



THE CITY RECORD

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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BROOKLYN BOROUGH PRESIDENT

■ PUBLIC HEARINGS

UNIFORM LAND USE REVIEW PROCEDURE

NOTICE IS HEREBY GIVEN THAT, pursuant to Sections 82 and 197-C of the New York City Charter, Borough President will hold a public hearing on the following matters in the Community Room, First Floor, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 5:00 P.M. on Thursday, May 7, 2009.

CALENDAR ITEM 1

GREENPOINT – WILLIAMSBURG REZONING ZONING TEXT AMENDMENT; ZONING MAP AMENDMENT COMMUNITY DISTRICT 1
090333 ZRK – 090334 ZMK

In the matter of applications submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter seