island Avenue, Brighton 10th Lane, a line 80 feet easterly of Coney Island Avenue, a line 160 feet northwesterly of Brighton 11th Street, a line perpendicular to the northwesterly street line of Brighton 11th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11th Street, Brighton 11th Street, Oceanview Avenue, a line midway between Brighton 11th Street and Brighton 12th Street, a line 100 feet northeasterly of Oceanview Avenue, Brighton 11th Street, a line 240 feet northeasterly of Oceanview Avenue, a line midway between Brighton 11th Street and Brighton 12th Street, a line 400 feet northeasterly of Oceanview Avenue, Brighton 12th Street, a line 210 feet southwesterly of Cass Place, a line midway between Brighton 11th Street and Brighton 12th Street, a line 140 feet southwesterly of Cass Place, Brighton 11th Street, Cass Place, Corbin Place, Brighton 12th Street, a line 100 feet westerly of Corbin Place, a line 140 feet northeasterly of Oceanview Avenue, a line 100 feet northwesterly of Brighton 14th Street, Oceanview Avenue, a line 100 feet westerly of Corbin Place, Brighton 15th Street, Corbin Place and its southerly centerline prolongation, Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line 100 feet southerly of Brighton Beach Avenue, Coney Island Avenue, a line perpendicular to the westerly street line of Coney Island Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Brighton Beach Avenue and the westerly street line of Coney Island Avenue, a line 100 feet westerly of Coney Island Avenue, a line 100 feet southeasterly of Neptune Avenue, a line midway between Brighton 6th Street and Brighton 7th Street, a line 130 feet southeasterly of Neptune Avenue, a line 130 feet easterly of Ocean Parkway, a line perpendicular to the easterly street line of Ocean Parkway distant 150 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the easterly street line of Ocean Parkway, and Ocean Parkway; ~~and excluding the area bounded by a line 100 feet southwesterly of Oceanview Avenue, Brighton 13th Street, a line 220 feet southwesterly of Ocean View Avenue, a line midway between Brighton 13th Street and Brighton 14th Street, a line 100 feet southwesterly of Oceanview Avenue and its southeasterly prolongation (at Brighton 14th Street), a line 100 feet southeasterly of Brighton 14th Street, a line 180 feet northeasterly of Brighton Beach Avenue, Brighton 14th Street, a line 140 feet northeasterly of Brighton Beach Avenue, Brighton 13th Street, a line 100 feet northeasterly of Brighton Beach Avenue, a line midway between Brighton 12th Street and Brighton 13th Street, a line 240 feet southwesterly of Oceanview Avenue, and Brighton 12th Street;~~

8. changing from an R6 District to a C4-4A District property bounded by a line perpendicular to the westerly street line of Coney Island Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Brighton Beach Avenue and the westerly street line of Coney Island Avenue, Coney Island Avenue, a line 100 feet southeasterly and southerly of Brighton Beach Avenue, Ocean Parkway, a line perpendicular to the easterly street line of Ocean Parkway distant 150 feet northerly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and easterly street line of Ocean Parkway, Brighton 1st Street, a line 100 feet northwesterly of Brighton Beach Avenue, and line 100 feet westerly of Coney Island Avenue;

9. establishing within a proposed R7A District a C2-4 District bounded by a line 100 feet northwesterly of Neptune Avenue, Coney Island Avenue, Neptune Avenue, a line 100 feet easterly of Coney Island Avenue, Brighton 10th Court, a line 80 feet easterly of Coney Island Avenue, Brighton 10th Path, Coney Island Avenue, Brighton 10th Lane, a line 80 feet easterly of Coney Island Avenue, a line 160 feet northwesterly of Brighton 11th Street, a line perpendicular to the northwesterly street line of Brighton 11th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly street line of Brighton Beach Avenue and the northwesterly street line of Brighton 11th Street, Brighton 11th Street, a line 100 feet northerly and northeasterly of Brighton Beach Avenue, Brighton 13th Street, a line 140 feet northeasterly of Brighton Beach Avenue, Brighton 14th Street, a line 100 feet northeasterly of Brighton Beach Avenue, Brighton 15th Street, Brighton Beach Avenue, a line 200 feet easterly of Coney Island Avenue, a line 100 feet southerly of Brighton Beach Avenue, Coney Island Avenue, a line perpendicular to the westerly street line of Coney Island Avenue distant 130 feet northerly (as measured along the street line) from the point of intersection of the northwesterly street line of Brighton Beach Avenue and the westerly street line of Coney Island Avenue, a line 100 feet westerly of Coney Island Avenue, a line 100 feet southeasterly of Neptune Avenue, a line midway between Brighton 6th Street and Brighton 7th Street, a line 130 feet southeasterly of Neptune Avenue, and

Ocean Parkway; and

- 10. establishing a Special Ocean Parkway District bounded by Brighton Beach Avenue, Coney Island Avenue, a line 100 feet southerly of Brighton Beach Avenue, and Ocean Parkway;

as shown on a diagram (for illustrative purposes only) dated January 20, 2008 and subject to the conditions of CEQR Declaration E-228.

No. 3

CD 13 N 090285 ZRK

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 3 (Special Ocean Parkway District), in Community District 13, Borough of Brooklyn.

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

* * *

**Article I
 Chapter 2
 Construction of Language and Definitions**

* * *

**12-10
 DEFINITIONS**

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

* * *

Special Ocean Parkway District

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply. The #Special Ocean Parkway District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or modify those of the districts on which it is superimposed.

~~The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A in Article XI, Chapter 3. In addition to the requirements of Sections 113-10 through 113-40, the special regulations set forth in Sections 113-50 through 113-57, inclusive, shall apply to the subdistricts.~~

* * *

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

* * *

**23-011
 Quality Housing Program**

- (c) The Quality Housing Program shall not apply to:
- (3) #zoning lots# in R6 or R7 Districts within the study areas set forth in this paragraph, (c)(3), and occupied, as of August 14, 1987, by a #single-#, #two-# or three-#family detached# or #semi-detached residence# where 70 percent or more of the aggregate length of the blockfronts in #residential use# on both sides of the #street# facing each other are occupied by such #residences#. For any #development# on such #zoning lot#, the #floor area ratio# and density requirements of the underlying district shall apply. On a #narrow street# that intersects with a #wide street#, the 70 percent #residential use# requirement on a #narrow street# shall be measured from a distance of 100 feet from its intersection with a #wide street#.

The study areas are:

* * *

In the borough of Brooklyn:

- Ocean Parkway Area
 The area bounded by Church Avenue, Stratford Road, Beverley Road, Ocean Avenue, Foster Avenue and Coney Island Avenue.
- Midwood Area
 The area bounded by Avenue M, Ocean Avenue, Quentin Road, and a line midway between East 10th Street and Coney Island Avenue.
- Brighton Beach Area
 The area bounded by Shore Parkway, NYCTA Brighton Right-of-Way, Brighton Beach Avenue and Ocean Parkway, Cass Place, Guider Avenue and Coney Island Avenue.

* * *

**23-90
 INCLUSIONARY HOUSING**

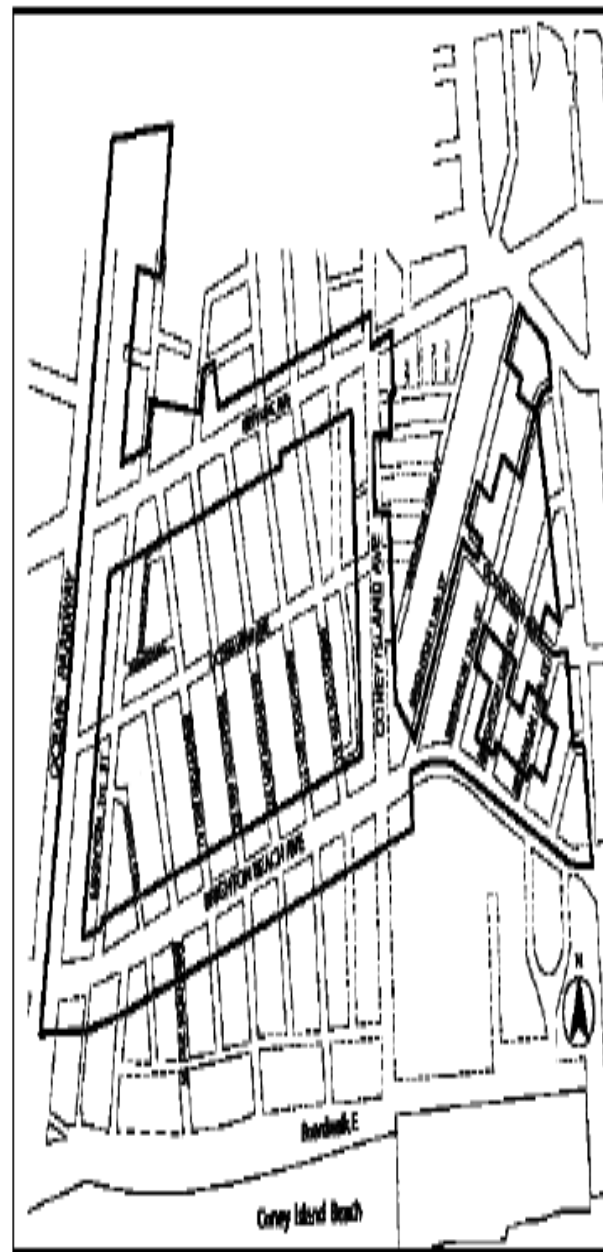
* * *

**23-922
 Inclusionary housing designated areas**

The Inclusionary Housing Program shall apply in the following areas:

* * *

- (k) In Community District 13, in the Borough of Brooklyn, in the R7A District within the area shown on the following Map 16:



MAP 16
 Portion of Community District 13, Brooklyn

* * *

Article XI - Special Purpose Districts

**Chapter 3
 Special Ocean Parkway District**

* * *

**113-00
 GENERAL PURPOSES**

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

- (a) to promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway;
- (b) to maintain the existing scale and character of the community by limiting the bulk of permitted community facilities;
- (c) to protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and
- (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

**113-01
 Definitions**

~~Special Ocean Parkway District (repeated from Section 12-10)~~

~~The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3 apply. The #Special Ocean Parkway District# appears on the #zoning map# superimposed on other districts and its regulations supplement or modify those of the districts on which it is superimposed.~~

~~The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A in Article XI, Chapter 3. In addition to the requirements of Sections 113-10 through 113-40, the special regulations set forth in Sections 113-50 through 113-57, inclusive, shall apply to the subdistrict.~~

**113-021
 General Provisions**

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the

Special District the regulations of the underlying districts remain in force.

In order to preserve and enhance the character of the neighborhood, Subdistrict A within the Special Ocean Parkway District is established to encourage large single- or two-family detached and semi-detached residences. Subdistrict B is established to encourage the formation of a development pattern that will provide access to city services by locating development on streets of adequate width, and Subdistrict C is established to encourage development that strengthens the commercial character of Brighton Beach Avenue and promotes building designs that are compatible with the adjacent elevated subway.

113-02 District Plan and Maps

The regulations of this Chapter are designed to implement the Special Ocean Parkway District Plan.

The District Plan includes the following maps:

- Map 1 Special Ocean Parkway District and Subdistricts
Map 2 Public Ways Designated as Streets in Subdistrict B

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

113-03 Subdistricts

There are three special subdistricts within the Special Ocean Parkway District which are identified in Appendix A of this Chapter. In addition to the requirements of Sections 113-10 through 113-40, the special regulations set forth in Sections 113-50 through 113-75, inclusive, shall apply to the subdistricts.

113-10 SPECIAL BULK REGULATIONS

113-11 Special Bulk Regulations for Community Facilities

(c) in the Subdistrict A the special bulk regulations set forth in Section 113-503 (Special bulk regulations) shall apply; and

113-13 Special Height and Setback Regulations

For all developments or enlargements in R7A Districts with frontage along Ocean Parkway between Shore Parkway and Brighton Beach Avenue, the underlying height and setback regulation shall be modified to establish a minimum base height of 60 feet, a maximum base height of 85 feet and a maximum building height of 125 feet.

113-50 THE SUB-DISTRICT SUBDISTRICT A

113-501 General purposes

In order to preserve and enhance the character of the neighborhood, the subdistrict within the Special Ocean Parkway District is established which encourages large single- or two-family detached and semi-detached residences.

113-502 Special use regulations

Within the Subdistrict A, single- and two-family detached and semi-detached residences and uses listed in Use Groups 3 or 4 are the only permitted uses. Non-conforming single- or two-family residences may be enlarged or extended pursuant to the provisions of the subdistrict provided that a 30 foot rear yard is maintained. All other non-conforming uses shall be subject to the provisions of Article V, Chapter 2 (Non-Conforming Uses).

113-502 Special bulk regulations

For single- and two-family detached and semi-detached residences in Subdistrict A, certain underlying district bulk regulations set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) are superseded by those set forth in Sections 113-51 through 113-55, inclusive. The regulations applicable to a predominantly built-up area shall not apply in the subdistrict.

For community facility buildings in Subdistrict A, certain underlying district bulk regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), are superseded by those set forth in Sections 113-51 (Maximum Permitted Floor Area Ratio), 113-52 (Density Regulations), 113-542 (Minimum required front yards), 113-543 (Minimum required side yards), 113-544 (Minimum required rear yards) and 113-55 (Height and Setback Regulations). The provisions of Sections 24-01 (Applicability of this Chapter) and 24-04 (Modification of Bulk Regulations in Certain Districts) pertaining to R4-1 Districts shall not apply in the subdistrict.

113-55 Height and Setback Regulations

The height and setback regulations of a residential building or other structure in the Subdistrict A shall be as set forth

in Section 23-631, for buildings or other structures in R4A Districts, except that paragraph (b)(2) of Section 23-631 shall be modified as follows:

Each perimeter wall of the building or other structure may have one or more apex points directly above it on the 35 foot high plane. (See Figure B).

113-60 SUBDISTRICT B

113-61 Determination of Streets

Within Subdistrict B, only those public ways indicated on Map 2 (Public Ways Designated as Streets in Subdistrict B) in Appendix A of this Chapter shall be considered streets for the purposes of applying the bulk, use and parking regulations of this Chapter.

113-62 Optional Provisions for Certain Lots

The bulk, use and parking regulations of an R5D District may be applied within Subdistrict B for zoning lots that have a minimum depth of 70 feet and front upon a street, as indicated on Map 2 in Appendix A of this Chapter.

113-70 SUBDISTRICT C

113-71 Special Use Regulations

113-711 Ground Floor Use

For buildings fronting upon Brighton Beach Avenue, uses on the ground floor, or within five feet of curb level shall be limited to Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2. Such uses shall have a depth of at least 30 feet from the street wall of the building and extend along the entire width of the building, except for lobbies and entrances to accessory parking spaces. Such lobbies and entrances may not occupy more than 20 feet or 25 percent of the street wall width of the building, whichever is less. 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 such spaces are located beyond 30 feet of the street wall of the building frontage on Brighton Beach Avenue.

113-712 Transparency Requirements

For any developments, or for the enlarged portion of a building, each ground floor street wall 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 such ground floor level street wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or base plane, whichever is higher. Not less than 50 percent of the area of each such ground floor level street wall shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

113-72 Special Height and Setback Regulations

The underlying height and setback regulations shall be modified for developments or enlargements fronting on Brighton Beach Avenue to establish a minimum base height of 30 feet, a maximum base height of 40 feet and a maximum building height of 100 feet.

113-73 Special Parking and Curb Cut Regulations

113-731 Location of curb cuts

Curb cuts shall not be permitted on Brighton Beach Avenue. However, for zoning lots without access to a street other than Brighton Beach Avenue, the Chairperson of the Planning Commission may, by certification to the Department of Buildings, may approve such curb cut, provided that such location:

- (a) is the only possible location for access to the parking or loading facility;
(b) does not exceed a width of 20 feet;

Such access restrictions with regard to curb cuts shall not apply to schools, hospitals and related facilities, police stations or fire stations.

113-732 Modification of waiver of parking requirements

For residential developments and enlargements, the provisions of Sections 36-34 (Modification of Parking Requirements for Small Zoning Lots) and 36-36 (Waiver of Requirements for Small Number of Spaces), shall apply only on zoning lots existing on (effective date), and on the date of application for a building permit.

113-733 Reduced requirements for small zoning lots

For residential developments and enlargements on zoning lots with a lot area that is less than 10,000 square feet, the number of required accessory offstreet parking spaces shall be at least 30 percent of the total number of dwelling units. For zoning lots with a lot area that is greater than 10,000 square feet, the number of

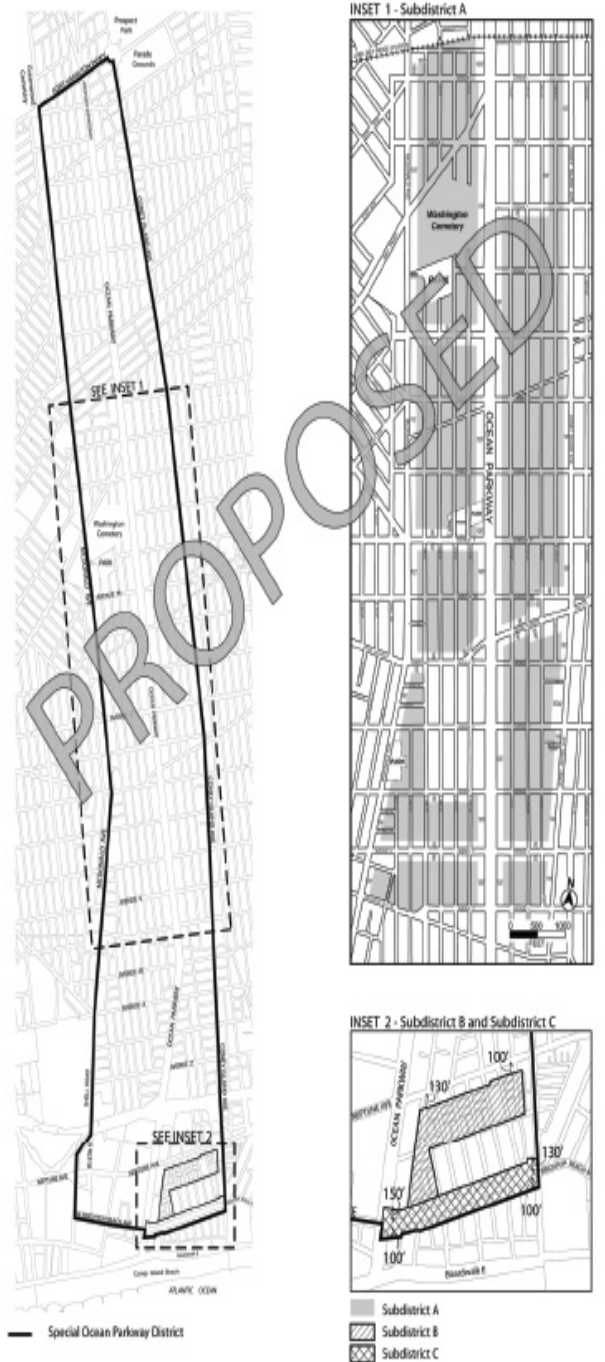
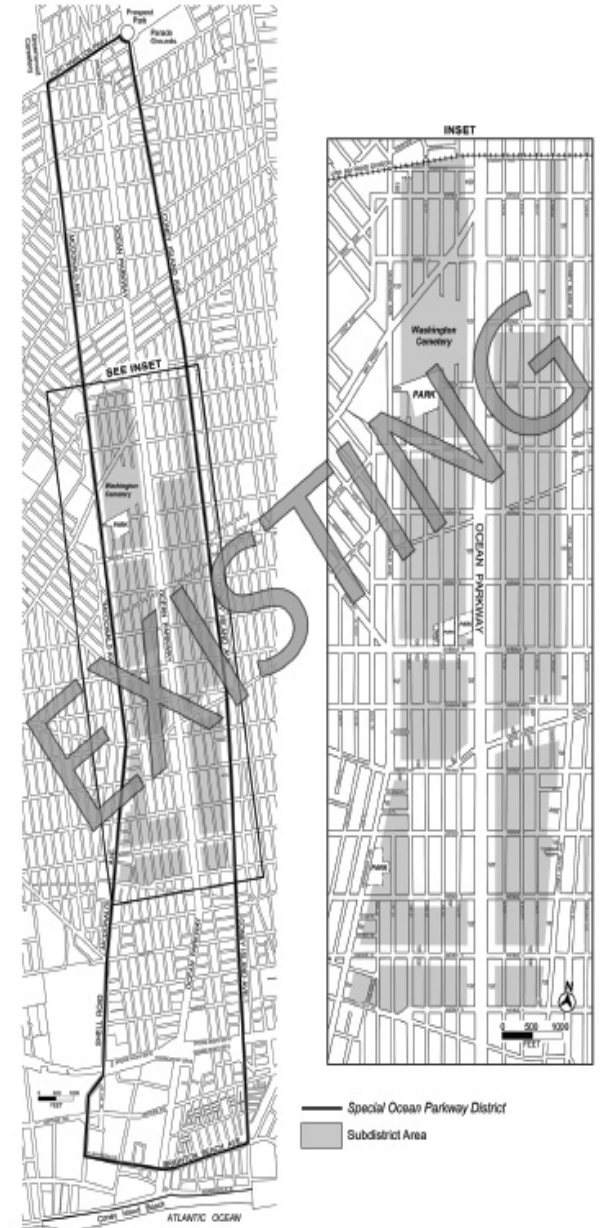
required accessory offstreet parking spaces shall be at least 50 percent of the total number of dwelling units.

Appendix A Special Ocean Parkway District

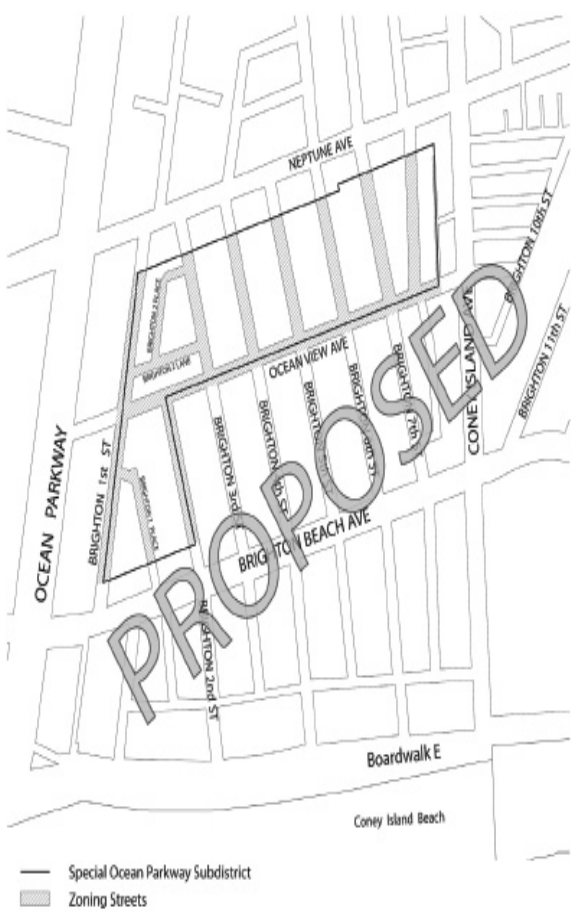
Map 1 Special Ocean Parkway District and Subdistricts

Map 2 Public Ways Designated as Streets in Subdistrict B

Map 1. Special Ocean Parkway Districts and Subdistricts



Map 2. Rights-of-Way Designated as Streets in Subdistrict B



**Nos. 4-11
CONEY ISLAND PLAN
No. 4**

NOTE: This hearing is not likely to begin before 10:30 A.M.

CD 13 C 090272 ZMK
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. 28d:

1. eliminating from within an existing R6 District a C1-2 District bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17th Street, a line 250 feet southerly of Mermaid Avenue, West 19th Street, a line 150 feet southerly of Mermaid Avenue, and West 20th Street;
2. changing from a C7 District to an R5 District property bounded by a line 300 feet northerly of the northerly boundary line of Coney Island Beach, a line 150 feet northerly of former Highland View Avenue*, West 22nd Street, the northerly and easterly boundary line of a park*, the northerly boundary line of Coney Island Beach, and West 24th Street and its southerly centerline prolongation;
3. changing from an R6 District to an R7A District property bounded by Mermaid Avenue, West 15th Street, a line 100 feet southerly of Mermaid Avenue, and West 20th Street;
4. changing from a C7 District to an R7D District property bounded by Surf Avenue, the northerly prolongation of the westerly boundary line of a park, the northerly and westerly boundary line of a former park*, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park*, and West 22nd Street; and excluding the area bounded by the southerly street line of Surf Avenue, the westerly street line of West 21st Street, the southerly, easterly and southerly boundary line of a former park*, and the easterly street line of West 22nd Street;
5. changing from an R6 District to an R7X District property bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17th Street, Surf Avenue, West 20th Street, a line 100 feet southerly of Mermaid Avenue, and West 15th Street;
6. changing from a C7 District to an R7X District property bounded by a line 150 feet southerly of Mermaid Avenue, Stillwell Avenue, Surf Avenue, and West 17th Street;
7. establishing an R7D District bounded by:
 - a. the southerly street line of Surf Avenue, the westerly street line of West 21st Street, the southerly, easterly and southerly boundary line of a former park*, and the easterly street line of West 22nd Street; and
 - b. the southerly street line of Surf Avenue, the proposed westerly boundary line of a park, the northerly boundary line of Coney Island Beach, and the westerly boundary line of a former park*;
8. establishing within a proposed R7A District a C2-4 District bounded by Mermaid Avenue, West 15th Street, a line 100 feet southerly of Mermaid Avenue, and West 20th Street;
9. establishing within a proposed R7D District a C2-4 District bounded by Surf Avenue, the westerly

- boundary line of a park, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park*, and West 22nd Street;
10. establishing within a proposed R7X District a C2-4 District bounded by Mermaid Avenue, Stillwell Avenue, Surf Avenue, West 20th Street, a line 100 feet southerly of Mermaid Avenue, and West 15th Street; and
11. establishing a Special Coney Island District (CI) bounded by Mermaid Avenue, Stillwell Avenue, the southerly boundary of the MTA New York City Transit Authority right-of-way, West 8th Street, Surf Avenue, the centerline of former West 8th Street and its northerly centerline prolongation, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park*, West 22nd Street, Surf Avenue, and West 20th Street;

as shown on a diagram (for illustrative purposes only) dated January 20, 2008 and subject to the conditions of CEQR Declaration E-229.

*Note: Highland View Avenue and existing parks are proposed to be eliminated, and new parks are proposed to be established under a related concurrent application 090107 MMK for a change in the City Map.

No. 5

CD 13 N 090273 ZRK
IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1), in Community District 13, Borough of Brooklyn.

Matter in underline 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

**11-12
Establishment of Districts**

* * *
Establishment of the Special Clinton District

* * *
Establishment of the Special Coney Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

Establishment of the Special Coney Island Mixed Use District

* * *

**12-10
Definitions**

* * *
Special Coney Island District

The #Special Coney Island District# is a Special Purpose District designated by the letters "CI" in which special regulations set forth in Article XIII, Chapter 1, apply. The #Special Coney Island District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed.

**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).

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Brooklyn		
Bay Ridge District	Yes	Yes
Coney Island District	No	Yes
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District*	Yes	Yes
Sheepshead Bay District	No	Yes
* #Sidewalk cafes# are not allowed on Ocean Parkway		

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

* * *

**15-011
Applicability within Special Districts**

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

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

* * *
ALL TEXT IN ARTICLE XIII, CHAPTER 1 IS NEW.

**131-00
GENERAL PURPOSES**

The #Special Coney Island 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) preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of buildings on the access to light and air to streets, the boardwalk and parks of the district and surrounding neighborhood;
- (g) promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

**131-01
General Provisions**

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Coney Island 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.

**131-02
District Plan and Maps**

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix of this Chapter.

- Map 1 Special Coney Island District and Subdistricts
- Map 2 Mandatory Ground Floor Use Requirements
- Map 3 Coney East Subdistrict Floor Area Ratios
- Map 4 Street Wall Location
- Map 5 Minimum and Maximum Base Heights
- Map 6 Coney West Subdistrict Transition Heights

**131-03
Subdistricts**

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

- Coney East
- Coney West
- Coney North
- Mermaid Avenue

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix of this Chapter.

**131-04
Applicability**

**131-041
Applicability of Article I, Chapter 1**

Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or 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, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

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

131-042**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 Coney Island District#, as modified in this Section. The conversion to #dwelling units#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

131-043**Applicability of Article 7 Chapter 4**

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

131-044**Physical Culture Establishments**

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North and Coney West Subdistricts. In lieu thereof, physical culture establishments shall be allowed as-of-right.

131-045**Modification of use and bulk regulations for zoning lots fronting upon the Riegelmann Boardwalk, Keyspan Park and Highland View Park**

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of the Riegelmann Boardwalk, Keyspan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

131-10**SPECIAL USE REGULATIONS**

The #use# regulations of the underlying Commercial Districts are modified in Sections 131-11 through 131-15, inclusive.

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

131-11**Use Group 5**

For the purposes of this Chapter, the definition of #transient hotels# shall be modified as set forth in this Section, and only #transient hotels# as defined in this Section shall be permitted in specified locations. Special regulations for #transient hotels# and "transient occupancy" are set forth as follows:

A #transient hotel# is a #building# or part of a #building# in which:

- (a) all units containing living or sleeping accommodations are used exclusively for "transient occupancy," which shall be defined as follows:
 - (1) such occupancy does not exceed any period of 29 consecutive days or a total of 60 days in a calendar year; or
 - (2) such occupancy is the result of a referral by a government agency to provide temporary accommodations.
- (b) each such unit is available each day for rent, unless rented, except for periods of maintenance and repair;
- (c) all such units are fully furnished by the hotel operator;
- (d) one or more common entrances serve all such units;
- (e) there is a uniform key entry system, administered by management or hotel staff, to receive and disburse keys for each room; and
- (f) twenty-four hour desk service, housekeeping services and the furnishing and laundering of linens are provided.

A central rubbish chute shall be accessible only to hotel staff. Restaurants, cocktail lounges, public banquet halls, ballrooms and meeting rooms shall be considered #accessory uses# provided such #uses# are accessible to all occupants of the #transient hotel# and their guests from a common area of the #transient hotel#.

13-12**Use Groups A, B and C**

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121**Use Group A: Amusements**

Use Group A consists of a group of #uses# selected from Use Groups 12, 13 and 15 as modified in this Section, and may be open or enclosed:

Amusement arcades
Amusement parks, with no limitation on floor area per establishment
Animal exhibits, circuses, carnivals or fairs of a temporary nature

Arenas or auditoriums, with capacity limited to 2,500 seats

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

Camps, overnight or day, commercial beaches or swimming pools

Dark rides, electronic or computer-supported games including interactive entertainment facilities, laser tag and motion simulators

Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions

Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions

Gymnasiums or recreational sports facilities including but not limited to indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements

Miniature golf courses and model car hobby centers, including racing

Open booths with games of skill or chance, including shooting galleries

Skateboard parks, roller or ice skating rinks

Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet except that on #corner lots# one #street# frontage may extend up to 100 feet.

Water parks

#Accessory uses# to the amusements listed above, including the display and sale of goods or services, provided:

- (a) such #accessory uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment, or, for open #uses#, not more than 25 percent of the #lot area#;
- (b) such #accessory uses# are entered only through the principal amusement establishment;
- (c) such #accessory uses# share common cash registers with the principal amusement #use#;
- (d) such #accessory uses# shall have the same hours of operation as the principal amusement #use#; and
- (e) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building#, or, for open #uses#, at least 30 feet from the #street line#.

131-122**Use Group B: Amusement and Entertainment District Enhancing Uses**

Use Group B consists of a group of #uses# selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

Art gallery, commercial
Banquet halls

Breweries

Eating or drinking establishments of any size, including those with entertainment or dancing
Historical exhibits
Spas and bathhouses

Studios, art, music, dancing or theatrical

Tattoo parlors
Radio or television studios

Wedding chapels

131-123**Use Group C: Retail and Service Uses**

Use Group C consists of a group of retail and service #uses#, as modified in this Section, selected from Use Groups 6, 7, 12 and 14:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops
Bookstores

Candy or ice cream stores
Cigar and tobacco stores
Clothing or clothing accessory
Clothing, custom manufacturing or altering for retail including costume production and hair product manufacturing

Delicatessen stores
Fishing tackle or equipment, rental or sales
Gift shops
Jewelry manufacturing from precious metals

Musical instruments store
Toy stores

Music stores
Newsstands

Patio or beach furniture or equipment

Photographic equipment stores and studios

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving

131-13**Special Use Regulations in Subdistricts****131-131****Coney East Subdistrict**

The #use# regulations of the underlying C7 District are modified as set forth in this Section. Use Groups A, B and C, #transient hotels#, as set forth in Sections 131-11 through 131-124, inclusive, and #public parking garages# shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

- (a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

- (b) Wonder Wheel Way and Bowery

At least 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# along shall be occupied by Use Group A #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

- (c) Surf Avenue

The Surf Avenue frontage of any ground floor level establishment shall not exceed a #street wall# width of 60 feet. However, an establishment may exceed a #street wall# width of 60 feet where the Chairperson of the Department of Buildings that such additional width is necessary to accommodate an amusement #use# listed in Use Group A.

- (d) Transient Hotels

- (1) #transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th Street and West 16th Street south of the prolongation of the centerline of Bowery;

- (2) #transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage,

- (3) for #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A #uses#, equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either on-site or anywhere within the Coney East Subdistrict.

- (4) the #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to lobbies, retail or eating and drinking establishments and amusements.

- (5) #accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

- (f) Parcel 1

On Parcel 1 as shown on Map 2, only #uses# listed in Use Group A shall be permitted.

- (g) Parcel 2

On Parcel 2 as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size shall be permitted, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

131-132**Coney North and Coney West Subdistricts**

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply except as modified in this Section for #uses# fronting upon designated streets, as shown on Map 2 (Mandatory Ground Floor Use Requirements). For the purposes of this Section, the "Building Line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as applicable.

- (a) Mandatory Ground Floor Level Use along Designated Streets

Any #use# listed in Use Groups A, B and C, as set forth in Sections 131-121 through 131-123 not otherwise allowed by the underlying district regulations shall be permitted within 70 feet of the Riegelmann Boardwalk, and within 100 feet of all other designated streets, as shown on Map 2.

- (1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of the Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of frontage along the Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#.

(2) Designated Streets other than Riegelmann Boardwalk

At least 20 percent of the designated #street# frontage of a #building# shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining designated #street# frontage of such #buildings# shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, #transient hotels#. All such #uses# shall be located in establishments with not more than 60 feet of designated #street# frontage, except that for any such establishment on a corner of two designated #streets#, one frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a designated #street#, and the minimum 50 foot depth requirement for #commercial uses# may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

(b) Prohibited Ground Floor Level Uses along Designated Streets other than Riegelmann Boardwalk

No #use# listed in this paragraph (b) shall be permitted within 50 feet of a designated street on the ground floor level of a #building#. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:
All #uses#.

From Use Groups 3A and 3B:
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:
All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street.

From Use Groups 6B, and 6E
offices, veterinary medicine offices or non-commercial clubs

From Use Group 6C
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40% of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue;

electrolysis studios, frozen food lockers and loan offices.

From Use Group 6D:
All #uses#.

From Use Group 7:
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:
All #uses#.

From Use Groups 9A, 9B and 9C:
All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:
Depositories for storage, and wholesale offices or showrooms.

Use Group 11:
All #uses#.

Use Groups 12A and 12B:
Trade expositions.

Use Groups 12C and 12D:
All #uses#.

Use Group 14A and 14B:
All #uses#, except for bicycle sales, rental or repair shops.

131-14 Location of uses within buildings

The provisions of Section 32-42 (Location Within Buildings) are modified to permit:

- (a) #Residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential use# provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and
- (b) In the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#.

131-15 Transparency

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A as set forth in Section 131-121 shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in the Coney East Subdistrict and along the Riegelmann Boardwalk and boundary of Keyspan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section 131-15, at least 70 percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 70 percent open during seasonal business hours.

131-16 Security Gates

All security gates installed after (effective date of amendment), 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#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon the Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

131-17 Authorization for #use# modifications

Along designated streets other than the Riegelmann Boardwalk, as shown on Map 2, the City Planning Commission may authorize Use Group A, B or C establishments with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

131-20 SIGN REGULATIONS

- (a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:
 - (1) no #advertising signs# shall be permitted above a height of 40 feet; and
 - (2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and Section 32-67 (Special Provisions Applying along District Boundaries) shall not apply.
- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by #commercial use#.

131-30 FLOOR AREA REGULATIONS

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section 131-30, inclusive.

131-31 Coney East Subdistrict

The maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block# or portion thereof, as shown on Map 3 (Coney East Subdistrict Floor Area Ratio). On Parcel 1 as shown on Map 3, the maximum #floor area ratio# for a Use Group A amusement #use# shall be 2.0, and the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

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

131-321 Special residential floor area regulations R7A R7D R7X

- (a) Applicability of Inclusionary Housing Program

R7A, R7D, and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (Definitions), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (Inclusionary Housing Program), inclusive, applicable as modified within the Special District.
- (b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the following Table 1. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Table 1 through the provision of #lower income housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

TABLE 1
FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

Subdistrict - Zoning District	Base #floor area ratio#	Maximum #floor area ratio#
Coney West Parcels A, B, C and D - R7D	4.35	5.8
Coney West Parcels E and F - R7D	4.12	5.5
Coney North - R7X	3.75	5.0
Mermaid Avenue - R7A	3.45	4.6

(c) Coney West floor area distribution rules

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within parcels A and B as shown on Map 1 may be distributed anywhere within such parcels; #floor area# attributable to #zoning lots# within Parcels C and D as shown on Map 1 may be distributed anywhere within such parcels, and #floor area# attributable to #zoning lots# within Parcels E and F as shown on Map 1 may be distributed anywhere within such parcels.

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of paragraph (b) of Section 23-942 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

131-322 Special community facility floor area regulations

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

131-323 Special hotel floor area ratio regulations

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

131-324 Lot coverage

For #residential use#, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

131-40 HEIGHT AND SETBACK REGULATIONS

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

131-41 Rooftop Regulations

- (a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, 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) only in the Mermaid Avenue Subdistrict.

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, 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.

131-42

Coney East Subdistrict

The regulations of this Section 131-42, inclusive, shall apply to all #buildings# or other structures# in the Coney East Subdistrict. For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section 131-42, inclusive.

131-421

Coney East, south side of Surf Avenue

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) Street wall location

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

- (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;
- (2) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (3) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (4) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower above, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

West of Jones Walk, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and a maximum base height of 85 feet.

East of Jones Walk, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, and a maximum height of 60, except that a maximum building height of 85 shall be permitted within 100 feet of Jones Walk provided any portion of the #building# that exceeds a height of 60 feet is set back from the Surf Avenue #street wall# of the #building# at least 10 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section. All portions of a #building# that exceed the maximum base heights set forth in this paragraph (b) shall be set back from the #street line# at least ten feet, except that a set back with a minimum depth of 20 feet shall be required from the West 10th Street #street line#. All portions of #buildings# that exceed a height of 85 feet shall comply with the tower provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet

shall be considered a "tower" and shall comply with the provisions of this paragraph.

(1) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(2) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# shall be 150 feet between West 12th Street and Jones Walk, and, between West 12th Street and West 16th Street the maximum height of a #building# on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet, and the maximum height of a #building# on #zoning lots# with 10,000 square feet or more of #lot area# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(3) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

131-422

Coney East, north side of Surf Avenue

Any #building# or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building# or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

131-423

Along all other streets

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets# and portions thereof located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) Street wall location

The #street wall# of the #development# or #enlargement# or portion thereof shall be located within five feet of the #street line#.

(b) Maximum building height

The #street wall# of a #development# or #enlargement# or portion thereof shall rise to a minimum height of 20 feet and a maximum height of 40 feet. The maximum height of a #building# or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet. However, a #building# that exceeds a height of 60 feet shall be permitted where the Chairperson of the City Planning Department certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A.

131-43

Coney West Subdistrict

The regulations of this Section 131-43 shall apply to all #buildings# or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights) illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section 131-43, inclusive. For the purposes of this Section, the "Building Line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

131-431

Coney West, Surf Avenue

The regulations of this Section 131-431 shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except as follows:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere

within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and

- (3) to allow for portions of towers to rise without set back from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such set back area is not greater than 40 percent of the width of the #street wall# of the tower and provided such set back area complies with the provisions of Section 131-47 (Design Requirements for ground Level Setbacks).

(b) Building base regulations

The #street wall# of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to at least a height of eight #stories# or 80 feet, whichever is less. However, on the blockfront bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

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

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

(c) Transition height

A #street wall# may rise to a maximum transition height of 105 feet, provided that not more than 60 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 85 feet. All portions of #buildings# that exceed a transition height of 105 feet shall comply with the tower provisions of Section 131-434.

131-432

Along all other Streets, other than the Riegelmann Boardwalk

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

(a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# or portion thereof beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such set back area is not greater than 40 percent of the width of the #street wall# of the tower above. Any area between the #street wall# of a #building# and the #street line# shall be planted, except for entrances to #buildings#, where the ground floor level is occupied by #residential use#.

(b) Building base regulations

The #street wall# of a building base of a #development# or #enlargement# or portion thereof located beyond 100 feet of Surf Avenue shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such set back distance may include the depth of any permitted recesses.

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of 9 #stories# or 95 feet, whichever is less, provided that:

- (1) not more than 60 percent of the #aggregate width of street walls# facing Ocean Way shall exceed a height of 65 feet;

- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6.
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of the Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.
- (4) A #building# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

131-433 Riegelmann Boardwalk

The #street wall# of the #development# or #enlargement# shall be located on the Riegelmann Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet. Any #building or other structure# within 70 feet of the Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of the Riegelmann Boardwalk.

131-434 Coney West Towers

All #stories# of a #development# or #enlargement# located partially or wholly above an applicable transition height shall be considered a "tower" and shall comply with the provisions of this Section.

- (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum #building# height shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet. For #developments# that provide #lower income housing# pursuant to Section 131-321, and where no side of such rectangle exceeds a length of 100 feet, the maximum building height shall be increased to 270 feet. All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

- (c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# bounding Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, no more than two towers shall be permitted on any #zoning lot#, and such second tower shall be located within 25 feet of Ocean Way. However, on Parcel E, any #development# may include two towers, and, for #developments# that provide #low income housing# pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

131-44 Coney North Subdistrict

The regulations of this Section 131-44 shall apply to all #buildings or other structures# in the Coney North Subdistrict. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum building height provisions of this Section 131-44, inclusive

131-441 Coney North, Surf Avenue

The regulations of this Section 131-441 shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the building base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

- (a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except as follows:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and

- (3) to allow for portions of towers to rise without set back from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such set back area is not greater than 40 percent of the width of the #street wall# of the tower and provided such set back area complies with the provisions of Section 131-435.

- (b) Building base regulations

The #street wall# of a building base of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to at least a height of 80 feet, but not more than 85 feet. However, on the blockfront bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

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

All portions of a #building# that exceed a height of 85 feet shall be set back from the #street line# at least ten feet, and comply with the tower provisions of Section 131-435.

131-442 Along all other Streets, other than Stillwell Avenue

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

- (a) Street wall location

The #street wall# of a building base of a #development# or #enlargement# or portion thereof beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be recessed ten feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower above. Any area between the #street wall# of a #building# and the #street line# shall be planted, except for entrances to #buildings#, where the ground floor level is occupied by #residential use#.

- (b) Building base regulations

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

All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such set back distance may include the depth of any permitted recesses.

However, on #blocks# bounded by West 15th Street and West 20th Street, within 40 feet of the boundary of a C2-4 District mapped within an R7A District, no #building or other structure# shall exceed a height of 23 feet, except that, for such #zoning lots# with less than 50 feet of frontage along a #street#, or, for #through lots#, less than 50 feet of frontage along each #street#, the maximum height of a #building or other structure# before setback shall be six stories or 65 feet, whichever is less.

131-443 Stillwell and Mermaid Avenues

Within 100 feet of Stillwell and Mermaid Avenues, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;

- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and

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

131-444

Coney North Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a "tower" and shall comply with the provisions of this Section 131-444.

- (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet, and beyond 175 feet of Surf Avenue, the maximum height of a #building# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet. For #developments# that provide #lower income housing# pursuant to Section 131-321, and where no side of such rectangle exceeds a length of 100 feet, the maximum building height shall be increased to 270 feet. All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

- (c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing# pursuant to Section 131-321, a second tower shall be permitted anywhere on the #zoning lot# that is entirely beyond 175 feet of Surf Avenue and ten feet from any other #street#. All towers shall be located at least ten feet from a #side lot line#.

131-45

Mermaid Avenue Subdistrict

All portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;

- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and

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

131-46

Tower Top Articulation

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

- (a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

- (b) Three setbacks facing ocean

The upper #stories# shall provide setbacks with a minimum depth of 15 feet measured from the south 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 170 feet, whichever is less. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story# shall be located entirely within the northern half of the tower.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least eighteen inches but not more than five feet from the remaining plane surface of the #street walls# enclosing #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

131-47 Design Requirements for Ground Level Setbacks

Wherever a building base below a tower is set back from the #street line#, and the building walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section 131-47. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk

(c) Wall treatments

All ground floor level building walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-14 shall comply with the following provisions:

- (1) If such building wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-14 (Transparency).
- (2) All other building walls shall comply with one of the following provisions:
 - (i) Such building walls shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level building wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, or
 - (ii) Such building walls shall be articulated with artwork or landscaping to a height of at least ten feet

(d) Building entrances

A public entrance to a #building# shall front upon such setback area

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with at least evergreen ground cover or shrubs in planting beds with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

(f) For setback areas of 500 square feet or more, the following additional amenities shall be provided:

- (1) An additional public entrance to the #building# shall front upon such setback area, and
- (2) A minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

131-48 Street Trees

The provisions of Section 33-03 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

131-50 OFF-STREET PARKING AND LOADING REGULATIONS

The provisions of this Section shall apply to all off-#street# parking spaces and loading facilities within the #Special Coney Island District#.

131-51 Amount of Required and Permitted Parking

(a) Residential and Community Facility Parking

The underlying regulations shall apply except that the provisions of Section 36-331 are modified to require off-#street# parking spaces for at least 60 percent of all new #dwelling units#.

(b) Commercial Parking

The underlying regulations shall apply except as modified below:

- (1) For Use Group A #use#: one off-#street# parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for water park, two off-#street# parking spaces per 1,000 square feet of #floor area# shall be provided.
- (2) For #transient hotels#: one off-#street# parking space shall be provided for every six guest rooms or suites.

131-52 Use and Location of Parking Facilities

The following provisions shall apply to all parking facilities:

- (a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a residence to which it is accessory within 30 days after written request therefore is made to the landlord.
- (b) The off-site spaces provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:
 - (1) the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by the Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
 - (2) In the Coney West Subdistrict, such spaces #accessory# to Parcel A or B are located anywhere on such parcels; such spaces #accessory# to Parcel C or D are located anywhere on such parcels; and such spaces #accessory# to Parcels E or F are located anywhere on such parcels.
 - (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces are located anywhere on the same #block#.

(c) All off-#street# parking facilities shall be located within facilities that, except for entrances and exits, are:

- (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
- (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. All such parking facilities shall be exempt from the definition of #floor area#.

However, in the Coney East Subdistrict, the provisions of this paragraph (2) need not apply on the north side of Surf Avenue, on Parcel 2 beyond 70 feet of the Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

- (i) any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;
- (ii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (iii) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may

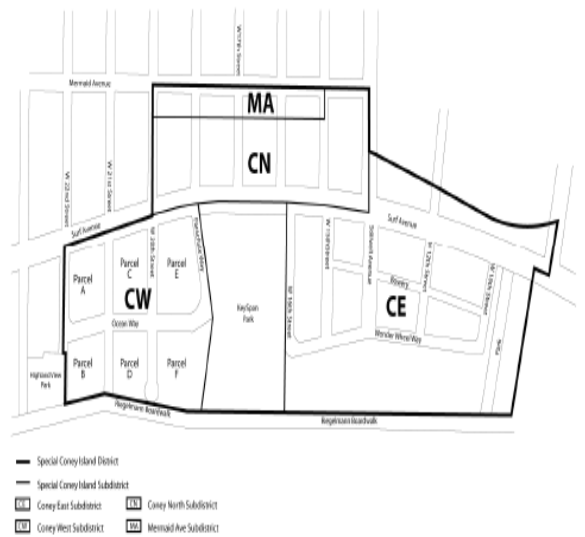
include #signs#, graphic or sculptural art, or living plant material.

- (d) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

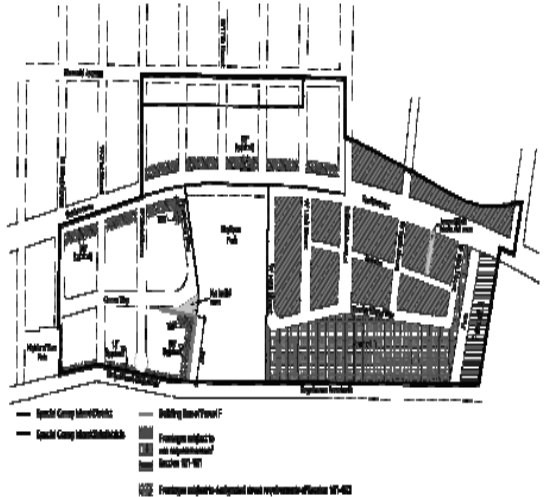
131-53 Curb Cuts

No curb cuts shall be permitted on Surf Avenue, Wonder Way or New Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all #developments# and #enlargements#.

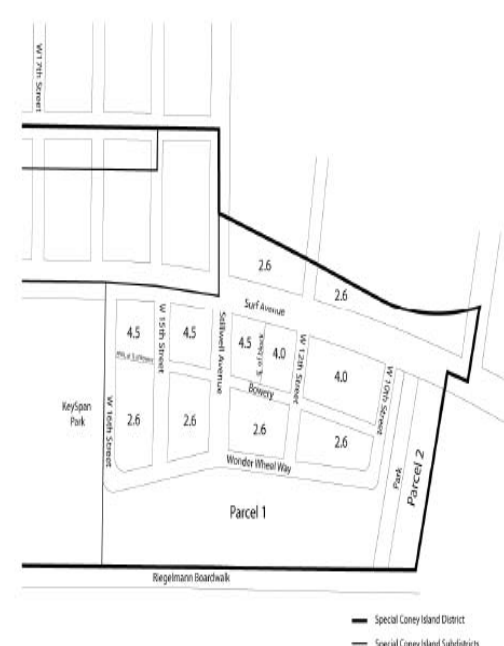
Map 1: Special Coney Island District and Subdistricts



Map 2: Mandatory Ground Floor Use Requirements

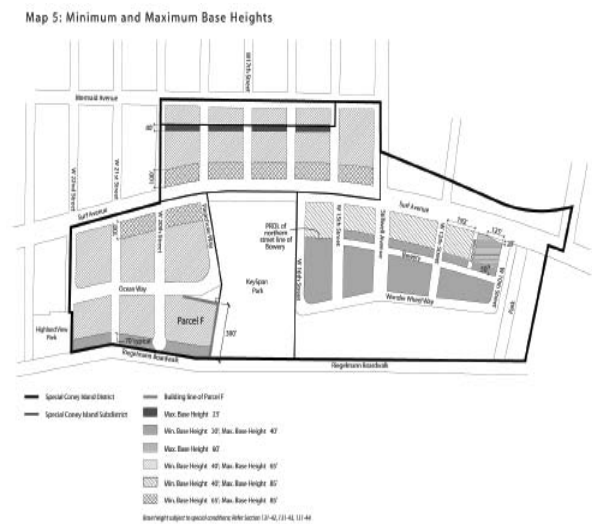


Map 3: Coney East Subdistrict Floor Area Ratios



Map 4: Street Wall Location





CD 13 N 090273(A) ZRK
IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c) (1) on the Uniform Land Use Review Procedure for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1), in Community District 13, Borough of Brooklyn.

Matter in underline 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

Matter in underline 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

11-12 Establishment of Districts

* * *
Establishment of the Special Clinton District

* * *
Establishment of the Special Coney Island District
In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

Establishment of the Special Coney Island Mixed Use District

* * *
12-10 Definitions

* * *
Special Coney Island District

The #Special Coney Island District# is a Special Purpose District designated by the letters "CI" in which special regulations set forth in Article XIII, Chapter 1, apply. The #Special Coney Island District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed.

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).

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Brooklyn		
Bay Ridge District	Yes	Yes
Coney Island District	No	Yes
Coney Island Mixed Use District	Yes	Yes

Downtown Brooklyn District	Yes	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District*	Yes	Yes
Sheepshead Bay District	No	Yes

* #Sidewalk cafes# are not allowed on Ocean Parkway

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

* * *
15-011 Applicability within Special Districts

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

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

* * *
ALL TEXT IN ARTICLE XIII, CHAPTER 1 IS NEW

131-00 GENERAL PURPOSES

The #Special Coney Island 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) preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;
- (g) promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

131-01 General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Coney Island 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.

131-02 District Plan and Maps

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Coney Island District#. The District Plan includes the following maps in the Appendix of this Chapter.

- Map 1 Special Coney Island District and Subdistricts
- Map 2 Mandatory Ground Floor Use Requirements
- Map 3 Coney East Subdistrict Floor Area Ratios
- Map 4 Street Wall Location
- Map 5 Minimum and Maximum Base Heights
- Map 6 Coney West Subdistrict Transition Heights

131-03 Subdistricts

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

- Coney East Subdistrict
- Coney West Subdistrict Coney North Subdistrict
- Mermaid Avenue Subdistrict.

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix of this Chapter.

131-04 Applicability

131-041 Applicability of Article I, Chapter 1

Within the #Special Coney Island District#, Section 11-15

(Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or 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, 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 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.

131-042 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 Coney Island District#, as modified in this Section. The conversion to #dwelling units#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

131-043 Applicability of Article 7, Chapter 4

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted; #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-044 Physical Culture Establishments

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, physical culture establishments shall be allowed as-of-right.

131-045 Modification of use and bulk regulations for zoning lots fronting upon the Riegelmann Boardwalk, Keyspan Park and Highland View Park

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of the Riegelmann Boardwalk, Keyspan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

131-10 SPECIAL USE REGULATIONS

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying Commercial Districts, as applicable.

For the purposes of this Chapter, "ground floor level" shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open area.

131-11 Use Group 5

For the purposes of this Chapter, the definition of #transient hotels# shall be modified as set forth in this Section, and such #transient hotels# shall be permitted only in specified locations
A #transient hotel# is a #building# or part of a #building# in which:

- (a) all units containing living or sleeping accommodations are used exclusively for "transient occupancy," where such occupancy:
 - (1) does not exceed any period of 29 consecutive days or a total of 60 days in a calendar year; or
 - (2) is the result of a referral by a government agency to provide temporary accommodations.
- (b) each such unit is available each day for rent, unless rented, except for periods of maintenance and repair;
- (c) all such units are fully furnished by the hotel operator;
- (d) one or more common entrances serve all such units;
- (e) there is a uniform key entry system, administered by management or hotel staff, to receive and disburse keys for each room; and
- (f) twenty-four hour desk service, housekeeping services and the furnishing and laundering of linens are provided.

A central rubbish chute shall be accessible only to hotel staff. Restaurants, cocktail lounges, public banquet halls, ballrooms and meeting rooms shall be considered #accessory uses# provided such #uses# are accessible to all occupants of the #transient hotel# and their guests from a common area of the #transient hotel#.

13-12 Use Groups A, B and C

Special Use Groups are established as set forth in this

Section, to promote and strengthen the commercial and entertainment character of the Special District.

131-121**Use Group A: Amusements**

Use Group A consists of a group of #uses# selected from Use Groups 12, 13 and 15 as modified in this Section, and may be open or enclosed:

- (1) Amusement arcades
Amusement parks, with no limitation on floor area per establishment
Animal exhibits, circuses, carnivals or fairs of a temporary nature
Camps, overnight or day, commercial beaches or swimming pools
Dark rides, electronic or computer-supported games including interactive entertainment facilities, laser tag and motion simulators
- Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions
- Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions
- Miniature golf courses and model car hobby centers, including racing
Open booths with games of skill or chance, including shooting galleries
- Water parks
- (2) Arenas or auditoriums, with capacity limited to 2,000 seats
- Billiard parlors or pool halls, bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment
- Gymnasiums or recreational sports facilities including but not limited to indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements
- Skateboard parks, roller or ice skating rinks
- Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet except that on #corner lots# one #street# frontage may extend up to 100 feet

#Accessory uses# to the amusements listed above, including the display and sale of goods or services, provided:

- (h) such #accessory uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment or, for open #uses#, not more than 25 percent of the #lot area#;
- (i) such #accessory uses# shall be entered only through the principal amusement establishment;
- (j) such #accessory uses# shall share common cash registers with the principal amusement #use#;
- (k) such #accessory uses# shall have the same hours of operation as the principal amusement #use#; and
- (l) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building# or, for open #uses#, at least 30 feet from the #street line#.

131-122**Use Group B: Amusement and entertainment-enhancing uses**

Use Group B consists of a group of #uses# selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

Art gallery, commercial
Banquet halls
Breweries
Eating or drinking establishments of any size, including those with entertainment or dancing
Historical exhibits
Spas and bathhouses
Studios, art, music, dancing or theatrical
Tattoo parlors
Radio or television studios
Wedding chapels

131-123**Use Group C: Retail and service uses**

Use Group C consists of a group of retail and service #uses# selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops
Bookstores
Candy or ice cream stores
Clothing or clothing accessory
Clothing, custom manufacturing or altering for retail including costume production and hair product manufacturing
Delicatessen stores
Fishing tackle or equipment, rental or sales

Gift shops
Jewelry manufacturing from precious metals
Musical instruments store
Toy stores
Music stores
Newsstands
Patio or beach furniture or equipment
Photographic equipment stores and studios
Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving

131-13**Special Use Regulations in Subdistricts****131-131****Coney East Subdistrict**

The #use# regulations of the underlying C7 District are modified as set forth in this Section. #Transient hotels# land Use Groups A, B and C, as set forth in Sections 131-11 through 131-12-, inclusive, and #public parking garages# shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

- (a) Use Group C
- Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.
- (b) Bowery and Wonder Wheel Way
- At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.
- (c) Surf Avenue
- The Surf Avenue frontage of any ground floor level establishment shall not exceed a #street wall# width of 60 feet. However, an establishment may exceed a #street wall# width of 60 feet where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such additional width is necessary to accommodate an amusement #use# listed in Use Group A1.
- (d) #Transient hotels#
- (1) #Transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th Street and West 16th Street south of the prolongation of the centerline of Bowery;.
- (2) #Transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.
- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
- (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
- (6) #accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.
- (e) Parcel 1
- On Parcel 1 as shown on Map 2, only #uses# listed in Use Group A shall be permitted.
- (f) Parcel 2
- On Parcel 2 as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).
- 131-132**
Coney North and Coney West Subdistricts
In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply except as modified in this Section for #uses# fronting upon designated #streets#, as shown on Map 2 (Mandatory Ground Floor Use Requirements). For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as applicable.
- (c) Mandatory ground floor level use along designated #streets#
- Any #use# listed in Use Groups A, B and C, as set forth in Sections 131-12, inclusive, not otherwise

allowed by the underlying district regulations, shall be permitted within 70 feet of the Riegelmann Boardwalk and within 100 feet of all other designated streets, as shown on Map 2.

- (1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of the Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of frontage along the Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#.

- (2) Designated #streets# other than Riegelmann Boardwalk

At least 20 percent of the designated #street# frontage of a #building# shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining designated #street# frontage of such #buildings# shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, #transient hotels#. All such #uses# shall be located in establishments with not more than 60 feet of designated #street# frontage, except that for any such establishment on a corner of two designated #streets#, one frontage may extend up to 100 feet. All ground floor #uses# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a designated #street#, and the minimum 50 foot depth requirement for #commercial uses# may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

- (b) Prohibited ground floor level #uses# along designated #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a designated #street# on the ground floor level of a #building#. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:
All #uses#.

From Use Groups 3A and 3B:
All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:
All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:
All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street.

From Use Groups 6B, and 6E
Offices, veterinary medicine offices or non-commercial clubs.

From Use Group 6C
Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue.

Electrolysis studios, frozen food lockers and loan offices.

From Use Group 6D:
All #uses#.

From Use Group 7:
All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:
Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:
All #uses#.

From Use Groups 9A, 9B and 9C:
All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C: Depositories for storage, and wholesale offices or showrooms.

Use Group 11: All #uses#.

Use Groups 12A and 12B: Trade expositions.

Use Groups 12C and 12D: All #uses#.

Use Group 14A and 14B: All #uses#, except for bicycle sales, rental or repair shops.

131-14 Location of Uses within Buildings

The provisions of Section 32-42 (Location within Buildings) are modified to permit:

- (a) #residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential use#, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and
- (b) in the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#.

131-15 Transparency

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in the Coney East Subdistrict and along the Riegelmann Boardwalk and boundary of Keyspan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 70 percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 70 percent open during seasonal business hours.

131-16 Security Gates

All security gates installed after (effective date of amendment), 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#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon the Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

131-17 Authorization for Use Modifications

Along designated #streets# other than the Riegelmann Boardwalk, as shown on Map 2, the City Planning Commission may authorize Use Group A, B or C establishments with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

131-20 SIGN REGULATIONS

- (a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:
 - (3) no #advertising signs# shall be permitted above a height of 40 feet; and
 - (4) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying along District Boundaries) shall not apply.
- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial use#.

131-30 FLOOR AREA REGULATIONS

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

131-31 Coney East Subdistrict

The maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block# or portion thereof, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios).

On Parcel 1, as shown on Map 3, the maximum #floor area ratio# for a Use Group A amusement #use# shall be 2.0 and the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

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

131-321 Special floor area regulations for residential uses

R7A R7D R7X

- (b) Applicability of Inclusionary Housing Program

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

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the following table. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in the table through the provision of #lower income housing#, pursuant to the provisions for #Inclusionary Housing designated area#, as set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

Subdistrict Zoning District	Base #floor area ratio#	Maximum #floor area ratio#
Coney West Parcels: A, B, C, D R7D	4.35	5.8
Coney West Parcels: E, FR7D	4.12	5.5
Coney North R7X	3.75	5.0
Mermaid Avenue R7A	3.45	4.6

TABLE FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

- (c) Coney West floor area distribution rules

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

 - Parcels A and B
 - Parcels C and D
 - Parcels E and F.
- (d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of paragraph (b) of Section 23-942 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

131-322 Special floor area regulations for community facility uses

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

131-323 Special floor area ratio regulations for hotel uses

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

131-324 Lot coverage

For #residential uses#, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

131-40 HEIGHT AND SETBACK REGULATIONS

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

131-41 Rooftop Regulations

- (a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, 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) only in the Mermaid Avenue Subdistrict.

- (b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, 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.

131-42 Coney East Subdistrict

The regulations of this Section, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section 131-42, inclusive.

131-421 Coney East Subdistrict, south side of Surf Avenue

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

- (a) #Street wall# location

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

 - (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;
 - (2) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
 - (3) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
 - (4) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

- (b) Building base
 - (1) Surf Avenue, west of West 12th Street West of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. If a tower is provided, in accordance with requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section.

For #developments# or #enlargements# located West of West 12 Street that, provide a tower in accordance with the requirements of paragraph (d) of this Section, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 45 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 60 feet but not more than 65 feet.

Furthermore, any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with location requirements of paragraphs (d) of this Section.

(2) Surf Avenue, east of West 12th Street

East of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback is required that shall comply with the provisions set forth in paragraph (d) of this Section.

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

(c) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (b) of this Section, shall be set back from the #street line# at least 20 feet except that where towers are provided, the minimum setback depth from the #street line# shall be 10 feet.

(1) East of West 12th Street

The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within 100 feet of Jones Walk on the easterly side, the maximum building height after the required setbacks shall be 85 feet.

(2) West of West 12th Street

All portions of a #building# that exceed the maximum base height as set forth in paragraph (b) (1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

(3) Special Regulations for Use Group A

The transition height regulations of paragraphs (c) (1) and (c) (2) of this Section shall not apply to #buildings# that rise to a maximum height of 85 feet to accommodate a Use Group A #use#; or to #buildings# where the Chairperson of the City Planning Department certifies to the Department of Buildings that additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 65 feet shall be considered a "tower" and shall comply with the provisions of this paragraph.

(4) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(5) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# located between West 12th Street and Jones Walk shall be 150 feet between West 12th Street and Jones Walk. The maximum height of a #building# located between West 12th Street and West 16th Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(6) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

Coney East Subdistrict, north side of Surf Avenue

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

131-423 Along all other streets

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets# and portions thereof located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of the #development# or #enlargement#, or portion thereof, shall be located within five feet of the #street line#.

(b) Maximum building height

The #street wall# of a #development# or #enlargement#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, and such portion of the #aggregate width of street walls# shall be located within 150 feet of the intersection of two #street lines# and shall coincide with that portion of the #street wall# along Surf Avenue that rises to a height of between 60 to 65 feet, pursuant to the provisions of paragraph (b)(1) of Section 131-421. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A, in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of #street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

Furthermore, a #building# that exceeds a height of 60 feet shall be permitted where the Chairperson of the City Planning Department certifies to the Department of Buildings that such additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

131-43 Coney West Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

131-431 Coney West District, Surf Avenue

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

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

(1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;

(2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and

(3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set

back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

The #street wall# of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least eight #stories# or 80 feet, whichever is less. However, on the blockfront bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

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

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

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Towers).

131-432 Along all other Streets, other than the Riegelmann Boardwalk

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

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower. For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line#, except for entrances, shall be planted.

(b) Building base

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition heights

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

(1) above the maximum base height, up to 60 percent of the #aggregate width of street walls# facing Ocean Way, and along all other #streets#, other than the Riegelmann Boardwalk, shall be set back

a minimum distance of 10 feet from the #street line#. The remaining portion of such #aggregate width of street walls# facing Ocean Way, and along all other #streets# other than the Riegelmann Boardwalk, shall be set back a minimum distance of 15 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), the remaining portion of such #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line#;

- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of the Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.

A #building# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

131-433 Riegelmann Boardwalk

The #street wall# of the #development# or #enlargement# shall be located on the Riegelmann Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet. Any #building or other structure# within 70 feet of the Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of the Riegelmann Boardwalk.

131-434 Coney West District towers

All #stories# of a #development# or #enlargement# located partially or wholly above an applicable transition height shall be considered a "tower" and shall comply with the provisions of this Section.

- (b) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (c) Maximum length and height

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

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower complies with either paragraph (b) (1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or
- (2) The outermost wall of all tower #stories# below a height of 120 feet shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

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

- (c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# bounding Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that for #developments#

that provide #lower income housing# pursuant to Section 131-321, no more than two towers shall be permitted on any #zoning lot#, and the second tower shall be located within 25 feet of Ocean Way. However, on Parcel E, any #development# may include two towers and, for #developments# that provide #low income housing# pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

131-44 Coney North Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney North Subdistrict. Map 4 (Street Wall Location) and Map 5 (Minimum and Maximum Base Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum building height provisions of this Section, inclusive.

131-441 Coney North Subdistrict, Surf Avenue

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

- (a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement# shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

- (b) Building base

The #street wall# of a building base of a #development# or #enlargement# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 80 feet, but not more than 85 feet. However, on the blockfront bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

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

All portions of a #building# that exceed a height of 85 feet shall be set back from the #street line# at least ten feet, and comply with the tower provisions of Section 131-444 (Coney North Towers).

- (c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Towers).

131-442 Along all other Streets, other than Stillwell Avenue
The following regulations shall apply along all other

#streets# in the Coney North Subdistrict, other than Stillwell Avenue.

- (a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be recessed ten feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower. For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line#, except for entrances, shall be planted.

- (b) Building base

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

All portions of a #building# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least ten feet, except such setback distance may include the depth of any permitted recesses.

However, on #blocks# bounded by West 15th Street and West 20th Street, within 40 feet of the boundary of a C2-4 District mapped within a R7A District, no #building or other structure# shall exceed a height of 23 feet, except that, for #zoning lots# with less than 50 feet of frontage along a #street# or, for #through lots# with less than 50 feet of frontage along each #street#, the maximum height of a #building or other structure# before setback shall be six stories or 65 feet, whichever is less.

- (c) Transition height

In all portions of #blocks# located beyond 100 feet but not further than 170 feet from Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-443 Stillwell and Mermaid Avenues

Within 100 feet of Stillwell and Mermaid Avenues, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except as follows:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-444 Coney North Subdistrict towers

All #stories# of a #development# or #enlargement# located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a "tower" and shall comply with the provisions of this Section 131-444.

- (a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

- (b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet and beyond

175 feet of Surf Avenue the maximum height of a #building# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

For #developments# that provide #lower income housing# pursuant to Section 131-321 (Special residential floor area regulations), the maximum height of a #building# shall be increased to 270 feet, provided that the tower portion of such #building# complies with either paragraph (b)(1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or
- (2) The outermost wall of all tower #stories#, below a height of 120 feet, shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face

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

(c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that for #developments# that provide #lower income housing#, pursuant to Section 131-321, a second tower shall be permitted anywhere on the #zoning lot# that is entirely beyond 175 feet of Surf Avenue and ten feet from any other #street#. All towers shall be located at least ten feet from a #side lot line#.

131-45 Mermaid Avenue Subdistrict

All portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within a R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except that:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-46 Tower Top Articulation

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

(a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks

Setbacks shall be provided at the level of three different #stories#, or as many #stories# as are

located entirely above a height of 170 feet, whichever is less. Such setbacks shall be located on either the north-facing or south-facing side of the #building#, but not both. Such setbacks shall have a minimum depth of 15 feet measured, as applicable, from the north or south-facing wall of the #story# immediately below. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story#, therefore, shall be located entirely within the northern or southern half of the tower, as applicable.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least eighteen inches but not more than five feet from the remaining plane surface of the #street walls# enclosing any #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

131-47 Design Requirements for Ground Level Setbacks

Wherever a building base below a tower is set back from the #street line#, and the building walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(d) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(e) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

(f) Wall treatments

All ground floor level building walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15 shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

(1) If such building wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.

(2) All other building walls shall comply with one of the following provisions:

- (i) Such building walls shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level building wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or
- (ii) Such building walls shall be articulated with artwork or landscaping to a height of at least ten feet.

(d) Building entrances

A public entrance to a #building# shall front upon such setback area.

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with, at a minimum, evergreen ground cover or shrubs in planting beds, with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

(f) For setback areas of 500 square feet or more, there shall be the following additional amenities:

- (1) an additional public entrance to the #building# that fronts upon such setback area; and
- (2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

131-48 Street Trees

The provisions of Section 33-03 (Street Tree Planting in

Commercial Districts) shall not apply in the Coney East Subdistrict.

131-50 OFF-STREET PARKING AND LOADING REGULATIONS

The provisions of this Section shall apply to all off-#street# parking spaces and loading facilities within the #Special Coney Island District#.

131-51 Amount of Required and Permitted Parking

(d) Residential and Community Facility Parking

The underlying regulations shall apply, except that the provisions of Section 36-331 are modified to require off-#street# parking spaces for at least 60 percent of all new #dwelling units#.

(e) Commercial parking

The underlying regulations shall apply, except as modified below:

- (1) For Use Group A #uses#: one off-#street# parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a water park, two off-#street# parking spaces per 1,000 square feet of #floor area# shall be provided
- (2) For #transient hotels#: one off-#street# parking space shall be provided for every six guest rooms or suites.

131-52 Use and Location of Parking Facilities

The following provisions shall apply to all parking facilities:

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

(b) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:

- (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by the Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
- (2) In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:
Parcels A and B
Parcels C and D
Parcels E and F.
- (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.

(f) All off-#street# parking facilities shall be located within facilities that, except for entrances and exits, are:

- (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
- (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. All such parking facilities shall be exempt from the definition of #floor area#.

However, in the Coney East Subdistrict, the provisions of this paragraph (c)(2) need not apply on the north side of Surf Avenue, on Parcel 2 beyond 70 feet of the Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

- (i) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
- (ii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and

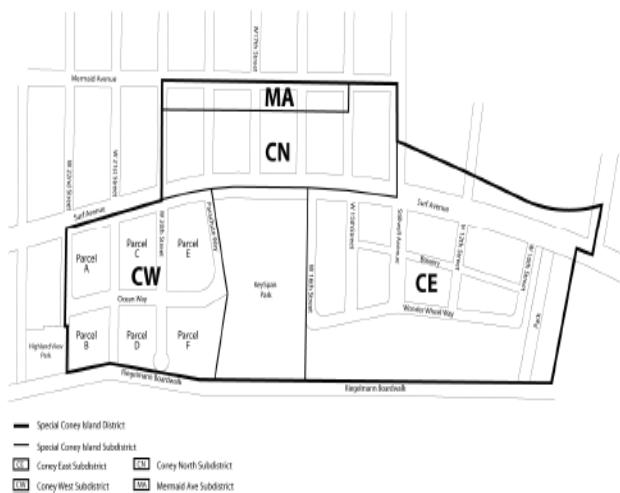
(iii) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.

(d) Any roof of a facility containing off-street parking spaces not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

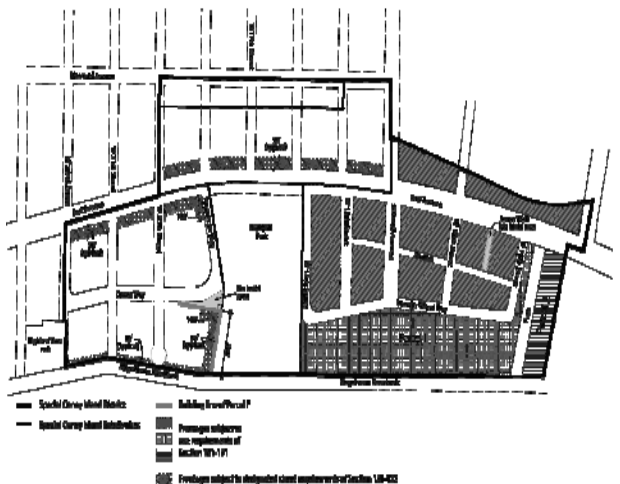
131-53 Curb Cuts

No curb cuts shall be permitted on Surf Avenue, Wonder Way or New Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all #developments# and #enlargements#.

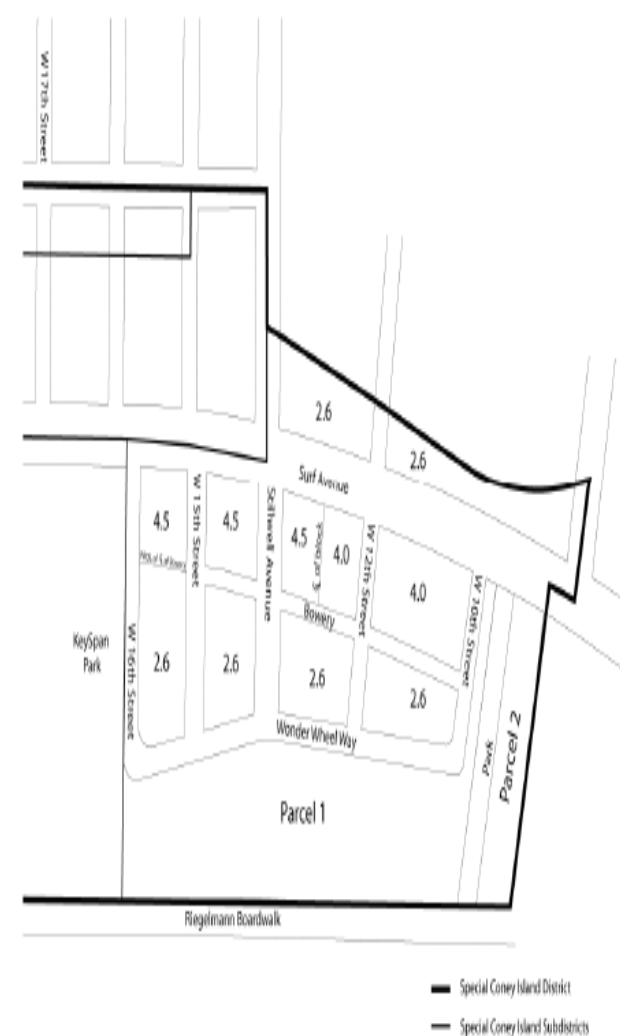
Map 1: Special Coney Island District and Subdistricts



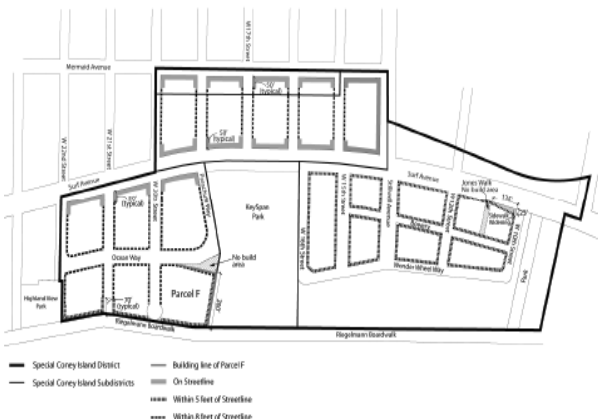
Map 2: Mandatory Ground Floor Use Requirements



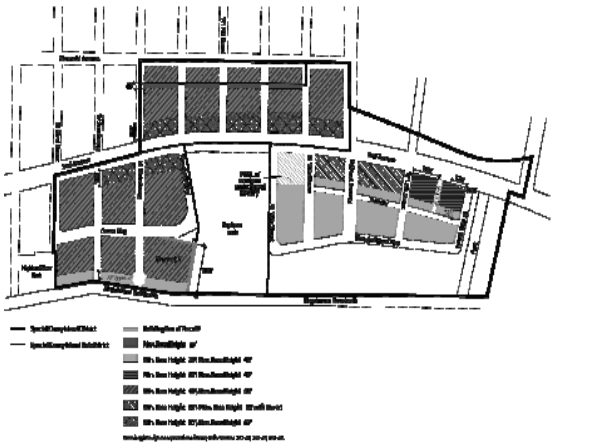
Map 3: Coney East Subdistrict Floor Area Ratios



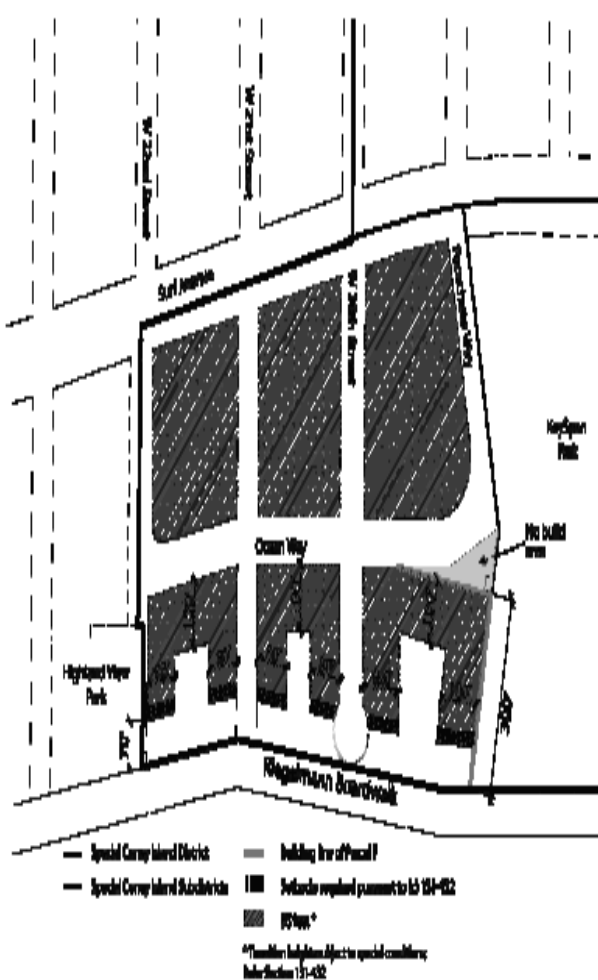
Map 4: Street Wall Location



Map 5: Minimum and Maximum Base Heights



Map 6: Coney West Subdistrict Transition Heights



CD 13 No. 7 C 090274 PQQ
IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at:

BLOCK	LOTS
7074	4, 6, p/o 23, 89, p/o 105, 250, 254, p/o 256, 300, p/o 310, 340, 348, and p/o 360
8694	1, 5, 11, 12, 14, 16, 18, 25, 30, 33, and 421
8695	61, 64, p/o 72, p/o 120, p/o 433
8696	35, 37, 44, 47, 48, 49, 50, 53, p/o 70, p/o 140, p/o 145, p/o 212

CD 13 No. 8 C 090275 PQQ
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31).

CD 13 No. 9 C 090107 MMK
IN THE MATTER OF an application submitted by the Department of City Planning, Department of Parks and Recreation, and the New York City Economic Development Corporation, 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 establishment of new streets;
- the establishment of new parks and park additions;
- the modification and adjustment of grades of existing streets;
- the elimination, discontinuance and closing of portions of streets;
- the elimination of portions of parks;
- the delineation of easements and corridors;
- the extinguishment of record streets, all within an area generally bounded by West 8th Street, Surf Avenue, West 23rd Street, and the Public Beach;
- and any acquisition or disposition of real property related thereto,

in accordance with Map Nos. X-2710 and X-2711, dated January 14, 2000, and signed by the Borough President.

No. 10 CD 13 C 090276 HAK
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

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

a. the designation of property located at

Block	Lot	Address
7060	1	1918 Mermaid Avenue
7060	3	1920 Mermaid Avenue
7060	4	1922 Mermaid Avenue
7060	5	1924 Mermaid Avenue
7060	7	1928 Mermaid Avenue
7060	8	1930 Mermaid Avenue
7060	9	1932 Mermaid Avenue
7060	14	West 19th Street
7060	16	West 19th Street
7060	17	West 19th Street
7060	18	2924 West 19th Street
7060	19	2926 West 19th Street
7060	20	2930 West 19th Street
7060	21	2934 West 19th Street
7060	22	2936 West 19th Street
7060	24	1901 Surf Avenue
7060	27	1905 Surf Avenue
7060	31	2929A West 20th Street
7060	32	1917 Surf Avenue
7060	35	1923 Surf Avenue
7060	44	2923 West 20th Street
7060	45	2921 West 20th Street
7060	46	2919 West 20th Street
7060	47	2917 West 20th Street
7060	48	West 19th Street
7060	49	West 19th Street
7060	50	2938 West 19th Street
7060	51	2938A West 19th Street
7060	147	1924 West 20th Street
7061	16	West 17th Street
7061	21	2930 West 17th Street
7061	39	West 19th Street
7061	40	West 19th Street
7061	41	West 19th Street
7061	42	West 19th Street
7061	43	2921 West 19th Street

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 residential and commercial development within Coney Island.

No. 11 CD 13 C 090277 PPK
IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property pursuant to zoning, located at:

A:

BLOCK	LOTS
7074	1, 4, 6, p/o 20; p/o 23, 89, p/o 105, 170, p/o 190
7074	250, 254; p/o 256, 300, p/o 310, 340, 348, p/o 360
8694	1, 5, 11, 12, 14, 16, 18, 25, 30, 33, 421
8695	61, 64; p/o 72, p/o 120, p/o 433
8696	35, 37, 44, 47, 48, 49, 50, 53; p/o 70, p/o 140, p/o 145, 211, p/o 212

B: Block 7071, Lot 142

NOTICE

On Wednesday, May 6, 2009, at 9:30 A.M., at the New York City College of Technology, in the Klitgord Auditorium, 285 Jay Street, Brooklyn, New York 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 applications for amendments to the City Map, the Zoning Map, the Zoning Resolution, acquisition of property and the designation of property as an Urban Development Action Area and project, and for the disposition of property to facilitate the Coney Island Plan.

This hearing is being held pursuant to the State

Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 08DME007K.

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

a23-m6

EMPLOYEES' RETIREMENT SYSTEM

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 Tuesday, April 28, 2009 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.

a21-27

EQUAL EMPLOYMENT PRACTICES COMMISSION

MEETING

The next meeting of the Equal Employment Practices Commission will be held in the Commission's Conference Room/Library at 40 Rector Street, (14th Floor) on Tuesday, April 28, 2009 at 10:00 A.M.

a21-27

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **May 05, 2009** at 9:30 A.M. in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-3123 Block 1222, lot 38-1298 Bergen Street - Crown Heights North Historic District A Renaissance Revival style rowhouse designed by F.K. Taylor and built c. 1898. Application is to construct a rear yard addition. Zoned R6.

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

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

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-6644 - Block 35, lot 10-9 Old Fulton Street - Fulton Ferry Historic District A vacant lot. Application is to construct a four story building with a one-story penthouse. Zoned M2-1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 07-7542 - Block 1965, lot 9-51 Cambridge Place - Clinton Hill Historic District An Italianate style rowhouse built c.1856. Application is to construct a rear yard addition. Zoned R-6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-5657 - Block 196, lot 7-192 Dean Street, aka 131 Bond Street - Boerum Hill Historic District An Italianate style rowhouse built in 1852-1853. Application is to replace the sidewalk.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-6920 - Block 1070, lot 15-792 Carroll Street - Park Slope Historic District A neo-Grec and Queen Anne style rowhouse designed by John Magilligan and built in 1889. Application is to excavate the rear yard and alter the rear ell. Zoned R6B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6022 - Block 511, lot 16-600-602 Broadway, aka 134-136 Crosby Street - SoHo-Cast Iron Historic District A store building designed by Samuel A. Warner and built in 1883-84. Application is to legalize the installation of stairs and railings without Landmarks Preservation Commission permits and to install railings.

MODIFICATION OF USE AND BULK
BOROUGH OF MANHATTAN 09-7879 - Block 230, lot 36-21-23 Mercer Street - SoHo-Cast Iron Historic District A neo-Grec style store and factory building with neo-Classical style elements, built in 1861. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use pursuant to Section 74-711 of the Zoning Resolution. Zoned M1-5B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7774 - Block 473, lot 17-431 Broome Street - SoHo-Cast Iron Historic District A dwelling built circa 1825 and altered in early 20th century. Application is to install storefront infill, construct a rooftop addition and a four-story building in the rear yard. Zoned M1-5B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-5152 - Block 612, lot 7504-15 Charles Street - Greenwich Village Historic District An apartment house built in 1961. Application is to legalize the installation of a storefront in non-compliance with Certificate of Appropriateness 06-7239.

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

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-8134 - Block 620, lot 41-351-353 Bleecker Street, aka 213-215 West 10th Street An apartment house built in 1903. Application is to replace windows and establish a master plan governing the future installation of storefront infill.

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

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

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7018 - Block 1121, lot 8-61 West 68th Street - Upper West Side/Central Park West Historic District A Renaissance Revival Queen Ann style rowhouse, designed by Francis A. Minuth and built in 1891-92. Application is to legalize the construction of a rooftop addition without Landmarks Preservation Commission permits. Zoned R-8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-8132 - Block 1387, lot 14-19 East 72nd Street - Upper East Side Historic District A Modern/neo-Classical style apartment building designed by Rosario Candela and built in 1936-37. Application is to establish a master plan governing the future installation of display windows, doors, and awnings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7911 - Block 1504, lot 44-66 East 93rd Street - Carnegie Hill Historic District A Queen Anne style rowhouse designed by A.B. Ogden & Son and built in 1890-91. Application is to alter the areaway, install a barrier-free access lift, and construct a rooftop bulkhead.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-5029 - Block 2179, lot 701-799 Fort Washington Avenue - The Cloisters-Individual Landmark A museum complex composed of portions of medieval buildings and modern structures, designed by Charles Collins and built between 1934 and 1938. Application is to modify windows.

a22-m5

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, May 13, 2009. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 40 Worth Street, 9th Floor South, New York, NY 10013, or by calling (212) 442-8040.

#1 In the matter of a proposed revocable consent authorizing St. Luke's-Roosevelt Hospital Center to continue to maintain and use a bridge over and across West 114th Street, east of Amsterdam Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$20,272
 For the period July 1, 2010 to June 30, 2011 - \$20,862
 For the period July 1, 2011 to June 30, 2012 - \$21,452
 For the period July 1, 2012 to June 30, 2013 - \$22,042

For the period July 1, 2013 to June 30, 2014 - \$22,632
 For the period July 1, 2014 to June 30, 2015 - \$23,222
 For the period July 1, 2015 to June 30, 2016 - \$23,812
 For the period July 1, 2016 to June 30, 2017 - \$24,402
 For the period July 1, 2017 to June 30, 2018 - \$24,992
 For the period July 1, 2018 to June 30, 2019 - \$25,582

the maintenance of a security deposit in the sum of \$25,600, 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 1285 LLC to continue to maintain and use a tunnel under and across West 51st Street, west of Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$169,095
 For the period July 1, 2010 to June 30, 2011 - \$174,168
 For the period July 1, 2011 to June 30, 2012 - \$179,241
 For the period July 1, 2012 to June 30, 2013 - \$184,314
 For the period July 1, 2013 to June 30, 2014 - \$189,387
 For the period July 1, 2014 to June 30, 2015 - \$194,460
 For the period July 1, 2015 to June 30, 2016 - \$199,533
 For the period July 1, 2016 to June 30, 2017 - \$204,606
 For the period July 1, 2017 to June 30, 2018 - \$209,679
 For the period July 1, 2018 to June 30, 2019 - \$214,752

the maintenance of a security deposit in the sum of \$214,800, 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 Cornell University modification of the consent so as to construct, maintain and use an additional conduit under, across and along East 70th Street, west of York Avenue, in the Borough of Manhattan. The proposed modified revocable consent is for a term of five years from the date of Approval by the Mayor and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$18,309
 For the period July 1, 2010 to June 30, 2011 - \$18,736
 For the period July 1, 2011 to June 30, 2012 - \$19,163
 For the period July 1, 2012 to June 30, 2013 - \$19,590
 For the period July 1, 2013 to June 30, 2014 - \$20,017

the maintenance of a security deposit in the sum of \$35,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

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

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

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

#5 In the matter of a proposed revocable consent authorizing Edmund L. Resor to continue to maintain and use a stoop, steps and planted areas on the south sidewalk of East 90th Street, west of Central Park West, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

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

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

#6 In the matter of a proposed revocable consent authorizing Promesa Inc. to continue to maintain and use two communication conduits under and across East 175th Street, between Anthony Avenue and Clay Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

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

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.

a22-m13

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 40 Worth Street, Room 814 commencing at 2:00 P.M. on Wednesday, April 29, 2009. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at

least seven days prior notice) at 40 Worth Street, 9th Floor South, New York, NY 10013, or by calling (212) 442-8040.

#1 In the matter of a proposed revocable consent authorizing Mr. and Mrs. S. Graham to continue to maintain and use a stoop and a fenced-in area on the south sidewalk of East 78th Street, west of Madison Avenue, in the Borough of Manhattan. 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:

From the Approval Date to June 30, 2018 - \$25/annum

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

#2 In the matter of a proposed revocable consent authorizing The New York and Presbyterian Hospitals, Inc. to continue to maintain and use a tunnel under and across Fort Washington Avenue, south of West 168th Street, in the Borough of Manhattan. 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 - \$15,057
 For the period July 1, 2009 to June 30, 2010 - \$15,496
 For the period July 1, 2010 to June 30, 2011 - \$15,935
 For the period July 1, 2011 to June 30, 2012 - \$16,374
 For the period July 1, 2012 to June 30, 2013 - \$16,813
 For the period July 1, 2013 to June 30, 2014 - \$17,252
 For the period July 1, 2014 to June 30, 2015 - \$17,691
 For the period July 1, 2015 to June 30, 2016 - \$18,130
 For the period July 1, 2016 to June 30, 2017 - \$18,569
 For the period July 1, 2017 to June 30, 2018 - \$19,008

the maintenance of a security deposit in the sum of \$19,000, 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 The Trustees of Columbia University in the City of New York to continue to maintain and use three transformer vaults and a conduit, together with a manhole, under the south sidewalk of West 120th Street, east of Broadway, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$20,058
 For the period July 1, 2010 to June 30, 2011 - \$20,642
 For the period July 1, 2011 to June 30, 2012 - \$21,226
 For the period July 1, 2012 to June 30, 2013 - \$21,810
 For the period July 1, 2013 to June 30, 2014 - \$22,394
 For the period July 1, 2014 to June 30, 2015 - \$22,978
 For the period July 1, 2015 to June 30, 2016 - \$12,562
 For the period July 1, 2016 to June 30, 2017 - \$24,146
 For the period July 1, 2017 to June 30, 2018 - \$24,730
 For the period July 1, 2018 to June 30, 2019 - \$25,314

the maintenance of a security deposit in the sum of \$25,400, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing Sprint Communications Company L.P. to continue to maintain and use conduits in West 15th Street, West 16th Street, Eighth Avenue and Ninth Avenue, and cables in the existing facilities of the Empire City Subway Company (Limited), in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$150,319
 For the period July 1, 2010 to June 30, 2011 - \$154,697
 For the period July 1, 2011 to June 30, 2012 - \$159,075
 For the period July 1, 2012 to June 30, 2013 - \$163,453
 For the period July 1, 2013 to June 30, 2014 - \$167,831
 For the period July 1, 2014 to June 30, 2015 - \$172,209
 For the period July 1, 2015 to June 30, 2016 - \$176,587
 For the period July 1, 2016 to June 30, 2017 - \$180,965
 For the period July 1, 2017 to June 30, 2018 - \$185,343
 For the period July 1, 2018 to June 30, 2019 - \$189,721

the maintenance of a security deposit in the sum of \$189,800, 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 Grand Millennium Condominium to continue to maintain and use an electrical conduit under and along the west sidewalk of Broadway, south of West 67th Street, and under and along the south sidewalk of West 67th Street, west of Broadway, in the Borough of Manhattan. 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 - \$2,761
 For the period July 1, 2009 to June 30, 2010 - \$2,841
 For the period July 1, 2010 to June 30, 2011 - \$2,921
 For the period July 1, 2011 to June 30, 2012 - \$3,001
 For the period July 1, 2012 to June 30, 2013 - \$3,081
 For the period July 1, 2013 to June 30, 2014 - \$3,161
 For the period July 1, 2014 to June 30, 2015 - \$3,241
 For the period July 1, 2015 to June 30, 2016 - \$3,321

For the period July 1, 2016 to June 30, 2017 - \$3,401
 For the period July 1, 2017 to June 30, 2018 - \$3,481

the maintenance of a security deposit in the sum of \$3,500, 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 New York University to continue to maintain and use a conduit under and across Stuyvesant Street, north of East 9th Street, a conduit under and across Cooper Square, north of East 4th Street, and cables in the existing facilities of the Empire City Subway Company (Limited), in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$15,643
 For the period July 1, 2010 to June 30, 2011 - \$16,099
 For the period July 1, 2011 to June 30, 2012 - \$16,655
 For the period July 1, 2012 to June 30, 2013 - \$17,011
 For the period July 1, 2013 to June 30, 2014 - \$17,467
 For the period July 1, 2014 to June 30, 2015 - \$17,923
 For the period July 1, 2015 to June 30, 2016 - \$18,379
 For the period July 1, 2016 to June 30, 2017 - \$18,835
 For the period July 1, 2017 to June 30, 2018 - \$19,291
 For the period July 1, 2018 to June 30, 2019 - \$19,747

the maintenance of a security deposit in the sum of \$15,200, 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 modification revocable consent authorizing New York University to construct, maintain and use the additional conduits under and across Washington Place, west of Mercer Street, under and across Mercer Street, north of Washington Place, and under and across Washington Place, east of Mercer Street, in the Borough of Manhattan. The proposed modification revocable consent is for the period from the Date of Approval by the Mayor to June 30, 2009 is increased by \$10,059 per annum and thereafter annual compensation shall be based on the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$35,601

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.

a9-29

COURT NOTICES

SUPREME COURT

■ NOTICE

QUEENS COUNTY IA PART 8 NOTICE OF PETITION INDEX NUMBER 8655/09

In the Matter of the Application of THE CITY OF NEW YORK, relative to acquiring title in fee to certain real property where not heretofore acquired for the same purpose located along

BEACH 43rd STREET
from Beach Channel Drive to Conch Basin Bulkhead; and

BEACH 44th STREET
from Beach Channel Drive to Conch Road; and

BEACH 45th STREET
from Beach Channel Drive to Norton Avenue; and

CONCH DRIVE
from Beach 43rd Street to Norton Basin Bulkhead; and

NORTON AVENUE
from Beach 45th Street to Beach 43rd Street; and

EDGEMERE DRIVE
from Beach 44th Street to Beach 43rd Street; and

HANTZ ROAD
from Beach 45th Street to Beach 44th Street; and

CONCH ROAD
from Beach 43rd Street to Beach 44th Street

in the Borough of Queens, City and State of New York.

PLEASE TAKE NOTICE that the Corporation Counsel of the City of New York intends to make application to the Supreme Court of the State of New York, Queens County, IA Part 8, for certain relief.

The application will be made at the following time and place: At 88-11 Sutphin Blvd., Jamaica, in the Borough of Queens, City and State of New York, on May 8, 2009 at 10:00 A.M., or as soon thereafter as counsel can be heard. The application is for an order:

- A. authorizing the City to file an acquisition map in the Office of the City Register;
- B. directing that upon the filing of said map, title to the property sought to be acquired shall vest in the City;
- C. providing that just compensation therefor be ascertained and determined by the Supreme Court without a jury; and
- D. providing that notices of claim must be served and filed within one calendar year from the vesting date.

The City of New York, in this proceeding, intends to acquire title in fee simple absolute to certain real property where not heretofore acquired for the same purpose, for the DEPARTMENT OF DESIGN AND CONSTRUCTION and the DEPARTMENT OF TRANSPORTATION in the Borough of Queens City and State of New York.

The description of the real property to be acquired is as follows:

PART 1

- Beginning at a point on the northerly line of Beach Channel Drive (75 feet wide) extended easterly, said point being 4.00 feet distant easterly from the corner formed by the intersection of the northerly line of Beach Channel Drive and the westerly line of Beach 45th Street (50 feet wide) as said streets are shown on Alteration Map No. 4929 and on Acquisition and Damage Map No. 5944, dated April 9, 2007
- No. 1 Running thence northerly along a line through the bed of Beach 45th Street, for 887.71 feet to a point;
 - No. 2 Running thence westerly and deflecting to the left 90 degrees 00 minutes 00 seconds from the last-mentioned course, for 4.00 feet to a point on the westerly line of Beach 45th Street;
 - No. 3 Running thence northerly along the westerly line of Beach 45th Street and deflecting to the right 90 degrees 00 minutes 00 seconds from the last-mentioned course, for 164.09 feet to a point on the westerly line of Beach 45th Street;
 - No. 4 Running easterly along a line through the bed of Beach 45th Street and deflecting to the right 90 degrees 00 minutes 00 seconds from the last-mentioned course, for 5.48 feet to a point;
 - No. 5 Running thence northerly along a line through the bed of Beach 45th Street and deflecting to the left 90 degrees 00 minutes 00 seconds from the last-mentioned course, for 33.20 feet to a point;
 - No. 6 Running thence westerly along a line through the bed of Beach 45th Street and deflecting to the left 90 degrees 00 minutes 00 seconds from the last-mentioned course, for 5.48 feet to a point on the westerly line of Beach 45th Street;
 - No. 7 Running thence northerly along the westerly line of Beach 45th Street and deflecting to the right 90 degrees 00 minutes 00 seconds from the last-mentioned course, for 79.61 feet to a point of curvature;
 - No. 8 Running thence easterly through the bed of Norton Avenue and along a curve bearing to the right with a radius of 20.00 feet and a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 31.42 feet to a point of tangency in the bed of Norton Avenue;
 - No. 9 Running thence easterly along a line through the bed of Norton Avenue, for 21.54 feet to a point in the bed of Beach 44th Street (60 feet wide);
 - No. 10 Running thence southerly along a line through the bed of Beach 44th Street, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 50.00 feet to a point in the bed of Beach 44th Street;
 - No. 11 Running thence westerly along a line through the bed of Norton Avenue, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 131.54 feet to a point of curvature;
 - No. 12 Running thence southerly through the bed of Norton Avenue and along a curve bearing to the left with a radius of 54.50 feet and a central angle of 90 degrees 00 minutes 00 second, an arc distance of 85.61 feet to a point of tangency in the bed of Beach 45th Street;
 - No. 13 Running thence southerly along a line through the bed of Beach 45th Street for 725.00 feet to a point on the northerly line of Hantz Road (50 feet wide) extended westerly;
 - No. 14 Running thence easterly along the northerly line of Hantz Road, deflecting to the left 90 degrees 00 minutes 00 seconds from the last mentioned course, for 189.54 feet to point in the bed of Beach 44th Street;
 - No. 15 Running thence southerly along a line through the bed of Beach 44th Street, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 50.00 feet to a point on the southerly line of Hantz Road extended easterly;
 - No. 16 Running thence westerly along said southerly line of Hantz Road extended westerly, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 189.54 feet to a point in the bed of Beach 45th Street;
 - No. 17 Running thence southerly along a line through the bed of Beach 45th Street, deflecting to the left 90 degrees 00 minutes 00 seconds from the last mentioned course, for 304.61 feet to a point on the northerly line of Beach Channel Drive;
 - No. 18 Running thence westerly along the northerly line of Beach Channel Drive, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 42.00 feet to the place and point of beginning.

PART 2

Beginning at a point on the northerly line of Beach Channel Drive (75 feet wide) extended easterly, said point being 9.00

feet distant easterly from the corner formed by the intersection of the northerly line Beach Channel Drive and the westerly line of Beach 44th Street (60 feet wide) as said streets are shown on Alteration Map No. 2929 and on Acquisition and Damage Map No. 5944, dated April 9, 2007.

- No. 1 Running thence northerly along a line through the bed of Beach 44th Street, for 1134.61 feet to a point;
- No. 2 Running thence westerly along a line through the bed of Beach 44th Street, and deflecting to the left 90 degrees 00 minutes 00 seconds from the last-mentioned course, for 4.00 feet to a point on the westerly line of Beach 45th Street;
- No. 3 Running thence northerly along a line through the bed of Beach 44th Street and deflecting to the right 90 degrees 00 minutes 00 seconds from the last-mentioned course for 392.68 feet to a point of curvature;
- No. 4 Running thence easterly through the bed of Beach 44th Street and along a curve bearing to the right with a radius of 20.00 feet and a central angle of 90 degrees 06 minutes 52.5 seconds, an arc distance of 31.74 feet to a point of tangency in the bed of Conch Road;
- No. 5 Running thence easterly along a line through the bed of Conch Road, for 250.09 feet to a point on the westerly line of Beach 43rd Street (50 feet wide);
- No. 6 Running thence southerly along the westerly line of Beach 43rd Street deflecting to the right 90 degrees 02 minutes 42.5 seconds from the last mentioned course, for 50.00 feet to a point;
- No. 7 Running thence westerly along a line through the bed of Conch Road, deflecting to the right 89 degrees 57 minutes 17.5 seconds from the last mentioned course, for 164.87 feet to a point of curvature;
- No. 8 Running thence southerly through the bed of Conch Road and along a curve bearing to the left with a radius of 55.00 feet and a central angle of 90 degrees 06 minutes 52.5 seconds, an arc distance of 86.50 feet to a point of tangency in the bed of Beach 44th Street;
- No. 9 Running thence southerly along a line through the bed of Beach 44th Street for 257.51 feet to a point in the bed of Beach 44th Street;
- No. 10 Running thence easterly along a line through the bed of Norton Avenue, deflecting to the left 90 degrees 00 minutes 00 seconds from the last mentioned course, for 219.12 feet to point on the westerly line of Beach 43rd Street;
- No. 11 Running thence southerly along the westerly line of Beach 43rd Street, deflecting to the right 90 degrees 09 minutes 35 seconds from the last mentioned course, for 50.00 feet to a point;
- No. 12 Running thence westerly along a line through the bed of Norton Avenue, deflecting to the right 89 degrees 50 minutes 25 seconds from the last mentioned course, for 222.99 feet to a point in the bed of Beach 44th Street;
- No. 13 Running thence southerly along a line through the bed of Beach 44th Street, deflecting to the left 90 degrees 00 minutes 00 seconds from the last mentioned course, for 382.82 feet to a point on the northerly line of Edgemere Drive (50 feet wide) extended westerly in the bed of Beach 44th Street;
- No. 14 Running thence easterly along the northerly line of Edgemere Drive, deflecting to the left 90 degrees 00 minutes 00 seconds from the last mentioned course, for 221.93 feet to the corner formed by the intersection of the northerly line of Edgemere Drive with the westerly line of Beach 43rd Street;
- No. 15 Running thence southerly along the westerly line of Beach 43rd Street, deflecting to the right 90 degrees 09 minutes 35 seconds from the last mentioned course, for 50.00 feet to the corner formed by the intersection of the southerly line of Edgemere Drive with the westerly line of Beach 43rd Street;
- No. 16 Running thence westerly along the southerly line of Edgemere Drive extended westerly, deflecting to the right 89 degrees 50 minutes 25 seconds from the last mentioned course, for 221.79 feet to a point in the bed of Beach 44th Street;
- No. 17 Running thence southerly along a line through the bed of Beach 44th Street, deflecting to the left 90 degrees 00 minutes 00 seconds from the last mentioned course, for 701.79 feet to a point on the northerly line of Beach Channel Drive;
- No. 18 Running thence westerly along the northerly line of Beach Channel Drive, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 41.98 feet to the place and point of beginning.

PART 3

Beginning at the corner formed by the intersection of the northerly line of Beach Channel Drive (75 feet wide) with the westerly line of Beach 43rd Street (50 feet wide), as said streets are shown on Alteration Map No. 4929 and on Acquisition and Damage Map No. 5944, dated April 9, 2007.

- No. 1 Running thence northerly along said westerly line of Beach 43rd Street for 2071.91 feet to the intersection of the northerly terminus of Beach 43rd Street and the southerly U.S. Pierhead and Bulkhead Line of Conch Basin as shown on Alteration Map No. 4929;
- No. 2 Running thence northerly along said U.S. Pierhead and Bulkhead Line, deflecting to the right 45 degrees 13 minutes 06.7 seconds from the last mentioned course, for 7.04 feet to an angle point in the U.S. Pierhead and Bulkhead Line as shown on Alteration Map No. 4929;
- No. 3 Running thence northeasterly along said U.S. Pierhead and Bulkhead Line, deflecting to the right 21 degrees 15 minutes 19.5 seconds from the last mentioned course, for 49.08 feet to the intersection of the easterly line of Beach 43rd Street with the

- southerly U.S. Pierhead and Bulkhead Line of Conch Basin as shown on Alteration Map No. 4929;
- No. 4 Running thence southerly along the easterly line of Beach 43rd Street, deflecting to the right 113 degrees 31 minutes 33.8 seconds from the last mentioned course, for 84.65 feet to a point of curvature;
- No. 5 Running thence along a curve bearing to the left with a radius of 25.00 feet and a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 39.27 feet to a point of tangency on the northerly line of Conch Drive (50 feet wide);
- No. 6 Running thence easterly along said northerly line of Conch Drive for 70.00 feet to the intersection of easterly terminus of Conch Drive and the westerly New York City Bulkhead Line of Norton Basin as shown on Alteration Map No. 4929;
- No. 7 Running thence southerly along said New York City Bulkhead Line, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 50.00 feet to a point on the southerly line of Conch Drive;
- No. 8 Running thence westerly along the southerly line of Conch Drive, deflecting to the right 90 degrees 00 minutes 00 seconds from the last mentioned course, for 70.00 feet to a point of curvature;
- No. 9 Running thence along a curve bearing to the left with a radius of 25.00 feet and a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 39.27 feet to a point of tangency on the easterly line of Beach 43rd Street;
- No. 10 Running thence southerly along said easterly line of Beach 43rd Street for 1903.68 feet to a corner formed by the intersection of the northerly line of Beach Channel Drive with the easterly line of Beach 43rd Street as shown on Alteration Map No. 4949.
- No. 11 Thence westerly along a line, deflecting to the right 92 degrees 43 minutes 34 seconds from the last mentioned course, for 5.00 feet to a point;
- No. 12 Thence westerly along a line deflecting to the left 14 degrees 31 minutes 48 seconds from the last mentioned course, for 40.90 feet to a point;
- No. 13 Thence westerly along a line, deflecting to the right 11 degrees 38 minutes 40 seconds from the last mentioned course, for 4.97 feet to the place and point of beginning.

The areas to be acquired are shown as Beach 43rd Street, Beach 44th Street, Beach 45th Street, Edgemere Drive, Conch Road, Conch Drive and Norton Avenue shown on Alteration Map No. 4929, certified by the City Planning Commission on August 18, 1997, and on Acquisition and Damage Map No. 5944 dated April 9, 2007.

The properties affected by this proceeding are located in Beach 43rd Street, Beach 44th Street, Beach 45th Street, Edgemere Drive, Conch Road, Conch Drive and Norton Avenue and Queens Tax Blocks 15960, 15961, 15962, 15963, 15964, 15965, 15966, 15967, and 15968 as shown on the Tax Map of the City of New York for the Borough and County of Queens as said Tax Map existed on March 10 & 16, 2006.

The property shall be acquired subject to encroachments, if any, of the structures, improvements and appurtenances standing or maintained partly upon the above described parcels and partly upon the lands and premises adjoining the same, as long as such encroachments shall stand.

Surveys, maps or plans of the property to be acquired are on file in the office of the Corporation Counsel of the City of New York, 100 Church Street, New York, New York 10007.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to EDPL § 402(B)(4), any party seeking to oppose the acquisition must interpose a verified answer, which must contain specific denial of each material allegation of the petition controverted by the opponent, or any statement of new matter deemed by the opponent to be a defense to the proceeding. Pursuant to CPLR 403, said answer must be served upon the office of the Corporation Counsel at least seven (7) days before the date that the petition is noticed to be heard.

Dated: April 3, 2009, New York, New York
MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
100 Church Street, Room 5-217
New York, New York 10007
Tel. (212) 788-0424

SEE MAPS ON BACK PAGES

a13-28

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 09001- U AND V

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive

equipment to be held on WEDNESDAY, APRIL 29, 2009 (SALE NUMBER 09001-V). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

NOTE: The auction scheduled for Wednesday, April 15, 2009 (SALE NUMBER 09001-U) has been cancelled.

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

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

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

a1-29

POLICE

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

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

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

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

FOR MOTOR VEHICLES

(All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

■ AUCTION

PUBLIC AUCTION SALE NUMBER 1157

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is May 4, 2009 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks & vans will be auctioned on May 5, 2009 at approximately 9:30 A.M.

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

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

a22-m5

PROCUREMENT

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

CITY COUNCIL

ADMINISTRATION

■ SOLICITATIONS

Construction / Construction Services

LEGISTAR SOFTWARE SERVICES – Sole Source – Available only from a single source - PIN# 102200800003 – DUE 05-01-09 AT 2:00 P.M. – NYCC/Administrative Services Division intends to enter into sole source negotiations with Daystar Computer Systems, Inc. to obtain additional services under the contract to add a Legistar software module for Web-based functionality improving public access. Any firm that believes it can provide this requirement is invited to do so in a letter to the New York City Council, 250 Broadway,

where applicable. Failure to comply may determine bid to be non-responsive.

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.
Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203. Theresa Meredith (718) 245-3223, theresa.meredith@nychhc.org
The Support Office Building, 591 Kingston Avenue Room 251, Brooklyn, NY 11203.

a27

MATERIALS MANAGEMENT

SOLICITATIONS

Goods & Services

LABORATORY REAGENTS AND INSTRUMENTS –
Other – PIN# 0290056 – DUE 05-07-09 AT 10:00 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.
Health and Hospitals Corporation, 346 Broadway, 5th Floor, Room 516, New York, NY 10013.
Jeannette Torres (212) 442-3867, jeannette.torres@nychhc.org

a27

HOMELESS SERVICES

INTENT TO AWARD

Human/Client Service

RELOCATION ASSISTANCE PROGRAM FOR HOMELESS FAMILIES – Negotiated Acquisition – PIN# 071-09S-03-1385 – DUE 05-15-09 AT 2:00 P.M. – The Department of Homeless Services (DHS) intends on entering into negotiations with Church Avenue Merchants Block Association (CAMBA), located at 1720 Church Avenue, Brooklyn, NY 11226, to continue to operate the Relocation Assistance Program (REAP) which locates quality permanent housing for homeless families, while providing individualized case management services to enable families to reach the goal of independent living. This contract will be conducted via the Negotiated Acquisition Extension, pursuant to Section 3-04 (b)(2)(III) of the Procurement Policy Board Rules to extend the underlying contract for one (1) year to allow the agency sufficient time to complete the RFP process, which will be completed and in place by July 1, 2010.

It is anticipated that the extension contract will be from July 1, 2009 to June 30, 2010.

Qualified vendors that are interested in providing relocation assistance services to homeless families in the future may contact: Marta Zmoira, Contract Officer, Department of Homeless Services, 33 Beaver Street, 13th Floor, NY, NY 10004, (212) 361-0888 or e-mail at mzmaira@dhs.nyc.gov

Compelling need to extend for a year.

a27-m1

MEDICAL REVIEW TEAM SERVICES – Negotiated Acquisition – PIN# 071-09S-03-1388 – DUE 05-15-09 AT 2:00 P.M. – The Department of Homeless Services (DHS) intends on entering into negotiations with PSCH, Inc., located at 30-50 Whitestone Expressway, Flushing, NY 11354, to continue to provide Medical Review Team (MRT) services to determine the appropriateness of patients for shelter placement. This contract will be conducted via the Negotiated Acquisition Extension, pursuant to Section 3-04 (b)(2)(iii) of the Procurement Policy Board Rules to extend the underlying contract for one (1) year in order to assess the program model and to develop and issue an RFP to continue these services.

It is anticipated that the extension contract will be from July 1, 2009 to June 30, 2010.

Qualified vendors that are interested in providing Medical Review Team (MRT) services in the future may contact: Marta Zmoira, Contract Officer, Department of Homeless Services, 33 Beaver Street, 13th Floor, NY, NY 10004, (212) 361-0888 or e-mail at mzmaira@dhs.nyc.gov

Compelling need to extend for one year.

a27-m1

OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

Human/Client Service

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

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

Department of Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004.

Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

SOLICITATIONS

Construction/Construction Services

REPAIRING EXTERIOR BRICKWORK AND NEW ROOFING AT HIGHBRIDGE REHABS (NELSON AVENUE) – Competitive Sealed Bids – PIN# ST9004146 – DUE 05-07-09 AT 10:00 A.M. – Bid documents are available

Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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

a21-27

INSTALLATION OF SMOKE, CARBON MONOXIDE DETECTORS AND STROBE LIGHTS AT VARIOUS LOCATIONS (BRONX/QUEENS) – Competitive Sealed Bids – PIN# EL9004132 – DUE 05-12-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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

a27-m1

EXTERIOR COMPACTOR REFUSE MANAGEMENT SYSTEM AT QUEENSBRIDGE HOUSES - NORTH AND SOUTH – Competitive Sealed Bids – PIN# GD9006352 – DUE 05-05-09 AT 10:30 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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

a22-28

REPLACEMENT AND REPAIR OF INTERIOR COMPACTORS AT VARIOUS DEVELOPMENTS, MANHATTAN – Competitive Sealed Bids – PIN# RC9006092 – DUE 05-06-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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

a23-29

PARKS AND RECREATION

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction/Construction Services

RECONSTRUCTION OF THE EXISTING BUILDING AT THE ELMHURST GAS TANK SITE – Competitive Sealed Bids – PIN# 8462009Q492C02 – DUE 05-26-09 AT 10:30 A.M. – Located between 57th and Grand Avenues, opposite 79th Street, Queens, known as Contract #Q492-109M. Vendor Source ID#: 59435.
● **RECONSTRUCTION OF PORTIONS OF POE COTTAGE** – Competitive Sealed Bids – PIN# 8462009X040C01 – DUE 05-26-09 AT 10:30 A.M. - Located at East Kingsbridge Road and the Grand Concourse in Poe Park, The Bronx, known as Contract #X040-108M. Vendor Source ID#: 59440.

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

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, Olmsted Center, Room 64 Flushing Meadows Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov
Olmsted Center, Room 5, Design Conference Room Flushing Meadows-Corona Park, Flushing, NY 11368.

a27

POLICE

CONTRACT ADMINISTRATION UNIT

AWARDS

Services (Other Than Human Services)

FORENSIC CONSULTING SERVICES – Competitive Sealed Proposals – PIN# 056070000551 – AMT: \$357,500.00 – TO: Petraco Consulting, 73 Ireland Place, PMB 128, Amityville, New York 11701. The Contractor will provide Forensic Consulting Services and serve as a Technical Leader for the Criminalistics Section of the Police Department's Laboratory.

Under Section 3-01(c) of the Procurement Policy Board Rules, Competitive Sealed Proposals was the preferred method for the solicitation of the educational and scientific services being provided under this contract.

a27

SANITATION

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATIONS

Services (Other Than Human Services)

EXPORT OF MUNICIPAL SOLID WASTE FROM QUEENS – Competitive Sealed Bids – PIN# 82709WD00052 – DUE 06-02-09 AT 11:00 A.M. – Bid Estimate: \$257,000,000.00 to \$357,000,000.00. There is a \$100.00 refundable fee for this bid document. Postal money orders accepted only. Please make payable to "Comptroller City of New York."

The Department will hold a pre-bid conference on May 11, 2009 at 10:00 A.M., 125 Worth Street, Room 819, New York, New York 10013. The agency contact person for any technical questions or correspondence must be addressed to: Mr. Ralph DaMario, 125 Worth Street, Room 727, New York, New York 10013, or call Mr. DaMario at (646) 885-4708. VSID#: 59497.

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 Sanitation, 51 Chambers Street, Room 806, New York, NY 10007. ACCO (917) 237-5358, (917) 237-5357.

a27

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction/Construction Services

IP SURVEILLANCE CAMERA INSTALLATION – Competitive Sealed Bids – PIN# SCA09-12666D-1 – DUE 05-19-09 AT 11:00 A.M. – IS 143, JHS 57 and IS 252 (Brooklyn). Project Range: \$770,000.00 to \$810,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue, Plans Room Window, Room #1046, Long Island City, NY 11101. Kevantae Idlett (718) 472-8360, kidlett@nycsca.org

a27-m1

STUDENT TOILETS – Competitive Sealed Bids – PIN# SCA09-12461D-1 – DUE 05-14-09 AT 2:00 P.M. – Project Range: \$1,540,000.00 to \$1,620,000.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Stacia Edwards (718) 752-5849 sedwards@nycsca.org

a24-30

CLIMATE CONTROL – Competitive Sealed Bids – PIN# SCA09-12559D-1 – DUE 05-12-09 AT 12:00 P.M. – Fashion Industries Vocational HS (Manhattan). Project Range: \$2,490,000.00 to \$2,620,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order. Make checks payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Rookmin Singh (718) 752-5843 rstngh@nycsca.org

a22-28

IP SURVEILLANCE CAMERA – Competitive Sealed Bids – PIN# SCA09-12746D-1 – DUE 05-15-08 AT 12:00 P.M. – 4 Various Schools (Brooklyn). Project Range: \$1,440,000.00 - \$1,520,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Stephanie Lyle (718) 752-5854 slyle@nycsca.org

a27-m1

SCIENCE LAB UPGRADE – Competitive Sealed Bids – PIN# SCA09-12352D-1 – DUE 05-11-09 AT 10:30 A.M. – Project Range: \$1,620,000.00 to \$1,710,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue, Plans Room Window, Room #1046, Long Island City, NY 11101. Stacia Edwards (718) 752-5849, sedwards@nycsca.org

a21-27

NEW SCHOOL BUILDING – Competitive Sealed Bids – PIN# SCA09-00073B-1 – DUE 05-29-09 AT 3:00 P.M. – Spring Creek HS (Brooklyn). Project Range: \$91,170,000.00 to \$95,970,000.00 Mandatory pre-bid meeting date: May 14, 2009 at 11:00 A.M. at NYC School Construction Authority, 30-30 Thomson Avenue, LIC, NY 11101. Limited List: Bids will only be accepted from the following Construction Managers/Prime General Contractors (See Attached List). Bovis Lend Lease LMB, Inc., Leon D. DeMatteis Construction Corp., Petracca and Sons, Inc.; Plaza Construction Corporation and Tishman Construction Corp. of NY. Documents Price: \$250.00.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Kevantae Idlett (718) 472-8360 kidlett@nycsca.org

a22-28

AUDITORIUM UPGRADE – Competitive Sealed Bids – PIN# SCA09-12331D-1 – DUE 05-13-09 AT 10:30 A.M. PS 189 (Brooklyn). Project Range: \$1,060,000.00 to \$1,115,000.00. Bid Documents: \$100.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Kevantae Idlett (718) 472-8360 kidlett@nycsca.org

a23-29

ROOM CONVERSION, AUDITORIUM UPGRADE – Competitive Sealed Bids – PIN# SCA09-004472-1 – DUE 05-14-09 AT 10:00 A.M. – August Martin High School (Queens). Project Range: \$2,330,000.00 to \$2,460,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Stephanie Lyle (718) 752-5854 slyle@nycsca.org

a27-m1

STUDENT TOILETS – Competitive Sealed Bids – PIN# SCA09-12355D-1 – DUE 05-12-09 AT 10:00 A.M. Metropolitan Corporate Academy HS (Brooklyn). Project Range: \$1,070,000.00 to \$1,125,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Stephanie Lyle (718) 752-5854 slyle@nycsca.org

a21-27

PLAYGROUND REDEVELOPMENT – Competitive Sealed Bids – PIN# SCA09-12061D-1 – DUE 05-14-09 AT 2:30 P.M. – Metropolitan HS at Former PS 99 (Bronx). Project Range: \$2,270,000.00 to \$2,390,000.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Kevantae Idlett (718) 472-8360 kidlett@nycsca.org

a24-30

IP SURVEILLANCE CAMERA – Competitive Sealed Bids – PIN# SCA09-12749D-1 – DUE 05-13-09 AT 12:30 P.M. Brooklyn Studio Secondary School, IS 220, PS 225, PS 276 (Brooklyn). Project Range: \$1,070,000.00 to \$1,130,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Stephanie Lyle (718) 752-5854 slyle@nycsca.org

a24-30

EXTERIOR MASONRY/WINDOWS – Competitive Sealed Bids – PIN# SCA09-12430D-1 – DUE 05-15-09 AT 1:30 P.M. Project Range: \$2,260,000.00 to \$2,385,000.00. NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Stacia Edwards (718) 752-5849 sedwards@nycsca.org

a27-m1

FULL PROGRAM ACCESSIBILITY – Competitive Sealed Bids – PIN# SCA09-11463D-1 – DUE 05-14-09 AT 12:00 P.M. – PS 106 (Queens). Project Range: \$2,730,000.00 to \$2,880,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make check payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Rookmin Singh (718) 752-5843 rsingh@nycsca.org

a24-30

HEATING PLANT UPGRADE AND CLIMATE CONTROL – Competitive Sealed Bids – PIN# SCA09-12297D-1 – DUE 05-14-09 AT 10:30 A.M. – Heating Plant Upgrade and Climate Control. Project Range: \$3,090,000.00 to \$3,250,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Anthony Largie (718) 752-5842 alargie@nycsca.org

a27-m1

Construction Related Services

ENVIRONMENTAL CONSULTING SERVICES – Request for Proposals – PIN# SCA09-00069R – DUE 05-06-09 AT 2:00 P.M. – In connection with environmental consulting services proposal will be accepted from the following firms: ALC Environmental, ATC Environmental, Cashin Associates, Consulting and Testing Services, Core Environmental Inc., Creative Environmental Solutions Corporation (CES), E.A.I., Inc., Environmental Planning and Management (EPM), GZA Geo Environmental Group, LLC, Hillman Environmental Group, JC Broderick and Associates, KAM Environmental, Langan Engineering, Louis Berger Associates, Matrix Newworld, McCabe Environmental, NK Environmental, Omega Laboratories and PB America.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue 1st Fl., Long Island City, New York 11101. Donald Mezick (718) 752-5479, dmezick@nycsca.org

a27-m1

Services (Other Than Human Services)

SMALL CONTRACTOR LOAN PROGRAM – Competitive Sealed Proposals – PIN# SCA09-00061 – DUE 05-08-09 AT 2:00 P.M. ● **SMALL CONTRACTOR LOAN PROGRAM** – Competitive Sealed Proposals – PIN# SCA09-00061R – DUE 05-08-09 AT 2:00 P.M.

Providing small loans to minority, women-owned and locally based contractors, as part of the SCA's Mentor Program.

Proposals will be accepted from the following firms: Amalgamated Bank, Atlantic Bank of New York, Capital One NA, Citibank NA, Habib American Bank, Hudson Valley Bank, Irael Discount Bank, JP Morgan Bank, Liberty Pointe Bank, Modern Bank, New York National Bank, Signature Bank, State Bank of Long Island, Sterling National Bank, Sovereign Bank, Victory State Bank, Wachovia Wealth Management, Key Bank.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue First Floor, Long Island City, NY 11101. Patricia Geraghty (718) 752-5885, pgeraghty@nycsca.org

a27

CONTRACT SERVICES

■ SOLICITATIONS

Construction / Construction Services

EXTERIOR MASONRY/REPAIRS TO INTERIOR SPACES – Competitive Sealed Bids – PIN# SCA09-12212D-1 – DUE 05-14-09 AT 9:30 A.M. – P.S. 5 (Manhattan). Project Range: \$3,750,000.00 to \$3,950,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

a27-m1

INSTALLATION OF VIDEO SURVEILLANCE

CAMERAS – Competitive Sealed Bids – PIN# SCA09-12748D-1 – DUE 05-13-09 AT 11:30 A.M. Four (4) Schools (Brooklyn). Project Range: \$1,120,000.00 to \$1,184,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

a24-30

CERTIFICATE OF OCCUPANCY WORK – Competitive Sealed Bids – PIN# SCA09-11973D-1 – DUE 05-14-09 AT 11:00 A.M. – Old Boys HS (Brooklyn). Project Range: \$1,390,000.00 to \$1,460,000.00 Non-refundable bid document charge: \$100.00.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue, First Floor, Long Island City, NY 11101. Ricardo Forde (718) 752-5288, rforde@nycsca.org

a27-m1

PROCUREMENT

■ SOLICITATIONS

Construction / Construction Services

MASONRY REPAIRS – Competitive Sealed Bids – PIN# SCA09-11808D-1 – DUE 05-07-09 AT 3:30 P.M. PS 15 (Queens). Project Range: \$1,610,000.00 to \$1,700,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue Long Island City, NY 11101. Cecelia Singh (718) 752-5441 csingh@nycsca.org

a22-28

TRANSPORTATION

DIVISION OF FRANCHISES, CONCESSIONS AND CONSENTS

■ SOLICITATIONS

Services (Other Than Human Services)

NON-PROFIT PUBLIC PLAZA OPPORTUNITIES – Other – PIN# 84109MBAD417 – DUE 06-30-09 AT 5:00 P.M. – NYC Plaza Program Opportunities The NYC Department of Transportation (DOT) is now accepting applications from eligible not-for-profit organizations to propose sites for new public plazas. Through this program, DOT will work with selected community partners to build new neighborhood plazas throughout the City. After the plazas are designed and built, the partnering organizations will be responsible for the maintenance, operation and management of the plazas, which may include the operation of a concession by the selected not-for-profit organization. Interested not-for-profit organizations should visit www.nyc.gov/plazas to learn more about the program and to download the program's guidelines and application. Interested not-for-profit organizations may also obtain a copy of the program's guidelines and application by contacting Mr. Vaidila Kungys, Senior Project Manager at DOT: Planning and Sustainability, 40 Worth Street, Room 1029, NY, NY 10013, or calling: (212) 442-7154. The application deadline is Tuesday, June 30, 2009.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Transportation, 40 Worth Street, Room 942, New York, NY 10013. Vaidila Kungys (212) 442-7154, plazas@dot.nyc.gov

a17-30

DIVISION OF TRAFFIC

■ SOLICITATIONS

Construction Related Services

CORRECTION: AMSTERDAM AVENUE DECORATIVE STREET LIGHTING – Competitive Sealed Bids – PIN# 84109MNTR347 – DUE 05-12-09 AT 11:00 A.M. CORRECTION: Contract documents available during the hours of 9:00 A.M. - 3:00 P.M. Installing, removing or relocating equipment furnished by the City, or by the Contractor, and for performing other electrical work in connection with decorative street lighting on Amsterdam Avenue, in the Borough of Manhattan, in the City of New York. A deposit of \$50.00 in the form of certified check or money order made payable to the New York City Department of Transportation is required to obtain Contract Bid/Proposal. NO CASH ACCEPTED. Refund will be made only for Contract Bid/Proposal Documents that are returned in its original condition within 10 days after bid opening. Any persons delivering bid documents must enter the building through 55 Water Street, Ground Floor, New York, NY 10041. Due to increased building security bidders should

allow extra time and ensure that proper photo identification is available upon request. Please ensure that your company's address, telephone and fax numbers submitted by your company (or messenger service) when picking up contract documents. For additional please contact Frank Caiazzo at (718) 786-4061. Vendor Source ID#: 59281.

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

Department of Transportation, Contract Management Unit, Office of the Agency Chief Contracting Officer, 55 Water Street, New York, NY 10013. Bid Window (212) 442-7565.

☛ a27

AGENCY RULES

CONFLICTS OF INTEREST BOARD

NOTICE

REGULATORY AGENDA FISCAL YEAR 2010

PURSUANT TO SECTION 1042 OF THE NEW YORK CITY CHARTER, the Conflicts of Interest Board hereby publishes its regulatory agenda:

1. The Board will be considering pursuant to Charter Section 2603(a) an amendment to its rule on the dollar amount in the definition of "ownership interest" set forth in Charter Section 2601(16).
2. Under the applicable law, rules promulgated by the Conflicts of Interest Board apply to officials, officers, and employees of the City.
3. The following laws and rules, among others, are relevant to rules promulgated and administered by the Conflicts of Interest Board:

- Charter Chapter 68
- Section 12-110 of the Administrative Code of the City of New York
- Section 3-225 ff. of the Administrative Code of the City of New York
- Title 53 of the Rules of the City of New York

4. Wayne G. Hawley, General Counsel to the Conflicts of Interest Board, may be contacted at 212-442-1415 concerning the subject areas of the Board's rule making.

☛ a27

FIRE

NOTICE

Notice of Opportunity to Comment on the Proposed Repeal of Existing Fire Department Rules and

Promulgation of New Fire Department Rules (Chapters 1, 4, 9, 27, 28 34, 36, 46 and 48 of Title 3 of the Rules of the City of New York),

and Amendments to Fire Department Rules 3 RCNY §102-01, §113-02, §113-03 and §202-01.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Fire Commissioner of the City of New York by Section 489 of the New York City Charter and Chapter 1 of the New York City Fire Code, codified in Title 29 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department intends to repeal the rules listed below.

NOTICE IS FURTHER GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Fire Commissioner of the City of New York by Section 489 of the New York City Charter and Chapter 1 of the New York City Fire Code, codified in Title 29 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Fire Department intends to promulgate the rules listed below. New material is underlined. Material to be deleted is [bracketed].

A public hearing will be held on Thursday, May 28, 2009, at 1:30 P.M., in the Auditorium at Fire Department Headquarters at 9 MetroTech Center, Brooklyn, New York. Persons seeking to testify are requested to notify the Counsel to the Department at New York City Fire Department, Bureau of Legal Affairs, 9 Metro Tech Center, 4th Floor, Brooklyn, New York 11201-3857. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are requested to notify the Counsel of the Department at the foregoing address by Wednesday, May 13, 2009.

Written comments regarding this rule may be sent to the Counsel to the Department on or before Thursday, May 28, 2009, at the above address. All written comments and summary of oral comments received at the hearing will be available for public inspection within a reasonable time after receipt, between the hours of 9:00 A.M. and 5:00 P.M., at the Office of the Counsel.

The Notice of Opportunity to Comment, Proposed Rule and Statement of Basis and Purpose will be available on the Fire Department Internet Home Page at:

www.nyc.gov/fdny

INTRODUCTION

This is the third installment of a series of rulemaking proceedings to repeal and repromulgate all Fire Department rules in effect on June 30, 2008 ("existing rules"). The Fire Department is undertaking to repeal and repromulgate all of

its existing rules in connection with the enactment of the new New York City Fire Code, which took effect on July 1, 2008.

The proposed new rules have been renumbered to parallel the new Fire Code sections. For example, §3404-01, relating to out-of-service storage systems, corresponds to Fire Code §3404 (FC3404), which governs out-of-service storage systems. The proposed rules have also been revised to conform to the terminology of the new Fire Code, and, as necessary, revised to amend or clarify various requirements. Except as otherwise indicated in the statement of basis and purpose for each chapter of the rules, the provisions of these rules are substantially equivalent to the existing rules.

In addition, certain rules are substantively new. Such new rules are addressed in the statement of basis and purpose for each chapter.

This installment of the rules includes Chapter 48, entitled "Pre-Existing Facilities." This chapter does not correspond to any FC chapter but, as explained in R102-01, consolidates requirements for facilities, or parts thereof, and conditions that were lawfully existing on July 1, 2008, the effective date of the Fire Code, and that, pursuant to FC102.3, may be continued in compliance with laws, rules, regulations and permit conditions pre-dating the Fire Code. The last two digits of the rule section number indicate the FC chapter to which the rule corresponds. For example, R4828-01 relates to the design and installation requirements of pre-existing aerosol storage facilities that do not comply with Fire Code requirements.

As set forth in 3 RCNY §202-01, "FC" refers to the Fire Code and "R" to the rules. *Italicized* words refer to terms defined in the Fire Code or the rules. Where no rules are being promulgated pursuant to a section of the Fire Code, the corresponding section of the rules is marked "reserved."

Chapter 1 of Title 3 of the Rules of the City of New York

ADMINISTRATION

- §104-02 Professional Certification of Fire Alarm System Installations
- §105-01 Approval of Fire Alarm System Installations
- §113-09 Non-Production Laboratory Certificates of Fitness

Chapter 9 of Title 3 of the Rules of the City of New York

FIRE PROTECTION SYSTEMS

- §901-03 Portable Fire Extinguisher Sales

Chapter 27 of Title 3 of the Rules of the City of New York

HAZARDOUS MATERIALS – GENERAL PROVISIONS

- §2706-01 Non-Production Chemical Laboratories
- §2707-01 Transportation of Explosives by Motor Vehicles
- §2707-02 Transportation by Motor Vehicle of Hazardous Materials in Continuous Transit Through New York City or For Transshipment From New York City

Chapter 28 of Title 3 of the Rules of the City of New York

AEROSOLS

- §2801-01 Aerosols
- §2802-2806 Reserved

Chapter 34 of Title 3 of the Rules of the City of New York

FLAMMABLE AND COMBUSTIBLE LIQUIDS

- §3401-3403 Reserved
- §3404-01 Out-of-Service Storage Systems
- §3404-02 Precision Testing of Certain Underground Storage Systems

- §3404-03 Indoor and Aboveground Combustible Liquid Storage Systems

- §3405-01 Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation

- §3406-01 Storage of Flammable and Combustible Liquids on Roofs at Construction Sites

Chapter 36 of Title 3 of the Rules of the City of New York

FLAMMABLE SOLIDS

- §3601-01 Flammable Solids
- §3602-3605 Reserved

Chapter 46 of Title 3 of the Rules of the City of New York

FEES

- §4601-01 New and Amended Fees
- §4602-4603 Reserved

Chapter 48 of Title 3 of the Rules of the City of New York

PRE-EXISTING FACILITIES

- §4827-01 Storage of Hazardous Materials in Pre-Existing Facilities
- §4828-01 Storage of Aerosols in Pre-Existing Facilities
- §4829-01 Storage of Combustible Fibers in Pre-Existing Facilities
- §4831-01 Storage of Corrosive Materials in Pre-Existing Facilities
- §4832-01 Storage of Cryogenic Fluids in Pre-Existing Facilities
- §4833-01 Storage of Explosives in Pre-Existing Facilities
- §4834-01 Storage of Flammable and Combustible Liquids in Pre-Existing Facilities
- §4839-01 Storage of Organic Peroxides in Pre-Existing Facilities

Section 1. It is hereby proposed to REPEAL the following provisions of Title 3 of the Rules of the City of New York:

- 3 RCNY §1-01, entitled "Tanks Used for Bulk Storage of Acids"
- 3 RCNY §7-01, entitled, "Required Periodic Tests of Fire Extinguishing Systems in Bulk Oil Storage Systems"
- 3 RCNY §7-02, entitled, "Color Coding for Fire Extinguishing Systems in Bulk Oil Storage and Similar Plants"
- 3 RCNY §7-03 entitled "Signs at Fuel Oil Loading Racks in Bulk Oil Terminals"
- 3 RCNY §7-04, entitled "Hydrostatic Testing of Buried Piping in Oil Storage Plants"
- 3 RCNY §7-05, entitled "Hydrocarbon Vapor Recovery Units for Use in Bulk Plants Storing or Dispensing Volatiles (Such as Gasoline)"
- 3 RCNY §7-06, entitled "Oil Spill Control at Bulk Storage Plants and Petroleum Product Pipelines"
- 3 RCNY §7-07, entitled "Manufacture, Refining and Distilling of Petroleum, Coal Tar, or the Liquid or Solid Products Thereof, and the Storage, Transportation or Use of any Such Products in Certain Areas in the Borough of Richmond"
- 3 RCNY §7-08, entitled "Certificates of Fitness for Bulk Oil Storage Plants"
- 3 RCNY §8-01, entitled "Fire Extinguishing Requirements for the Storage of Fats and Oils"
- 3 RCNY §8-02, entitled "Storage and Use of Cable Oils with a

- Flashpoint Over 300°F"
- 3 RCNY §10-01, entitled "Storage and Use of Chemicals, Acids and Gases in College, University, Hospital, Research and Commercial Laboratories"
- 3 RCNY §12-01, entitled "Fire Drill and Evacuation in Hospitals and Nursing Institutions"
- 3 RCNY §14-01, entitled "Explosives Control"
- 3 RCNY §14-02, entitled "Identification of Blasting Caps"
- 3 RCNY §14-03, entitled "Transportation, Storage, Sale and Use of Blasting Explosives"
- 3 RCNY §14-04, entitled "Specifications for Explosive Magazines"
- 3 RCNY §14-05, entitled "Alarm Systems For First Class Explosives (Powder and Caps) Magazines, and for All Magazines Storing Explosives Overnight"
- 3 RCNY §14-06, entitled "Use of Explosives for the Demolition of Structures"
- 3 RCNY §14-07, entitled "Disposal of Dynamite"
- 3 RCNY §15-05, entitled "Fire Protection in Wholesale Drug and Chemical Supply Houses"
- 3 RCNY §15-06, entitled "Fire Extinguishing Requirements for the Storage of Distilled Liquors and Alcohols"
- 3 RCNY §20-01, entitled "Storage and Use of Flammable and Combustible Liquids and Mixtures"
- 3 RCNY §20-02, entitled "Storage and Use of Combustible Mixtures and/or Kerosene in Multiple Dwelling Occupancies"
- 3 RCNY §20-03, entitled "Products Exempt from Certificate of Approval and/or Permit Labeling Requirements"
- 3 RCNY §20-04, entitled "Labels on Containers of Flammable and Combustible Mixtures"
- 3 RCNY §20-05, entitled "Use of Plastic Containers for Flammable and Combustible Mixtures"
- 3 RCNY §20-06, entitled "Storage of Liquids, Gases or Solids Having a Flashpoint of Less Than 100°F in Refrigerators"
- 3 RCNY §20-07, entitled "Storage and Sale of Acetone and/or Nail Polish Remover"
- 3 RCNY §20-10, entitled "Hi-lows, Tractors and Similar Equipment"
- 3 RCNY §20-11, entitled "Storage and Use of Combustible Liquids in Dry Cleaning Establishments"
- 3 RCNY §21-01, entitled "Periodic Testing and Maintenance of Foam Extinguishing Systems for Gasoline and/or Diesel Oil Tank Vaults in Oil Selling Stations, Private Fill Stations and Garages"
- 3 RCNY §21-02, entitled "Out-of-Service Storage Systems"
- 3 RCNY §21-03, entitled "Performance of Precision Tests on Underground Storage Systems Containing Motor Vehicle Fuels or Other Flammable Liquids or Mixtures"
- 3 RCNY §21-04, entitled "Required Tests of Buried Flammable Storage Systems"
- 3 RCNY §21-05, entitled "Storage and Sale of Flammable and/or Volatile Flammable Oils in Retail Paint Stores"
- 3 RCNY §21-06, entitled "Safeguards for Filling Above Ground Storage Tanks in Paint Stores"
- 3 RCNY §21-11, entitled "Installation of Buried Gasoline Storage Systems for Temporary Use on Construction Projects in Lieu of Above-Ground Storage as Provided in § 27-4058(d) of the Administrative Code"
- 3 RCNY §21-15, entitled "Helicopter External Load Operations"
- 3 RCNY §21-17, entitled "Installation of Storage Tanks and Piping for Liquids Having Flashpoints of 100 Degrees Fahrenheit or Higher Tag. Open Cup"
- 3 RCNY §21-18, entitled "Mobile Emergency Heating Trailers Using Fuel Oil"
- 3 RCNY §27-01, entitled "Storage, Sale or Use of Organic Peroxides Packaged for Manufacturing, Industrial or Commercial Uses"
- 3 RCNY §28-01, entitled "Storage of Paints, Varnishes and Lacquers, and Similar Products in Multiple Dwellings"
- 3 RCNY §28-02, entitled "Temporary Paint Storage Rooms in Schools of the Board of Education"
- 3 RCNY §28-03, entitled "Installation of Sprinkler Heads for Spray Booth-Drying Ovens"
- 3 RCNY §28-04, entitled "Storage and/or Use of Inks"
- 3 RCNY §28-05, entitled "Storage and Use of Flammable and Combustible Floor Finishing Products"
- 3 RCNY §29-01, entitled "Fire Protection Requirements in City Operated Parking Lots Equipped with Parking Meters"
- 3 RCNY §29-02, entitled "Fire Aisle Spaces in Parking Lots"
- 3 RCNY §29-03, entitled "Openings Between Converted Three-Family Multiple Dwelling Garages and Dwelling Portions"
- 3 RCNY §30-01, entitled "Storage of Sisal, Hemp and/or Similar Combustible Cargo on Piers"
- 3 RCNY §30-02, entitled "Storage of Gasoline Propelled Hi-Lows, Tractors and Similar Equipment on Piers"
- 3 RCNY §31-01, entitled "Places of Public Assembly Wherein Trade Shows and Similar Exhibitions are Conducted"
- 3 RCNY §31-02, entitled "Storage and/or Use of Liquid or Gaseous Fuels in Conjunction with Bazaars, Street Festivals, Carnivals, Fairs or Similar Outdoor Events"
- 3 RCNY §32-01, entitled "Manufacture, Storage and Use of Pressurized Products"
- 3 RCNY §33-01, entitled "Plan Requirements for Refrigerating Systems"
- 3 RCNY §33-03, entitled "Qualified Refrigerating Machine Operator Requirements"
- 3 RCNY §33-04, entitled "Approved Refrigerants-Group 1"
- 3 RCNY §33-05, entitled "Lithium Bromide Absorption Systems"
- 3 RCNY §34-01, entitled "Storage and Use of Limited Quantities of Chemicals, Acids, and Flammables for Instructional Purposes in Public High Schools"
- 3 RCNY §37-01, entitled "Holders of Fire Department Certificates of Fitness for Maintenance of Sprinkler and/or Standpipe Systems"
- 3 RCNY §40-01, entitled "Trucks Transporting Explosives"
- 3 RCNY §40-02, entitled "Transportation of Class 4 Through Class 9 Hazardous Materials by Cargo Tank or Other Motor Vehicle"
- 3 RCNY §40-04, entitled "Transportation of Flammable and Combustible Liquids by Cargo Tank or Other Vehicle"
- 3 RCNY §40-06, entitled "Transportation of Compressed Gases by Cargo Tank or Other Vehicle"
- 3 RCNY §40-07, entitled "Transportation of Hazardous Cargo Through the City of New York by Motor Vehicle"
- 3 RCNY §43-01, entitled "Residential Fire Safety Plans and Notices"

Section 2. It is hereby proposed to amend §102-01 of Chapter 1 of Title 3 of the Rules of the City of New York by adding a new subdivision (f), to read as follows:

(f) Projects In Progress

- (1) Approved facilities completed prior to July 1, 2009. The design and installation

of a facility, the construction of which was completed and/or approved for use or occupancy by the Department of Buildings on or after July 1, 2008, and which would not be allowed and could not be approved under the applicable provisions of the Fire Code and the rules, shall be deemed a pre-existing facility under the following circumstances and subject to the following conditions:

- (A) The design of the facility shall have been approved by the Department of Buildings and a work permit issued by that agency for the construction thereof prior to July 1, 2008;
 - (B) The design of the facility to be constructed was in compliance with all applicable provisions of the Fire Prevention Code and Fire Department rules in effect at the time such work permit was issued; and
 - (C) Construction of the facility is completed and its use and occupancy approved prior to July 1, 2009.
- (2) Approved facilities completed prior to July 1, 2010. The design and installation of a facility otherwise eligible to be deemed a pre-existing facility pursuant to R102-01(f)(1), except that construction of the facility will not be completed, and/or its use and occupancy will not be approved, prior to July 1, 2009, shall be deemed a pre-existing facility under the following circumstances and subject to the following conditions:
- (A) A showing satisfactory to the Department that compliance with the applicable provisions of the Fire Code and rules would be an undue hardship; and
 - (B) Compliance with approved measures to ameliorate the fire safety concerns arising from non-compliance with the Fire Code and rule design requirements constituting the undue hardship; and
 - (C) Construction of the facility is completed and its use and occupancy approved prior to July 1, 2010.

Section 3. It is hereby proposed to amend Chapter 1 of Title 3 of the Rules of the City of New York by adding three new sections, §§ 104-02, 105-01 and 113-09, and amending subdivisions (c) and (f) of §§ 113-02 and 113-03, to read as follows:

**CHAPTER 1
ADMINISTRATION**

- §101 Reserved
- §102-01 Pre-Existing Facilities and Conditions
- §103 Reserved
- §104-01 Appeals
- §104-02 Professional Certification of Fire Alarm System Installations
- §104-03 Disposal of Contraband Materials
- §104-04 Modification of Rules
- [§105-108 Reserved]
- §105-01 Approval of Fire Alarm System Installations
- §106-108 Reserved
- §109-01 Notice of Violation, Certification of Correction and Stipulation Procedures
- §109-02 Consolidation of Provisions of the Administrative Code for Enforcement Purposes
- §110-111 Reserved
- §112-01 Certificates of Approval
- §113-01 Certificates of Fitness and Certificates of Qualification
- §113-02 Fire Safety Director Certificate of Fitness
- §113-03 Fire Safety/EAP Director Certificate of Fitness
- §113-04 Accreditation of Training Courses
- §113-05 Fire Safety Director Training Courses
- §113-06 Fire Safety/EAP Director Training Courses
- §113-07 Refrigerating System Operating Engineer Training Courses
- §113-08 Commercial Cooking Exhaust Systems Certificates of Fitness
- §113-09 Non-Production Laboratory Certificates of Fitness
- §114-01 Certificates of License
- §115-01 Company Certificates
- §116-01 Expeditor Registration
- §117 Reserved

§ 104-02 Professional Certification of Fire Alarm System Installations

[Reserved]

- (a) Scope. This section sets forth the standards, requirements and procedures for the professional certification of the design and installation of fire alarm systems.
- (b) Definitions. The following terms shall, for purposes of this section and as used elsewhere in the rules, have the meanings shown herein:

Core building system. Fire alarm system devices and equipment in and around the central or main building stairwells, elevators and utility risers of any buildings, except buildings classified in Occupancy Group R-3. A fire alarm system includes the fire command center (commonly referred to as a fire command station), fire pump, main sprinkler water flow switch, main sprinkler valve tamper switch, elevator lobby smoke detectors, central station connections, elevator in readiness operation, and core alarm boxes, warden phones and other fire alarm communications devices. Such fire alarm systems are also commonly referred to as the "base" building system.

Letter of approval. The written determination of the Department that a fire alarm system installation has been installed and is operating in compliance with the Building Code, Electrical Code and Fire Code requirements for such installation enforced by the Department.

Professional certification. The submission to the Department of a signed, personal verification by a registered design professional that accompanies an application and/or design and installation documents filed with the Department and attests that such application or design and installation documents do not contain any false information and that such application or design and installation documents are in compliance with all applicable laws, rules and regulations.

(c) General Provisions

- (1) Professional certification of fire alarm system installations. Fire alarm system installations may be professionally certified, as set forth in FC104.2.1, in accordance with the provisions thereof and this section, in buildings in which a letter of approval has been issued for the core building system. A core building system may not be professionally certified.
- (2) Qualifications. Only registered design professionals may professionally certify that fire alarm system installations are in compliance with the Fire Code, Building Code, applicable provisions of Department and Department of Buildings rules, and other applicable laws, rules and regulations.
- (3) Format of design and installation documents. Design and installation documents and related submissions shall be in the format set forth in R105-01(b)(4) or as otherwise designated by the Department.
- (4) Letter of approval. Letters of approval for fire alarm system installations that have been professionally certified will indicate that the fire alarm system installation, or part thereof, was approved by the Department based upon professional certification pursuant to FC104.2.1.
- (5) Audit. All fire alarm system installations that have been professionally certified are subject to audit.
- (6) Disqualification for false certification. Pursuant to FC104.2.1.1, in addition to the penalties for violating provisions of the applicable laws, rules and regulations, registered design professionals who submit false or fraudulent documents certifying compliance with the requirements of the Fire Code and rules may be disqualified from submission of professionally certified applications under the Fire Code.

(d) Submission and Approval Procedure

- (1) Submission of professional certification. A completed Fire Department fire alarm professional certification form for any fire alarm system installation, or part thereof, that is being professionally certified in lieu of a Department inspection in accordance with the provisions of FC104.2.1 and R104-02, shall be submitted to the Department, together with the submissions required by R105-01(c)(2)(A)(2), (3) and (4), including the design and installation documents approved for the installation; "as-built" design and installation documents of the fire alarm system installation and the facility in which it is installed, as actually constructed; and the applicable fee for review of such an application. Such submission shall be made at the earliest date following the completion of such installation, but in all cases prior to occupancy of any building, or part thereof, that is to be newly occupied or reoccupied.
- (2) Acceptance and issuance of letter of approval. Professionally certified design and installation documents will be accepted for filing, and a letter of approval issued. The Department may review such professionally certified design and installation documents for completeness and/or other purposes, and if it determines they are deficient, may deny or rescind acceptance and issuance of the letter of approval. A set of the professionally certified design and installation documents accepted by the Department shall be filed with the Department of Buildings in the manner prescribed by the Department.

§ 105-01 Approval of Fire Alarm System Installations

- (a) Scope. This section sets forth the standards, requirements and procedures for the submission of design and installation documents for fire alarm systems for Department review and approval.
- (b) General Provisions
 - (1) Submission and approval required. Pursuant to FC907.1.1, design and installation documents for fire alarm systems, containing such details as may be required by the Fire Code, Building Code, Electrical Code and this section, shall be submitted for Department review and approval prior to system installation.
 - (2) Certification of design and installation documents. Pursuant to FC105.4.1, design and installation documents must be prepared by a registered design professional. Such documents shall bear the seal of such design professional, which shall serve to certify that the documents are in compliance with applicable provisions of the Fire Code, Building Code, rules, and other applicable laws, rules and regulations.
 - (3) Filings upon completion of installation. Upon completion of a fire alarm system installation that comprises any part of a

core building system, the owner shall submit a request for inspection pursuant to R105-01(c)(2). Upon completion of a fire alarm system installation that does not comprise part of a core building system, the owner shall submit such a request or a professional certification of the installation.

- (4) Format of design and installation documents. When required by this section, "as-built" design and installation documents shall be in an 11-inch by 17-inch format, or other format designated by the Department. The Department may require, pursuant to FC105.4, submission of design and installation documents and related submissions, in an electronic format designated by the Department.

(c) Submission and Approval Procedure

- (1) Initial Department of Buildings filing
 - (A) Submissions. In connection with any application for Department of Buildings plan approval or issuance of a work permit for fire alarm systems pursuant to Building Code Section BC28-103.11, engineering drawings complying with the requirements of Building Code Section BC907.1.1 shall first be filed with the Department of Buildings. Thereafter, two (2) sets of the engineering drawings, bearing the Department of Buildings application number, shall be submitted to the Department, by filing them at the Bureau of Fire Prevention's plan intake window, together with a copy of all forms filed in connection with the Department of Buildings application, and a Department design and installation document examination application form.
 - (B) Approval. The Department will review the design and installation documents described in R105-01(c)(1)(A), and, if determined to be in compliance with the requirements of the laws, rules and regulations enforced by the Department, stamp such documents approved. The two (2) sets of approved design and installation documents shall be returned to the applicant, who shall file one (1) set with the Department of Buildings.
- (2) Department inspection filing
 - (A) Submissions. Applications for Department inspection of a fire alarm system installation shall include the following documentation and such other information and documentation as the Department may require:
 - (1) the Department's "request for inspection" application form;
 - (2) a set of the approved design and installation documents for the fire alarm system installation;
 - (3) a completed Input/Output programming matrix that defines the sequence of operation, as set forth in Annex A to Section A.10.6.2.3(9) of NFPA Standard 72; and
 - (4) a written statement from a registered design professional, a person holding a license to engage in the business of installing, servicing and maintaining fire alarm systems issued by the New York Secretary of State pursuant to Article 6-D of the New York State General Business Law, or a master electrician licensed by the Department of Buildings and registered with the New York Secretary of State in accordance with such Article 6-D, certifying that a functional test has been conducted of the fire alarm system and the system operates as designed and in accordance with the Input/Output programming matrix.
 - (B) Acceptance. The Department will review such application for inspection and supporting documentation for completeness and/or other purposes, and if satisfactory, will authorize an inspection.
- (3) Inspection and approval of fire alarm

system installation

- (A) Availability of documents. "As-built" design and installation documents of fire alarm system installation, and the facility in which it is installed, as actually constructed, containing the information required by Building Code Section 907.1, shall be made available to the Department representative on the premises at time of Department inspection.
- (B) Filing. A set of the "as built" design and installation documents required by 3RCNY 105-01(c)(3)(A) that have been accepted by the Department shall be filed with the Department of Buildings in the manner prescribed by the Department.

§ 113-02 Fire Safety Director Certificates of Fitness

* * *

- (c) Qualifications. In addition to the qualifications set forth in FC113, applicants for fire safety director certificates of fitness shall possess and demonstrate to the satisfaction of the Department the following qualifications:

* * *

- (6) At time of renewal of such certificate, receipt of a passing grade on a practical (on-site) examination administered by the Department, when required by this section.

- (A) Certificate holders registered for one or two work locations. Pursuant to FC113.7.3, holders of fire safety director certificate of fitness who register for one (1) or two (2) work locations are subject to a practical (on-site) examination at each work location at time of renewal of such certificate whenever the Department determines such an examination is necessary to demonstrate the holder's continuing qualifications and fitness.

- (B) Certificate holders registered for more than two work locations. Any holder of a fire safety director certificate of fitness who receives special approval to register for more than two (2) work locations shall be subject to a practical (on-site) examination at each work location at time of renewal of such certificate. Such a certificate holder shall schedule an appointment for a practical (on-site) examination with the High Rise Unit of the Bureau of Fire Prevention not less than three (3) months prior to the expiration of each certificate.

* * *

- (f) [Change in] Registration of Work Locations. The fire safety director certificate of fitness is issued for [a] one (1) or more specific work locations. Applicants for, or holders of, a fire safety director certificate of fitness must register each work location at which they will be performing the duties of a fire safety director. A fire safety director certificate of fitness does not authorize the holder to perform such duties at any location other than work locations registered with the Department. Registration of multiple work locations shall not be construed to authorize performance of the duties of a fire safety director at more than one (1) work location at the same time.

- (1) Submission. To register one (1) or more work locations, a fire safety director certificate of fitness applicant or holder shall submit a letter from each employer for whom he or she will be performing the duties of a certificate of fitness holder. Such letter shall be on business letterhead, and signed by an appropriate principal or officer of the employer, and provide such information and documentation as may be required by the Department.

- (2) Limitation on work locations. A fire safety director certificate of fitness will be issued to a single applicant or holder for no more than two (2) work locations, except as may be approved by the Department in accordance with the following provisions:

- (A) Special approval shall be required to register for more than two (2) work locations. Such special approval shall only be granted upon a determination that the applicant is capable of demonstrating and maintaining proficiency at each work location. For example, in determining the applicant's ability to maintain proficiency at multiple work locations, consideration may be given to the number of hours to be regularly worked at each location, and similarities in the design and arrangement of the work locations (as may be the case with an office building complex or a chain of similarly designed and arranged hotels).
- (B) Fire safety directors approved to register for more than two (2)

work locations shall be subject to administration of practical (on-site) examinations at each work location in accordance with R113-02(c)(6)(B), and such other terms and conditions as the Department may prescribe to assure that proficiency is maintained.

- (C) A fire safety director certificate of fitness holder registered for more than two (2) work locations on October 1, 2009 shall, not less than three (3) months prior to the expiration of the first certificate to expire after such date, apply for special approval for all such additional work locations. The certificate holder shall be subject to administration of practical (on site) examinations at such time at each registered work location for which special approval is granted.

- (3) Change in work location. The holder of a fire safety director certificate of fitness who will no longer be performing the duties of a fire safety director at a registered work location shall immediately notify the Licensing Unit of the Bureau of Fire Prevention, and shall make application or a practical (on-site) examination at any new work location prior to commencing work at such location. The holder of a fire safety director certificate of fitness shall not perform any duties requiring such certificate until such time as a work location has been registered in accordance with this section.

- (4) Certificate not in use. The certificate of fitness of a fire safety director who does not have any work location registered with the Department shall be deemed "Not In Use" (inactive) and is not valid to perform the duties of a fire safety director. A fire safety director certificate of fitness that is in "Not In Use" status may be renewed only once.

* * *

§ 113-03 Fire Safety/EAP Director Certificates of Fitness

* * *

- (c) Qualifications. In addition to the qualifications set forth in FC113, applicants for fire safety/EAP director certificates of fitness shall possess and demonstrate to the satisfaction of the Department the following qualifications:

- (1) hold a fire safety director certificate of fitness issued by the Department pursuant to R 113-01 and 113-02, or meet the requirements for issuance of same, as set forth therein; and
- (2) have successfully completed at least a seven-hour training course approved by the Department and conducted by an educator or educational institution or program accredited by the Department in the areas of knowledge relevant to the duties of a fire safety/EAP director, including threat analysis and response and other homeland security issues; building evacuation, in-building relocation and shelter in place planning; elevator operation and building ventilation; special needs of the infirm and disabled, and incident command structure and emergency response operations; as set forth in the Department's notice of examination and R 113-04 and 113-06[.]; and
- (3) at time of renewal of such certificate, receipt of a passing grade on a practical (on-site) examination administered by the Department for such certificate, when required by this section, in the manner set forth in R113-02(c)(6) and R113-02(f)(2)(C).

- (f) [Change in] Registration of Work Location. The fire safety/EAP director certificate of fitness is issued for a specific work location. [A change in work location must be immediately reported to the Licensing Unit of the Bureau of Fire Prevention, and application made for an original practical (on-site) examination at the new work location prior to commencing work at such location.] Applicants for, or holders of, a fire safety/EAP director certificate of fitness must register each work location at which they will be performing the duties of a fire safety/EAP director. A fire safety/EAP director certificate of fitness does not authorize the holder to perform such duties at any location other than work locations registered with the Department. The registration of work locations, including submission, limitation on work location, change in work location, and not in use provisions, shall be conducted and regulated in the manner set forth in R113-02(f).

* * *

§ 113-09 Non-Production Laboratory Certificates of Fitness

- (a) Scope. This section sets forth standards, requirements and procedures for issuance of certificates of fitness for non-production laboratories.
- (b) General Provisions. Applicants for certificates of fitness for non-production laboratories shall meet the minimum qualifications and comply with the general requirements for a certificate of fitness as set forth in FC113 and R113-01.
- (c) Qualifications. In addition to the qualifications set forth in FC113, applicants for non-production laboratory certificates of fitness shall possess and demonstrate to the satisfaction of the Department that they have accumulated 60 college credits as a result of satisfactory completion of course work at a

college or university accredited by an accrediting body recognized by the United States Secretary of Education and the Council for Higher Education Accreditation. Of the 60 required credits, not less than 21 shall be in the field of engineering, chemistry, fire science or other approved field of study.

- (d) Special Application Requirements. In addition to the applicable requirements set forth in FC113, applicants shall demonstrate to the satisfaction of the Department that they have received training relating to the safe storage, handling and use of hazardous materials, including training in the requirements of FC2706 and any rules promulgated pursuant to such section.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 1 (ADMINISTRATION):

This chapter is proposed to be amended by a new subdivision (f) to existing rule 3 RCNY 102-01. The proposed amendment sets forth the standard for compliance with new Fire Code requirements for construction projects that were in progress on July 1, 2008, the effective date of the new Fire Code.

This chapter is also proposed to be amended by amending subdivisions (c) and (f) of existing rules 3 RCNY 113-02 and 113-03 with respect to the renewal qualifications and registration of work locations for fire safety directors and fire safety/EAP directors having more than one work location registered with the Department. Special approval will be required for fire safety directors to register more than two work locations, to ensure that they can demonstrate and maintain proficiency at multiple work locations.

This chapter is also proposed to be amended by adding three new sections. R113-09 sets forth standards, requirements and procedures for issuance of certificates of fitness for non-production laboratories. R113-09 differs from existing rule 3 RCNY 10-01(c)(1) in that it would allow qualified undergraduate students to conduct independent research in non-production laboratories. The existing rule is limited to graduate students.

R104-02 sets forth the standards, requirements and procedures for the professional certification, pursuant to FC104.2.1, of the design and installation of fire alarm systems.

R105-01 sets forth the standards, requirements and procedures for the submission for Department review and approval of design and installation documents for fire alarm systems.

Section 4. Subdivisions (c) and (f) of Section 113-02 of Chapter 1 of Title 3 of the Rules of the City of New York are proposed to be amended to read as follows:

Section 6. It is hereby proposed to amend subdivision (c) of §202-01 of Chapter 2 of Title 3 of the Rules of the City of New York to read as follows:

202-01 Definitions

* * *

- (c) Definitions

Administrative Code. New York City Administrative Code.

Alarm service. See R901-01(b).

Approved central station company. See R901-01(b).

Asphalt melter. An approved device designed to heat asphalt, typically for waterproofing operations, that, utilizing a flammable gas or a combustible liquid, generates an enclosed flame that indirectly heats a vessel containing the asphalt.

Bureau of Fire Prevention. Bureau of Fire Prevention of the New York City Fire Department.

Central station company. See R901-01(b).

Central station signaling system. See R901-01(b).

Core building system. See R104-02(b).

Department of Buildings. New York City Department of Buildings.

Department of Consumer Affairs. New York City Department of Consumer Affairs.

Designated representative. See R901-01(b).

Designated smoking room. See R310-01(b).

ECB. See R109-01(b).

Electrical Code. The New York City Electrical Code.

Department of Environmental Protection. New York City Department of Environmental Protection.

Fire Prevention Code. The New York City Fire Prevention Code, repealed effective July 1, 2008 by New York City Local Law No. 26 of 2008.

Flammable plastic foam product. See R315-01(b).

gpm. Gallons per minute.

Inspector's test connection. See R903-01(b).

Letter of approval. See R104-02(b).

Mandatory system. See R901-01(b).

Mobile CNG motor fuel system. See R2208-01(b).

Mobile CNG cascade. See R2208-01(b).

Natural gas. A mixture of hydrocarbon gases and vapors, consisting principally of methane in gaseous form.

Notice of disposal. See R104-03(b).

Notice of seizure. See R104-03(b).

Notice of violation. See R109-01(b).

OATH. New York City Office of Administrative Trials and Hearings.

Piped natural gas. *Natural gas* supplied by means of piping connected to a public utility distribution system.

Plumber. A licensed master plumber, as that term is defined by the *Building Code*, or a person working under the direct and continuing supervision of a licensed master plumber, as authorized by said code.

Pre-existing (facility or condition). See R102-01(b).

Pressure reducing devices. See R905-01(b).

Pressure restrictors. See R905-01(b).

Professional certification. See R104-02(b).

Proprietary central station. See R901-01(b).

Proprietary signaling system. See R901-01(b).

psi. Pounds per square inch.

psig. Pounds per square inch gauge.

Runner service. See R901-01(b).

Subscriber. See R901-01(b).

Tar kettle. A device designed to heat tar, asphalt, pitch or similar materials, typically for waterproofing operations, that, utilizing a *flammable gas* or a *combustible liquid*, generates a flame to heat a vessel containing such a material. *Tar kettle* does not include *asphalt melters*.

Terminal. See R901-01(b).

Transmitter. See R901-01(b).

Voluntary system. See R901-01(b).

Window/egress gate. See R1025-01(b).

STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULE:

The list of defined terms in section 202-01(c) is proposed to be amended to include terms defined in the new rules.

Section 5. It is hereby proposed to amend Chapter 4 of Title 3 of the Rules of the City of New York by adding two new sections, §§ 403-01 and 408-02, to read as follows:

**CHAPTER 4
EMERGENCY PLANNING AND PREPAREDNESS**

§401-407 Reserved

§401-402 Reserved

§403-01 Fire Safety Precautions at Street Fairs and Similar Outdoor Public Gatherings

§404-407 Reserved

§408-01 Residential Buildings With Non-Sequential or Non Standard Floor Numbering

§408-02 Residential Fire Safety Guides and Notices

§ 403-01 Fire Safety Precautions at Street Fairs and Similar Outdoor Public Gatherings

(a) **Scope.** This section sets forth requirements and procedures for the storage, handling and use of portable fueled equipment and other fire safety precautions at street fairs, bazaars, carnivals, concerts, festivals and similar outdoor public gatherings.

(b) **General Provisions**

(1) **Responsibility of sponsor, promoter and concessionaires**

(A) The sponsor and any promoter of a street fair or similar outdoor public gathering shall ensure that such event is conducted in compliance with the fire safety requirements applicable to such event, as set forth in the Fire Code, the rules and this section.

(B) Each concessionaire at a street fair or similar outdoor public gathering shall ensure that its materials, operations and facilities are designed, installed, operated and maintained in compliance with the requirements of the Fire Code, the rules, and this section.

(2) **Prohibited storage, handling and use of CNG and flammable liquids**

(A) The storage, handling and use of CNG is prohibited at street fairs and similar outdoor public gatherings pursuant to FC3507.3(15).

(B) It shall be unlawful to store, handle or use *flammable liquids* at street fairs and similar outdoor public gatherings, except in *listed* generators or other device, equipment or system or operation approved by the Department. Incidental storage of *flammable liquids* is prohibited, and all fueling of generators and other approved devices, equipment and systems shall be conducted only at times other than when the event is open to the public.

(3) **Site plan, permits and inspections**

(A) Not later than five (5) business days prior to the date of any street fair or similar outdoor public gathering requiring a

permit from the New York City Office of Citywide Events Coordination and Management, the sponsor and any promoter of such event shall file a site plan with the plan intake window of the Bureau of Fire Prevention, together with the required plan review fee set forth in FC Appendix A, indicating the streets or other locations upon which the event will be held or surrounding the event; any areas, booths, tents or other facilities and locations to be occupied by concessionaires; the identity of such concessionaires and the nature of the activity they will conduct; and the location of any portable fueled equipment, portable generators and other devices, equipment, systems, materials and operations regulated by the Fire Code or the rules, and the storage, handling and use of *hazardous materials* in connection therewith.

(B) The Department will review such plan and notify the sponsor if there are unlawful or unsafe conditions that must be addressed prior to the event.

(C) The Department shall issue a single combined permit for each type of material and operation associated with the event.

(D) The Department may conduct a pre-event site inspection. The sponsor or the promoter shall be responsible for the inspection fee set forth in FC Appendix A.

(4) **Supervision**

(A) The sponsor and any promoter shall ensure that all devices, equipment, systems, materials and/or operations required by the Fire Code or the rules to be supervised by a certificate of fitness holder shall be so supervised during the event.

(B) Certificate of fitness holders shall, at a minimum, inspect each device, equipment or system and incidental storage area prior to commencement of use each day, to confirm that all such devices, equipment and systems are in good working order and that all necessary and appropriate fire safety precautions have been taken. A record of such surveillance shall be maintained either at a central location for all concessionaires, or at each concession area, booth or other location, and shall be made available for inspection by any Department representative.

(C) The handling and use of LPG, and incidental storage thereto, including LPG used to fuel portable cooking equipment, shall be under the personal supervision of a holder a certificate of fitness for such material, in accordance with FC3801.5.6.

(D) The handling and use of kerosene and other *combustible liquids*, and storage incidental thereto, shall be under the personal supervision of a holder of a certificate of fitness for such material, when the aggregate amount of such *combustible liquids* requires a permit pursuant to R403-01(c).

(c) **Specific Hazardous Material Requirements.** Hazardous materials shall be stored, handled and used at street fairs and similar outdoor events in compliance with the requirements of FC Chapters 3, 34 and 38, and the following requirements:

(1) **General**

(A) Permits for the handling and use, and incidental storage, of hazardous materials at street fairs and similar outdoor public gatherings shall be obtained based on the aggregate amount of the material, including the amounts of such material stored, handled or used by all concessionaires.

(B) Concessionaire areas shall be designed and arranged, through the use of booths, portable barricades or fences, or other approved means, to separate portable fueled equipment from the public. The public shall not be allowed inside such booths or enclosures.

(2) **Liquefied petroleum gases (LPG).** LPG handling and use, and storage incidental thereto, shall comply with the requirements of R3809-01.

(3) **Kerosene and other combustible liquids**

(A) The sponsor or any promoter of the event shall obtain a permit for the handling and use of kerosene and other *combustible liquids*, and storage incidental

thereto, when the aggregate amount exceeds ten (10) gallons.

(B) The amount of kerosene and other *combustible liquids* that may be stored by each concessionaire incidental to handling and use shall not exceed ten (10) gallons, and such incidental storage shall be in approved safety cans.

(C) Kerosene and other *combustible liquids* shall only be used in listed devices, equipment and systems.

(d) **Other Fire Safety Precautions**

(1) **Membrane structures.** All tents, air-inflated structures and other membrane structures shall be installed, operated and maintained in compliance with the requirements of FC Chapter 24.

(2) **Portable fire extinguisher requirements.** Each concessionaire's area, booth, tent or other facility or location in which a *hazardous material* is being stored, handled or used, an operation is being conducted or other facility is being maintained, shall be provided with at least one (1) portable fire extinguisher having a minimum 10-B:C rating.

(3) **Combustible waste containers.** Each concessionaire's area, booth, tent or other facility or location shall be equipped with at least one (1) covered container for storage of *combustible waste*. Rubbish and other *combustible waste* shall be stored in such containers, which shall not be allowed to overflow.

(4) **Fire apparatus access.** Fire apparatus access shall be provided, by maintaining an unobstructed fire lane of not less than 15 feet in width.

(5) **Fire hydrants and fire alarm boxes.** The visibility of, and immediate access to, fire hydrants and fire alarm boxes shall be maintained at all times. Fire hydrants and fire alarm boxes shall be maintained free of signs or other articles or obstructions. The sponsor or promoter of the event shall conspicuously mark a solid yellow circle 12 inches in diameter in the center of the emergency access lane to indicate the location of each fire hydrant within the boundaries of the event.

(6) **Fire escape ladders.** Fire escape ladders shall not be obstructed in any manner that would impede their operation.

(7) **Vacant buildings.** Vacant buildings and temporarily unoccupied buildings in the immediate vicinity of the event shall be secured as set forth in FC311.

§ 408-02 Residential Fire Safety Guides and Notices

(a) **Scope.** This section sets forth standards, requirements and procedures for the preparation, posting and/or distribution of residential fire safety guides and notices required pursuant to FC408.9.

(b) **General Provisions**

(1) **Applicability.** This section applies to all buildings or parts thereof in Occupancy Group R-2, except:

(A) buildings or parts thereof subject to the provisions of FC404.2.1(8); and

(B) school and college dormitories, unless such dormitories are required to comply with this section pursuant to FC408.10.

(2) **Fire safety guides.** The owner of a building or part thereof subject to this section shall prepare a fire safety guide and distribute such guide to the occupants thereof in compliance with the requirements of FC408.9 and R40802(c).

(3) **Fire safety notices.** The owner of a building or part thereof subject to this section shall prepare, post and maintain fire safety notices in compliance with the requirements of FC408.9 and R40802(d).

(4) **Access to dwelling units.** Tenants and other occupants of dwelling units in buildings and parts thereof subject to this section shall allow the owner of such premises access to such dwelling unit, upon reasonable notice, for purposes of compliance with this section.

(c) **Fire Safety Guide Requirements**

(1) **Purpose.** The fire safety guide shall serve to inform occupants of the building, including building service employees, of the building's construction, fire protection systems, means of egress, and evacuation and other procedures to be followed in the event of fire in the building.

(2) **Form.** A fire safety guide shall be:

(A) substantially similar in format to the sample fire safety guide annexed to this section as Appendix 1, and include all of the information contained in such sample fire safety guide;

(B) printed as a single-sided or double-sided document, stapled or bound, in full-page or booklet format, on paper not smaller than 8½ inches by 11 inches nor larger than 8½ inches by 14

- inches in size;
- (C) printed such that all text is clearly legible, using contrasting lettering and a type size not smaller than eleven (11) point Times New Roman or equivalent; and
- (D) printed in English. The *owner* may print the fire safety guide in such other additional languages (including symbols) as the *owner* concludes would benefit building occupants.
- (3) **Content.** The fire safety guide shall consist of two (2) sections: a building information section and a fire emergency information section. The fire emergency information section shall reproduce the entire text of that section as set forth in the sample fire safety guide annexed hereto as Appendix 1. The building information section shall be completed by the *owner* with the following information:
- (A) The address of the premises. A separate fire safety guide shall be prepared for each building, except buildings that have common *means of egress*.
- (B) The name and address of the *owner* of the building or the *owner's* representative, unless the fire safety guide is prepared on a letterhead containing such information. For purposes of the fire safety guide, the *owner's* representative shall be any person or company authorized by the *owner* to receive and respond to complaints, violations or questions regarding building fire safety.
- (C) The number of floors in the building, above and below ground level.
- (D) The year the building was constructed.
- (E) Whether the building is of combustible or non-combustible construction. For purposes of the fire safety guide, all buildings, including non-residential buildings containing residential occupancies, shall be deemed to be of "combustible construction" unless:
- (1) The current Certificate of Occupancy for the building issued by the *Department of Buildings* or a Letter of No Objection by same indicates that the building is of "non-combustible" construction or "fireproof" construction; or
- (2) If there is no Certificate of Occupancy or Letter of No Objection for the building, a registered design professional has provided written certification that the building is of "non-combustible" construction within the meaning of the 1968 or 2008 *Building Code*, or "fireproof" construction within the meaning of the *Building Code* in effect prior to 1968.
- (F) Whether the building is equipped with a *sprinkler system*, and if so, whether such *sprinkler system* protects the entire building or only certain areas, and, if only certain areas, specifying those areas (for example, "the compactor chute on each floor and the compactor room and boiler room in the basement").
- (G) Whether the building is equipped with a *fire alarm system*, and if so:
- (1) the general location of the *manual fire alarm boxes* of such system (for example, "by the main entrance of building and next to the stairwell at each end of the corridor on each floor"); and
- (2) whether the *manual fire alarm boxes*, when activated, transmit an alarm to an *approved central station* that notifies the *Department*.
- (H) Whether the building is equipped with a one-way voice communication system pursuant to *Building Code* Section 907.2.12.2 (Exception 3), or other public address system (apart from any intercom system), and if so, the location of the speakers.
- (I) All *means of egress* from the building, and the general location and any identification number of such *means of egress*, including:
- (1) unenclosed interior stairwells;
- (2) enclosed interior stairwells;
- (3) exterior stairwells;
- (4) fire tower stairwells;
- (5) fire escapes;
- (6) all exits from the building (for example, "main entrance on first floor exiting onto 1st Avenue; service entrance from basement level exiting by ramp onto 5th Street; emergency exit (with alarm) from stairwell exiting on north side of building with access to 5th Street; rear entrance at basement level to rear yard with no access to street; emergency exit (with alarm) at top of stairwell to roof with no access to ground or adjoining buildings.");
- (J) The date the fire safety guide was prepared; and
- (K) Any other fire safety information or requirements (including lease provisions, house rules or other private building regulations) that the *owner* may wish to include, such as restrictions on storage or decoration. Any private building regulations shall be clearly identified as such.
- (4) **Accuracy of information.** The *owner* of each building shall be responsible for the accuracy of the information contained in the building information section of the fire safety guide and for the accurate reproduction of the fire emergency section of such fire safety guide.
- (5) **Distribution.** The fire safety guide shall be distributed as follows:
- (A) To each dwelling unit in the building, or an occupant thereof, and to each building service employee;
- (B) on an annual basis, by hand delivery or mailing a copy by first class mail, during Fire Prevention Week (observed during the month of October), or, if the fire safety guide is distributed together with the window guard notices required by New York City Administrative Code §17-123, at such time as the rules of the New York City Department of Health and Mental Hygiene require the annual distribution of such window guard notices to be made; and
- (C) within 60 days of any material change in building conditions affecting the content of the fire safety guide, other than temporary repairs or maintenance work. Nothing contained herein shall be construed to relieve an *owner* of any residential building or part thereof of any duty to notify building occupants, the *Department* or other party that any *fire protection system* is not functional.
- (D) To a new occupant, by providing a copy at the time the lease, sublease or other agreement allowing occupancy of the dwelling unit is presented to the occupant for signature, or, if there is no written agreement, not later than at the date the occupant assumes occupancy of the *premises*.
- (E) To a new building service employee, by providing a copy to such employee not later than the date upon which the employee actually commences to perform duties at the *premises*.
- (F) Each distribution of the fire safety guide shall be documented by a United States Postal Service certificate of mailing or other official proof of mailing, or, if hand delivered, by receipt signed by an occupant of the dwelling unit or the building service employee, or by sworn affidavit of the employee or agent of the *owner* who actually delivered the fire safety guide, identifying the date and manner of delivery and the dwelling units to which it was delivered or the names of the occupants who received it.
- (6) **Inspection.** The *owner* shall make available for inspection upon request of any *Department* representative a copy of the last three (3) annual fire safety guides and proof of distribution.
- (d) **Fire Safety Notice Requirements**
- (1) **Purpose.** The fire safety notice shall serve to inform occupants of the building, including building service employees and visitors, as to the evacuation and other procedures to be followed in the event of fire in the building.
- (2) **Form.** Each fire safety notice shall be:
- (A) substantially similar in format to the sample fire safety notice annexed to this section as Appendix 2, and include all of the information contained in such sample fire safety notice;
- (B) printed on a single-sided sheet of paper framed under a clear plexiglas cover or laminated with a firm backing and designed to be affixed by mounting hardware or an adhesive, or printed on a matte-finish vinyl adhesive-backed decal not less than three (3) mils in thickness, using thermalprinting, screenprinting or other permanent, water-resistant printing technique;
- (C) 5½ inches by 8½ inches in size (excluding any frame), except that fire safety notices to be posted in the common area of the residential building or part thereof may be up to 8½ by 11 inches in size;
- (D) printed such that all text is clearly legible, using contrasting lettering and a type size not smaller than ten (10) point Times New Roman or equivalent; and
- (E) printed in the English language. The *owner* may print the fire safety notice in such other additional languages (including symbols) as the *owner* concludes would benefit the building occupants. In such event, the fire safety notice may exceed 5½ inches by 8½ inches in size.
- (3) **Content.** The fire safety notice shall reproduce the entire text of the sample fire notice annexed hereto as Appendix 2 that is applicable to the building, as follows:
- (A) **Noncombustible construction.** The text of this notice shall be used for dwelling unit doors and common areas when the building is of noncombustible construction within the meaning set forth in R408-02(c)(3)(E).
- (B) **Combustible construction.** The text of this notice shall be used for dwelling unit doors and common areas when the building is of combustible construction within the meaning set forth in R408-02(c)(3)(E).
- (4) **Accuracy of information.** The *owner* of each residential building or part thereof subject to the requirements of this section shall be responsible for the accurate reproduction of the fire safety notices.
- (5) **Posting.**
- (A) **Location.** A fire safety notice shall be posted in each of the following locations:
- (1) Dwelling unit door. On the inside surface of the front or main entrance door of each dwelling unit in the building.
- (2) Common area. In a conspicuous location near any common mailbox area customarily used by building occupants, or if there is no common mailbox area, in a conspicuous location in or near the elevators or main stairwell.
- (B) **Method of posting.** Each fire safety notice shall be securely affixed, by mounting hardware or an adhesive, to the door or wall such that no part of the fire safety notice (excluding any frame) is lower than four (4) feet from the floor, nor higher than five and a half (5½) feet from the floor.
- (C) **Posting of Building Information Section.** A copy of Part I of the fire safety guide (the building information section) shall be posted with the fire safety notice in the common area. Such posting shall be in the same form as the fire safety notice.

(6) Maintenance and replacement. The *owner* shall maintain the fire safety notice in the common area and shall prepare and post any amended Part I (building information section) of the fire safety guide within sixty days of any material change in building conditions requiring such amended fire safety guide. The *owner* shall replace any missing or damaged notice on the dwelling unit door prior to any lawful change in occupancy of the dwelling unit. The *owner* shall replace any missing or damaged notice at any other time upon written request of the tenant. The tenant may be charged the reasonable cost of replacement.

APPENDIX 1

**FIRE SAFETY GUIDE
PART I – BUILDING INFORMATION SECTION**

BUILDING ADDRESS: _____
 BUILDING OWNER/REPRESENTATIVE:
 Name: _____
 Address: _____
 Telephone: _____

BUILDING INFORMATION:
 Year of Construction: _____
 Type of Construction: Combustible Non-Combustible
 Number of Floors: Aboveground _____ Belowground _____
 Sprinkler System: Yes No
 Sprinkler System Coverage: Entire Building Partial (complete all that apply):
 Dwelling Units _____
 Hallways _____
 Stairwells _____
 Compactor Chute _____
 Other _____
 Fire Alarm: Yes Transmits Alarm to Fire Dept/Fire Alarm Co. No
 Location of Manual Pull Stations: _____
 Public Address System: Yes No
 Location of Speakers: Stairwell Hallway Dwelling Unit Other: _____

Means of Egress (e.g., Unenclosed/Enclosed Interior Stairs, Exterior Stairs, Fire Tower Stairs, Fire Escapes, Etc.):

Type of Egress	Identification	Location	Leads to

Other Information: _____
 DATE PREPARED: _____

**FIRE SAFETY GUIDE
PART II – FIRE EMERGENCY INFORMATION**

BUILDING ADDRESS: _____

THIS FIRE SAFETY GUIDE IS INTENDED TO HELP YOU AND THE MEMBERS OF YOUR HOUSEHOLD PROTECT YOURSELVES IN THE EVENT OF FIRE. THIS FIRE SAFETY GUIDE CONTAINS:

- **Basic fire prevention and fire preparedness measures that will reduce the risk of fire and maximize your safety in the event of a fire.**
- **Basic information about your building, including the type of construction, the different ways of exiting the building, and the types of fire safety systems it may have.**
- **Emergency fire safety and evacuation instructions in the event of fire in your building.**

PLEASE TAKE THE TIME TO READ THIS FIRE SAFETY GUIDE AND TO DISCUSS IT WITH THE MEMBERS OF YOUR HOUSEHOLD. FIRE PREVENTION, PREPAREDNESS, AND AWARENESS CAN SAVE YOUR LIFE!

IN THE EVENT OF A FIRE,

CALL 911

OR THE FIRE DEPARTMENT DISPATCHER, AT

**Manhattan (212) 999-2222
 Bronx (718) 999-3333
 Brooklyn (718) 999-4444
 Queens (718) 999-5555
 Staten Island (718) 999-6666**

**OR TRANSMIT AN ALARM FROM
 THE NEAREST FIRE ALARM BOX**

BASIC FIRE PREVENTION AND FIRE PREPAREDNESS MEASURES

These are fire safety tips that everybody should follow:

1. Every apartment should be equipped with at least one smoke detector. (All apartment buildings constructed after July 2009 are required to be equipped with multiple interconnected smoke alarms that sound throughout an apartment.) Check them periodically to make sure they work. Most smoke detectors can be tested by pressing the test button. Replace the batteries in the spring and fall when you move your clocks forward or back an hour, and whenever a smoke detector chirps to signal that its battery is low. The smoke detector should be replaced on a regular basis in accordance with the manufacturer's recommendation, but at least once every ten years.
2. Carelessly handled or discarded cigarettes are the leading cause of fire deaths. Never smoke in bed or when you are drowsy, and be especially careful when smoking on a sofa. Be sure that you completely extinguish every cigarette in an ashtray that is deep and won't tip over. Never leave a lit or smoldering cigarette on furniture.
3. Matches and lighters can be deadly in the hands of children. Store them out of reach of children and teach them about the danger of fire.
4. Do not leave cooking unattended. Keep stove tops clean and free of items that can catch on fire. Before you go to bed, check your kitchen to ensure that your oven is off and any coffeepot or teapot is unplugged.
5. Never overload electrical outlets. Replace any electrical cord that is cracked or frayed. Never run extension cords under rugs. Use only power strips with circuit-breakers.

6. Keep all doorways and windows leading to fire escapes free of obstructions, and report to the owner any obstructions or accumulations of rubbish in the hallways, stairwells, fire escapes or other means of egress.
7. Install window gates only if it is absolutely necessary for security reasons. Install only approved window gates. Do not install window gates with key locks. A delay in finding or using the key could cost lives. Maintain the window gate's opening device so it operates smoothly. Familiarize yourself and the members of your household with the operation of the window gate.
8. Familiarize yourself and members of your household with the location of all stairwells, fire escapes and other means of egress.
9. With the members of your household, prepare an emergency escape route to use in the event of a fire in the building. Choose a meeting place a safe distance from your building where you should all meet in case you get separated during a fire.
10. Exercise care in the use and placement of fresh cut decorative greens, such as Christmas trees and holiday wreaths. If possible, keep them planted or in water. Do not place them in public hallways or where they might block egress from your apartment if they catch on fire. Keep them away from any flame, including fireplaces. Do not keep for extended period of time; as they dry, decorative greens become easily combustible.

BUILDING INFORMATION

Building Construction

In a fire emergency, the decision to leave or to stay in your apartment will depend in part on the type of building you are in.

Residential buildings built before 1968 are generally classified either as "fireproof" or "non-fireproof." Residential buildings built in or after 1968 are generally classified either as "combustible" or "non-combustible."

The type of building construction generally depends on the size and height of the building.

A "non-combustible" or "fireproof" building is a building whose structural components (the supporting elements of the building, such as steel or reinforced concrete beams and floors) are constructed of materials that do not burn or are resistant to fire and therefore will not contribute to the spread of the fire. In such buildings, fires are more likely to be contained in the apartment or part thereof in which they start and less likely to spread inside the building walls to other apartments and floors. **THIS DOES NOT MEAN THAT THE BUILDING IS IMMUNE TO FIRE.** While the structural components of the building may not catch fire, all of the contents of the building (including furniture, carpeting, wood floors, decorations and personal belongings) may catch on fire and generate flame, heat and large amounts of smoke, which can travel throughout the building, especially if apartment or stairwell doors are left open.

A "combustible" or "non-fireproof" building has structural components (such as wood) that will burn if exposed to fire and can contribute to the spread of the fire. In such buildings, the fire can spread inside the building walls to other apartments and floors, in addition to the flame, heat and smoke that can be generated by the burning of the contents of the building.

Be sure to check Part I (Building Information Section) of this fire safety guide to see what type of building you are in.

Means of Egress:

All residential buildings have at least one means of egress (way of exiting the building), and most have at least two. There are several different types of egress:

Interior Stairs: All buildings have stairs leading to the street level. These stairs may be enclosed or unenclosed. Unenclosed stairwells (stairs that are not separated from the hallways by walls and doors) do not prevent the spread of flame, heat and smoke. Since flame, heat and smoke generally rise, unenclosed stairwells may not ensure safe egress in the event of a fire on a lower floor. Enclosed stairs are more likely to permit safe egress from the building, if the doors are kept closed. It is important to get familiar with the means of egress available in your building.

Exterior Stairs: Some buildings provide access to the apartments by means of stairs and corridors that are outdoors. The fact that they are outdoors and do not trap heat and smoke enhances their safety in the event of a fire, provided that they are not obstructed.

Fire Tower Stairs: These are generally enclosed stairwells in a "tower" separated from the building by air shafts open to the outside. The open air shafts allow heat and smoke to escape from the building.

Fire Escapes: Many older buildings are equipped with a fire escape on the outside of the building, which is accessed through a window or balcony. Fire escapes are considered a "secondary" or alternative means of egress, and are to be used if the primary means of egress (stairwells) cannot be safely used to exit the building because they are obstructed by flame, heat or smoke.

Exits: Most buildings have more than one exit. In addition to the main entrance to the building, there may be separate side exits, rear exits, basement exits, roof exits and exits to the street from stairwells. Some of these exits may have alarms. Not all of these exits may lead to the street. Roof exits may or may not allow access to adjoining buildings.

Be sure to review Part I (Building Information Section) of this fire safety guide and familiarize yourself with the different means of egress from your building.

Fire Sprinkler Systems

A fire sprinkler system is a system of pipes and sprinkler heads that when triggered by the heat of a fire automatically discharges water that extinguishes the fire. The sprinkler system will continue to discharge water until it is turned off. When a sprinkler system activates, an alarm is sounded.

Sprinkler systems are very effective at preventing fire from spreading beyond the room in which it starts. However, the

fire may still generate smoke, which can travel throughout the building.

Apartment buildings constructed before March 1999 were generally not required to have fire sprinkler systems. Some apartment buildings are equipped with sprinkler systems, but only in compactor chutes and rooms or boiler rooms. All apartment buildings constructed after March 1999 are required by law to be equipped with fire sprinkler systems throughout the building.

Be sure to review Part I (Building Information Section) of this fire safety guide to learn whether your building is equipped with fire sprinkler systems.

Interior Fire Alarm Systems

Although generally not required, some residential buildings are equipped with interior fire alarm systems that are designed to warn building occupants of a fire in the building. Interior fire alarm systems generally consist of a panel located in a lobby or basement, with manual pull stations located near the main entrance and by each stairwell door. Interior fire alarm systems are usually manually-activated (must be pulled by hand) and do not automatically transmit a signal to the Fire Department, so a telephone call must still be made to 911 or the Fire Department dispatcher. Do not assume that the Fire Department has been notified because you hear a fire alarm or smoke detector sounding in the building.

Be sure to review Part I (Building Information Section) of this fire safety guide to learn whether your building is equipped with an interior fire alarm system and whether the alarm is transmitted to the Fire Department, and familiarize yourself with the location of the manual pull stations and how to activate them in the event of a fire.

Public Address Systems

Although generally not required, some residential buildings are equipped with public address systems that enable voice communications from a central location, usually in the building lobby. Public address system are different from building intercoms, and usually consist of loudspeakers in building hallways and/or stairwells.

Starting in July 2009, residential buildings that are more than 125 feet in height are required by law to be equipped with a one way voice communication system that will enable Fire Department personnel to make announcements from the lobby to building occupants in their apartments or in building stairwells.

Be sure to review Part I (Building Information Section) of this fire safety guide to learn whether your building is equipped with a public address system.

EMERGENCY FIRE SAFETY AND EVACUATION INSTRUCTIONS

IN THE EVENT OF A FIRE, FOLLOW THE DIRECTIONS OF FIRE DEPARTMENT PERSONNEL. HOWEVER, THERE MAY BE EMERGENCY SITUATIONS IN WHICH YOU MAY BE REQUIRED TO DECIDE ON A COURSE OF ACTION TO PROTECT YOURSELF AND THE OTHER MEMBERS OF YOUR HOUSEHOLD.

THIS FIRE SAFETY GUIDE IS INTENDED TO ASSIST YOU IN SELECTING THE SAFEST COURSE OF ACTION IN SUCH AN EMERGENCY. PLEASE NOTE THAT NO FIRE SAFETY GUIDE CAN ACCOUNT FOR ALL OF THE POSSIBLE FACTORS AND CHANGING CONDITIONS; YOU WILL HAVE TO DECIDE FOR YOURSELF WHAT IS THE SAFEST COURSE OF ACTION UNDER THE CIRCUMSTANCES.

General Emergency Fire Safety Instructions

1. Stay calm. Do not panic. Notify the Fire Department as soon as possible. Firefighters will be on the scene of a fire within minutes of receiving an alarm.
2. Because flame, heat and smoke rise, generally a fire on a floor below your apartment presents a greater threat to your safety than a fire on a floor above your apartment.
3. Do not overestimate your ability to put out a fire. Most fires cannot be easily or safely extinguished. Do not attempt to put the fire out once it begins to quickly spread. If you attempt to put a fire out, make sure you have a clear path of retreat from the room.
4. If you decide to exit the building during a fire, close all doors as you exit to confine the fire. Never use the elevator. It could stop between floors or take you to where the fire is.
5. Heat, smoke and gases emitted by burning materials can quickly choke you. If you are caught in a heavy smoke condition, get down on the floor and crawl. Take short breaths, breathing through your nose.
6. If your clothes catch fire, don't run. Stop where you are, drop to the ground, cover your face with your hands to protect your face and lungs and roll over to smother the flames.

Evacuation Instructions If The Fire Is In Your Apartment

(All Types of Building Construction)

1. Close the door to the room where the fire is, and leave the apartment.
2. Make sure **EVERYONE** leaves the apartment with you.
3. Take your keys.
4. Close, but do not lock, the apartment door.
5. Alert people on your floor by knocking on their doors on your way to the exit.
6. Use the nearest stairwell to exit the building.
7. **DO NOT USE THE ELEVATOR.**
8. Call 911 once you reach a safe location. Do not assume the fire has been reported unless firefighters are on the scene.

9. Meet the members of your household at a predetermined location outside the building. Notify responding firefighters if anyone is unaccounted for.

Evacuation Instructions If The Fire Is Not In Your Apartment

“NON-COMBUSTIBLE” OR “FIREPROOF” BUILDINGS:

1. Stay inside your apartment and listen for instructions from firefighters unless conditions become dangerous.
2. If you must exit your apartment, first feel the apartment door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
3. If you can safely exit your apartment, follow the instructions above for a fire in your apartment.
4. If you cannot safely exit your apartment or building, call 911 and tell them your address, floor, apartment number and the number of people in your apartment.
5. Seal the doors to your apartment with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
6. Open windows a few inches at top and bottom unless flames and smoke are coming from below. Do not break any windows.
7. If conditions in the apartment appear life-threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
8. If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose. If possible, retreat to a balcony or terrace away from the source of the smoke, heat or fire.

“COMBUSTIBLE” OR “NON-FIREPROOF” BUILDING

1. Feel your apartment door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
2. Exit your apartment and building if you can safely do so, following the instructions above for a fire in your apartment.
3. If the hallway or stairwell is not safe because of smoke, heat or fire and you have access to a fire escape, use it to exit the building. Proceed cautiously on the fire escape and always carry or hold onto small children.
4. If you cannot use the stairs or fire escape, call 911 and tell them your address, floor, apartment number and the number of people in your apartment.
 - A. Seal the doors to your apartment with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
 - B. Open windows a few inches at top and bottom unless flames and smoke are coming from below. Do not break any windows.
 - C. If conditions in the apartment appear life-threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
 - D. If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose. If possible, retreat to a balcony or terrace away from the source of the smoke, heat or fire.

APPENDIX 2

FIRE SAFETY NOTICES

The following fire safety notice shall be posted in buildings of non-combustible construction within the meaning of R408-02(c)(3)(E):

FIRE SAFETY NOTICE

IN THE EVENT OF FIRE, STAY CALM. NOTIFY THE FIRE DEPARTMENT AND FOLLOW THE DIRECTIONS OF FIRE DEPARTMENT PERSONNEL. IF YOU MUST TAKE IMMEDIATE ACTION, USE YOUR JUDGMENT AS TO THE SAFEST COURSE OF ACTION, GUIDED BY THE FOLLOWING INFORMATION:

YOU ARE IN A NON-COMBUSTIBLE (FIREPROOF) BUILDING

If The Fire Is In Your Apartment

- Close the door to the room where the fire is and leave the apartment.
- Make sure **EVERYONE** leaves the apartment with you.
- Take your keys.
- Close, but do not lock, the apartment door.
- Alert people on your floor by knocking on their doors on your way to the exit.
- Use the nearest stairwell to leave the building.
- **DO NOT USE THE ELEVATOR**
- Call 911 once you reach a safe location. Do not assume the fire has been reported unless firefighters are on the scene.
- Meet the members of your household at a predetermined location outside the building. Notify the firefighters if anyone is unaccounted for.

If The Fire Is Not In Your Apartment

- Stay inside your apartment and listen for

instructions from firefighters unless conditions become dangerous.

- If you must exit your apartment, first feel the apartment door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
- If you can safely exit your apartment, follow the instructions above for a fire in your apartment.
- If you cannot safely exit your apartment or building, call 911 and tell them your address, floor, apartment number and the number of people in your apartment.
- Seal the doors to your apartment with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
- Open windows a few inches at top and bottom unless flames and smoke are coming from below.
- Do not break any windows.
- If conditions in the apartment appear life-threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
- If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose. If possible, retreat to a balcony or terrace away from the source of the smoke, heat or fire.

Note: Retain underlining of highlighted text in publication of final rule.

The following fire safety notice shall be posted in buildings of combustible construction within the meaning of R408-02(c)(3)(E):

FIRE SAFETY NOTICE

IN THE EVENT OF FIRE, STAY CALM. NOTIFY THE FIRE DEPARTMENT AND FOLLOW THE DIRECTIONS OF FIRE DEPARTMENT PERSONNEL. IF YOU MUST TAKE IMMEDIATE ACTION, USE YOUR JUDGMENT AS TO THE SAFEST COURSE OF ACTION, GUIDED BY THE FOLLOWING INFORMATION:

YOU ARE IN A COMBUSTIBLE (NON-FIREPROOF) BUILDING

If The Fire Is In Your Apartment

- Close the door to the room where the fire is and leave the apartment.
- Make sure **EVERYONE** leaves the apartment with you.
- Take your keys.
- Close, but do not lock, the apartment door.
- Alert people on your floor by knocking on their doors on your way to the exit.
- Use the nearest stairwell to leave the building.
- **DO NOT USE THE ELEVATOR.**
- Call 911 once you reach a safe location. Do not assume the fire has been reported unless firefighters are on the scene.
- Meet the members of your household at a predetermined location outside the building. Notify the firefighters if anyone is unaccounted for.

If The Fire Is Not In Your Apartment

- Feel your apartment door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
- Exit the apartment and building if you can safely do so, following the instructions above for a fire in your apartment.
- If the hallway or stairwell is not safe because of smoke, heat, or fire and you have access to a fire escape, use it to exit the building. Proceed cautiously on the fire escape and always carry or hold onto small children.
- If you cannot use the stairs or the fire escape, call 911 and tell them your address, floor, apartment number and the number of people in your apartment.
- Seal the doors to your apartment with wet towels or sheets, and seal air ducts or other openings where smoke may enter.
- Open windows a few inches at top and bottom unless flames and smoke are coming from below.
- Do not break any windows.
- If conditions in the apartment appear life-threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
- If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose. If possible, retreat to a balcony or terrace away from the source of the flames, heat or smoke.

Note: Retain underlining of highlighted text in publication of final rule.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 4 (EMERGENCY PLANNING AND PREPAREDNESS):

This chapter is proposed to be amended to add two sections, both of which are based on existing rules. R403-01 sets forth standards, requirements and procedures for fire safety at street fairs and other public gathering places. It is based on existing rule 3 RCNY 31-02, amended to implement the FC403 requirement of a site plan for such events, and to establish a new permitting procedure.

Section 408-02, which is based on existing rule 3 RCNY 43-01, sets forth standards, requirements and procedures for the preparation and distribution of residential fire safety guides (formerly denominated “residential fire safety plans”) and residential fire safety notices. The guide has been amended to revise the reference to sprinkler requirements for existing buildings, and to make reference to Building Code requirements enacted since Local Law No. 10 of 1999 with respect to interconnected smoke alarms and one-way voice communication systems.

Section 6. It is hereby proposed to amend Chapter 9 of Title 3 of the Rules of the City of New York by adding a new section, §901-03, to read as follows:

§ 901-03 Portable Fire Extinguisher Sales

- (a) **Scope.** This section sets forth requirements for the sale of portable fire extinguishers.
- (b) **General Provisions.** The sale of portable fire extinguishers door to door to owners of buildings or businesses for use on their premises shall be conducted in compliance with the requirements of FC 113, FC115, FC901.6.3.2 and this section.
- (c) **Supervision.** Pursuant to FC901.6.3.2, persons engaged in the business of selling portable fire extinguishers door to door to owners of buildings or businesses for use on their premises (except for sales to owners of Group R-2 and R-3 Occupancies) must possess a portable fire extinguisher sales company certificate. Persons employed by such portable fire extinguisher sales companies to perform such services, or otherwise engaged by such companies for such purpose, shall possess a certificate of fitness for portable fire extinguisher sales.

STATEMENT OF BASIS AND PURPOSE FOR PROPOSED RULE:

This chapter is amended to add one new section (R901-03) that sets forth supervision requirements for the sale of portable fire extinguishers. This supervision requirement is consistent with the supervision requirements set forth in the Fire Code and rules for individuals engaged in the servicing of portable fire extinguishers, and consistent with the Fire Code requirement to regulate fire extinguisher sales companies. Such supervision requirement will serve to help better ensure the proper selection and placement of portable fire extinguishers. Pursuant to FC102.2.2, persons performing such services must obtain the certificate of fitness by July 1, 2009.

Section 7. It is hereby proposed to amend Title 3 of the Rules of the City of New York by adding a new Chapter 27, to read as follows:

CHAPTER 27

HAZARDOUS MATERIALS – GENERAL PROVISIONS

- §2701-2705 Reserved
- §2706-01 Non-Production Laboratories
- §2707-01 Transportation of Explosives by Motor Vehicles
- §2707-02 Transportation by Motor Vehicle of Hazardous Materials in Continuous Transit Through New York City or For Transshipment From New York City

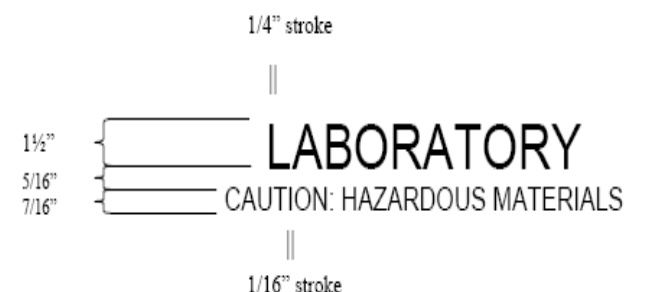
§ 2706-01 Non-Production Laboratories

- (a) **Scope.** This section sets forth the standards and requirements for the storage, handling and use of hazardous materials in non-production laboratories.
- (b) **General Provisions.** Non-production laboratories shall be designed, installed, operated and maintained in compliance with the requirements of FC2706 and this section.
- (c) **Design and Installation Requirements**

- (1) **Electrical requirements.** Electrical devices, equipment and systems installed in storage rooms in non-production laboratories shall comply with the Electrical Code requirements for Class I, Group D, Division 2 locations.

(d) **Operational Requirements**

- (1) **Signage.** The entrance to each laboratory unit door shall have a conspicuously posted sign, constructed of metal or other durable material, with RED letters on a white background which shall be located in the area of the mid-point of the height of the door. Such sign shall read as follows:



§ 2707-01 Transportation of Explosives by Motor Vehicles

- (a) **Scope.** This section sets forth standards and requirements for the transportation, including delivery, by motor vehicle, of any blasting materials or Division 1.1 or 1.5 explosives for storage, handling or use in the city.
- (b) **General Provisions**
 - (1) **General.** Except as otherwise provided in this section, the transportation of explosives by motor vehicle shall be conducted in compliance with the requirements in FC2707.
 - (2) **Prohibitions**
 - (A) It shall be unlawful to park or otherwise store motor vehicles containing explosives indoors, or

on any other premises, except outdoors a job site at which approved blasting operations are being conducted.

- (B) It shall be unlawful to transport or allow to be transported in a motor vehicle containing explosives, any matches, mechanical device or equipment capable of generating a spark or flame, or hazardous material other than explosives being transported.

(c) Vehicle Construction. Pursuant to FC2707.6.1, motor vehicles shall be designed and constructed in compliance with the following requirements and any permit conditions:

- (1) The body shall be securely anchored to the chassis.
- (2) The body shall be totally enclosed and separated from the driver's cab by a minimum distance of four (4) inches.
- (3) The body shall be constructed of wood and the exterior completely wrapped with one-eighth inch (1/8") noncombustible insulation covered by at least 22 gauge sheet metal. Adequate wrought steel straps may be used in the construction for strengthening purposes. No exposed metal of the sparking type shall be permitted in the interior of the body.

- (A) The sides and ends shall be laminated construction having a total thickness of not less than two and one-quarter inches (2 1/4"). The outer panels shall be of three-eighths inch (3/8") plywood glued and screwed to one and one-quarter inch (1 1/4") posts. The void between the posts shall be filled with one and one-quarter inch (1 1/4") hardwood placed vertically and securely fastened to the posts. The interior of the body shall be finished with five-eighths inch (5/8") tongue and groove hardwood, placed horizontally and blind fastened.

- (B) The floor shall consist of not less than five-eighths inch (5/8") tongue and groove hardwood placed horizontally and blind fastened to a subfloor of three-quarters inch (3/4") hardwood boards laid at right angles to the finished floor, the subfloor shall be securely bolted to a one and three-eighths inch (1 3/8") hardwood sill bolted to a structural shape bolster or cross bar.

- (C) The roof shall consist of not less than three-eighths inch (3/8") plywood glued and screwed to one and one-quarter inch (1 1/4") ribs.

- (4) The only entrance into the body shall be through the rear doors. Entry shall be by double doors constructed in compliance with the specifications for the sides and ends of the body. The door opening shall be of such dimension that when the doors are in open position they shall not extend beyond the extreme width of the rear fenders. The doors shall be hung on continuous or piano hinges. An Eberhard No. 5628 three (3) point door lock with handle equipped for a padlock or its equivalent shall be used to secure the door in its closed position. Except when explosives are being loaded or unloaded into or from the body, the door shall be kept locked with a two (2) inch padlock having not less than a five-eighths inch (5/8") hardened shackle.

- (5) If wheel pockets are used, they shall be formed by a three-quarter inch (3/4") hardwood box over adequate hardwood framing.

- (6) Bulletproofing protection shall be provided. Each motor vehicle shall be protected against shots fired from a high powered rifle by a minimum protection of one and one-half inch (1 1/2") 7039-T-63 aluminum thirty five-hundredths inch (35/100") ceramic armor with one-quarter inch (1/4") approved fiberglass backing, eight (8) inches of sand or approved equivalent. Such protection may be provided by lining the entire cargo space with such materials, or by placing a cabinet constructed of such materials within the cargo space. If a cabinet is used, then the top of the cabinet shall be arranged as a blow-out panel, and all explosives carried shall be within the cabinet.

(d) Vehicle Capacity

- (1) Quantity limits. The maximum quantity to be transported, delivered or carried in a

motor vehicle at any one time shall not exceed 1,000 pounds of explosives or 5,000 electric fuses or blasting caps.

(e) Vehicle Markings

- (1) The motor vehicle shall be provided with prominently displayed placards, in compliance with United States Department of Transportation regulations, identifying the type explosives being transported.

- (2) The name of the motor vehicle owner and operator shall be marked on the motor vehicle in accordance with United States Department of Transportation regulations.

- (3) The Department sticker identifying the motor vehicle as having been issued a permit shall be affixed inside the front windshield of the motor vehicle.

- (4) A sign in English shall be painted above the loading on the front partition inside the explosives compartment reading, "Unlawful to transport more than 1,000 pounds of explosives."

(f) Portable Fire Extinguisher Requirements. Motor vehicles transporting explosives having a gross vehicle weight of less than 14,000 pounds shall be provided with at least two (2) portable fire extinguishers having a minimum combined rating of 4-A:20-B:C. Motor vehicles transporting explosives having a gross vehicle weight of 14,000 pounds or greater shall be provided with at least two (2) portable fire extinguishers with a minimum combined rating of 4-A:70-B:C.

§ 2707-02 Transportation by Motor Vehicle of Hazardous Material in Continuous Transit Through New York City or For Transshipment From New York City

(a) Scope. This section sets forth requirements for the transportation of flammable liquids, combustible liquids, compressed gases, and explosives, including fireworks in interstate and intrastate commerce, through the city without pickup or delivery, and with respect to deliveries of such materials to wharfs or piers, airports and shipping terminals for transshipment out of the city, except the following types of hazardous materials, which are not subject to this section:

- (1) Paints, varnishes, lacquers, enamel, shellac, stains, dryer, paint thinners and solvents, lacquer thinners and solvents, varnish thinners and solvents, enamel thinners and solvents, shellac thinners and solvents, stain thinners and solvents; lacquers, varnish, enamel, shellac, stains, dryers, printing inks and printing ink solvents, screening printing inks and screening printing ink solvents, lithographic inks and lithographic ink solvents or other finished products not labeled as in the foregoing, but prominently labeled, "A Paint Product."

- (2) Small arms ammunition.

(b) General Provisions

- (1) Transportation of prohibited hazardous materials. Hazardous material prohibited by federal, state or city law, rule or regulation shall not be permitted to enter or pass through New York City, except for the individual shipments specifically authorized by the governmental agencies and authorities having jurisdiction and upon a determination by such agencies that there is no practical alternative route to passage through the city for transshipment. Any shipments so authorized, shall conform to routes, times, and safety conditions specified by the Department.

- (2) Transportation by approved motor vehicles. Motor vehicles for which a permit has been issued may be used to transport allowable hazardous materials in accordance with the Fire Code and the rules without conforming to the routing, time, escort and other requirements of this section.

- (3) Fueling of motor vehicles prohibited. Motor vehicles transporting hazardous materials through the city shall not be fueled in the city, nor shall any stop be made within the city, except as required by traffic.

- (4) Parking and standby prohibited. No motor vehicle transporting hazardous materials through the city (including "empty" vehicles not purged of ignitable vapors) shall stand or park in the city, even though attended, on any public highway, street or road or private property, except that empty vehicles, properly placarded in accordance with the regulations of the United States Department of Transportation, may enter the city for servicing and maintenance. In cases of motor vehicle emergency, every effort shall be made not to stand or park adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where

persons work, congregate or assemble.

- (5) Avoidance of congested areas and streets. Motor vehicles transporting hazardous materials shall avoid congested areas so far as is practicable and use highway exits as close as possible to final destination.

- (6) Transfer of hazardous materials. Hazardous materials shall not be transferred from one (1) container or motor vehicle to another on any public highway, street or road except in a case of emergency.

- (7) Notification of breakdown or collision. In the event of a breakdown or collision, the Department and Police Department shall be promptly notified.

- (8) Routes and times, authorization when needed, special conditions and information for the transportation of hazardous materials through the City of New York by motor vehicle, may be obtained by writing to the Hazardous Cargo Vehicle Inspection Unit, Bureau of Fire Prevention, New York City Fire Department, 245 Meserole Avenue, Brooklyn, NY 11222, or by calling the Department's Hazardous Cargo Vehicle Inspection Unit at (718) 752-0296 or 0341 during regular business hours. Such information may be obtained on weekends and holidays, or in an emergency, by calling the Operations Center at (718) 999-7900.

(c) Time of transit. Hazardous material shipments shall transit the city only during non-rush hours as follows:

- (1) Monday through Friday:

(A) Prohibited materials for which specific permission has been given by the Department:

10:00 A.M. to 3:00 P.M.
7:00 P.M. to 6:00 A.M.

(B) For explosives, 10:00 A.M. to 3:00 P.M.

(C) All other hazardous materials:

9:00 A.M. to 4:00 P.M.
6:00 P.M. to 7:00 A.M.

- (2) Saturday, Sunday and Holidays: As traffic conditions permit, consistent with the laws, rules and regulations of the governmental agencies and/or authorities having jurisdiction.

(d) Routing. All motor vehicles subject to the routing requirements of this section shall comply with the following routes:

- (1) From New Jersey to Western Westchester County and Upstate New York: George Washington Bridge (upper level) to Washington Expressway (without detour on city streets) via the Alexander Hamilton Bridge to the Major Deegan Expressway to New York Thruway (I-87).

- (2) From Western Westchester County and Upstate New York to New Jersey: Reverse of route set forth in R2707-02(d)(1).

- (3) From New Jersey to Eastern Westchester County, Upstate New York and New England: George Washington Bridge (upper level) to Washington Expressway (without detour onto City streets) via the Alexander Hamilton Bridge, directly to Cross Bronx Expressway (I-95) to Bruckner Expressway, continue on Bruckner Expressway to New England Thruway (I-95).

- (4) From Eastern Westchester County, Upstate New York and New England to New Jersey: Reverse of route set forth in R2707-02(d)(3).

- (5) From New Jersey to Long Island:

(A) From George Washington Bridge: George Washington Bridge (upper level) via Washington Expressway (without detour onto City streets), via the Alexander Hamilton Bridge directly to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95) to Throgs Neck Bridge, south across Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway, east on Long Island Expressway (I-495) to Long Island.

(B) From Outerbridge Crossing: Outerbridge Crossing to West Shore Expressway, North on West Shore Expressway (State 440) to Staten Island Expressway (I-278). Then, East on Staten Island Expressway (I-278) to Verrazano Bridge, cross

- upper level of Verrazano Bridge to Brooklyn Queens Expressway (I-278), then east on Brooklyn Queens Expressway (I-278) to Long Island Expressway (I-495), then east on Long Island Expressway (I-495) to Long Island.
- (C) From Bayonne Bridge: Bayonne Bridge to Willowbrook Expressway (State 440), then south on Willowbrook Expressway (State 440) to Staten Island Expressway (I-278). Then, East on Staten Island Expressway (I-278) to Verrazano Bridge, cross upper level of Verrazano Bridge to Brooklyn Queens Expressway (I-278), then east on Brooklyn Queens Expressway (I-278) to Long Island Expressway (I-495), then east on Long Island Expressway (I-495) to Long Island.
- (D) From Goethals Bridge: Goethals Bridge to Staten Island Expressway (I-278). Then, East on Staten Island Expressway (I-278) to Verrazano Bridge, cross upper level of Verrazano Bridge to Brooklyn Queens Expressway (I-278), then east on Brooklyn Queens Expressway (I-278) to Long Island Expressway (I-495), then east on Long Island Expressway (I-495) to Long Island.
- (6) From Long Island to New Jersey:
- (A) Reverse of route set forth in R2707-02(d)(5)(A), (B), (C) or (D).
- (B) Hazardous material shipment requiring escort (including *explosives* and *fireworks*) shall use route via George Washington Bridge only to minimize travel time within City.
- (7) From New England or Upstate New York, to Long Island (see alternative routes set forth in R2707-02(d)(47)):
- (A) New England Thruway (I-95) to Connors Street exit, to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295), to Throgs Neck Bridge, to Clearview Expressway (I-295), to Long Island Expressway (I-495), east on Long Island Expressway to City Line.
- (B) New York State Thruway (I-87) south to Major Deegan Expressway (I-87), to Cross Bronx Expressway (I-95), East to Bruckner Expressway, (I-278) to Throgs Neck Bridge, to Clearview Expressway (I-295), to Long Island Expressway, (I-495) east on Long Island Expressway to City Line.
- (8) From Long Island to Upstate New York, New England and Westchester County: Reverse of routes set forth in R2707-02(d)(7)(A) and (B).
- (9) From New Jersey to LaGuardia Airport via Goethals Bridge. Goethals Bridge to Staten Island Expressway (I-278) to Verrazano Narrows Bridge (upper level) to Brooklyn Queens Expressway (I-278) to Astoria Blvd. (exit 39), east to 82nd Street then north on 82nd Street to LaGuardia Airport.
- (10) From LaGuardia Airport to New Jersey via Goethals Bridge: Reverse of route set forth in R2707-02(d)(9).
- (11) From New Jersey to LaGuardia Airport via Outerbridge Crossing: Outerbridge Crossing to West Shore Expressway (State 440), to Staten Island Expressway (I-278) east to the Verrazano Narrows Bridge (upper level), to Brooklyn Queens Expressway (I-278), to Astoria Blvd. (exit 39), east to 82nd Street, north on 82nd Street to LaGuardia Airport.
- (12) From LaGuardia Airport to New Jersey via Outerbridge Crossing: Reverse of route set forth in R2707-02(d)(11).
- (13) From New Jersey to LaGuardia Airport via George Washington Bridge (see alternative routes set forth in R2707-02(d)(47)): George Washington Bridge (upper level) via Washington Expressway (without detouring onto City streets), via Alexander Hamilton Bridge, directly to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95), to Throgs Neck Bridge, south across Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), north on Van Wyck Expressway (I-678) to Northern Blvd. (25A), west on Northern Blvd. to Astoria Blvd, west on Astoria Blvd. to 82nd Street, north on 82nd Street to LaGuardia Airport.
- (14) From LaGuardia Airport to New Jersey via George Washington Bridge (see alternative routes set forth in R2707-02(d)(47)): Reverse of route set forth in R2707-02(d)(13).
- (15) From Long Island to LaGuardia Airport:
- (A) Long Island Expressway (I-495) West to Van Wyck Expressway (I-678), North to Northern Blvd. (25-A), West to Astoria Blvd. to 82nd Street, North on 82nd Street to LaGuardia Airport; or
- (B) Long Island Expressway (I-495) West to Brooklyn Queens Expressway (I-278) East to Astoria Blvd. (Exit 39) East to 82nd Street, North on 82nd Street to LaGuardia Airport; or
- (C) West on Sunrise Highway (State 27) to North Conduit Blvd. to Van Wyck Expressway (I-678), north on Van Wyck Expressway (I-678) to Northern Blvd. (25-A), west on Northern Blvd to Astoria Blvd., Astoria Blvd. to 82nd Street, north on 82nd Street to LaGuardia Airport; or
- (D) West on Sunrise Highway (State 27) to North Conduit Blvd. to Van Wyck Expressway (I-678), north on Van Wyck Expressway (I-678) to Long Island Expressway (I-495), west on Long Island Expressway to Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway to Astoria Blvd. (Exit 39), east on Astoria Blvd. to 82nd Street, north on 82nd Street to LaGuardia Airport.
- (16) From LaGuardia Airport to Long Island: Reverse of route set forth in R2707-02(d)(15)(A), (B), (C) or (D).
- (17) From New England and Upstate New York to LaGuardia Airport (see alternative routes set forth in R2707-02(d)(47)):
- (A) New England Thruway (I-95) south to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295), via Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west to Brooklyn Queens Expressway (I-278) east, to Astoria Blvd. (exit 39), east to 82nd Street, then north on 82nd Street to LaGuardia Airport.
- (B) New York State Thruway (I-87) south to Major Deegan Expressway (I-87) to Cross Bronx Expressway (I-95) east to Bruckner Expressway (I-278) to Throgs Neck Bridge, to Clearview Expressway (I-295), to Long Island Expressway (I-495) west, to Brooklyn Queens Expressway (I-278) east, to Astoria Blvd. (Exit 39), east to 82nd Street, then north on 82nd Street to LaGuardia Airport.
- (18) From LaGuardia Airport to New England and Upstate New York: Reverse of routes set forth in R2707-02(d)(17)(A) and (B).
- (19) From New Jersey to JFK International Airport via Goethals Bridge. Goethals Bridge to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), Brooklyn Queens Expressway (I-278) east to Long Island Expressway (I-495), east to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK International Airport.
- (20) From JFK International Airport to New Jersey via Goethals Bridge: Reverse of route set forth in R2707-02(d)(19).
- (21) From New Jersey to JFK International Airport via Outerbridge Crossing: Outerbridge Crossing to West Shore Expressway (State 440) to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), to Brooklyn Queens Expressway east (I-278) to Long Island Expressway (I-495), east on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK International Airport.
- (22) From J.F.K International Airport to New Jersey via Outerbridge Crossing: Reverse of route set forth in R2707-02(d)(21).
- (23) From New Jersey to JFK International Airport via George Washington Bridge (upper level) (see alternative routes set forth in R2707-02(d)(47)): George Washington Bridge (upper level), via Washington Expressway (without detouring onto City streets) via the Alexander Hamilton Bridge directly to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95), to Throgs Neck Bridge, south across Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK International Airport.
- (24) From JFK International Airport to New Jersey via George Washington Bridge (see alternative routes set forth in R2707-02(d)(47)): Reverse of route set forth in R2707-02(d)(23).
- (25) From New England and Upstate New York to JFK International Airport (see alternative routes set forth in R2707-02(d)(47)):
- (A) New England Thruway (I-95), south to Bruckner Expressway (I-95), to Throgs Neck Expressway (I-295), via Throgs Neck Bridge to Clearview Expressway (I-295), to Long Island Expressway (I-495) west on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678), to JFK International Airport.
- (B) New York State Thruway (I-87) south to Major Deegan Expressway (I-87) to Cross Bronx Expressway (I-95), east to Bruckner Expressway (I-278) to Throgs Neck Bridge, to Clearview Expressway (I-295) to L.I. Expressway (I-495) west to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK Airport.
- (26) From JFK International Airport to New England and Upstate New York (see alternative routes set forth in R2707-02(d)(47)): Reverse of routes set forth in R2707-02(d)(25)(A) and (B).
- (27) From Long Island to JFK International Airport:
- (A) West on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK International Airport.
- (B) West on Sunrise Highway (State 27) to North Conduit Blvd. to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK International Airport.
- (C) West on Sunrise Highway (State 27) to North Conduit Blvd. to Rockaway Blvd., or 150th Street, to JFK International Airport.
- (28) From JFK International Airport to Long Island: Reverse of routes set forth in R2707-02(d)(27)(A), (B) and (C).
- (29) From New Jersey to Staten Island wharfs and piers:
- (A) Bayonne Bridge Plaza via Willowbrook Expressway (State 440) to Staten Island Expressway (I-278), west on Staten Island Expressway to Western Avenue, north on Western Avenue to Richmond Terrace, east on Richmond Terrace to Northside wharfs or piers, or Staten Island Expressway, east to Bay Street Exit, then local streets to East Side wharfs or piers.
- (B) Goethals Bridge Plaza via Staten Island Expressway (I-278) to Forest Avenue, north on Forest Avenue to Goethals Road North, west on Goethals Road North to Western Avenue, north on Western Avenue to Richmond Terrace, then local streets for Northside wharfs or piers, or Staten Island Expressway east to Bay Street exit, then local streets to East Side wharfs or piers.
- (C) Outerbridge Crossing via West Shore Expressway (State 440) and Staten Island Expressway (I-278), west on Staten Island Expressway to Western Avenue,

north on Western Avenue to Richmond Terrace, then local streets for Northside wharfs or piers, or Staten Island Expressway east to Bay Street, then local streets to East Side wharfs or piers.

(30) From Staten Island wharfs or piers to New Jersey: Reverse of routes set forth in R2707-02(d)(29)(A), (B) and (C).

(31) From New Jersey to Brooklyn wharfs or piers:

(A) Bayonne Bridge, south via Willowbrook Expressway (State 440) to Staten Island Expressway (I-278), east to Verrazano-Narrows Bridge (upper level) to Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278) to nearest exit to location of wharf or pier then local streets to wharf or pier.

(B) Goethals Bridge to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), to Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278) to nearest exit to location of wharf or pier then local streets to wharf or pier.

(C) Outerbridge Crossing to West Shore Expressway (State 440) to Staten Island Expressway (I-278) to Verrazano-Narrows Bridge (upper level), to Brooklyn Queens Expressway (I-278), east on Brooklyn Queens Expressway (I-278) to nearest exit to location of wharf or pier, local streets to wharf or pier.

(32) From Brooklyn wharfs and piers to New Jersey: Reverse of routes set forth in R2707-02(d)(31)(A), (B) and (C).

(33) From New Jersey to Manhattan wharfs and piers:

(A) George Washington Bridge (upper level), exit at 178th Street and Fort Washington Avenue, east on 178th Street to Amsterdam Avenue, south on Amsterdam Avenue to Cathedral Parkway (110th Street), east on 110th Street to Columbus Avenue, south on Columbus Avenue to west 57th Street, west on 57th Street to 11th Avenue, south on 11th Avenue to 55th Street, west on 55th Street to 12th Avenue, 12th Avenue north or south to wharf or pier location, or

(B) Lincoln or Holland Tunnel (for hazardous materials permitted by Port Authority of New York and New Jersey and Fire Department rules only) to 12th Avenue or West Street, then north or south to wharf or pier location, utilizing the following routes:

(C) Lincoln Tunnel to West Side wharfs and piers North of Lincoln Tunnel: From Lincoln Tunnel, exit at Dyer Avenue (40th Street) north on Dyer Avenue to 41st Street, west (left) on 41st Street, to 12th Avenue (right turn at 12th Avenue adjacent to elevated structure of West Side Highway, continue north on 12th Avenue to wharfs or piers.

(D) Lincoln Tunnel to West Side wharfs and piers South of Lincoln Tunnel: From Lincoln Tunnel exit at Dyer Avenue (40th Street) north on Dyer Avenue to 41st Street, west (left) on 41st Street to 12th Avenue, south (left) on 12th Avenue (under elevated structure of West Side Highway to southbound traffic lane of 12th Avenue) continue south on 12th Avenue and/or West Street to wharfs or piers.

(E) Holland Tunnel to West Side wharfs and piers North of Holland Tunnel: Exit from Holland Tunnel at Hudson Street, north (right turn) on Hudson Street to Canal Street, west (left turn) on Canal Street to West Street, north (right turn) on West Street, continue north on West Street and/or

12th Avenue, to wharfs or piers.

Note: West Street becomes 12th Avenue at about 12th Street.

(F) Holland Tunnel to West Side wharfs and piers South of Holland Tunnel: Exit from Holland Tunnel at Hudson Street, north (right turn) on Hudson Street to Canal Street, west (left turn) on Canal Street to West Street, north (right turn) on West Street to west Houston Street, make "U" turn from north bound traffic lane under elevated West Side Highway to south bound traffic lane of West Street, continue south on West Street to wharfs or piers.

(G) New Jersey, via George Washington Bridge, Lincoln or Holland Tunnels to Lower East Side (East River) wharfs or piers: Continue route set forth in R2707-02(d)(33)(A), (d)(33)(C) or (d)(34)(A), (d)(33)(D) or (d)(34)(B), (d)(33)(E) or (d)(34)(C), or (d)(33)(F) or (d)(34)(D) south on 12th Avenue or West Street, south on West Street to Battery Park Underpass (clearance 12' 11"), enter Battery Park Underpass and exit on South Street, continue north on South Street and/or marginal street under elevated F.D.R. Drive to location of wharf or pier.

(34) From Manhattan wharfs and piers to New Jersey:

(A) West Side wharfs and piers North of Lincoln Tunnel to Lincoln Tunnel: South on 12th Avenue (at 43rd Street, move to left traffic lane to exit at 42nd Street), east (left turn) at 42nd Street on block to 11th Avenue, turn south (right) at 11th Avenue, continue south on 11th Avenue for two blocks (follow signs to Lincoln Tunnel), east (left) on 40th Street to Lincoln Tunnel entrance at Galvin Avenue.

Note: In area of 12th Street, 12th Avenue becomes West Street.

(B) West Side wharfs and piers South of Lincoln Tunnel to Lincoln Tunnel: North on West Street to 12th Avenue, north on 12th Avenue to 40th Street, east on 40th Street across 11th Avenue to Galvin Avenue entrance to Lincoln Tunnel.

(C) West Side wharfs and piers North of Holland Tunnel to Holland Tunnel: South on 12th Avenue and continue south on West Street to Canal Street, east (left turn) on Canal Street to Hudson Street, then north (left turn) at Hudson Street to Holland Tunnel entrance.

(D) West Side wharfs and piers South of Holland Tunnel to Holland Tunnel: North on West Street to Canal Street, east (right turn) on Canal Street to Hudson Street, then north (left turn) on Hudson Street to Holland Tunnel entrance.

(E) Lower East Side (East River) wharfs or piers to New Jersey, via George Washington Bridge, Lincoln or Holland Tunnels: Proceed south on marginal street under elevated F.D.R. Drive and/or South Street to Battery Park Underpass, enter Battery Park Underpass and exit on West Street, proceed north on West Street and/or 12th Avenue, continue as per route set forth in R2707-02(d)(33)(C) or (d)(34)(A), (d)(33)(D) or (d)(34)(B), (d)(33)(E) or (d)(34)(C), or (d)(33)(F) or (d)(34)(D) to Lincoln and Holland Tunnels respectively, and, for George Washington Bridge, proceed north on 12th Avenue to 57th Street, east on 57th Street to Amsterdam Avenue, north on Amsterdam Avenue to 179th Street, west on 179th Street to George Washington Bridge.

(35) From New England, Westchester County and Upstate New York to Manhattan wharfs and piers:

(A) New England Thruway (I-95),

south on New England Thruway (I-95), to Bruckner Expressway (I-278), to Willis Avenue and Third Avenue exit on 135th Street, west on 135th Street Third Avenue, south on Third Avenue across 3rd Avenue Bridge to 129th Street, east on 129th Street to Second Avenue, south on Second Avenue to East 125th Street, or

(B) New York Thruway (I-87), south to Major Deegan Expressway (I-87), Major Deegan Expressway (I-87) south to 138th Street exit, service road to Third Avenue, south on 3rd Avenue, across 3rd Avenue Bridge to east 129th Street, east on 129th Street to Second Avenue, south on Second Avenue to east 125th Street.

(C) Then, west on 125th Street to Amsterdam Avenue, south on Amsterdam Avenue to Cathedral Parkway (110th Street) east on 110th Street to Columbus Avenue, south on Columbus Avenue to west 57th Street, west on 57th Street to 11th Avenue, south on 11th Avenue to west 55th Street, west on west 55th Street to 12th Avenue north or south to wharf or pier location. For Lower East River wharfs and piers, continue south on 12th Avenue to West Street, south on West Street around Battery Park (do not use Battery Under-Pass) to South Street, north on marginal streets under the elevated F.D.R. Drive to location of wharf or pier.

(36) From Manhattan wharfs and piers to Upstate New York, Westchester County and New England:

(A) Reverse of route set forth in R2707-02(d)(35)(C) to 12th Avenue, north to West 57th Street, then east on West 57th Street to Amsterdam Avenue, north on Amsterdam Avenue to 125th Street, east to 1st Avenue, north on 1st Avenue to Willis Avenue Bridge, across Willis Avenue Bridge to Bruckner Blvd., Bruckner Blvd. to 138th Street entrance to Bruckner Expressway (I-278), east and north on Bruckner Expressway (I-278) to New England Thruway (I-95), then New England Thruway (I-95) north to City line, or

(B) Reverse of route set forth in R2707-02(d)(35)(C) 12th Avenue, north to West 57th Street, then east on west 57th Street to Amsterdam Avenue, north on Amsterdam Avenue to 125th Street, east on 125th Street to 1st Avenue, north on 1st Avenue to Willis Avenue Bridge, across Willis Avenue Bridge, Willis Avenue to Major Deegan Expressway (I-87), Major Deegan Expressway north to New York Thruway (I-87), then north to City line.

(37) From New England, Upstate New York and Westchester County to Staten Island wharfs and piers:

(A) New England Thruway (I-95), South on New England Thruway (I-95) to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295) via Throgs Neck Bridge to Clearview Expressway (I-295) to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278), west to Verrazano-Narrows Bridge (upper level) to Staten Island Expressway (I-278) to Bay Street exit for Eastside wharfs or piers, or west to Western Avenue, north to Richmond Terrace, then local streets to Northside wharfs or piers.

(B) New York State Thruway (I-87) south to Major Deegan Expressway (I-87) to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95) to Throgs Neck Bridge, to Clearview Expressway (I-295) to Long Island Expressway (I-495), west to Brooklyn Queens Expressway (I-278), west to Verrazano-Narrows Bridge (upper level), to Staten Island Expressway (I-278), exit at Bay

Street for eastside wharfs or piers, or continue on Staten Island Expressway (I-278) to Western Avenue, north on western Avenue to Richmond Terrace, then local streets to Northside wharfs or piers.

(38) Staten Island wharfs or piers to New England, Upstate New York and Westchester County: Reverse of routes set forth in R2707-02(d)(37)(A) and (B).

(39) From New England, Westchester County and Upstate New York to Brooklyn wharfs or piers

(A) New England Thruway (I-95). South on New England Thruway (I-95) to Bruckner Expressway (I-95) to Throgs Neck Expressway (I-295) via Throgs Neck Bridge to Clearview Expressway (I-295), to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278) west on Brooklyn Queens Expressway (I-278) to nearest exit to wharf or pier location. Route from nearest expressway exit to wharf or pier via local streets.

(B) New York State Thruway (I-87) south to Major Deegan Expressway (I-87) to Cross Bronx Expressway (I-95), east on Cross Bronx Expressway (I-95) to Throgs Neck Bridge, south to Clearview Expressway (I-295), to Long Island Expressway, west on Long Island Expressway (I-495) to Brooklyn Queens Expressway, west on Brooklyn Queens Expressway (I-278) to nearest exit to wharf or pier location, then via local streets to wharf or pier.

(40) Brooklyn wharf or pier to New England, Westchester County and Upstate New York: Reverse of routes set forth in R2707-02(d)(39)(A) and (B).

(41) From Long Island to Brooklyn and Staten Island wharfs and piers:

(A) Long Island Expressway (I-495) west to Brooklyn Queens Expressway (I-278), then west on Brooklyn Queens Expressway (I-278), then continue:

(1) To nearest exit for Brooklyn wharfs or piers location.

(2) West on Brooklyn Queens Expressway (I-278) to Verrazano Bridge (upper level), cross bridge to Staten Island Expressway (I-278), exit at Bay Street for Staten Island Eastside wharfs or piers (utilizing local streets), or continue west on Staten Island Expressway (I-278) to Western Avenue, north on Western Avenue to Richmond Terrace, then local streets for Northside Staten Island wharfs or piers.

(42) Brooklyn or Staten Island wharfs and piers to Long Island: Reverse of routes set forth in R2707-02(d)(41)(A)(1) and (2).

(43) From Long Island to Manhattan wharfs and piers:

(A) West on Long Island Expressway (I-495) to Clearview Expressway (I-295), north on Clearview Expressway (I-295) across Throgs Neck Bridge to Bruckner Expressway (I-278), west on Bruckner Expressway (I-278) continuing as per routes set forth in R2707-02(d)(35)(A) and (C) to Manhattan wharfs or piers.

(B) From Manhattan wharfs and piers to Long Island: Use route set forth in R2707-02(d)(36)(A) to Bruckner Expressway (I-278), east on Bruckner Expressway (I-278) to Throgs Neck Expressway (I-295) south on Throgs Neck Expressway (I-295), over Throgs Neck Bridge, south on Clearview Expressway (I-295) to Long Island Expressway (I-495), then east

on Long Island Expressway (I-495) to Long Island.

(44) Routes to Howland Hook Truck Terminal, Staten Island:

(A) From New Jersey:

(1) Bayonne Bridge Plaza via Willowbrook Expressway (State 440) south to Staten Island Expressway (I-278), north on Western Avenue, east to Howland Hook Terminal.

(2) Outerbridge Crossing, north on West Shore Expressway (State 440) to Staten Island Expressway (I-278), west on Staten Island Expressway (I-278) to Western Avenue, north on Western Avenue, east to Howland Hook Terminal.

(3) Goethals Bridge to Staten Island Expressway (I-278) to Forest Avenue, north on Forest Avenue to Goethals Road North, west on Goethals Road North to Western Avenue, north on Western Avenue, then east to Howland Hook Terminal.

(B) From New England, Upstate New York and Westchester County: Use routes set forth in R2707-02(d)(37)(A) and (B), except that entrance to Howland Hook Terminal is east from Western Avenue.

(C) From Long Island: West on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278), then west on Brooklyn Queens Expressway (I-278) to Verrazano Bridge, cross upper level of Verrazano Bridge, then west on Staten Island Expressway (I-278) to Western Avenue, north on Western Avenue, then east to Howland Hook Terminal.

(D) From J.F. Kennedy Airport: North on Van Wyck Expressway (I-678) to Long Island Expressway (I-495), then west on Long Island Expressway continuing as per route set forth in R2707-02(d)(44)(C).

(E) From LaGuardia Airport: South on 82nd Street to Astoria Blvd., west on Astoria Boulevard to Brooklyn Queens Expressway (I-278), then west on Brooklyn Queens Expressway (I-278), continuing as per route set forth in R2707-02(d)(44)(C).

(45) Routes From Howland Hook Terminal:

(A) To New Jersey: Reverse of route set forth in R2707-02(d)(44)(A).

(B) To New England, Upstate New York and Westchester County: Reverse of route set forth in R2707-02(d)(44)(B).

(C) To Long Island: Reverse of route set forth in R2707-02(d)(44)(C).

(D) To J.F. Kennedy Airport: Reverse of route set forth in R2707-02(d)(44)(D).

(E) To LaGuardia Airport: Reverse of route set forth in R2707-02(d)(44)(E).

(46) Truck and Railroad Terminal in Bushwick Area, Brooklyn, and Maspeth Area, Queens. Utilize routes set forth in R2707-02(d)(5) from New Jersey, in R2707-02(d)(7) from upstate New York, New England and Westchester County, C 3 Island Expressway (I-495), then Long Island Expressway (I-495) to Grand Avenue exit (westbound) or Maurice Ave. exit (eastbound), then to Grand Avenue (and Grand Street), east or west as required. Reverse routes for return trips.

(47) Alternate routes. For vehicles not carrying explosives, alternate routes utilizing the Whitestone Bridge or the Robert F. Kennedy Bridge may be used in lieu of the Throgs Neck Bridge specified in R2707-02(d)(7)(B), (d)(8), (d)(13), (d)(14), (d)(17)(B), (d)(18), (d)(23), (d)(24), (d)(25)(B), (d)(26), (d)(37)(B), (d)(38),

(d)(39)(B) and (d)(40), as follows:

(A) Cross Bronx Expressway (I-95) to Hutchinson River Parkway, south on Hutchinson River Parkway over Whitestone Bridge, and continue south on Whitestone Expressway (I-678).

(1) to Astoria Blvd., west on Astoria Blvd. to 82nd Street, north on 82nd Street to LaGuardia Airport.

(2) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to J.F. Kennedy Airport.

(3) to Van Wyck Expressway (I-678), south to Long Island Expressway (I-495), west on Long Island Expressway (I-495) to Brooklyn Queens Expressway (I-278), west on Brooklyn Queens Expressway (I-278) to Brooklyn or Staten Island wharfs or piers as per routes set forth in R2707-02(d)(37) or (39).

(B) South on Major Deegan Expressway (I-87) from Cross Bronx Expressway or Upstate New York, to Robert F. Kennedy Bridge, across Robert F. Kennedy Bridge to Queens, exit and proceed east on Astoria Blvd.

(1) to 82nd Street, north on 82nd Street to LaGuardia Airport.

(2) to Brooklyn Queens Expressway (I-278), west on Brooklyn Queens Expressway (I-278) to Long Island Expressway (I-495), east on Long Island Expressway (I-495) to Van Wyck Expressway (I-678), south on Van Wyck Expressway (I-678) to JFK Airport.

(3) to Brooklyn Queens Expressway (I-278), west on Brooklyn Queens Expressway (I-278) to Brooklyn or Staten Island wharfs or piers as per routes set forth in R2707-02(d)(37) or (39).

(C) For return, reverse of routes set forth in R2707-02(d)(47)(A)(1), (A)(2), (A)(3), (B)(1), (B)(2), and (B)(3).

(e) Escort Requirements

(1) Motor vehicles transporting hazardous materials requiring Department fire apparatus escorts pursuant to FC2707.12, including explosives and fireworks, shall comply with the requirements of FC2707.12 and this section, including R2707-02(d)(6)(B). The Department reserves the right to require escorts for any hazardous material shipment when deemed necessary.

(2) Notification of arrival of shipments requiring fire apparatus escorts shall be made 48 hours in advance by calling the Operations Center at (718) 999-7900 and providing the name and address of shipper, carrier, description and size of hazardous material load, including net weight and United States Department of Transportation classification, point of entry into New York City and point of departure, with proposed routing. Arrangements for the escort shall be made at the time of such notification. The carrier will be notified of whom and when to call for final meeting arrangements when the carrier is within two (2) hours approach of New York City or ready to leave an airport or wharf or pier.

(3) Explosives shipments shall take the most direct permissible route through the City so as to minimize time of exposure within the City. Prior Department approval shall be obtained for any transfer of explosives on a wharf or pier; explosives shall then be loaded directly from the vehicle transporting the explosives to the vessel at a wharf or pier on the sailing date of the vessel, in accordance with Coast Guard Regulations, and, with respect to arriving shipments, directly from the

vessel to the vehicle on the date of the vessel's berthing. No storage of *explosives* shall be permitted on wharfs, piers, warehouses, staging areas or other locations.

No wharf or pier shall be used for the transfer of *Division 1.1, 1.2 or 1.3 explosives*, except *small arms ammunition*, or *fireworks* classified as *Division 1.4 explosives*, unless such transfer has been approved by the *Department* and a *permit* has been issued. Primacord, Cordeau Detonant Fuse or other high velocity fuses may not be trans-shipped via a wharf or pier in the City of New York.

(4) Escort rendezvous points at entries to New York City. Where *Department* escort is required, rendezvous with the *Department* escort shall be made at the appropriate entry point to the city as follows:

(A) From Long Island:

(1) From North Shore Long Island: Meet at the safety area of Westbound Long Island Expressway (I-495) on the right side between Lakeville Road and Little Neck Parkway.

(2) From South Shore Long Island: Meet at northwest corner of intersection of Sunrise Highway (State 27) between Hook Creek Blvd. and 246th Street.

(B) From New England or Upstate New York:

(1) New England Thruway (I-95) Southbound; exit at Connors Street exit, proceed on New England Thruway Service Road to Connors Street to meet *Department* escort.

(2) New York Thruway (I-87) Southbound; exit into Service Area of Major Deegan Expressway located between Westchester County line and the East 233rd street exit of the expressway, to meet *Department* escort.

(C) From New Jersey via:

(1) Goethals Bridge: Meet at Administration Building in the Toll Plaza.

(2) Bayonne Bridge: Meet at Administration Building in the Toll Plaza.

(3) Outerbridge Crossing: Meet at Administration Building in the Toll Plaza.

(4) George Washington Bridge: Meet at Administration Building in the Toll Plaza.

(D) From Airports:

(1) At JFK International Airport: Meet in front of the Major Robert Fitzgerald Building #111 on the inbound service road of the Federal Circle.

(2) At LaGuardia Airport - Meet at Marine Air Terminal Port Authority of New York and New Jersey Police Building, entering at 82nd Street entrance to LaGuardia Airport.

(f) Seizure of Contraband Materials and Vehicles Transporting Contraband Materials

(1) In addition to any other penalties provided by law, rule or regulation, pursuant to FC104.5.1 and R104-03, *hazardous material* transported in violation of the Fire Code and this section, and the vehicle in which it is being

transported, are liable to seizure and disposal by the *Department* or other law enforcement agency having jurisdiction.

(2) Seizure of contraband is in addition to other penalties, criminal liability, and violations, including those prescribed by FC109.2.1 and 109.2.3 and the New York State Penal Code.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 27 (HAZARDOUS MATERIALS – GENERAL PROVISIONS):

The chapter consists of three sections, all of which are based on existing rules.

Section 2706-01 sets forth standards and requirements for non-production chemical laboratories. These standards and requirements are set forth in existing rule 3 RCNY §10-01.

Section 2707-01 sets forth requirements for the transportation of explosives by motor vehicles. These requirements are set forth in existing rule 3 RCNY §40-01.

Section 2707-02 sets forth requirements for the transportation of flammable and combustible liquids, compressed gases, and explosives, in interstate and intrastate commerce passing through New York city, without pickup or delivery in the city. These requirements are set forth in existing rule 3 RCNY §40-07.

Section 8. It is hereby proposed to amend Title 3 of the Rules of the City of New York by adding a new Chapter 28, to read as follows:

**CHAPTER 28
AEROSOLS**

§2801-01 Aerosols
§2802-2806 Reserved

§ 2801-01 Aerosols

(a) Scope. This section sets forth the requirements for the storage, handling and use of aerosols.

(b) General Provisions. *Aerosols* shall be stored, handled and used in compliance with the requirements of FC Chapter 28 and this section.

(c) Supervision. The handling and use of aerosols in quantities requiring a permit shall be performed under the personal supervision of a person holding a certificate of fitness. The storage of aerosols in quantities requiring a permit shall be under the general supervision of a person holding a certificate of fitness.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 28 (AEROSOLS):

This chapter consists of one new section (R2801-01) that sets forth supervision requirements for the storage, handling and use of aerosols. These supervision requirements are consistent with the requirements set forth in the Fire Code and rules for other hazardous materials. Pursuant to FC102.2.2, persons supervising such aerosol storage, handling and use must obtain the certificate of fitness by July 1, 2009.

Section 11. It is hereby proposed to amend Title 3 of the Rules of the City of New York by adding a new Chapter 34, to read as follows:

**CHAPTER 34
FLAMMABLE AND COMBUSTIBLE LIQUIDS**

§3401-3403 Reserved
§3404-01 Out-of-Service Storage Systems
§3404-02 Precision Testing of Certain Underground Storage Systems
§3404-03 Indoor and Aboveground Combustible Liquid Storage Systems
§3405-01 Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation
§3406-01 Storage of Flammable and Combustible Liquids on Roofs at Construction Sites

§ 3404-01 Out-of-Service Storage Systems

(a) Scope. This section sets forth requirements for out-of-service storage systems for gasoline, diesel, fuel oil and other flammable or combustible liquids that are not in use for 30 days or more, except when such systems are used for seasonal or standby storage and are not otherwise permanently out of service.

(b) Definitions. The following terms shall, for purposes of this section and as used elsewhere in the rules, have the meanings shown herein:

Permanently out-of-service storage systems. Storage systems that are no longer to be used for storing gasoline, diesel, fuel oil or other flammable or combustible liquids or that have not been used for one (1) year or more. The *Department* may deem a storage system permanently out of service and require that it be closed accordingly where it has not been closed and maintained as a temporarily out-of-service storage system and the circumstances of an actual or anticipated change in use or occupancy of the premises at which the storage system is located indicate that any further use of such storage system cannot be reasonably anticipated.

Temporarily out-of-service storage systems. Storage systems for gasoline, diesel, fuel oil or other flammable or combustible liquids that have not been used for 30 days or more, but less than one (1) year.

(c) Temporarily Out-of-Service Storage Systems

(1) Supervision

(A) For motor fuel or other flammable or combustible liquid storage systems, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate.

(B) For fuel oil storage systems with a total capacity exceeding 330 gallons, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate, or a person holding an oil-burning equipment installer license issued by the *Department of Buildings* or by a person who is employed by and under the direct supervision of a person holding such license.

(C) For fuel oil storage systems with a total capacity of 330 gallons or less, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate, by a person holding an oil-burning equipment installer license issued by the *Department of Buildings* or by a person who is employed by and under the direct supervision of a person holding such license, or a plumber licensed by the *Department of Buildings*.

(2) Affidavit of compliance. The owner or operator of a temporarily out-of-service storage system or the permit holder for such system shall file with the *Department* an affidavit certifying that such system has been safeguarded in compliance with the requirements of FC Chapter 34 and this section. Such affidavit shall be executed by a person with the requisite qualifications to supervise the closure of such tanks.

(3) Permits and testing

(A) All storage systems which have been rendered temporarily out of service shall continue to be subject to the *Department's* permit and testing requirements and the registration, reporting, inspection and testing regulations of the New York State Department of Environmental Conservation.

(B) Before a temporarily out-of-service storage system may be restored to service, an affidavit of compliance shall be filed with the *Department* in accordance with R3404-01(c)(2), certifying the integrity of the tank and piping, and the proper functioning of any leak detection and cathodic protection systems.

(d) Permanently Out-of-Service Storage Systems

(1) Supervision

(A) For motor fuel or other flammable or combustible liquid storage systems, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate.

(B) For fuel oil storage systems with a total capacity exceeding 330 gallons, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate, or a person holding an oil-burning equipment installer license issued by the *Department of Buildings* or by a person who is employed by and under the direct supervision of a person holding such license.

(C) For fuel oil storage systems with a total capacity of 330 gallons or less, the closure shall be performed by a person holding a certificate of license or by a person who is employed and supervised by a person holding such certificate, by a person holding an oil-burning equipment installer license issued by the *Department of Buildings* or by a person who is

employed by and under the direct supervision of a person holding such license, or a plumber licensed by the Department of Buildings.

- (2) Affidavit of compliance. The owner or operator of a permanently out-of-service storage system or the permit holder for such system shall file with the Department an affidavit certifying that such system was removed and disposed of, or abandoned in place, in compliance with the requirements of FC Chapter 34 and this section. Such affidavit shall be executed by a person with the requisite qualifications to supervise the closure of such tanks.
- (3) Environmental site assessment. If an environmental site assessment is required by federal or state law or regulations, the owner or operator of the storage system, the permit holder for such system, or the person filing the affidavit of compliance for such system, shall submit to the Department a written statement that such environmental site assessment has been performed in accordance with such law and regulations.

§ 3404-02 Precision Testing of Certain Underground Storage Systems

- (a) Scope. This section sets forth standards, requirements and procedures for precision testing pursuant to FC3404.2.11.6 of underground storage systems for motor fuels or other flammable and combustible liquids when such systems utilize single-walled tanks, or other tanks not provided with a leak detection system meeting Fire Code requirements.
- (b) General Provisions
 - (1) Applicability. Precision testing of underground storage systems for motor fuels or other flammable and combustible liquids that utilize single-walled tanks, or other tanks not provided with a leak detection system meeting Fire Code requirements, shall be conducted in compliance with the requirements of FC Chapters 22 and 34 and this section.
 - (2) Precision testing standard. Precision testing of underground storage systems shall be conducted in accordance with National Fire Protection Association (NFPA) Standard 329 (2005 edition).
 - (3) Supervision.
 - (A) Certificate requirements. Precision testing of underground storage systems shall be conducted by a person holding a certificate of license or under the general supervision of a certificate of license holder. Such person shall be trained and knowledgeable in the use of the precision test equipment and procedures for the conduct of the particular precision test. Any person conducting such test under the supervision of a certificate of license holder shall hold a certificate of fitness for such precision test. A separate certificate of fitness shall be obtained for each type of precision test system.
 - (B) Presence on premises. The certificate holder conducting the precision test shall remain on the premises while such test is being conducted and until the system has been returned to good working order in accordance with R3402-02(c)(1)(C).

- (c) Operational Requirements
 - (1) Administrative requirements
 - (A) Notification of tests. Prior to conducting a precision test of a underground storage system, notification shall be made to the Bureau of Fire Prevention by calling the telephone number designated by the Bulk Fuel Unit. Tests may be witnessed by a Department representative. Tanks located within buildings shall not be tested unless prior Department approval is received.
 - (B) Submission of test results. A report of the results of the precision test shall be submitted to the Bulk Fuel Unit of the Bureau of Fire Prevention on an approved form no later than 30 days after conducting the test. Such test report shall include the name and certificate of fitness number of the person who conducted the test, as well as the name and signature of

the certificate of license holder under whose supervision the test was conducted.

- (C) Notification of defective storage systems. Underground storage systems shall be returned to service in good working order upon completion of the precision testing. Storage systems determined to be defective shall be removed from service in accordance with applicable laws, rules and regulations. If hazardous material has been released to the environment, notification shall be immediately made to the Department and the New York State Department of Environmental Conservation.

- (2) Testing equipment requirements
 - (A) Only approved precision testing systems shall be used for precision testing of underground storage systems. Such testing systems, including hoses and other devices and components, shall be designed for twice the maximum operating pressures of the pressures generated by the precision test system, and shall be compatible with the hazardous material stored in the tank to be precision tested.
 - (B) All testing equipment to be placed in the storage tank, or used in the vicinity of the test area, shall be intrinsically safe or suitable for use in hazardous locations.
 - (C) Interlocks shall be provided for all electrical connections to ensure that the system is grounded before power can be supplied.

- (3) Testing procedures
 - (A) The test area shall be cordoned off by portable barricades, signs, rope or tape to prevent unauthorized persons and motor vehicles from entering the area. Signs posted at the barricade perimeter shall be provided to read "NO SMOKING-NO OPEN FLAMES".
 - (B) All sources of ignition, including all motor vehicles, shall be removed from the testing area.
 - (C) Approved procedures shall be used in filling tanks and piping for precision testing, to ensure safety and prevent overfilling. Filling of tanks shall only be conducted through approved fill boxes from approved cargo tanks and/or approved safety cans. For purposes of topping off the tank or the test equipment, flammable and combustible liquids shall be drawn from an approved storage system on the premises into an approved safety can not exceeding a capacity of two and one half (2½) gallons. Flammable and combustible liquids may not be withdrawn from the fuel tanks of motor vehicles.
 - (D) To avoid erroneous results, each precision test shall compensate for temperature changes, tank-end deflection, air pockets, water tables and other variables, as set forth in NFPA 329, to avoid erroneous results.
 - (E) Tests shall be conducted for the period of time recommended by the manufacturer of the particular precision testing system, or until accurate results can be obtained.
 - (F) If test wells must be drilled on the site to locate the water table, the certificate of license holder shall take all necessary steps to ensure that such test wells do not disturb utility infrastructure.
 - (G) When underground storage systems storing liquid of varying or unknown coefficients of thermal expansion are to be tested, the liquid shall be removed, the tank cleaned, and the test conducted using a material of similar viscosity and a known coefficient of expansion.
 - (H) Power to electrical equipment shall not be turned on until all electrical connections have been

made. The connection to the power source shall be the final connection made.

- (I) Precision testing systems shall be arranged such that rain water cannot enter the tank through the tank openings.

- (d) Portable Fire Extinguisher Requirements
 - (1) A portable fire extinguisher having at least a 40-B:C rating shall be readily accessible during testing. The maximum travel distance to the fire extinguisher shall be 30 feet and the portable fire extinguisher shall be positioned at a safe location within the testing area.

§ 3404-03 Indoor and Aboveground Combustible Liquid Storage Systems

- (a) Scope. This section sets forth requirements for the design and installation of indoor, aboveground combustible liquid storage systems, except fuel oil storage tanks and auxiliary storage tanks for oil-burning equipment regulated by the Mechanical Code, or to the installation of liquid motor fuel-dispensing storage tanks.
- (b) General Provisions. Indoor aboveground combustible liquid storage tanks shall comply with the requirements of FC Chapters 27 and 34 and this section.

- (c) Design and Installation Requirements
 - (1) Location of tanks. Combustible liquid storage tanks shall preferably be installed on the floor at grade level. Combustible liquid storage tanks may also be installed on floors not more than two (2) floors below grade level.
 - (2) Fire-rated separation of tanks
 - (A) Combustible liquid storage tanks having an individual or aggregate capacity of more than 550 gallons but less than 1,100 gallons in a single control area shall be completely enclosed within noncombustible construction having at least a two (2) hour fire resistance rating.
 - (B) Combustible liquid storage tanks having an individual or aggregate capacity of 1,100 gallons or more in a single control area shall be completely enclosed within noncombustible construction having at least a three (3) hour fire resistance rating.
 - (3) Sprinkler system protection
 - (A) Any floor below grade level upon which a combustible liquid storage tank is installed shall be protected throughout by a sprinkler system, except that that when the combustible liquid storage tank will only store a combustible liquid with a flash point of 200°F or greater, and the room or area is segregated, vertically and horizontally, from surrounding spaces by a fire separation of not less than two (2) hour fire resistance rating, only the room or area housing such tank need be protected by a sprinkler system.
 - (4) Piping systems
 - (A) General requirements
 - (1) Exposed piping shall be protected against mechanical damage and shall be adequately supported with rigid metal fasteners or hangers.
 - (2) Only new wrought iron, steel, or brass pipe, or type K or heavier copper tubing shall be used. Metal tubing used as transfer piping shall be adequately protected.
 - (3) Overflow pipes, where installed, shall not be smaller in size than the supply pipe.
 - (4) Pipe shall be connected with standard components, and tubing with components listed or approved for the same material as the pipe, except that malleable iron fittings may be used with steel pipe.

Cast iron fittings shall not be used. All threaded joints and connections shall be made liquid-tight with suitable pipe compound. Unions requiring gaskets or packing, right or left couplings and sweat fittings employing solder having a melting point of less than 1,000°F shall not be used.

- (B) Piping from storage tank to equipment on other floors
 - (1) Piping from a transfer pump to manufacturing, process or other equipment installed on other floors, including *combustible liquid* return and vent piping, shall comply with the applicable provisions of R3404-03(c)(4) and shall be enclosed in a shaft constructed of four (4) inch concrete or masonry, having a four (4) inch clearance from all pipe or pipe covering, except that no such enclosure shall be required within the room containing the pump, tank, or equipment where such room is itself enclosed with construction and materials having at least a 2-hour fire-resistance rating. Provisions shall be made for expansion in piping without the use of expansion joints.
 - (2) Where it is necessary to make horizontal offsets in supply piping, upon exiting the shaft, such piping shall be enclosed in a sleeve of other piping of at least number ten (10) gauge steel, two (2) sizes larger and arranged to drain into the shaft. Horizontal piping offsets shall be further enclosed in construction having a two (2) hour fire resistance rating, except that no such enclosure shall be required within the room containing the pump, tank, or equipment where such room is itself enclosed with construction and materials having at least a 2-hour fire-resistance rating.
 - (3) A drain pipe shall be installed at the base of the shaft enclosing the supply and overflow piping. The pipe shall lead to a dedicated sump or container with a capacity of at least 55 gallons. Such sump or container shall be equipped with a leak detection system alarm, arranged so as to sound an alarm and stop the transfer pump. The alarm shall be connected to a local audible alarm and to a remote alarm located at a supervising station. The wiring shall comply with the *Electrical Code*.
 - (4) Piping shall be seamless steel pipe of a weight not less than ASA Schedule 40, with welded connections up to the equipment, except that fittings at the tank or equipment, shutoff valves and other *combustible liquid* flow and control devices may be screwed or flanged.
 - (5) Pipe shafts shall not

be penetrated by or contain other piping or ducts.

- (5) Transfer of combustible liquids between floors
 - (A) A clearly identified and readily accessible remote control switch shall be provided on each floor to which *combustible liquid* is transferred. Such switch, when manually activated, shall cause shut down of the transfer.
 - (B) A visual indicating device shall be provided in the discharge area that indicates when the pump is running.

§ 3405-01 Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation

- (a) Scope. This section sets forth standards, requirements and procedures for mobile trailers that store and use fuel oil for heating and generation of electrical power.
- (b) General Provisions
 - (1) Applicability. Mobile trailers that store and use fuel oil for heating, including steam and hot water, and generation of electrical power, shall be designed, installed and operated in compliance with the requirements of the *construction codes* and this section.
 - (2) Permit. Each mobile heating or power generating trailer shall obtain a *permit* for the citywide transportation, storage and use of *combustible liquid*. Mobile heating and power generating trailers utilized at one (1) site for more than 30 days shall obtain a site-specific *permit* for the storage and use of *combustible liquid* at that location.
 - (3) Supervision. While in operation, mobile emergency heating and power generating trailers shall be under the *personal supervision* of a *certificate of fitness* holder or a person holding a high pressure boiler operating engineer's license issued by the *Department of Buildings*.
 - (4) Delivery of fuel oil. Only *cargo tanks* for which a *permit* has been issued may be used to deliver fuel oil to mobile heating and power generating trailers.
- (c) Design and Installation Requirements. Mobile heating and power generating trailers using fuel oil shall be designed and installed in compliance with the following requirements:
 - (1) Fuel oil piping systems and boilers shall be designed and installed in compliance with the requirements of the *Mechanical Code*. The power generating equipment, and all electrical devices, equipment and systems on the trailer shall be designed and installed in compliance with the requirements of the *Building Code* and the *Electrical Code*. Documentation of compliance with such codes shall be submitted to the *Department* in an *approved form*.
 - (2) Fuel oil storage tanks shall be constructed in accordance with the requirements of the *Mechanical Code*. No more than 550 gallons of fuel oil shall be stored on the trailer.
 - (3) A clearly identified and readily accessible remote control shut-down switch for the oil burning equipment shall be provided inside the trailer, immediately accessible upon entry.
 - (4) The chassis shall be designed and constructed to support the total load supported by the trailer, including all heating or power generating equipment. The *Department* may require a letter from the chassis manufacturer confirming such design capacity.
 - (5) Fuel oil storage tanks shall be provided with secondary containment of *liquid-tight construction*. Such containment shall be constructed of metal, and shall have a capacity of not less than the maximum capacity of the fuel oil storage tanks.
 - (6) Signs shall be posted on both sides of the trailer that read: "Mobile Heating Trailer" or "Mobile Power Generator", as applicable, in six (6) inch letters, and bear the name and address of the owner in two (2) inch letters.
 - (7) The trailer and equipment shall be electrically grounded in an *approved* manner.
 - (8) Each fuel oil storage tank fill line shall be provided with both a shut-off valve and a check valve.
 - (9) *Department of Buildings* permits or other approvals shall be posted at a conspicuous location inside the trailer.

§ 3406-01 Storage of Flammable and Combustible Liquids on Roofs at Construction Sites

- (a) Scope. This section sets forth requirements for storage and use of *flammable* and *combustible liquids* on roofs at *construction sites*.
- (b) Storage Requirements. Where *flammable* or *combustible liquids* in use at a *construction site* are not removed from the job site at the end of the workday they shall be stored in a metal *flammable liquid* storage cabinet when not in use. *Flammable* or *combustible liquids* may be stored on a roof in connection with work on a roof in a quantity not to exceed one (1) day's supply, but in no case more than 20 gallons.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 34 (FLAMMABLE AND COMBUSTIBLE LIQUIDS):

The chapter consists of five sections, all of which are based on existing rules. Section 3404-01 sets forth requirements for out-of service flammable and combustible liquid storage systems. These requirements are set forth in existing rule 3 RCNY §21-02.

Section 3404-02 sets forth standards, requirements and procedures for precision tests of underground motor fuel, flammable liquid, and combustible liquid storage systems. These requirements are set forth in existing rule 3 RCNY §21-03.

Section 3404-03 sets forth design and installation requirements for indoor combustible liquid storage tank systems. These requirements are set forth in existing rule 3 RCNY §21-17.

Section 3405-01 sets forth requirements for the utilization of mobile trailers storing and using fuel oil for heating and power generating purposes. This section expands the scope of existing rule (3 RCNY §21-18), which is limited to mobile trailers storing and using fuel oil for heating purposes.

Section 3406-01 sets forth requirements for the storage and use of flammable and combustible liquids on the roofs of building at construction sites. These requirements are set forth in existing rule 3 RCNY §20-01.

Section 10. It is hereby proposed to amend Title 3 of the Rules of the City of New York by amending Chapter 36, to read as follows:

**CHAPTER 36
FLAMMABLE SOLIDS**

- §3601-3605 Reserved]
- §3601-01 Flammable Solids
- §3602-3605 Reserved

§ 3601-01 Flammable Solids

- (a) Scope. This section sets forth the requirements for the storage, *handling* and use of *flammable solids*.
- (b) General Provisions. *Flammable solids* shall be stored, *handled* and used in compliance with the requirements of FC Chapter 36 and this section.
- (c) Supervision. The *handling* and use of *flammable solids* in quantities requiring a *permit* shall be performed under the *personal supervision* of a person holding a *certificate of fitness*. The storage of *flammable solids* in quantities requiring a *permit* shall be under the *general supervision* of a person holding a *certificate of fitness*.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 28 (AEROSOLS):

This chapter consists of one new section (R3601-01) that sets forth supervision requirements for the storage, handling and use of flammable solids. These supervision requirements are consistent with the requirements set forth in the Fire Code and rules for other hazardous materials. Pursuant to FC102.2.2, persons supervising such flammable solids storage, handling and use must obtain the certificate of fitness by July 1, 2009.

Section 11. It is hereby proposed to amend Title 3 of the Rules of the City of New York by adding two new sections to Chapter 46, to read as follows:

**CHAPTER 46
FEES**

- §4601-4603 Reserved]
- §4601-01 New and Amended Fees
- §4602-4603 Reserved
- §4604-01 Compensation To Be Paid By Entities Engaged in the Operation of Auxiliary Fire Alarm Systems (effective until July 1, 2009)
- §4604-01 Compensation for Operation of Auxiliary Fire Alarm Systems (effective July 1, 2009)

§ 4601-01 New and Amended Fees

- (a) Scope. This section sets forth provisions relating to the *Department's* adoption of new and amended fees and incorporation of such fees into FC Appendix A.
- (b) General Provisions
 - (1) Adoption. The owner or applicant shall pay the fees set forth in this section for permits, inspections, witnessing of tests and other services, in accordance with the provisions of FC Appendix A.
 - (2) Incorporation. Pursuant to FC102.6.2, such new and amended fees shall be deemed incorporated into FC Appendix A.
 - (3) Identification of amendments

- (A) The incorporation of new fees into FC Appendix A is indicated by underlining.
- (B) The incorporation of amended fees into FC Appendix A is indicated by bracketing the provision and/or fee to be deleted from FC Appendix A and underlining the amended provision and/or fee to be added.

- (c) Certificate Fees (FC A01). Reserved
- (d) Training School Accreditation Fees (FC A02). Reserved
- (e) Permits and Inspection Fees (FC A03). FC A03 is amended to read as follows:

**SECTION FC A03
PERMITS [AND], INSPECTIONS AND PLAN REVIEW**

A03.1 Permits [and], inspection and plan review.

1A. Asphalt Melters
Store, handle or use an asphalt melter \$105.00

14A. Construction Sites
Fire safety inspection (annual fee) \$315.00

45. Plan examinations
Review of design and installation documents \$210.00
Review of fire safety and evacuation plan \$210.00
Review of emergency action plan \$525.00
Original application \$210.00
Amended application (per hour)(total not to exceed \$525.00) \$210.00
Review of professional certification applications \$210.00

- (f) Administrative Services (FC A04). Reserved
- (g) Late Renewals (FC A05). Reserved

Note: Retain underlining of highlighted text in publication of final rule. Retain brackets and bracketed material of highlighted text, without underline, in publication of final rule.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 46 (FEES):

One new section is proposed to be added to this chapter. Section R4601-01 sets forth provisions relating to the Department's adoption of new and amended fees, and the incorporation of those fees into FC Appendix A. The section also proposes two new fees: one in connection with fire safety inspection of construction sites pursuant to R1401-01, and one for review of professional certification of fire alarm system installations in connection with proposed rule, R104-02, entitled "Professional Certification of Fire Alarm System Installations."

Section 12. It is hereby proposed to amend Chapter 48 of Title 3 of the Rules of the City of New York by amending Section 4802-01, amending the titles of eight sections in Chapter 48 and adding six new sections, to read as follows:

**CHAPTER 48
PRE-EXISTING FACILITIES**

- \$4801 Reserved
- \$4802-01 Pre-Existing Definitions
- \$4803-01 [Pre-Existing |General Precautions Against Fire in Pre-Existing Facilities
- \$4804-4808 Reserved
- \$4809-01 [Pre-Existing |Fire Protection Systems in Pre-Existing Facilities
- \$4810-01 [Pre-Existing |Means of Egress in Pre-Existing Facilities
- \$4811-4821 Reserved
- \$4822-01 Pre-Existing Motor Fuel-Dispensing Facilities and Repair Garages
- [§4823-4829 Reserved]
- \$4823-4826 Reserved
- \$4827-01 Storage of Hazardous Materials in Pre-Existing Facilities
- \$4828-01 Storage of Aerosols in Pre-Existing Facilities
- \$4829-01 Storage of Combustible Fibers in Pre-Existing Facilities
- \$4830-01 [Pre-Existing |Storage of Compressed Gases in Pre-Existing Facilities
- \$4831 [Reserved |Storage of Corrosive Materials in Pre-Existing Facilities
- \$4832-01 [Pre-Existing |Storage of Cryogenic Fluids in Pre-Existing Facilities
- [§4833-4834 Reserved]
- \$4833-01 Storage of Explosives in Pre-Existing Facilities
- \$4834-01 Storage of Flammable and Combustible Liquids in Pre-Existing Facilities
- \$4835-01 [Pre-Existing |Storage of Flammable Gases in Pre-Existing Facilities
- \$4836-4837 Reserved
- \$4838-01 [Pre-Existing |Storage of Liquefied Petroleum Gases in Pre-Existing Facilities
- \$4839-01 Storage of Organic Peroxides in Pre-Existing Facilities
- [§4839|4840-4844 Reserved

§ 4802-01 Pre-Existing Definitions

- (b) Definitions
- Board of Standards and Appeals.** New York City Board of Standards and Appeals.
- Department of Buildings.** New York City Department of Buildings.
- Department of Small Business Services.** New York City Department of Small Business Services.

Multiple dwelling. A multiple dwelling, as defined in subdivision seven of section four of the multiple dwelling law, including any portion of such dwelling used for other than living or sleeping

purposes, or for any business, commercial or other non-residential purpose. (Fire Prevention Code, former Administrative Code §27-4002(27a))

Structure. Any building or construction of any kind. (Fire Prevention Code, former Administrative Code §27-4002(38)(c))

§ 4827-01 Storage of Hazardous Materials in Pre Existing Facilities

(a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of hazardous material installations in pre-existing facilities.

(b) Definitions. The following terms shall, for purposes of this section and as used elsewhere in Chapter 48 of the rules, have the meanings shown herein:

Retail drug store. A store or building used for the compounding and dispensing, usually in the form of physicians' prescriptions, or for the selling of small quantities of medicinal preparations, proprietary articles, drugs, chemicals, oils, volatile solvents and other substances which, alone or in combination with any other article or substance, are of a highly combustible, flammable or explosive nature. (Fire Prevention Code, former Administrative Code §27-4002(35))

Technical establishment. A building or place where explosive, flammable or highly combustible substances are produced, used or stored for use, or where chemicals or other materials entering into the production of such substances are stored or used, excepting those establishments which are specifically treated under other classifications in subchapters one through twenty-seven of this chapter. (Fire Prevention Code, former Administrative Code §27-4002(39))

Tenement house. A class A multiple dwelling as defined in subdivision four of section four of the multiple dwelling law. (Fire Prevention Code, former Administrative Code §27-4002(40))

(c) General Provisions. Pre-existing facilities with hazardous material installations the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such hazardous material installations under the applicable laws, rules and regulations in effect prior to the Fire Code, and shall continue to comply with the provisions of such laws, rules and regulations, including former Administrative Code §§27-4234, 27-4236, 27-4237, 27-4238, 27-4240, 27-4241, 27-4242 and 27-4246, and former Fire Department rules 3 RCNY §§10-01, 15-05 and 34-01, as applicable, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to their design and installation.

(d) Technical Establishments

(1) Former Administrative Code §27-4234

§27-4234 Restrictions

It shall be unlawful to store for use, or to use in any technical establishment any liquid acetylene, acetylide of copper or other metallic acetylide; fulminate of mercury, or any other fulminate or fulminating compound; nitroglycerine; chloride of nitrogen; amide or amine; blasting powder; smokeless powder; or gunpowder in any form; or any volatile product of petroleum (except rhigoline) having a boiling point lower than sixty degrees Fahrenheit.

(e) Wholesale Drug Stores and Drug and Chemical Supply Houses

(1) Former Administrative Code §27-4237

§27-4237 Restrictions

No permit shall be issued for a wholesale drug store or drug and chemical supply house in any building:

1. Which is situated within fifty feet of the nearest wall of any building which is occupied as a school, hospital, theatre, or other place of public amusement or assembly;
2. Which is not equipped with a fire extinguishing system approved by the commissioner;
3. Where the building does not comply with the requirement of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where a building or building section erected prior thereto is not fully equipped with an approved automatic sprinkler system.

(2) Former Administrative Code §27-4238

§27-4238 Laboratory

a. Construction. The operation of compounding medicinal preparations, proprietary articles and similar materials, or analyzing or testing drugs, chemicals, medicinal preparations, proprietary

articles and similar materials, when explosive or flammable substances are required, shall be conducted only in a room or part of the premises designed and constructed in accordance with all applicable provisions of the building code.

* * *

(3) Former Administrative Code §27-4240

§27-4240 Prohibited materials

It shall be unlawful to manufacture or store in a wholesale drug store or drug and chemical supply house any of the following substances:

1. Acetylide of copper;
 2. Amide or amine explosive;
 3. Chloride of nitrogen;
 4. Colored fire in any form;
 5. Cymogene or any volatile product of petroleum (except rhigoline) or coal tar having a boiling point lower than sixty degrees Fahrenheit;
 6. Flashlight powders;
 7. Fulminate or any fulminating compound;
 8. Guncotton;
 9. Gunpowder in any form;
 10. Liquid acetylene;
 11. Nitro-glycerine, except in official U. S. pharmacopoeia solution, or in the form of pills, tablets, or granules containing not more than one-fiftieth of a grain each;
 12. Picrates;
 13. Potassium chlorate in admixture with organic substances or with phosphorus or sulphur; provided that this restriction shall not apply to the manufacture or storage of tablets of chlorate of potash intended for use solely for medicinal purposes;
 14. Rubber shoddy.
- (4) Former Administrative Code §27-4241

§27-4241 Quantities of supplies allowed

No permit shall be issued for the storage in a wholesale drug store or drug and chemical supply house of any of the following substances in quantities greater than those set forth in the following schedule:

1. Explosives.

Amyl nitrate in bottles	25 pounds
Amyl nitrate in pearls	100 gross
Carbon bisulphide	50 pounds
Collodions	100 pounds in all
Gases, liquefied:	
Anhydrous ammonia	2 cylinders
Carbon dioxide	2 cylinders
Nitrous oxide	2 cylinders
Oxygen	2 cylinders
Sulphur dioxide	2 cylinders
Nitroglycerine, one percent solution in alcohol	20 pounds
Picric acid	25 pounds
Soluble cotton	25 pounds in all
2. Volatile flammable liquids (insoluble).

Benzene, benzole or naphthas of any kind	150 gallons in all
Coal tar	1 barrel
Coal tar oils (heavy)	10 barrels
Crude petroleum	1 barrel
Ethyl chloride and other ethers	200 pounds in all
Ether, nitrous	100 pounds in five pound packages or less
Ether, sulphuric	500 pounds
Rhigoline	2 dozen one pound tins
Varnishes, lacquers, etc.	275 gallons in all
Wood creosote	5 barrels
3. Volatile flammable liquids (soluble).

Acetone	1 barrel
Alcohol, denatured	10 barrels
Alcohol, ethyl	10 barrels
Alcohol, methyl	10 barrels
Aldehyde, ethyl	5 gallons
4. Non-volatile flammable liquids (insoluble).

Amyl acetate	10 barrels
Amyl alcohol	10 barrels
Aniline oil	5 drums
Cumol	5 barrels
Essential oils	10,000 pounds in all
Kerosene	1 barrel
Nitrobenzole	5 drums
Terebene	100 pounds
Toluol	350 pounds
Turpentine	10 barrels
Xylol	100 pounds
5. Non-volatile flammable liquids (soluble).

Glycerine	5,000 pounds
-----------	--------------
6. Combustible solids.

Metallic magnesium	100 pounds
Phosphorus	11 pounds
Phosphorus, red	11 pounds
Sulphur	25 barrels in all

7. Gums, resins, pitch, etc.

Burgundy pitch	5,000 pounds
Camphor	8,000 pounds
Gum thus	5 barrels
Naphthaline	50 barrels in all
Pitch (coal tar pitch)	2 barrels
Resins, balsams and other varnish gums	8,000 pounds in all
Rosin	5 barrels
Shellac	2,500 pounds
Stockholm tar	1,000 pounds
Tar, refined (wood)	10 barrels
Venice turpentine	2,000 pounds

8. Combustible fibres and powders (vegetable).

Cotton, absorbent	2,000 pounds
Cotton batting	10 bales
Excelsior	25 bales
Flax	20 bales
Jute	25 bales
Lampblack	10 barrels
Lycopodium	2,000 pounds
Oakum	2 bales
Pulverized charcoal	10 barrels
Sawdust	15 bags
Straw, packing	10 bales

9. Dangerously corrosive acids.

Anhydrous acetic	500 pounds
Carbolic	15,000 pounds
Glacial acetic	2,000 pounds
Hydrochloric	15 carboys
Hydrofluoric	500 pounds
Sulphuric	15 carboys

10. Acids.

Chromic	100 pounds
Iodic	5 pounds
Nitric	3 carboys
Nitric, fuming	25 pounds
Periodic	2 pounds

11. Peroxides.

Barium	2 casks
Calcium	100 pounds
Hydrogen, U.S.P.	5,000 pounds
Other hydrogen peroxides, over three percent, not to exceed fifteen percent	500 pounds
Potassium	10 pounds
Sodium	25 pounds

12. Chlorates.

Barium	500 pounds
Other metallic	100 pounds in all
Potassium	1,000 pounds
Sodium	1,000 pounds

13. Perchlorates.

Potassium	10 pounds
Other metallic perchlorates	10 pounds in all

14. Permanganates.

Potassium	1,000 pounds
Sodium	100 pounds
Other metallic permanganates	100 pounds in all

15. Nitrates.

Barium	1,200 pounds
Bismuth subnitrate	2,500 pounds
Cobalt	1,000 pounds
Copper	100 pounds
Iron, ferric	200 pounds
Mercury (mercuric)	100 pounds
Mercury (mercurous)	10 pounds
Potassium	2,000 pounds
Silver	50 pounds
Sodium	1,000 pounds
Strontium	1,200 pounds
Other metallic	500 pounds in all

16. Metallic oxides.

Lead binocide	25 pounds
Lead (litharge)	1,200 pounds
Lead (red)	500 pounds
Mercury, yellow precipitate (mercurous)	200 pounds
Mercury, red precipitate (mercuric)	100 pounds
Silver	10 pounds

17. Substances made dangerous by contact with other substances.

Calcium carbide	60 pounds
Metallic potassium	5 pounds
Metallic sodium	5 pounds
All other metals of the alkalies or alkalone earths	5 pounds in all
Phosphides	10 pounds
Unslaked lime	2 barrels
Zinc dust	100 pounds

The commissioner may, in his or her discretion and when no unusual hazard is presented thereby, authorize the storage of greater quantities than those set forth in the foregoing schedule, or the storage of other substances not specified therein.

§27-4242 Storage

* * *

b. Liquids. The storage of acids or liquid chemicals which may cause explosions or combustion by flowing into, upon or among chemicals or other substances, shall be provided with safety catch basins or a similar device, so that, in case of the leakage of such acids or liquids, no danger to life or property will result. Carboys containing nitric acid shall be stored only in premises designed and constructed in accordance with all applicable provisions of the building code; and it shall be unlawful to permit sawdust, hay, excelsior, or any organic substance, or other acids or chemicals in close proximity to such carboys or stocks of nitric acid. A sufficient quantity of sand

or infusorial earth shall be provided for absorbing all waste liquids from floors.

* * *

(6) Former Fire Department Rule 3 RCNY §15-05

§15-05 Fire Protection in Wholesale Drug and Chemical Supply Houses

The following shall be deemed to be in compliance with § 27-4237(3) of the Administrative Code of the City of New York:

* * *

(d) Where such storage does not exceed 75 percent of the quantities allowed in § 27-4241, Administrative Code.

For each 2,500 square feet of floor area or major portion thereof:

* * *

Thermostatic alarm

(e) Where the storage exceeds 75 percent of the allowable quantity, an automatic sprinkler system is required.

(f) When the building exceeds four stories, an automatic sprinkler system is required.

(g) In any building where explosives and flammable substances are used or handled, if the area exceeds 5,000 square feet per floor an automatic sprinkler system is required.

(h) In any building exceeding 10,000 square feet per floor, an automatic sprinkler system is required.

(f) Retail Drug Stores

(1) Former Administrative Code §27-4246

§27-4246 Quantities of supplies allowed

It shall be unlawful to store, sell or use in a retail drug store any of the following substances in quantities greater than those set forth in the following schedule:

1. Acids.

Carbolic	100 pounds
Hydrochloric	200 pounds
Nitric	15 pounds
Picric	1 ounce
Sulphuric	200 pounds

2. Volatile flammable liquids.

Acetone	5 pounds
Amyl acetate	1 gallon
Amyl alcohol	1 gallon
Amyl nitrate	2 ounces in one ounce bottles six dozen pearls
Ethyl alcohol	1 barrel
Benzine, benzole and naphtha of any kind	5 gallons in four ounce bottles or pint tins
Carbon bisulphide	3 pounds
Collodion	5 pounds
Denatured alcohol	1 barrel
Ether, sulphuric	5 pounds
Methyl alcohol	1 barrel
Other ethers, in all	2 pounds
Turpentine	1 barrel

3. Flammable liquids.

Essential oils	100 pounds in all
Glycerine	500 pounds
Pine tar	10 pounds

4. Combustible solids.

Aluminum (powder)	1 pound
Balsams and resins	50 pounds in all
Camphor	350 pounds
Charcoal, powdered	10 pounds
Lampblack	10 pounds
Magnesium (powder)	8 ounces
Magnesium (ribbon)	8 ounces
Naphthalene	4 barrels
Phosphorus, red	2 ounces
Phosphorus, yellow	1 ounce
Rosin	10 pounds
Sulphur and brimstone	250 pounds in all

5. Combustible fibres.

Cotton, absorbent	150 pounds in cartons
Cotton, batts	10 pounds in closed boxes or other containers
Cotton, loose	5 pounds in closed boxes or other containers
Excelsior, hay and straw	2 bales (except in stores located in tenement houses)
Lint	10 pounds in closed boxes or other containers
Oakum	10 pounds in closed boxes or other containers

6. Oxidizers.

Barium peroxide	1 pound
Bismuth subnitrate	20 pounds
Calcium peroxide	5 pounds
Chromic acid	1 pound
Lead oxide (red)	5 pounds
Lime, unslaked	200 pounds in sealed metal cans
All other metallic bichromates or chromates	50 pounds in all
Mercuric oxide (red)	2 pounds
Mercurous oxide	2 pounds
Mercury nitrate	1 pound

Phosphides	10 ounces in all
Potassium bichromate	10 pounds
Potassium chlorate	25 pounds in five pound containers or less
Potassium nitrate	50 pounds
Potassium perchlorate	1 ounce
Potassium permanganate	5 pounds
Silver nitrate	1 pound
Silver oxide	1 ounce
Sodium bichromate	10 pounds
Sodium chlorate	5 pounds
Sodium nitrate	25 pounds
Sodium permanganate	1 pound

The commissioner may, in his or her discretion, when no extra hazard is permitted thereby, authorize the storage of larger quantities of substances than those set forth in the foregoing schedule, or of other explosives or flammable substances not specifically named therein.

(g) Non-Production Chemical Laboratories

(1) Former Fire Department Rule 3 RCNY §10-01

§10-01 Storage and Use of Chemicals, Acids and Gases in College, University, Hospital, Research and Commercial Laboratories

(a) Definitions.

* * *

Laboratory. Laboratory means a generic term denoting a building, space, equipment or operation, wherein testing, research or experimental work is conducted and shall include laboratories used for instructional purposes.

Laboratory Building. Laboratory building means a structure consisting wholly or principally of one or more laboratory units.

Laboratory Unit. Laboratory unit means an enclosed, fire rated space used for testing, research, experimental or educational purposes. Laboratory units may or may not include offices, laboratories, and other contiguous rooms maintained for, or used by, laboratory personnel, and corridors within the units. It may contain one or more separate laboratory work areas.

Laboratory Work Area. Laboratory work area means a room or space within a laboratory unit for testing, analysis, research, instruction, or similar activities which involve the use of chemicals or gases. A work area may or may not be enclosed.

Exception: This section shall not apply to physical, electronic, instrument or similar laboratories which use small quantities (less than 32 oz. flammable liquids, 0.5 lb. oxidizing materials, and 0.15 cu. ft. water container capacity of flammable gases) for incidental purposes such as cleaning, maintenance or repair and these substances are not used directly in experimental chemical research work.

* * *

Storage Cabinet. Storage cabinet means a cabinet for the storage of not more than 60 gallons of flammable liquid which is designed and constructed in accordance with "OSHA General Industry Standards-Flammable and Combustible Liquids".

Storage Room. Storage room means a room where chemicals or gases regulated by this directive are stored and not otherwise used or reacted.

Unstable (Reactive) Chemical. Unstable (reactive) chemical means a substance, other than one classified as an explosive or blasting agent, which will vigorously and energetically react, is potentially explosive, will polymerize or decompose instantaneously, undergo uncontrollable auto-reaction or can be exploded by heat, shock, pressure or combinations thereof. Examples are: organic peroxides, nitromethane, and ammonium nitrate.

* * *

(d) Storage.

(1) Storage of chemicals for use in individual laboratory units shall be in accordance with Table I below. Any amounts in addition to the maxima set forth in Table I below shall be at the discretion of the Commissioner and shall be in storage cabinets.

(2) Determination of the fire rating of laboratory unit enclosures shall be in accordance with the criteria of the Building Code, except that, in partitions not required to have a fire rating under the provisions of that Code, fire dampers shall not be required to be installed in existing ducts penetrating existing laboratory partitions.

(3) Storage of volatile flammable oils shall be in accordance with Table I of this section.

Table I
Maximum Laboratory Unit Storage Limits

Lab Type	Fire Rating	Fire Protection	Flammable Liquids and	Flammable Solids	Oxidizing Materials	Unstable Reactive
I	2 Hours	Sprinklers	30 gals	15 lbs	50 lbs	12 lbs
II	1 Hour	Sprinklers	25 gals	10 lbs	40 lbs	6 lbs
III	2 Hours	No Sprinklers	20 gals	6 lbs	30 lbs	3 lbs
IV	1 Hour	No Sprinklers	15 gals	3 lbs	20 lbs	2 lbs

- * * *
- (5) Storage and use of flammable gases within laboratory units shall be in accordance with Table II below, except that no storage of flammable gases shall be allowed in any laboratory unit where there is not an on-going operation requiring their use. On-going operations shall allow storage of flammable gases sufficient to meet the operating requirements of the equipment in that laboratory unit plus an equal reserve.

Table II
Storage of Flammable Gases

Area of Laboratory in square feet**	Up to 500 sq. ft.	per additional 100 sq. ft.	Maximum per Laboratory Unit
Maximum Capacity	9.24	1.54	15.4

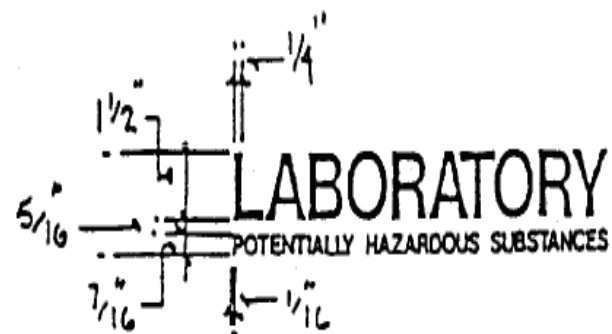
** Water container capacity

- * * *
- (9) Storage rooms shall be of a minimum 2 hour rated construction and shall be provided with:
- (i) a constant mechanical exhaust system to the exterior capable of providing at least six changes of air per hour;
 - (ii) a sill at the doorway (except that no sill shall be required at doorways of flammable gas storage rooms);
 - (iii) a sprinkler system providing at least one head per 90 sq. ft.

- * * *
- (13) All fixed electrical equipment within cold rooms where flammable liquids or flammable gases are used shall be explosion proof in accordance with subdivision (f)(3) of this section. Cold rooms shall not be used for storage of principal stock of flammable gases or flammable liquids.

(e) Signs and warning placards.

- (1) A sign prohibiting smoking shall be conspicuously posted at the exterior of entrances to storage and laboratory areas and within such areas.
- (2) Signs with RED letters of minimum size two inches high by three-eighths inch stroke on a contrasting background shall be posted at entrances to areas:
- (i) Where materials which react with water are stored or used.
 - (ii) Where flammable gases or explosives are stored or used.
- (3) Warning placards in conformance with Federal, State and Local regulations shall be posted at entrances to areas:
- (i) Where radioactive material is stored or used;
 - (ii) Where biohazardous material is stored or used;
 - (iii) Where poisonous gases are stored or used.
- (4) The outside of each chemical laboratory unit door shall have a sign, as detailed below, or metal or other durable material, with RED letters on a white background which shall be located in the area of the mid-point of the height of the door.



(f) Fire prevention and protection.

- (1) In laboratories and storage rooms which are sprinkled, the protection area per sprinkler head shall not exceed 90 sq. ft., except that the protection area per sprinkler head shall not exceed 100 sq. ft. where the system is hydraulically designed.
- (2) In existing buildings, water supply to sprinkler systems may be taken off existing standpipes provided that the

system is hydraulically designed.

- (3) All electrical equipment in all flammable liquid and all flammable gas storage rooms shall conform with the requirements of the New York City Electrical Code set forth in §27-3198(4), Administrative Code, irrespective of whether such room would be classified as a Class I Location by §27-3197(1) of such code.
- (4) Laboratory units and laboratory work areas shall be considered as unclassified electrically with respect to §27-3197 of the Administrative Code.
- (5) Fume hoods shall be provided and utilized in conformance with these requirements and those of such other agencies as have jurisdiction over operations and special storage conditions which give off noxious odors or flammable or poisonous vapors, or radioactive materials.
- (6) Fume hoods shall be so vented that a minimum average face velocity of 100 feet per minute, with minimum face velocity at any point not less than 75 feet per minute, is provided.
- (7) Fume hoods shall be located away from doors, windows that may be opened, principal traffic lanes or room air outlets or returns which may cause drafts sufficient to interfere with exhaust operations of fume hoods.
- (8) Every fume hood used for handling perchloric acids, strong oxidizing agents or highly reactive chemicals shall be served by an independent duct.
- (9) Common ducts may be permitted for fume hoods in the same laboratory unit. Hoods in different laboratory units shall not have their ducts combined. Hoods in common ducts must be so arranged or equipped that exhaust from one duct cannot be forced out through any other hood served by the common duct.
- (10) Exhaust ducts shall have the minimum number of turns, bends or obstructions as is practical, and shall have adequate air movement in the duct for the number of hoods vented by that duct and sufficient to prevent any back up into the hood.
- (11) Washdown provisions shall be provided for hoods and ducts in which perchloric acid is heated above ambient temperature and in which vapors are not trapped or scrubbed before entering the hood exhaust system.
- (12) Exhaust fans for ducts shall, wherever possible, be located outside the building and as close as possible to the terminal so that negative pressure is maintained in ducts within the building.
- (13) A system of explosion hazard control consisting of explosion prevention, explosion suppression, explosion venting, area ventilation, extinguishment system(s), barrier protection, separation and isolation, remove controlled apparatus or any combination thereof, shall be provided in laboratories or storage rooms where any of the following conditions occur:
- (i) Storage of materials which in themselves are readily capable of detonation or of an explosive decomposition or explosive reaction at normal ambient temperature and pressure.
 - (ii) Use of materials which explode, violently decompose or produce rapid increases in pressure and temperature upon:
 - (A) Vacuum distillation;
 - (B) Being subjected to slight or moderate shock;
 - (C) Exposure to ultraviolet or visible light;
 - (D) Exposure to pressure or more than one atmosphere;
 - (E) Exposure to temperature in excess of 122(degrees)F. or 50(degrees)C.;
 - (F) Exposure to air;
 - (G) Increase in the concentration above which the substance is not longer stable;
 - (H) Standing (i.e. spontaneously).

- (iii) Highly exothermic reactions which also involve rapid increases in pressure, such as certain polymerizations, oxidations, nitrations, peroxidations, hydrations, or organometallic reactions.
 - (iv) Use or formation of materials whose chemical structure or functional group indicate potential hazard, but whose properties have not been established. Examples would be triple bonds, epoxy radicals, nitro and [nitroso] nitrous compounds, and peroxides.
- (14) The commissioner shall evaluate the method of explosion hazard control, on an individual basis, considering in each instance the following criteria:
- (i) The nature and quantity of the constituent material(s);
 - (ii) The nature of the process;
 - (iii) The potential energy release;
 - (iv) Isolation of the equipment;
 - (v) The particular physical location and exposures.

* * *

Note: Retain underlining of highlighted text in publication of final rule. Retain brackets and bracketed material of highlighted text, without underline, in publication of final rule.

(2) Former Fire Department Rule 3 RCNY §34-01

§34-01 Storage and Use of Limited Quantities of Chemicals, Acids, and Flammables for Instruction Purposes in [Public High] Schools Through the Twelfth Grade

- (a) No liquefied chlorine may be stored in any school.
 - (b) No more than five (5) gallons of volatile flammable oils derived from petroleum, shale oil or coal tar should be stored at any one time.
 - (c) No more than twenty-five (25) pounds of potassium and/or sodium chlorate is permitted to be stored.
 - (d) No chemicals or substances as listed under §§27-4240 and 27-4234 of the Administrative Code should be stored in a school.
- * * *
- (i) The storage of dangerous chemicals, volatile flammable oils and liquids shall be confined to metal cabinets vented at top and bottom. A cardholder should be provided for a visible record of the contents and maximum amount stored therein; also, a caution sign, if applicable to read: "In case of fire do not use water."

* * *

Note: The foregoing rules shall be the basis for the issuance of Fire Department permits to schools throughout the City of New York.

- (i) Listed below are the maximum quantities of combustibles and dangerous chemicals which may be stored in [public high] schools **through the twelfth grade:**

Explosives	
Picric acid	1 lb.
Carbon bisulphide	10 lbs.
Carbon Dioxide	1 lb.
Anhydrous Ammonia	1 lb.
Sulphur Dioxide	1 lb.
Nitrous Oxide	1 lb.
Oxygen	1 lb.
Volatile Flammable Liquids (Insoluble)	
Crude Petroleum	2 lbs.
Benzine, Benola or Naphthas of any kind	2 lbs.
Ether, Sulphuric	10 lbs.
Varnishes, Lacquers, etc.	2 lbs.
Volatile Flammable Liquids (Soluble)	
Acetone	1 lb.
Alcohol, Denatured	5 gals.
Aylcohol, Methyl	5 gals.
Non-Volatile Flammable Liquids (Insoluble)	
Amyl Acetate	2 lbs.
Amyl Alcohol	2 lbs.
Aniline Oil	1 lb.
Non-Volatile Flammable Liquids (Insoluble)	
Kerosene	2 lbs.

Turpentine	½ gal.
Tuluol	1 gal.
Xylol	1 gal.
Essential Oils	2 lbs.
<hr/>	
Non-Volatile Flammable Liquids (Soluble)	
Glycerine	5 lbs.
<hr/>	
Combustible Solids	
Phosphorous	¼ lb.
Phosphorous, Red	5 lbs.
Sulphur	15 lbs.
Metallic Magnesium	1 lb.
<hr/>	
Gums, Resins, Pitch, Etc.	
Camphor	1 lb.
Resin	11 lbs.
Venice Turpentine	1 lb.
Naphthaline	1 lb.
Shellac	1 lb.
<hr/>	
Combustible Fibres and Powders (Vegetable)	
Pulverized Charcoal	5 lbs.
Cotton, Absorbent	5 lbs.
Lampblack	2 lbs.
Lycopodium	1 lb.
<hr/>	
Dangerously Corrosive Acids	
Glacial Acetic Acid	5 gals.
Hydrofluoric Acid	1 lb.
Hydrochloric Acid	12 gals.
Sulphuric Acid	12 gals.
Carbolic Acid	1 lb.
<hr/>	
Acids	
Acid, Chromic	1 lb.
Acid, Nitric	12 gals.
<hr/>	
Peroxides	
Hydrogen Peroxide, U.S.P.	0 lbs.
Sodium Peroxide	2 lbs.
Barium Peroxide	2 lbs.
Other Hydrogen Peroxides over 3 percent, not to exceed 15 percent	5 lbs.
<hr/>	
Chlorates	
Potassium Chlorate	15 lbs.
<hr/>	
Permanganates	
Potassium Permanganates	1 lb.
<hr/>	
Nitrates	
Barium Nitrate	1 lb.
Stontium Nitrate	1 lb.
Cobalt Nitrate	1 lb.
Copper Nitrate	1 lb.
Iron Nitrate, Ferric Mercury Nitrate (mercuric)	1 lb.
Mercury Nitrate (mercurous)	1 lb.
Potassium Nitrate	10 lbs.
Silver Nitrate	5 lbs.
Sodium Nitrate	15 lbs.
Other Metallic Nitrates	5 lbs.
<hr/>	
Metallic Oxides	
Lead Oxide (red)	5 lbs.
Lead Oxide (Litharge)	10 lbs.
Oxide of Mercury red precipitate (mercuric)	10 lbs.
Oxide of Mercury; yellow precipitate (mercurous)	5 lbs.
<hr/>	
Substances Made Dangerous by Contact with Other Substances	
Calcium Carbide	5 lbs.
Metallic Potassium	½ lb.
All other Metals of the Alkalies or Alkaline Earths	2 lbs.
Metallic Sodium	½ lb.
Zinc Dust	5 lbs.
Slaked Lime	25 lbs.

Note: Retain underlining of highlighted text in publication of final rule. Retain brackets and bracketed material of highlighted text, without underline, in publication of final rule.

§ 4828-01 Storage of Aerosols in Pre-Existing Facilities

- (a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of aerosol storage in pre-existing facilities.
- (b) Definitions. The following terms shall, for purposes of this section and as used elsewhere in Chapter 48 of the rules, have the meanings shown herein:

Combustible pressurized product. A pressurized product that has a flashpoint at or above 100 degrees Fahrenheit and below 300 degrees Fahrenheit, or where a flame projection exceeds three (3) inches but not more than eighteen (18) inches at full valve opening when tested by a

method described in the regulations of the United States Department of Transportation, as set forth in Title 49, Part 173 of the Code of Federal Regulations. (Former Fire Department rule 3 RCNY 32-01(b))

Extremely flammable pressurized product. A pressurized product that has a flashpoint below 20 degrees Fahrenheit and where a flashback (a flame extending back to the dispenser) is obtained at any degree of the valve opening when tested by a method described in the regulations of the United States Consumer Product Safety Commission, as set forth in Title 16, Part 1500 of the Code of Federal Regulations. (Former Fire Department rule 3 RCNY 32-01(b))

Flammable pressurized product. A pressurized product that has a flashpoint at or above 20 degrees Fahrenheit and below 100 degrees Fahrenheit, or where a flame projection exceeds eighteen (18) inches at full valve opening or a flashback (a flame extending back to the dispenser) is obtained at any degree of valve opening when tested by a method described in the regulations of the United States Consumer Product Safety Commission, as set forth in Title 16, Part 1500, of the Code of Federal Regulations, or the regulations of the United States Department of Transportation, as set forth in Title 49, Part 173 of the Code of Federal Regulations. (Former Fire Department rule 3 RCNY 32-01(b))

Pressurized product. The product in a pressurized container with a propellant that causes the product to be expelled from the container through a valve. This term includes all such products, irrespective of the ingredients of the product, the type of propellant, or form in which the product is dispensed. (Former Fire Department rule 3 RCNY 32-01(b))

- (c) General Provisions. Pre-existing facilities with aerosol storage the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such aerosol storage under the applicable laws, rules and regulations in effect prior to the Fire Code, shall continue to comply with the provisions of such laws, rules and regulations, including former Fire Department rule 3 RCNY §32-01, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to their design and installation.
- (d) Pressurized Products
 - (1) Former Fire Department Rule 3 RCNY §32-01

§32-01 Manufacture, Storage and Use of Pressurized Products

- * * *
- (e) Storage and use requirements.
 - * * *
 - (2) Combustible, flammable or extremely flammable pressurized products in quantities exceeding the following amounts shall comply with the following additional storage requirements:
 - (i) Combustible, flammable or extremely flammable pressurized products in quantities exceeding a total of fifty (50) gallons but not more than a total of two hundred (200) gallons shall be stored in an area protected by an automatic fire sprinkler system, an area having natural ventilation, or an area which is vented to the outdoors by a duct having a cross-section of at least eight (8) inches.
 - (ii) Combustible, flammable or extremely flammable pressurized products in quantities exceeding a total of two hundred (200) gallons shall be stored as follows:
 - (A) in non-combustible (fireproof) buildings, in a fireproof storage room, unless the building is equipped with an automatic fire sprinkler system or other fire extinguishing system approved by the Department;
 - (B) in combustible (non-fireproof) buildings, in a fire-resistive storage room that is vented to

the outdoors and that is equipped with an automatic fire sprinkler system or other extinguishing system approved by the Department.

* * *

§ 4829-01 Storage of Combustible Fibers in Pre Existing Facilities

- (a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of combustible fiber storage in pre-existing facilities.
- (b) Definitions. Reserved
- (c) Facilities in Compliance With Former Fire Department Rules in Effect on June 30, 2008
 - (1) Combustible fiber storage on waterfront structures. Combustible fiber storage on waterfront structures in compliance with former Fire Department rule 3 RCNY §30-01 in effect on June 30, 2008, is allowed and would be approved under the provisions of the Fire Code and the rules, and accordingly, such facilities shall be designed and installed in compliance with the requirements of FC2906.

§ 4831-01 Storage of Corrosive Materials in Pre Existing Facilities

- (a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of corrosive material storage in pre-existing facilities.
- (b) Definitions. Reserved
- (c) General Provisions. Pre-existing facilities with corrosive material storage the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such corrosive material storage under the applicable laws, rules and regulations in effect prior to the Fire Code, shall continue to comply with the provisions of such laws, rules and regulations, including former Fire Department rule 3 RCNY §1-01, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to their design and installation.
- (d) Acids
 - (1) Former Fire Department Rule 3 RCNY §1-01

§1-01 Tanks Used for Bulk Storage of Acids

- * * *
- (b) Storage tanks.
 - * * *
 - (2) All new or relocated acid storage tanks shall be provided with acid proof dikes capable of holding the full contents of the tank or tanks within the dike in the event of leakage or rupture of the tanks or associated piping.
 - (3) New or relocated acid storage tanks shall not be permitted in the basement, cellar or sub-cellar of any structure.
 - (4) New, relocated or altered acid storage tanks shall be provided with excess flow valves for all bottom take-offs except where all bottom take-off piping terminates within the containing dike.
 - (5) All new and existing acid storage tanks shall be provided with adequate vents, not less than 1 1/4 inches for tanks up to 1,100 gallons, and not less than 2 inches for tanks of 1,100 gallons or more.
- * * *

§ 4833-01 Storage of Explosives in Pre-Existing Facilities

- (a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of explosive installations in pre-existing facilities.
- (b) Definitions. Reserved
- (c) General Provisions. Pre-existing facilities for storage of explosives the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such explosive installations under the applicable laws, rules and regulations in effect prior to the Fire Code, shall continue to comply with the provisions of such laws, rules and regulations, including former Fire Department rule 3 RCNY §14-04, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to their design and installation.
- (d) Explosive Storage

(1) Former Fire Department Rule 3 RCNY §14-04

§14-04 Specifications for Explosive Magazines

All magazines shall be constructed in accordance with the following specifications.

* * *

(a) Hinges. Magazine door hinges are to be extra heavy 10-inch galvanized tee hinges, minimum gauge 148 with brass pins. Hinges are to be attached with five 5/16 round head through bolts, two bolts in hinge pad, three bolts in hinge wing.

(b) Hasp. Hasp is to be made of steel bar 1/2 inch by 2 inch, 18 inch minimum length, fastened to magazine door, center with five 5/16-inch round head through bolts on six-inch centers. Hasp bar is to be slotted to accommodate 1/2-inch "I" bolt lock loop.

All lock staples are to be replaced with 1/2-inch "I" bolt, through bolted into magazine wall.

* * *

All exposed bolts inside of magazine are to be counter sunk or wood covered.

§ 4834-01 Storage of Flammable and Combustible Liquids in Pre-Existing Facilities

(a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008, that are applicable to the design and installation of flammable and combustible liquid installations in pre-existing facilities.

(b) Definitions. The following terms shall, for purposes of this section and as used elsewhere in Chapter 48 of the rules, have the meanings shown herein:

Apartment. An apartment, as defined in subdivision fifteen of section four of the multiple dwelling law. (Fire Prevention Code, former Administrative Code §27-4002(1a))

Bulk oil storage plant. A building, shed, enclosure or premises, or any portion thereof, in which petroleum or coal tar, or the liquid products thereof, are stored or kept for sale in large quantities. (Fire Prevention Code, former Administrative Code §27-4002(31))

Combustible mixture. A liquid or mixture having a closed-cup flashpoint at or above a temperature of one hundred degrees Fahrenheit, except that, for purposes of transportation, a combustible mixture shall mean a liquid or mixture defined as a combustible liquid by the United States Department of Transportation. (Fire Prevention Code, former Administrative Code §27-4002(10))

Diesel fuel oil. Any liquid, used as a motor fuel which does not emit a flammable vapor below a temperature of one hundred degrees Fahrenheit when tested in a Tagliabue open cup tester. (Fire Prevention Code, former Administrative Code §27-4002(10b))

Flammable mixture. A liquid or mixture having a closed-cup flashpoint at a temperature below one hundred degrees Fahrenheit, except that, for purposes of transportation, a flammable mixture shall mean a liquid or mixture defined as a flammable liquid by the United States Department of Transportation. (Fire Prevention Code, former Administrative Code §27-4002(22))

Essential oil. An oil used for flavoring or perfuming purposes. (Fire Prevention Code, former Administrative Code §27-4002(13))

Fire retarding material. Asbestos board in two layers, each one-fourth inch in thickness, the second layer breaking joints in all directions with the first, or plaster boards cocoa fibre filled, covered with lap jointed metal not less than 26 B. & S. gauge in thickness, and any other material that has successfully passed the one hour fire test prescribed by the industrial board of appeals of the state labor department on the twenty-ninth day of October, nineteen hundred fourteen. (Fire Prevention Code, former Administrative Code §27-4002(16))

Fuel oil. Any liquid mixture, substance or compound, derived from petroleum, which does not emit a flammable vapor below a temperature of one hundred twenty-five degrees Fahrenheit, when tested in a Tagliabue open cup tester. (Fire Prevention Code, former Administrative Code §27-4002(18))

Garage. A building, shed or enclosure, or any portion thereof, in which a motor vehicle other than one the fuel storage tank of which is empty, is stored, housed or kept. (Fire Prevention Code, former Administrative Code §27-4002(19))

Kerosene. Any liquid product of petroleum, commonly used for illuminating purposes, which does not emit a flammable vapor below a temperature of one hundred degrees Fahrenheit, when tested in a Tagliabue open cup tester. (Fire Prevention Code, former Administrative Code §27-4002(23))

Motor fuel. Gasoline, diesel fuel oil or other

flammable or combustible liquids or mixtures used as fuel in the operation of motor vehicles, motorcycles, motor boats and aircraft. (Fire Prevention Code, former Administrative Code §27-4002(26a))

Oil and fat or fat and oil. Any oil, fat or grease, of animal, vegetable or mineral origin, except essential oils. (Fire Prevention Code, former Administrative Code §27-4002(29))

Vault. A covered excavation or chamber, below the street level, with masonry walls and roof, constructed outside the foundation walls of a building, and with but one entrance, fitted with a self-closing fireproof door. (Fire Prevention Code, former Administrative Code §27-4002(42))

Volatile flammable oil. Any oil or liquid that will generate a flammable vapor at a temperature below one hundred degrees Fahrenheit when tested in a Tagliabue open cup tester. (Fire Prevention Code, former Administrative Code §27-4002(43))

(c) General Provisions. Pre-existing facilities with flammable and combustible liquid installations the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such flammable and combustible liquid installations under the applicable laws, rules and regulations in effect prior to the Fire Code, shall continue to comply with the provisions of such laws, rules and regulations, including former Administrative Code §§27-4053, 27-4055, 27-4065, 27-4066, 27-4069, 27-4070, 27-4094, 27-4227, 27-4231 and 27-4265, and former Fire Department rules 3 RCNY §§8-01, 8-02, 20-07, 21-05, 21-06, 21-17, 28-01 and 28-04, as applicable, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to their design and installation.

(d) Flammable Liquid Manufacture, Storage and Use

(1) Former Administrative Code §27-4065

§27-4065 Manufacture

* * *

b. Restrictions. No permit for the manufacture of flammable mixtures shall be issued for any building:

1. Which is situated within fifty feet of the nearest wall of any building occupied as a school, hospital, theatre or other place of public amusement or assembly;

2. Where the building does not comply with the requirements of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where a building or building section erected prior thereto is not fully equipped with an approved automatic sprinkler system; or where the building is occupied as a multiple dwelling, dwelling, school, theatre or other place of public amusement or assembly;

3. Which is artificially lighted by any means other than electricity;

4. Where drugs, cigars, cigarettes or tobaccos are kept for sale;

5. Where dry goods or other materials of a highly flammable nature are manufactured, stored or sold;

6. Where matches, rosin, hemp, cotton or any explosives are stored [as] or sold.

* * *

e. Drawing-off pipe. The drawing-off pipe shall be encased in and surrounded by either four inches of Portland cement concrete or eight inches of brick masonry up to the level of the floor on which the compartment containing the mixing tank is located.

f. Filling pipes. The filling pipe shall be at least two inches and not larger than four inches nominal inside diameter, and shall be laid at a descending grade to the tank, terminating within six inches of the bottom of the tank. The intake of a filling pipe shall be located outside of any building and not less than ten feet from any door, subway grating or basement opening, and in a heavy metal box, which shall be sunk flush with the sidewalk at the curb level, or at some other location offering equal facilities for the filling of the tank and fitted with a heavy metal cover, which shall be liquid tight and kept closed when not in use. The filling pipe shall be closed at the intake by a cock or valve fitted with a coupling for attaching to the tank truck, and with a liquid tight

cap or plug to close the opening when not in use. The filling pipe shall be provided with a screen made of one thickness of 20-mesh brass wire gauze, placed immediately below the filling cock or valve. Where a storage system for flammable liquids and a storage system for diesel motor fuel oil and/or fuel oil are to be used on the same premises, the terminal of the diesel motor fuel oil and/or fuel oil fill pipe shall be provided with a left handed thread and the fill pipe fitting shall be of a different size than that required for the fill pipe to tanks containing flammable liquids. In lieu of the foregoing, fill boxes may be of a type for which a certificate of approval shall have been issued by the commissioner or previously approved by the board of standards and appeals, unless such approval is amended or repealed by the commissioner, and shall have cast in its cover an identifying name or symbol to differentiate between fuel oil for heating and diesel oil as motor fuel.

g. Lighting. It shall be unlawful to install any system of artificial lighting other than electric lighting in any premises used for the manufacture of flammable mixtures. Such lighting shall be installed in accordance with the requirements of the electrical code. All electric switches and plugs shall be placed at least four feet above the floor.

h. Mixing tank. The mixing tank shall be located in a separate compartment built upon suitable foundations, having the walls, floor and roof constructed of Portland cement at least six inches thick, or of brick masonry, at least two inches thick, the brick to be laid in and covered by Portland cement mortar. Each such tank shall be filled either by means of a pump or an approved pressure system, and the tank shall be kept closed except when the ingredients entering into the manufacture of the flammable mixture are being placed therein. Each compartment wherein a mixing tank is located shall be equipped with self-closing fireproof doors and windows.

i. Piping, generally. Each storage tank shall be provided with a filling pipe, a drawing-off pipe and a vent pipe; provided that tanks installed as part of a hydraulic storage system shall not be required to have a vent pipe. All pipes and fittings shall be of galvanized steel, designed to withstand a hydrostatic pressure test of at least one hundred pounds to the square inch. All screw joints shall be made with a piping compound of a type for which a certificate of approval shall have been issued by the commissioner or previously approved by the board of standards and appeals, unless such approval is amended or repealed by the commissioner. In lieu of galvanized steel fittings, galvanized malleable iron fittings, with one hundred and fifty p.s.i. rating, may be used on any system that is provided with a leak detection system satisfactory to the fire commissioner such as probe holes, leak detection cables or other devices installed around the perimeter of the tank installation, designed for monitoring and that will be subjected to a hydraulic pressure test with water or product at ten p.s.i. in the presence of a fire department representative, every ten years. Brass trimmed specialty valves and brass control valves may be used in underground service lines and portions of suction lines within pump housing.

* * *

m. Tanks. [Each tank used for the storage of volatile flammable oil shall be:]

1. [Of] Each tank used for the storage of volatile flammable oil shall have a capacity not exceeding four thousand gallons [each] when equipped with a double complete shell or when embedded or encased in twelve inches of concrete to the level of the top of the tanks, [and in no case shall storage] Storage on a premises, including all tanks, shall not be in excess of twenty thousand gallons. [, and tanks] Tanks shall be of a type acceptable to the commissioner and constructed of American tank or carbon steel of the open hearth process, [of]. Tanks designed to contain no more than five hundred fifty gallons shall be at least one-quarter of an inch in thickness, [for tanks not exceeding five hundred fifty gallons and for tanks] Tanks designed to contain over five hundred fifty gallons shall be at least one quarter of an inch in thickness for shell and five-sixteenths of an inch in thickness for heads, all welded with flanged and

dished heads, with two inch lap weld with no tank openings piercing seams and all tank openings shall be provided at the top. [; at] At the time of installation all storage tanks shall bear a permanently affixed plate, spot welded or equivalent, having the name of tank manufacturer, the thickness of metal and capacity of tank. In lieu of the foregoing tank specifications, other tank construction acceptable to the commissioner may be permitted consistent with public safety, and before being covered or used together with all piping shall be tested hydrostatically to a pressure of thirty pounds per square inch, except discharge lines under pressure shall be tested to one hundred pounds per square inch or one and one-half times the maximum working pressure, whichever is greater, for a period of thirty minutes by the installer, [in the presence of and witnessed by a representative of the fire department,] and shall not show any leakage. **Such testing shall be conducted in the presence of a representative of the department.**

2. [Thoroughly] **Each tank used for the storage of volatile flammable oil shall be thoroughly** cleaned and coated on the outside with two coats of red lead and with hot tar, asphalt or other rust resisting material, except that tanks equipped with a double complete shell shall be protected against corrosion to the satisfaction of the department and have a leak-detecting device acceptable to the commissioner[, and]. **Each tank** shall be set on a solid foundation approved by the department of buildings and except for double shell tanks shall be embedded or encased to the level of the top of the tank in at least twelve inches of concrete, having a minimum compressive strength of twenty-five hundred pounds per square inch at twenty-eight days. [Tanks] **Each tank** shall be covered with a structurally supported reinforced concrete slab at least eight inches thick extending at least twelve inches beyond the horizontal outlines of the tanks and placed over a coverage of clean sand or clean earth fill, the slab and its supports to be of a design as approved by the department of buildings. Excavation for storage tanks shall be made with due care to avoid undermining of foundations of existing structures.

3. [So set] **Each tank used for the storage of volatile flammable oil shall be set so** that the top or highest point thereof shall be at least two feet below the level of the lowest cellar floor of any building within a radius of ten feet from the tank[, and no]. **No tank used for the storage of volatile flammable oil shall be located under the sidewalk or beyond the building line.**

4. It shall be unlawful to cover from sight any tank, forming part of the buried oil storage system, until after an inspection has been made by the department, and written approval has been given; which approval shall be given without charge provided all the regulations have been complied with.

5. [Provided] **When a tank used for the storage of volatile flammable oil is located inside a building it shall be provided** with a liquid level or depth indicating device[when the tank is located inside a building]. Test wells will not be permitted in tanks located inside of buildings. Liquid level or depth indicating devices [, installed after this section takes effect,] shall be substantially constructed and designed to prevent the escape of liquid or vapor and shall be of a type for which a certificate of approval shall have been issued by the commissioner or previously approved by the board of standards and appeals,

unless such approval is amended or repealed by the commissioner. Unused tank openings shall be permanently sealed at the tank to prevent removal of plugs or covers.

n. Vent pipe. In other than hydraulic systems each tank shall be provided with a separate vent pipe[; vent] **Vent pipes** for tanks not exceeding five hundred fifty gallons shall be at least one inch in diameter for existing installations and at least one and one-half inches in diameter for new vent pipe installations[, and]. **Vent pipes for tanks over five hundred fifty gallons shall be** not less than two inches in diameter[for tanks over five hundred fifty gallons, and]. **Vent pipes** shall run from the tank to the outer air **at a position** higher than the fill pipe opening[, and] **Vent pipes** for tanks located outside of buildings and for vents affixed to a building wall at least ten feet for existing installations and at least fifteen feet for new installations above the adjacent ground level, and for tanks inside buildings at least ten feet above the roof of the building in which the plant or tank is located, and shall be at least ten feet from the nearest building opening, and well braced in position. Each vent pipe shall have a double[, swing joint at the tank and a single swing joint at the vertical riser] and when such]. **When a vent pipe exceeds two inches in diameter** it shall be capped with a double gooseneck, cowl, or hood, and shall be provided with **either** a screen made of two thicknesses of 20-mesh brass wire gauze, placed immediately below the gooseneck, cowl or hood or [provided with a flame arrester of a type approved by a nationally recognized laboratory. A vent pipe shall not be obstructed by devices that will reduce [their] its capacity and thus cause excessive back pressure.

o. Ventilating flue. Each compartment wherein a mixing tank is located shall be equipped with a ventilating flue, constructed of brick or concrete, lined with tile pipe at least eight inches square, inside measurement, and extending from the floor of the compartment at a point opposite the door, to at least six feet above the highest point of the roof, and at least ten feet from the nearest wall of any adjoining building. Such flue shall have an opening into the mixing compartment six inches square and three inches above the floor, and shall be equipped with a double gooseneck eight inches square, made of at least 18-gauge galvanized iron. All openings shall be covered with 20-mesh brass wire screens.

p. Fire prevention. It shall be unlawful to allow any stove, forge, torch or other device employing flame or fire, or any electric or other apparatus which is likely to produce an exposed spark, in any building used for the manufacture of flammable mixtures, unless it be placed in a room or compartment separated from the remainder of the building by a partition constructed of fire retarding material and provided with a self-closing fireproof door; provided, however, that electric motors may be of the fully enclosed type or provided with an approved type "A" (fire department specifications) motor enclosure. The terminal blocks also shall be protected. It shall be unlawful to locate any boiler or furnace in any such building, unless separated from the remainder of the building by an unpierced fireproof wall consisting of solid masonry or its equivalent, of at least eight inches in thickness; provided, however, that where the construction of such unpierced wall shall be impracticable, the commissioner may permit such openings in such wall as may be necessary, and prescribe such protection therefor as in his or her judgment the particular case shall require.

* * *

r. Installation of pumps. The installation of pumps shall conform to paragraphs three and six of subdivision b of section 27-4081 of this chapter insofar as applicable.

Note: Retain underlining of highlighted text in publication of final rule. Retain brackets and bracketed material in highlighted text, without underline, in publication of final rule.

(2) Former Administrative Code §27-4066

§27-4066 Requirements for below-grade storage in mercantile occupancies

A system of automatic sprinklers shall be provided in each basement, cellar or other location below grade, regardless of the floor area of such space, in any mercantile establishment in which the commissioner permits the storage of flammable mixtures, except that, where flammable mixtures are stored in such basement, cellar or other location below grade, in a room or other area that is

segregated, vertically and horizontally, from surrounding spaces by a fire separation of not less than a two-hour fire-resistance rating, such system of automatic sprinklers shall be required only within such room or other area. Such system of automatic sprinklers shall conform to the requirements for automatic sprinklers for spaces classified in storage occupancy group B-1 pursuant to subdivision d of section 27-954 of the building code.

(3) Former Administrative Code §27-4265

§27-4265 Fire extinguishing appliances

* * *

b. Sprinkler systems in garment factories and factories using flammable oil for processing:

1. A one source automatic wet pipe sprinkler system shall be provided in every non-fireproof building in which there is a garment factory or a factory engaged in the processing of combustible fabrics with a flammable oil, and which exceeds three stories in height and in which more than fifty persons are employed above the street floor.

2. The provisions of subdivision a shall not apply to a factory which is incidental to the conduct of a retail business on the premises, provided not more than six persons are employed at any time in such incidental manufacturing.

3. For the purposes of this section, a flammable oil is one which emits a flammable vapor below one hundred twenty-five degrees Fahrenheit when tested in a Tagliabue open cup tester.

4. Garment factory shall include those factories engaged in making underwear, dresses, suits and coats.

5. The commissioner may accept an automatic dry pipe sprinkler system in place of an automatic wet pipe sprinkler system where low temperatures or other conditions would prevent the installation of a wet pipe system.

6. The sprinkler systems shall be provided in all parts of such buildings.

7. The provisions of this section shall apply to existing buildings and to buildings hereafter erected.

* * *

(e) Combustible Liquid Manufacture and Storage

(1) Former Administrative Code §27-4069

§27-4069 Manufacture

a. Restriction. No such permit shall be issued for the manufacturing of combustible mixtures in any building within the restrictions of subdivision b of section 27-4065 of this chapter of the code.

(2) Former Administrative Code §27-4070

§27-4070 Requirements for below-grade storage in mercantile occupancies

A system of automatic sprinklers shall be provided in each basement, cellar or other location below grade, regardless of the floor area of such space, in any mercantile establishment in which the commissioner permits the storage of combustible mixtures, except that, where combustible mixtures are stored in such basement, cellar or other location below grade, in a room or other area that is segregated, vertically and horizontally, from surrounding spaces by a fire separation of not less than a two-hour fire-resistance rating, such system of automatic sprinklers shall be required only within such room or other area. Such system of automatic sprinklers shall conform to the requirements for automatic sprinklers for spaces classified in storage occupancy group B-1 pursuant to subdivision d of section 27-954 of the building code.

(f) Distilled Liquors and Alcohols

(1) Former Administrative Code §27-4227

§27-4227 Restrictions

a. No permit shall be issued for the manufacture, distillation, rectification, or storage of distilled liquor, spirits or alcohols, **in quantities exceeding the amounts set forth in subdivision b of this section,** in any building:

1. Which is situated within fifty feet of the nearest wall of any building occupied as a hospital, school, theatre or other place of public amusement or assembly;

2. Where the **occupancy within the building in which the distilled liquor, spirits or alcohols are manufactured, distilled, rectified or stored** does not comply with the

requirements of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where [a] such occupancy is located in a building [or building section] erected prior thereto and such occupancy is not fully equipped with an approved automatic sprinkler system.

b. The provisions of subdivision a of this section shall apply where the combined total amount of distilled liquor, spirits or alcohols being manufactured, distilled, rectified or stored exceeds:

- 1. 5,000 gallons, if such distilled liquor, spirits or alcohols is kept stored in the manufacturer's original sealed containers, and is not dispensed or used on the premises.
2. 3,000 gallons, if such distilled liquor, spirits or alcohols is dispensed or used on the premises.

Note: Retain underlining of highlighted text in publication of final rule. Retain brackets and bracketed material of highlighted text, without underline, in publication of final rule.

(g) Petroleum, Shale Oils and the Liquid Products thereof

(1) Former Administrative Code §27-4055

§27-4055 Limited Storage Permit

a. Permits may be issued for the storage of petroleum and shale oil, and the liquid products thereof, and of coal tar, in a manner satisfactory to the commissioner, in buildings or premises other than storage plants, approved tank trucks or other vehicles, or approved buried tank systems, in quantities not to exceed the following:

- 1. Volatile flammable oils five hundred fifty gallons, except that such oils may be stored in larger quantities in fire department approved tank trucks or other vehicles, pending deliveries, in outdoor spaces, when permitted by the zoning resolution, when provided with portable fire fighting appliances as the commissioner may direct, or, when such trucks or other vehicles are equipped with battery cutoff switches, within fully sprinklered buildings complying with the building code and the zoning resolution of the city of New York.
2. Other oils that do not emit a flammable vapor at a temperature below one hundred degrees Fahrenheit, when tested in a Tagliabue open cup tester—one thousand one hundred gallons, except that such oils may be stored in larger quantities in fire department approved tank trucks or other vehicles, pending deliveries, in outdoor spaces or within buildings complying with the zoning resolution and the building code, when provided with the following minimum fire protection:

i. In outdoor spaces portable fire fighting appliances as the commissioner may direct.

ii. Within buildings portable fire fighting appliances as the commissioner may direct, battery cutoff switches, and sprinkler protection as required by the building code, except that for existing buildings lawfully occupied as a garage prior to the sixth of December, nineteen hundred sixty-eight, sprinkler protection shall be provided for storage of over forty-five thousand (45,000) gallons, and sprinkler protection, or smoke detection or thermostatic alarm

system with connection to central office, shall be provided for storage of between twenty-two thousand five hundred (22,500) and forty-five thousand (45,000) gallons, all in accord with subdivision (a) of section 27-243, subdivisions (a) and (b) of section 27-455, subchapter seventeen of chapter one of this title and reference standard RS 17-3 of the code. For storage of less than twenty-two thousand five hundred (22,500) gallons—portable fire fighting appliances, as the commissioner may direct, shall be provided, in accord with subdivision (c) of section 27-455 of this title of the code. A permit shall be required for storage of product pending delivery except when such storage is on the site of, or in the immediate proximity of, a bulk oil storage plant.

b. Restrictions. No permit shall be issued for the storage or sale of volatile flammable oil in any building:

- 1. Where the building does not comply with the requirements of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where a building or building section erected prior thereto is not fully equipped with an approved automatic sprinkler system; or where the building is occupied as a multiple dwelling, dwelling school, theatre or other place of public amusement or assembly; except that group one public garages, as defined and classified in the building code shall be permitted. The commissioner may issue a permit for the storage and use of such volatile flammable oil in buildings occupied as schools, colleges, universities, hospitals and/or related facilities, when such oil is required for educational, instructional, clinical, diagnostic, research or testing purposes. Such use and storage shall be in such amounts and under such conditions as the commissioner shall prescribe;
2. Where explosives are stored or kept for sale or use;
3. Where dry goods or other material of a highly flammable nature are manufactured, stored or kept for sale;
4. Where the portion of the building occupied or used for the storage of volatile flammable oil is lighted by any means other than electricity;
5. Upon any floor above the ground floor of a building, except in an approved safety can in quantities of five gallons or less and for use only.

(h) Paints, Varnishes and Lacquers

(1) Former Administrative Code §27-4094

§27-4094 Restrictions

- a. No permit for the manufacture, mixing or compounding of paints, varnishes or lacquers shall be issued for any premises:
1. Which are situated within fifty feet of the nearest wall of a building occupied as a school, theatre or other place of public amusement or assembly;
2. Where the building does not comply with the requirements of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where a building or building section

erected prior thereto is not fully equipped with an approved automatic sprinkler system; or where the building is occupied as a multiple dwelling, dwelling or factory, except where paint is the commodity manufactured in such factory;

- 3. Which are artificially lighted by any means other than electricity;
4. Where drugs, cigars, cigarettes or tobaccos are kept for sale;
5. Where dry goods or other highly flammable materials are manufactured, stored or kept for sale.

b. A system of automatic sprinklers shall be provided in each basement, cellar or other location below grade, regardless of the floor area of such space, in any mercantile establishment in which the commissioner permits the storage of flammable or combustible paints, varnishes, lacquers or other substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes, except that, where such flammable or combustible substances, mixtures or compounds are stored in such basement, cellar or other location below grade, in a room or other area that is segregated, vertically and horizontally, from surrounding spaces by a fire separation of not less than a two-hour fire-resistance rating, such system of automatic sprinklers shall be required only within such room or other area. Such system of automatic sprinklers shall conform to the requirements for automatic sprinklers for spaces classified in storage occupancy group B-1 pursuant to subdivision d of section 27-954 of the building code.

(i) Oils and Fats

(1) Former Administrative Code §27-4231

§27-4231 Restrictions

No permit shall be issued for the storage of oils, fats, greases or soap stock in any building or premises:

- 1. Which is situated within fifty feet of the nearest wall of any building occupied as a school, hospital, theatre, or any other place of public amusement or assembly;
2. Where the building does not comply with the requirements of the building code regulating high hazard occupancies for buildings erected after the sixth day of December, nineteen hundred sixty-eight; or where a building or building section erected prior thereto is not fully equipped with an approved automatic sprinkler system; or where the building is occupied as a multiple dwelling, school, theatre or other place of amusement or assembly;
3. Which is not equipped with a fire extinguishing system satisfactory to the commissioner;
4. Where matches or any explosives are stored or kept.

(2) Former Department Rule 3 RCNY §8-01

§8-01 Fire Extinguishing Requirements for the Storage of Fats and Oils

(a) Section 27-4231(3) of the Administrative Code of the City of New York shall be interpreted to mean an approved system of automatic sprinklers when:

Fats and oils are stored in quantities exceeding the equivalent of 100 barrels. In addition, when more than 100 barrels of fats and oils are to be stored in any building occupied in part as a dwelling, that portion of the building occupied by the applicant must be separated from the rest of the building by fireproof walls and floors of at least a three hour rating.

(3) Former Department Rule 3 RCNY §8-02

§8-02 Storage and Use of Cable Oils with a Flashpoint Over 300°F

* * *

(b) Tanks installed for the storage of cable oils exceeding a flashpoint of 300°F, shall be installed in conformity with the fuel oil rules of the Board of Standards and Appeals.

* * *

(j) Bulk Plants and Terminals

(1) Former Administrative Code §27-4053

§27-4053 Bulk oil storage plants

* * *

b. Bulk oil storage

1. Tank construction. All tanks, as to thickness and quality of material, dike wall enclosures, foundations, piping, valves and other related devices or equipment, comprising or forming part of a bulk oil storage plant, shall be designed and constructed in accordance with all applicable provisions of the building code.

2. Tank locations

A. Adjoining properties. The distance between any part of an above ground storage tank and the nearest line of adjoining property which may be built upon, shall be in accordance with the following distance table: (For the purpose of determining nearest line of adjoining property which may be built upon, the width of any abutting public thoroughfare shall be included.)

Tank capacity	Minimum distance
1,000 to 12,000 gallons	10 feet
12,001 to 30,000 gallons	20 feet
30,001 to 50,000 gallons	25 feet

Vertical cylindrical tanks (for storage of oil having a flash point below one hundred (100) degrees Fahrenheit).

Over 50,000 gallons: Not less than the greater dimension of height or diameter of tank, except that such distance need not exceed one hundred twenty (120) feet, and in no case closer than twenty-five (25) feet. No such tank shall exceed forty (40) feet in height.

Rectangular tanks (for storage of oil having a flash point below one hundred (100) degrees Fahrenheit).

Over 50,000 gallons: Not less than the total of the length and the width of the tank divided by two except that such distance need not exceed one hundred twenty (120) feet, and in no case closer than twenty-five (25) feet. No such tank shall exceed forty (40) feet in height.

Vertical cylindrical tanks (for storage of oil having a flash point of one hundred (100) degrees Fahrenheit or above).

Over 50,000 gallons: Not less than one-half (1/2) the greater dimension of height or diameter of tank, except that such distance need not exceed one hundred twenty (120) feet, and in no case closer than twenty-five (25) feet. No such tank shall exceed forty-eight (48) feet in height. However, the commissioner may modify the height limitation to such extent as he or she may deem necessary in the interest of public safety. In no case shall such modification authorize the erection of vertical cylindrical tanks exceeding the height of sixty-four (64) feet.

Rectangular tanks (for storage of oil having a flash point of one hundred (100) degrees Fahrenheit or above).

Over 50,000 gallons: Not less than the total of the length and the width of the tank divided by four (4), except that such distance need not exceed one hundred twenty (120) feet, and in no case closer than twenty-five (25) feet. No such tank shall exceed forty (40) feet in height.

* * *

5. Truck loading racks

* * *

B. Each truck loading rack shall be equipped with a remote manually controlled water spray

system. Spray nozzles shall be required over each tank truck loading position immediately below the roof beams of the loading rack and installed in a manner to adequately protect the entire loading rack area. At least one remote control valve shall be provided for the control of the water supply for each four loading positions. Piping and fitting shall be so installed that they can be thoroughly drained. An approved pump for such system shall receive water supply from an independent suction tank or direct connection to the city water main. The rated capacity of the pump shall be at least five hundred (500) gallons per minute at one hundred fifty (150) p.s.i.

* * *

(1) Liquid Tank Storage Systems

(1) Former Fire Department Rule 3 RCNY §21-06

§21-06 Safeguards for Filling Above Ground Storage Tanks in Paint Stores

(a) Flammable liquids which flash below 100°F shall be stored in sealed containers which shall not be opened on the premises, or in approved buried storage systems. When tanks cannot be buried, they may be vaulted in masonry at least 8" thick with a 24" access door. The vault is to be provided with mechanical ventilation to the outer air. Tanks are to be approved 275 or 550 gallon capacity. Electrical equipment is to be explosion-proof.

(b) Combustible liquids which flash over 100(degrees)F may be stored in Bowser or similar type above ground tanks which shall not exceed one hundred and ten (110) gallons in capacity.

(c) Fill lines shall terminate at curb in approved type fill boxes with means for locking.

(d) Vent lines shall terminate in the outer air with weatherproof hoods, screened, two (2) feet above the fill terminal and two (2) feet from any building opening. Vent lines shall be visible from fill line terminal.

(e) No other filling method shall be employed.

(f) Pumps shall be of approved type.

(g) A minimum of 64 square inches of fixed ventilation shall be provided for the storage and filling areas.

(h) The boiler room shall be separated from the tank location area by approved masonry.

(i) A fireproof self-closing door and 6" masonry sill to be provided at the opening of the boiler room.

(j) A catch basin shall be provided with a return line to the storage tank. A check valve to prevent escape of vapors shall be installed in the return line.

(k) The number of Bowser or similar type tanks shall not exceed five (5).

* * *

(2) Former Fire Department Rule 3 RCNY §21-17

§21-17 Installation of Storage Tanks and Piping for Liquids Having Flashpoints of 100 Degrees Fahrenheit or Higher Tag(liabue) Open Cup

* * *

(d)(1) Construction of tanks. All storage tanks shall be designed in accordance with the following provisions:

(i) All storage tanks shall be built of steel plates or sheets, made by the open hearth or basic oxygen process. Such steel shall be free from physical imperfections, and shall be new, in good condition, and free from rust.

(ii) Tanks shall be welded, riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be placed with round nose tools and without damage to the plates. Filler of

any kind between plates shall be prohibited.

(iii) Tanks to be buried shall be cleaned and then coated on the outside with two coats of red lead, or equivalent. They shall be further protected by a coating of hot tar, asphalt, or equivalent rust resistive material, applied at the work site. Tanks installed above ground shall be coated with one coat of red lead, or equivalent.

(iv) All buried storage tanks shall be constructed of at least 1/4-inch thick metal and shall be designed to withstand any external loads to which the tank may be subjected.

(v) At the time of installation all storage tanks shall bear a permanently fixed plate, spot welded or equivalent, bearing the name of the tank manufacturer, the gauge of the materials, and capacity of the tank. Shop fabricated storage tanks shall be installed without structural alteration.

(vi) All openings shall be through the top of the storage tank, except that storage tanks of 275-gallon capacity or less, located above ground but below the lowest story, may be provided with a 3/4-inch opening for gravity discharge and a 1-inch opening in the bottom for cleaning and protection against corrosion.

(vii) Above ground tanks outside of buildings shall be electrically grounded in accordance with the requirements for equipment grounding of the Electrical Code of the City of New York.

(2) Construction requirements. Cylindrical tanks, of more than 275 gallon capacity, except vertical tanks above ground outside of buildings:

(i) The thickness of cylindrical tanks, including oval, elongated oval, or round tanks of more than 275-gallon capacity shall be subject to the following requirements:

(A) Tanks 36 inches in diameter and less-at least 1/4-inch shell and 1/4-inch heads.

(B) Tanks 37 to 72 inches in diameter-at least 1/4-inch shell and 5/16-inch heads.

(C) Tanks 73 to 120 inches in diameter-at least 5/16-inch steel and 3/8-inch head.

(D) Tanks over 120 inches in diameter shall be of at least 3/8-inch steel and shall be stiffened by angle rings or equivalent members so as to retain their cylindrical form.

(ii) Dished heads for such tanks shall have a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide a welding or riveting surface. If flat heads are used, they shall be braced in the same manner as described for the bracing of flat sides of rectangular tanks.

(iii) Riveting in single lap seams shall not exceed a pitch as follows:

(A) Shell 1/4-inch thick-5/8-inch diameter rivets, 2 1/4-inch pitch.

(B) Shell 5/16-inch thick-5/8-inch diameter rivets, 2 3/8-inch pitch.

(C) Shell 3/8-inch thick-

3/4-inch diameter rivets, 2 1/2-inch pitch.

- (3) Rectangular tanks, of more than 275-gallon capacity
 - (i) Plates for rectangular tanks of more than 275-gallon capacity shall be at least 5/16-inch thick.
 - (ii) Corners may be made up by bending the plates or by using angles.
 - (iii) Minimum rivet diameter in seams shall be 5/8-inch and rivets shall be spaced not more than 2 1/4-inch center-to-center.
 - (iv) All flat surfaces of rectangular tanks shall be braced by structural members or rods.
 - (v) When structural members are used, the rivet pitch shall not exceed 6 inches.
 - (vi) All structural members shall be designed in accordance with the requirements of Subchapter 10 of Chapter 1 of Title 27 of the Administrative Code.
 - (vii) Connections between bracing members and the sides of the tank shall be designed so that the connections will not fail before the member will fail.

(4) All tanks except vertical tanks above ground 275 gallons or less capacity. All storage tanks of 275-gallon capacity or less that are not buried shall have a minimum thickness of shell and head plated of number 10 manufacturer's standard gauge steel plate. Storage tanks of 60-gallon capacity or less shall be similarly constructed but need not be thicker than No. 14 manufacturer's standard gauge.

- (5) Vertical storage tanks over 1,000-gallon capacity located outside of building above ground
 - (i) Vertical tanks located outside of buildings above ground shall be built of steel plates of the quality required for cylindrical tanks.
 - (ii) The minimum thickness of roof plates shall be 1/8-inch. The thickness of shell plates shall be determined in accordance with the following formula:

$$t = \frac{TE}{PRF}$$

Where: t=thickness of shell plate in inches

P=head pressure at bottom of ring under consideration in p.s.i.

R=radius of shell, in inches

F=factor of safety (taken as 5)

T=tensile strength of plate, in p.s.i. as verified by mill test certificate

E=efficiency of vertical joint in pipe under consideration

E shall in no case be taken greater than 1.00.

Roof plates shall have single lap-riveted or welded water-tight seams, and the roof shall be built to shed water. Bottom plates shall have single lap riveted or welded seams. Shell plate seams shall be designed to develop the full strength of the plate.

- (e)(1) Location of tanks. Inside of building, above ground on the lowest floor
 - (i) Tank Capacity of 550 gallons or less. Storage tanks having a capacity of 550 gallons or less may be installed above ground on the lowest floor of a building, provided that such tanks are mounted on adequate noncombustible supports, with the tank anchored thereto. No more than 550 gallons of total storage capacity may be installed without protection provided in subparagraph (ii) or (iii) below.
 - (ii) Tank capacity more than 500 gallons but less than 1,100

gallons. Storage tanks having a capacity of more than 550 gallons but less than 1,100 gallons may be installed above ground on the lowest floor of a building, provided that all portions of such tanks above the floor are completely enclosed with noncombustible construction having at least a 2-hour fire resistance rating. Weep holes 1-inch in diameter shall be provided at least every 3 feet along the bottom of the enclosure unless at least 15 inches of clearance, together with access door, is provided between the tank and the enclosure.

- (iii) Tank capacity 1,100 gallons or more. Storage tanks having a capacity of 1,100 gallons or more may be installed above ground on the lowest floor of a building, provided that all portions of such tanks above the floor are completely enclosed with non-combustible construction having at least a 3-hour resistance rating. At least 15-inch clearance shall be provided over the tanks and on all sides between the tanks and the enclosure. A noncombustible access door, constructed so as to preserve the integrity of the fire resistive enclosure, shall be installed in the enclosure above the point where the capacity of the enclosure below the door sill would be equal to the capacity of the largest tank installed. When the longest inside dimension of the enclosure exceeds 35 feet, access doors shall be installed at intervals not exceeding 12 feet. Columns, pipes, or similar obstructions may project into the required 15 inches of space within the enclosure, provided that access door or doors are so arranged that all portions of the enclosure are accessible for servicing.
- (iv) Maximum tank size. The capacity of individual storage tanks in no case shall exceed 20,000 gallons.

(2) Inside of buildings, below ground

- (i) Storage tanks having a capacity greater than 275 gallons may be buried inside of a building provided that the top of the tank is at least 2 feet below floor level. In lieu of 2 feet of earth over the tank, the tank may be covered by concrete flooring having the same thickness as the basement floor, but not less than 4 inches concrete meeting the requirements of Subchapter 10 of Chapter 1 of Title 27 of the Administrative Code and reinforced with 2-inch by 2-inch mesh of at least No. 20 U.S. Standard Gauge Steel Wire. Tanks shall be placed in firm soil and shall be surrounded by clean sand or well-tamped earth, free from ashes and other corrosive substances, and free from stones that will not pass through a 1-inch mesh. When necessary to prevent floating, tanks shall be securely anchored.
- (ii) No tank shall be buried within 3 feet of any foundation wall or footing.

(3) Outside of building, below ground

- (i) Storage tanks located outside of buildings and below ground, shall be buried with the top of the tank at least 2 feet below ground. Tanks shall be placed in firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substances, and free from stones that will not pass a 1-inch mesh. When necessary to prevent floating, tanks shall be securely anchored.
- (ii) No tank shall be buried within 3 feet of any foundation wall or footing.

(4) Outside building, above ground

- (i) Storage tanks of a capacity greater than 275 gallons located outside of buildings above ground shall be not less than one and one-quarter (1/4) tank diameters and in no case less than 10 feet from the line of adjoining property, the nearest building or adjacent tank. The minimum clearance between individual tanks located outside of buildings above ground and the line of adjoining property which may be built upon shall be fixed by the following formula:

$$M.C. = 10 + 4 \frac{G 275}{5000}$$

Where: M.C. = minimum clearance from nearest surface of tank to adjoining property in feet.

G = capacity of tank, in gallons.

The maximum allowable capacity of tanks for storage of liquids or solvents having a flashpoint of 100 degrees Fahrenheit or higher located outside of building above ground shall be 100,000 gallons.

- (ii) Tanks shall be located so as not to obstruct or interfere with any means of egress.
- (iii) Each storage tank shall be protected by an embankment or dike. Such protection shall have a capacity at least 1 1/2 times the capacity of the tank so surrounded and shall be at least 4 feet high, but in no case shall the protection be higher than 1/4 the height of the tank when the height of the tank exceeds 16 feet. Embankments or dikes shall be made of earth work with clay core, of masonry, or reinforced concrete or of steel.

Earth work embankments shall be firmly and compactly built of good earth free from stones, vegetable matter, etc., and shall have a flat section of at least 3 feet at the top and slope of at least 1 1/2 to 2 feet on all sides. Concrete, masonry or steel dikes shall be designed so as to confine safely all of the oil in the tank so surrounded. Embankments or dikes shall be continuous and unpierced, and the outside toe shall be located at least 5 feet inside of the property line, and no less than 5 feet from a driveway or parking area.

(5) Tanks located along line of subways

- (i) No buried tank shall be placed within 20 feet of the outside line of a subway wall. Where an above ground tank within a building is located within the outer lines of the subway, or within 20 feet of the outside line of the subway wall, such tank shall be placed within a welded steel oil-tight pan of not less than number 18 manufacturer's standard gauge metal suitably reinforced and of capacity to contain the contents of the tank.
- (ii) For the purpose of the foregoing requirement, a subway shall be deemed to include any subsurface railroad or rapid transit roadbed.

(f)(1) Installation of piping and tubing

- (i) Exposed piping shall be protected against mechanical damage and shall be adequately supported with rigid metal fasteners or hangers. All pipes connected to buried tanks, except test well piping, shall be provided with double swing joints at the tank.
- (ii) Only new wrought iron, steel, or brass pipe, or type K or heavier copper tubing shall be used. Metal tubing when used for conveying material shall be adequately protected.
- (iii) Overflow pipes, where installed, shall not be smaller in size than the supply pipe.
- (iv) Pipe shall be connected with standard fittings and tubing with fittings of listed or approved type all of the same material as the pipe, except that malleable iron fittings may be used with steel pipe. Cast iron fittings shall not be used. All

threaded joints and connections shall be made tight with suitable pipe compound. Unions requiring gaskets or packing, right or left couplings and sweat fittings employing solder having a melting point of less than 1,000 F. shall not be used.

(2) Relief valves

- (i) Where a shut-off valve is installed in the discharge line from a material pump, a relief valve shall be installed in the discharge line between the pump and the first shut-off valve.
- (ii) Relief valves shall be set to discharge at not more than 1 1/2 times the maximum working pressure of the system. The discharge from relief valves shall be returned to the storage tank or to the supply line. There shall be no shut-off valve in the line of relief.

(3) Vent pipes

- (i) A vent pipe of iron or steel, without trap, draining to the tank, shall be provided for each storage tank. The lower end of the vent pipe shall not extend more than 1 inch through the top of the storage tank. Cross-connection between a vent pipe and fill pipe is prohibited.
- (ii) Where a battery of storage tanks designed to hold identical material is installed, vent pipes may be run into a main header.
- (iii) Vent shall be at least 1 1/4 inch in diameter for storage tanks not exceeding 1,100 gallon capacity and at least 2 inches in diameter for storage tanks of 1,100 gallons or more.
- (iv) Vent pipes shall be provided with an approved weatherproof hood having a free area of at least the pipe size area. Vent pipes shall terminate outside the building in a non-hazardous location, at least 2 feet from any building opening and not less than 2 feet nor more than 12 feet above the fill pipe terminal unless otherwise permitted by the Commissioner. If the vent pipe terminal is not visible from the fill pipe terminal location, a one-inch tell-tale line shall be connected to the tank and shall parallel the fill pipe and terminate at the fill terminal with an unthreaded end. Such tell-tale lines shall be provided with a check valve set to prevent flow of surface water to the storage tank.

(4) Fill pipes

- (i) Fill pipes shall terminate outside the buildings, with the fill pipe terminal located at or above grade, at least 2 feet from any building opening and 5 feet from any subway grating at or below the level of the pipe terminal. No fill pipe shall be less than 2 inches in diameter.
- (ii) Each storage tank shall be provided with a separate fill pipe, except that where a battery of tanks is installed containing identical materials, a common fill and header pipe may be installed.
- (iii) Where the top of the storage tank is above the fill pipe terminal, the fill pipe shall be connected to the top of the tank and provided with a shut-off valve and swing check valve both of which shall be located at the fill pipe terminal. However, the shut-off and check valves may be installed in an accessible location inside the building at or below the level of the fill pipe terminal.
- (iv) All fill pipe terminals shall be of a type identical to that approved for fuel oil service, and shall be provided with lugs for embedding concrete. In lieu of lugs, a set screw or threads to fasten the terminal to the fill

pipe may be used. The outer flange of the fill pipe terminal or the seal cap shall be permanently marked to identify contents. The fill pipe terminal shall be threaded or provided with other equivalent means to receive the seal cap. The seal cap shall be suitably slotted for receiving an opening wrench, and an oil proof gasket inserted in a groove in the fill pipe terminal shall be provided so as to make the seal cap leak-proof. A strainer shall not be required but, if used, shall be of at least 1/8-inch mesh. Where a storage system for volatile flammable oil and a storage system for liquid flashing at 100 degrees Fahrenheit or higher is to be used in the same premises, the terminal of liquid flashing 100 degrees Fahrenheit or higher storage system shall be provided with a left-headed thread and the fill pipe fitting shall be of a different size than that required for the fill pipes to the tanks containing the volatile flammable oil.

(5) Piping from transfer pump to manufacturing equipment above the lowest floor

- (i) The piping from a transfer pump to "manufacturing equipment" at levels above the lowest floor in buildings, the return piping, and vent piping shall comply with the applicable provisions of paragraphs (1), (3) and (4) of this subdivision (f) and shall be enclosed in a shaft constructed of 4 inch concrete or masonry having a 4 inch clearance from all pipe or pipe covering. Provisions shall be made for expansion in piping without the use of expansion joints.
- (ii) Where it is necessary to make horizontal offsets in the supply piping and pipe shafts such piping shall be enclosed in a sleeve of other piping of at least number 10 manufacturer's standard gauge steel, two sizes larger and arranged to drain into the shaft. Horizontal piping offsets shall be further enclosed in construction having a 2-hour fire resistance rating.
- (iii) A drain pipe shall be installed at the base of shafts enclosing the supply and overflow piping. The pipe shall lead to an open sight drain or to an open sump.
- (iv) Pipe lines for manufacturing equipment above the level of the lowest floor shall be seamless steel pipe of a weight not less than ASA schedule 40 with welded connections.
- (v) Pipe shafts shall not be penetrated by or contain other piping or ducts.

(g) Valves and devices to control the flow of materials

- (1) Approved leak detectors on discharge piping shall be provided for submerged or remote control pumps.
- (2) A clearly identified remote control switch readily accessible, shall be provided on each floor to which material is pumped to shut-off the power to the pump motors.
- (3) A visible means shall be provided for each discharge area to indicate when pump is operating.
- (4) Pumps shall be of a type approved by Board of Standards and Appeals.
- (5) Pressure in storage tanks for the purpose of discharging materials is prohibited.

(h) Material level indicating devices and test wells

- (1) All tanks located inside buildings shall be provided with a material level indicating device. Test wells shall be prohibited in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent the removal of plugs or cover.
- (2) Material level indicating devices shall be designed and constructed of substantial materials so that there can be no leakage of materials or vapor from the material.

(3) Test wells in storage tanks located outside of buildings shall be capped oil tight and kept closed when not in use.

- (i) Tests. All piping and storage tanks for materials flashing at 100 degrees Fahrenheit or higher shall be tested hydrostatically in the presence of a Fire Department representative before work is closed in. The hydrostatic pressure shall be maintained until all joints and connections have been visually inspected, for leaks but in no case for less than one-half hour. The minimum pressure for testing tanks shall be at least 25 pounds per square inch. The piping shall be tested at 1 1/2 times maximum work pressure applicable to that part of the piping system but in no case less than 25 pounds per square inch. For storage systems for materials flashing above 300 degrees Fahrenheit contractor may submit a notarized affidavit attesting to testing of tank and piping as prescribed above, in lieu of the Fire Department witnessed test.

Note: Retain underlining of highlighted text in publication of final rule.

(m) Flammable and Combustible Liquid Storage

- (1) Former Fire Department Rule 3 RCNY §20-07

§20-07 Storage and Sale of Acetone and/or Nail Polish Remover

* * *

(b) With regard to the storage and use of raw materials, such as acetone, vegetable and essential oils, the following requirements are applicable:

- (1) For 55 gallons or less of acetone:
 - (i) Metal storage cabinet;
 - (ii) Cabinet shall be against an outside building wall and remote from possible ignition sources;
 - (iii) Cabinet to be provided with top and bottom ventilation to outer air.
- (2) For quantities exceeding 55 gallons and up to 275 gallons:
 - (i) Storage room. Storage room shall be separated or cut off from remainder of premises by, at least, a 1 1/2 hour fire retardant partition. Floor and ceiling should be of non-combustible construction and designed with sufficient strength and customary safety factors and sustain maximum imposed loads.

* * *

- (ii) The storage room shall be provided with a suitable extinguishing system. This equipment may be of the foam or CO2 type.
- (iii) Ample ventilation to outer air shall be provided in storage room.
- (iv) All lights, switches and other electrical apparatus shall be of the explosion proof type.
- (v) Heat, if required, shall be by indirect means, hot water or steam coils to be located either at ceiling or at walls above maximum drum height. No open flame devices shall be allowed in room or near communicating opening.

* * *

- (xii) All electrical equipment, in or near the workroom or laboratory room, where acetone is used, shall be of the explosion proof type.

* * *

- (xiii) All machinery shall be properly grounded.

* * *

(xvi) Fixed ventilation (natural or mechanical) shall be provided in room where acetone is used.

Note 1. When the quantity of acetone exceeds 275 gallons, a buried storage system shall be required.

* * *

3. Not more than one drum of acetone shall be allowed in a frame building.

* * *

(2) Former Fire Department Rule 3 RCNY §21-05

§21-05 Storage and Sale of Flammable and/or Volatile Flammable Oils in Retail Paint Stores

In buildings other than those with dwelling facilities where not more than fifteen (15) persons congregate, the quantity of such liquids, flammable mixtures and/or volatile flammable oils, shall be limited to 55 gallons above ground, or in an approved underground tank when the amount exceeds 55 gallons.

In buildings used for a place of assembly or licensed place of public assembly, or in buildings where more than fifteen (15) persons congregate above the paint store occupancy, the quantity of such liquids shall be limited to five (5) gallons above ground in a safety can, or in an approved underground tank when the amount exceeds five (5) gallons.

* * *

(3) Former Fire Department Rule 3 RCNY §28-01

§28-01 Storage of Paints, Varnishes and Lacquers, and Similar Products in Multiple Dwellings

* * *

(b) No volatile flammable oils shall be stored.

(c) Paints, varnishes, enamels and all similar materials used for painting or coating, having a flashpoint, shall be stored in storage rooms of fireproof construction. No such storage shall be permitted in basement, cellar or sub-cellar areas of non-fireproof buildings, except in such areas which have heretofore been approved by the fire commissioner.

Storage rooms in basement or cellar occupancies having a door leading to the outer air with a maximum distance of twenty-five (25) feet from the paint room door to such door to the outer air and easily accessible by ramp or stairway to grade, may be permitted in class I fireproof buildings.

(d) The storage room shall be provided with either natural ventilation or an independent duct leading to the outer air. The ventilation shall not terminate in an enclosed court nor within twenty (20) feet of any building opening. Motors of ventilating system shall be explosion proof. Automatic sprinklers shall be provided for the storage room. Sprinklers may be connected to the house supply.

(e) The door to the paint storage room shall be fireproof and self closing. A masonry or concrete sill at least six (6) inches above the floor shall be provided at the door opening. Door shall be kept securely locked when room is not in actual use.

* * *

(g) No portable electrical appliances of any kind shall be used in the storage room.

(h) All globes shall be of the vaporproof type. The electric light switch shall be located outside of the room.

(i) The door to the room shall be marked "Paint Storage Room - No Smoking" in RED letters at least 4" high.

* * *

(o) The total quantity of paint material shall not exceed two hundred (200) gallons in non-fireproof multiple dwellings, except where storage in a separate fireproof exterior building.

In class I fireproof multiple dwellings, or complexes of contiguous multiple dwellings under the same ownership, two (2) gallons per apartment, but not more than two thousand (2,000) gallons storage may be permitted provided that, when storage exceeds two hundred (200) gallons, the automatic sprinkler system required for the storage room is extra hazard spacing and piping, with a fire department siamese connection, that the room is on an outside wall of the building, and that explosion venting is provided. Explosion venting provided shall be a minimum of ten (10) square feet when less than twenty (20) gallons of material having a flashpoint of under 100(degrees)F. Tag. o.c. is stored, and in accordance with NFPA Standard No. 68 (1954) when twenty (20) gallons or more of low

flash material under 100 degrees F. Tag. o.c. flash) are stored. (These are in addition to all other requirements specified in these regulations).

(p) All thinning of such paints, etc. shall be prepared in said storage areas.

(q) All such paints, when not in actual use, shall be returned to said approved storage areas. All paint products shall be transported in closed containers.

(r) No spraying or dipping with such paints, etc. may be performed except as provided for in the rules of the Board of Standards and Appeals.

* * *

(4) Former Fire Department Rule 3 RCNY §28-04

§28-04 Storage and/or Use of Inks

Printing inks and lithographic inks having a flashpoint below 100°F are to be within the purview of paints, varnishes, lacquers, as to permit requirements and restrictions.

Apply paint spray rules of the Board of Standards and Appeals, 2 RCNY §18-01(f)(1)(i)-(iii) for storage facilities.

Grounding and lighting shall be in accordance with the electrical code of the Bureau of Electrical Control.

* * *

Adequate means of either mechanical or natural ventilation shall be provided.

No open flames unless printing machine is equipped with an exhaust hood and mechanical vent of at least one hundred (100) linear feet per minute is provided.

* * *

Note: Retain underlining of highlighted text in publication of final rule.

§ 4839-01 Storage of Organic Peroxides in Pre-Existing Facilities

(a) Scope. This section consolidates the New York City Fire Prevention Code and former Fire Department rules in effect on June 30, 2008 that are applicable to the design and installation of organic peroxide installations in pre-existing facilities.

(b) Definitions. Reserved

(c) General Provisions. Pre-existing facilities with organic peroxide installations the design and installation of which would not be allowed or approved under the Fire Code, but which, pursuant to FC102.3 and R102-01, may be continued with respect to such organic peroxide installations under the applicable laws, rules and regulations in effect prior to the Fire Code, shall continue to comply with the provisions of such laws, rules and regulations, including former Fire Department rule 3 RCNY §27-01, until such time as such facilities may be required to comply with the Fire Code and the rules with respect to the design and installation of such organic peroxide installations.

(d) Organic Peroxides

(1) Former Fire Department Rule 3 RCNY §27-01

§27-01 Storage, Sale or Use of Organic Peroxides Packaged for Manufacturing, Industrial or Commercial Uses

* * *

(j) Storage facilities.

* * *

(2) Storage building or space shall be equipped with fast acting deluge type automatic sprinkler system. Roof of storage building shall be of light construction and suitably insulated with non-combustible insulating material. In lieu of light constructed roof, explosion venting may be provided. Ventilation to be provided for preventing excessive temperatures and to remove products of decomposition. Installation shall conform to requirements of Building (Administrative) Code and pertinent Board of Standards and Appeals resolution.

(3) Alarms shall be installed in storage building or space to indicate unsafe temperatures.

STATEMENT OF BASIS AND PURPOSE FOR CHAPTER 48 (PRE-EXISTING FACILITIES):

The chapter is amended to add five sections, each of which consolidates the New York City Fire Prevention Code and existing Fire Department rules in effect on June 30, 2008

that are applicable to the design and installation of pre-existing facilities.

Section 4827-01 sets forth design and installation requirements for pre-existing wholesale drug stores and drug and chemical supply houses, and pre-existing laboratories. These requirements were set forth in Fire Prevention Code (former Administrative Code §§27-4236, 27-4237, 27-4238, 27-4242) and existing Fire Department rule 3 RCNY §15-05 for pre-existing wholesale drug stores and drug and chemical supply houses, and existing Fire Department rules 3 RCNY §§10-01 and 34-01 for pre-existing laboratories. It also sets forth the storage quantity limitations and prohibitions for pre-existing technical establishments, pre-existing wholesale drug stores and drug and chemical supply houses, and pre-existing retail drug stores. These requirements were set forth in Fire Prevention Code (former Administrative Code §§27-4234, 27-4240 and 27-4241, and 27-4246), respectively. Section 4827-01 has been amended to conform the provisions of the rule to reflect longstanding policy of the Fire Department to enforce the provisions against all schools (up to the twelfth grade), not just public high schools.

Section 4828-01 sets forth design and installation requirements for pre-existing aerosol storage. These requirements are set forth in existing Fire Department rule 3 RCNY §32-01.

Section 4829-01 provides that pre-existing combustible fiber storage facilities on waterfront structures must comply with the requirements of the Fire Code, specifically including FC2906. The requirements set forth in existing Fire Department rule 3 RCNY §30-01 have been incorporated into the Fire Code, and pre-existing facilities in compliance with those requirements would be allowed and approved under the new Fire Code.

Section 4831-01 sets forth design and installation requirements for pre-existing tanks used for bulk storage of acids. These requirements are set forth in existing Fire Department rule 3 RCNY §1-01.

Section 4833-01 sets forth design and installation requirements for pre-existing magazines used for storage of explosives. These requirements are set forth in existing Fire Department rule 3 RCNY §14-04.

Section 4834-01 sets forth design and installation requirements for pre-existing flammable and combustible liquid storage and use, including specific flammable and combustible liquid storage and use such as petroleum, acetone/nail polish remover, distilled liquors and alcohols, oils and fats, paints, varnishes and lacquers, and inks. These requirements were set forth in Fire Prevention Code (former Administrative Code §§27-4065, 27-4066 and 27-4265) for flammable liquid manufacture, storage and use; Fire Prevention Code (former Administrative Code §§27-4069 and 4070) for combustible liquid manufacture and storage; Fire Prevention Code (former Administrative Code §27-4055) for limited storage of petroleum, shale oils and the liquid products thereof; Fire Prevention Code (former Administrative §27-4227), for distilled liquors and alcohols; Fire Prevention Code (former Administrative Code §27-4094) for paints, varnishes and lacquers; Fire Prevention Code (former Administrative Code §27-4231), and existing Fire Department rules 3 RCNY §§8-01 and 8-02 for oils and fats; Fire Prevention Code (former Administrative Code §27-4053) for bulk oil storage plants; existing Fire Department rules 3 RCNY §§ 21-06 and 21-17 for liquid tank storage systems; and existing Fire Department rules 3 RCNY §§20-07, 21-05, 28-01 and 28-04 for flammable and combustible liquid storage.

Section 4839-01 sets forth design and installation requirements for pre-existing organic peroxide storage. These requirements are set forth in existing Fire Department rule 3 RCNY §27-01.

a27



CITY PLANNING

NOTICE

Substantial Amendment to the 2008 Consolidated Plan 12-day Public Comment Period Addendum - Homelessness Prevention and Rapid Re-Housing Program

Pursuant to the Title XII of the American Recovery and Reinvestment Act of 2009 ("ARRA" or the "Recovery Act") the City of New York announces the 12-day public comment period for the substantial amendment to the 2008 Consolidated Plan: Addendum - Homelessness Prevention and Rapid Re-Housing Program (HPRP).

The Public Comment period will begin Thursday, April 30 and end Monday, May 11, 2009.

The HPRP was created by Congress to provide grants to States and localities to provide financial assistance and services to either prevent individuals and families from becoming homeless or help those are experiencing homelessness to be quickly re-housed and stabilized. The City of New York is expected to receive approximately \$73,929,700 in HPRP funds.

Under existing U.S. Department of Housing and Urban Development (HUD) Consolidated Plan citizen participation regulations, substantial amendments to an approved Plan

are required to undergo a 30-day comment period. However, in order to expedite the localities receiving the funds, Congress has waived this regulation and requires the Program to undergo only a 12-day public review period instead.

All comments received at the end of the comment period (close of business) will be summarized and the City's responses incorporated into the 2008 Consolidated Plan amendment addendum for submission to HUD.

The City of New York must submit the amendment to HUD by May 18, 2009 in order to be eligible to receive its allocation.

Copies of the 2008 Consolidated Plan - Addendum: Homelessness Prevention and Rapid Re-Housing Program (HPRP) will be made available at: The City Planning Bookstore, 22 Reade Street, New York, NY (10:00 A.M. - 4:00 P.M., Mon. - Fri.).

In addition, on Thursday, April 30, 2009 at 10:00 A.M. an Adobe PDF version of the amendment will be available for free downloading from the internet via both the Department of Homeless Services' and the Department of City Planning's websites at: www.nyc.gov/dhs and www.nyc.gov/planning, respectively.

Question and comments may be directed to:
 Bill Distefano
 Director of Planning, Development and Grants
 Division of Prevention, Policy and Planning
 NYC Department of Homeless Services
 33 Beaver Street, Room 2011, New York, NY 10007
 Phone: 212-232-0563
 Email: bdistefa@dhs.nyc.gov

The City of New York:
 Amanda M. Burden, FAICP, Director, Department of City Planning
 Robert V. Hess, Commissioner, Department of Homeless Services

a16-30

COLLECTIVE BARGAINING

■ NOTICE

NOTICE OF AMENDED CERTIFICATION

This notice is to acknowledge that the Board of Certification has issued Decision and Order as follows:

DATE: April 8, 2009 **DOCKET #:** RU-1159-94

DECISION: 2 OCB2d 13 (BOC 2009)

EMPLOYERS: The City of New York, represented by the Office of Labor Relations
 40 Rector Street, 4th Floor, New York, NY 10006

 New York City Housing Authority
 250 Broadway, New York, NY 10007

CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVE:

Communications Workers of America, Local 1180, 6 Harrison Street, 4th Floor, New York, NY 10013

AMENDMENT: Certification No. 41-73 has been amended to add the following Title/Code:

Added: Administrative Manager, Levels I and II (Title Code No. 10025)*

*** Administrative Managers employed in Captain positions in the Police Division of the Department of Environmental Protection are not added to Certification No. 41-73**

a27

NOTICE OF DESIGNATION

This notice is to acknowledge that the Board of Certification has issued a Decision and Order designating positions managerial and/or confidential as follows:

DATE: April 8, 2009 **DOCKET #:** RU-1159-94

DECISION: 2 OCB2d 13 (BOC 2009)

EMPLOYER: The City of New York, represented by the Office of Labor Relations,
 40 Rector Street, 4th Floor, New York, NY 10006

 New York City Housing Authority,
 250 Broadway, New York, NY 10007

CERTIFIED/RECOGNIZED BARGAINING REPRESENTATIVE:

Communications Workers of America, Local 1180, 6 Harrison Street, 4th Floor, New York, NY 10013

DESIGNATION: The Administrative Manager, Levels I and II, positions currently held by employees listed in attached Appendices A and B are designated managerial and/or confidential and, therefore, excluded from collective bargaining

Appendix A

MANAGERIAL DESIGNATIONS

Agency/ Employer	Name	Department/ Division	Functional Title
Administration for Children's Services	Hruska, Nancy	Policy and Planning	Executive Assistant to the Deputy Commissioner
Department of Citywide Administrative Services	Rafra-Hawthorne, Cheryl	Bureau of Personnel Development	Director of the Mayor's Graduate Scholarship Program and the Work Experience Program
	Ramsey, Tina	Applications Unit	Deputy Director
Department of	Benedetto, Mark	Police Division	Assistant Chief

Environmental Protection	McHale, Robert	Administration Bureau	Director of Payroll
Department of Finance	Gambino, Eva	Payment Operations Division	Administrative Liaison
Department of Health and Mental Hygiene	Green, Lisa	Division of Mental Hygiene	Director of Housing Services
	Rippon, David	Bureau of Emergency Management	Senior Emergency Planner
	Rohner, Christopher	Bureau of Emergency Management	Senior Emergency Manager
Department of Housing Preservation and Development	Marcus, Amy	Labor Relations	Director of Labor Relations
Department of Juvenile Justice	Haynes, Tonia	Central Office	EEO Officer
Department of Sanitation	Clavin, Thomas	Bureau of Motor Vehicles	Director of Administration and Fiscal Services
	Russell, Rhona	Bureau of Engineering	Assistant Director of Administration
Department of Small Business Services	Waldrup, Jeremy	Division of Business and District Development	Executive Director of NYC Business Solutions
District Attorney's Office-Kings County	Eisenhardt, Roger	Human Resources	Deputy Director
	Gerber, Sylvia	Human Resources	Director of Human Resources
District Attorney's Office-Richmond County	Dalton, Elizabeth Ann	Administration Bureau	Director of Human Resources
New York City Employees' Retirement System	Baksh, Felita	Human Resources	Director of Human Resources
Police Department	Brown, Debra	Personnel Orders Section	Administrator-In-Charge
Taxi and Limousine Commission	Rojas, Carmen	Human Resources	Deputy Director
Teachers Retirement Fund	Freeman, Ileana	Human Resources	Employee Relations Manager
	Moore, Brenda	Human Resources	Employee Relations Manager
	Pope, Dennis	Human Resources	Human Resources Records and Reporting Manager
Housing Authority	Amore, Debbie	Human Resources	Chief of the Records Control Division
	Harris, Lillian	Policy, Planning, and Management Analysis	Executive Assistant to the Deputy General Manager

Appendix B

CONFIDENTIAL DESIGNATIONS

Agency/ Employer	Name	Department/ Division	Functional Title
Borough President's Office-Staten Island	Witzak, Lorraine	Executive Office	Executive Assistant & Confidential Secretary
Department of Citywide Administrative Services	Martin, Norma	Executive Division	EEO Officer
Department of Environmental Protection	McHale, Robert	Administration Bureau	Director of Payroll
Department of Juvenile Justice	Haynes, Tonia	Central Office	EEO Officer
District Attorney's Office-Kings County	Perez, Juanita	Payroll Management Unit	Payroll Director
District Attorney's Office-Richmond County	Dalton, Elizabeth Ann	Administration Bureau	Director of Human Resources
Fire Department	Dominguez, Maria	Bureau of Technology Development and Systems	Deputy Director of Project Management and Administration
Office of the Comptroller	Basso, Elaine	Executive Office	Executive Assistant to the First Deputy Comptroller/Chief of Staff
	Merola, Magdalene	General Counsel's Office	Office Associate
Taxi and Limousine Commission	Rojas, Carmen	Human Resources	Deputy Director
Teachers Retirement Fund	Bubaris, Virginia	Human Resources	Employee Relations Manager
Housing Authority	Amore, Debbie	Human Resources	Chief of the Records

	Brasse, Shireen	Office of the Secretary	Executive Assistant to the Secretary
	Greenfield, Glenn	Budget & Financial Planning	System Coordinator
	McLeod, Monique	Community Operations	Executive Assistant to the Deputy General Manager

Note that some employees are both managerial and confidential and, therefore, appear on both Appendix A and Appendix B. To the extent that there are any discrepancies between the decision and the appendices, the Board's determinations are those set forth in the decision.

a27

HOUSING PRESERVATION & DEVELOPMENT

■ NOTICE

OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO LOCAL LAW 19 OF 1983

DATE OF NOTICE: April 28, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
907 5th Avenue, Manhattan	26/09	April 10, 2006 to Present
333 Convent Avenue, Manhattan	27/09	April 14, 2006 to Present
183 Lenox Avenue, Manhattan	29/09	April 15, 2006 to Present
3038 Brighton 5th Street, Brooklyn	28/09	April 14, 2006 to Present

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

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

a27-m7

POLICE

■ NOTICE

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

a1-m18

TRANSPORTATION

■ NOTICE

NOTICE TO BIDDERS

Effective Monday, May 4, 2009, the Department of Transportation's Office of the Agency Chief Contracting Officer/Contract Management Unit and Bid Room will be located at 55 Water Street, Ground Floor. There is a separate entrance located on the South Side of the building facing the Vietnam Veterans Memorial.

All visitors must go through the building's security screening process. Please allow sufficient time to get to your destination. Please bring government issued photo identification (i.e. driver license, passport, identification card).

You will not be allowed in the building without proper identification. It is the bidder's sole responsibility to submit its bid by the date and time delineated in the Information for Bidders.

Please note new Mailing Address:

ACCO Contract Management Unit
 Department of Transportation
 55 Water Street, Ground Floor
 New York, NY 10041

a27

CHANGES IN PERSONNEL

HRA/DEPT OF SOCIAL SERVICES FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for HRA/DEPT OF SOCIAL SERVICES.

DEPT. OF HOMELESS SERVICES FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for DEPT. OF HOMELESS SERVICES.

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for DEPARTMENT OF CORRECTION.

BOARD OF CORRECTIONS FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for BOARD OF CORRECTIONS.

CITY COUNCIL FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for CITY COUNCIL.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for MOLINARO, OSORIA, PLAZA, RUDOLPH, SIEBER, ULRICH, WILKERSON.

DEPARTMENT FOR THE AGING FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for DEPARTMENT FOR THE AGING.

FINANCIAL INFO SVCS AGENCY FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for FINANCIAL INFO SVCS AGENCY.

DEPARTMENT OF JUVENILE JUSTICE FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for DEPARTMENT OF JUVENILE JUSTICE.

OFF OF PAYROLL ADMINISTRATION FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for OFF OF PAYROLL ADMINISTRATION.

CIVIL SERVICE COMMISSION FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for CIVIL SERVICE COMMISSION.

LANDMARKS PRESERVATION COMM FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for LANDMARKS PRESERVATION COMM.

TAXI & LIMOUSINE COMMISSION FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for TAXI & LIMOUSINE COMMISSION.

PUBLIC SERVICE CORPS FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for PUBLIC SERVICE CORPS.

OFFICE OF LABOR RELATIONS FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for OFFICE OF LABOR RELATIONS.

HUMAN RIGHTS COMMISSION FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for HUMAN RIGHTS COMMISSION.

DEPT OF YOUTH & COMM DEV SRVS FOR PERIOD ENDING 04/03/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for DEPT OF YOUTH & COMM DEV SRVS.

COMMUNITY COLLEGE (BRONX) FOR PERIOD ENDING 04/03/09							
NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
DAVIS	NATASHA	M	10102	\$12,500.00	APPOINTED	YES	03/10/09
DEJESUS	LOUISE	P	10101	\$7,150.00	APPOINTED	YES	03/01/09
EVANS	DAMON	R	04688	\$37,770.00	APPOINTED	YES	02/26/09
GONZALEZ	MELISSA		04008	\$47,181.00	INCREASE	YES	02/01/09
HAGUE-WYMAN	BETSY		04625	\$195,550.00	APPOINTED	YES	02/06/09
HENRY	WILLIAM	E	04688	\$37,770.00	APPOINTED	YES	01/26/09
HUGHES	MARTHA	E	04625	\$41,000.00	APPOINTED	YES	03/05/09
JONES	ANDREA		10102	\$15,000.00	APPOINTED	YES	03/08/09
JONES	LISA		04625	\$32,210.00	APPOINTED	YES	03/14/09
LAING	SYBIL	M	04601	\$24,860.00	APPOINTED	YES	01/26/09
MACDONALD	JAMES		04625	\$100,000.00	APPOINTED	YES	02/01/09
MAGANTE	MARIE		10102	\$15,000.00	APPOINTED	YES	03/08/09
MARROW	MATTHEW		04294	\$62,950.00	APPOINTED	YES	01/18/09
PANETTIERI	REGINA		04687	\$42,840.00	APPOINTED	YES	02/24/09
RICHBURG	LILLIAN	C	04802	\$42,413.00	RETIRED	NO	04/02/09
SKINNER	PETER		04625	\$72,250.00	APPOINTED	YES	02/06/09
WRIGHT	CHANTELL	K	04099	\$51,487.00	APPOINTED	YES	03/15/09

COMMUNITY COLLEGE (QUEENSBORO) FOR PERIOD ENDING 04/03/09							
NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	
AKURE	AARON		10102	\$11,110.00	APPOINTED	YES	03/01/09
ARTIS	SARAH		10102	\$10,990.00	APPOINTED	YES	03/17/09
CARABALLO	ANGEL	A	04017	\$65,830.00	RETIRED	YES	03/25/09
CIARDIELLO	SILVANA		10102	\$10,990.00	APPOINTED	YES	04/03/09
ERB	CAROLINE	S	04294	\$74,200.00	APPOINTED	YES	01/26/09
FORTUNE	KATHLEEN	M	04802	\$28,073.00	INCREASE	NO	03/10/09
HUSSAINI	HABEEBUL		04625	\$35,000.00	APPOINTED	YES	02/28/09
INSHAN	ABDOOL	L	04625	\$32,210.00	APPOINTED	YES	02/01/09
ISHIGE	TOSHIYUK		10102	\$11,110.00	APPOINTED	YES	02/16/09
JOMADDER	KHALIL		04625	\$68,110.00	APPOINTED	YES	02/01/09
LOZA	MARITZA		04802	\$28,073.00	INCREASE	NO	02/25/09
MARALDO	PATTY	T	04625	\$40,000.00	APPOINTED	YES	03/01/09
SEJOUR	GERALD		91650	\$231,840.00	DECEASED	YES	03/14/09
SEJOUR	GERALD		90698	\$193,280.00	DECEASED	NO	03/14/09
SPINELLA	JAMES	R	04693	\$74,779.00	RETIRED	YES	03/29/09
THOMAS	DARIUS	L	04294	\$62,950.00	APPOINTED	YES	02/09/09
WEBER	CRAIG	R	04625	\$75,230.00	APPOINTED	YES	02/01/09
ZAMBRANO	JOHANNA	V	10102	\$11,110.00	APPOINTED	YES	03/01/09
ZARATE	GLORIA	J	10102	\$11,110.00	APPOINTED	YES	03/23/09

LATE NOTICES

AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

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

CORRECTION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 7, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Correction (DOC) of the City of New York and Fletcher Thompson Architecture Engineering, LLC, 345 Seventh Avenue, Suite 15N, New York, NY 10001, for consultant services for Architectural & Engineering Design and Construction related services for various correctional projects. The contract amount shall be \$2,000,000.00. The contract term shall be 1,096 Consecutive Calendar Days from the date of notice to proceed with one option to renew for 365 Consecutive Calendar Days. PIN#: 072200815CPD-A.

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

A summary of the contract scope/specifications and terms and conditions is available for public inspection at the Department of Correction, Procurement/Contracts, 17

Battery Place, Floor 4, New York, NY 10004, from April 27, 2009 to May 7, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M.

IN THE MATTER of a proposed contract between the Department of Correction (DOC) of the City of New York and Urbahn Architects, 49 West 37th Street, 6th Floor, New York, NY 10018, for consultant services for Architectural & Engineering Design and Construction related services for various correctional projects. The contract amount shall be \$2,000,000.00. The contract term shall be 1,096 Consecutive Calendar Days from the date of notice to proceed with one option to renew for 365 Consecutive Calendar Days. PIN#: 072200815CPD-B.

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

A summary of the contract scope/specifications and terms and conditions is available for public inspection at the Department of Correction, Procurement/Contracts, 17 Battery Place, Floor 4, New York, NY 10004, from April 27, 2009 to May 7, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M.

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 7, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Housing Preservation and Development and the Contractor listed below, for the provision of Community Consultant Services. The contract term shall be from July 1, 2008 to June 30, 2009.

Contractor/Address

New York Agency for Community Affairs, Inc.
2-4 Nevins Street, Brooklyn, NY 11217

Amount \$115,000 **PIN#** 806090100009

Boro/CD Brooklyn: CD's 2, 3, 5, 8, 9, 12, 16 and 17
Queens: CD's 3, 4, 12, 13 and 14
Bronx: CD's 1 and 9
Manhattan: CD # 11

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

A draft copy of the proposed contract is available for public inspection at the Department of Housing Preservation and Development, 100 Gold Street, 8th Floor, Room 8-S6, New York, NY 10038, on business days, from April 27, 2009 to May 7, 2009, excluding Holidays, from 10:00 A.M. to 4:00 P.M. Contact Ms. Angela Blake Fields at Room # 8-S6, (212) 863-6655.

Any individual wishing to speak at such hearing must submit a written request to Mr. Jay Bernstein, Deputy Agency Chief Contracting Officer, Department of Housing Preservation and Development, 100 Gold Street, Room 8-S4, New York, NY 10038; by FAX: (212) 863-5455; or by E-mail: jb1@HPD.nyc.gov. If the Agency does not receive a written request to speak within 5 days business days after the publication of this notice, the Agency reserves the right not to conduct the public hearing. In such case, a notice will be published in The City Record cancelling the public hearing.

JUVENILE JUSTICE

■ PUBLIC HEARINGS

CORRECTED NOTICE OF PUBLIC HEARING

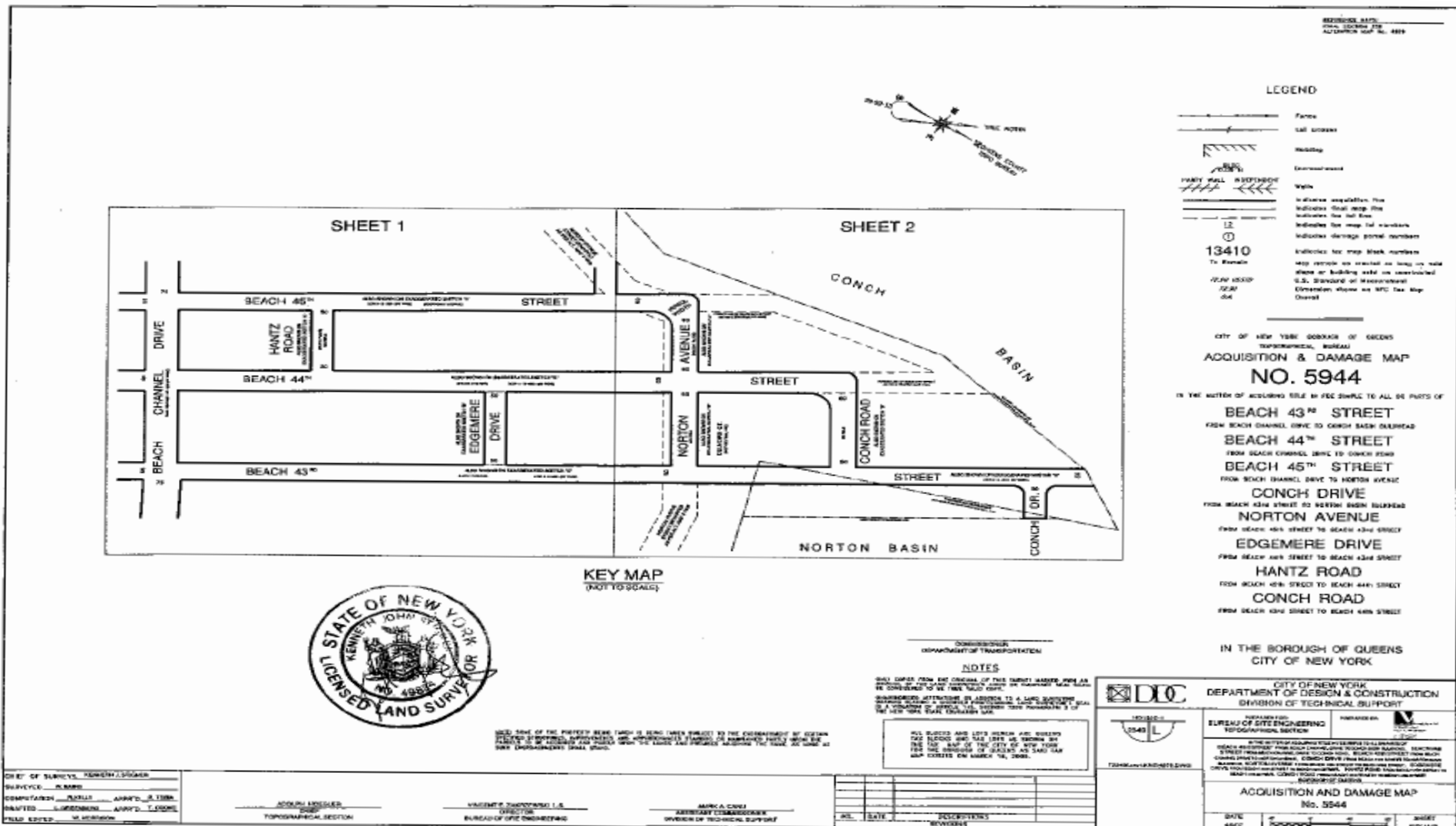
NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 7, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Juvenile Justice and Charles Jin Medical Service P.C., 8 Dorset Road, Great Neck, New York, 11020 for the provision of psychiatric services to youth in detention. The contract amount shall be \$2,474,988. The contract term shall be from July 1, 2009 to June 30, 2012 **with one three-year option to renew from July 1, 2012 to June 30, 2015**. PIN#: 13007DJJ011A.

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

A draft copy of the proposed contract is available for public inspection at the Department of Juvenile Justice, 110 William Street, 14th floor, New York, NY 10038, on business days, from April 27, 2009 to May 7, 2009, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

COURT NOTICE MAPS FOR BEACH 43RD STREET ET AL.



COURT NOTICE MAPS FOR BEACH 43RD STREET ET AL.

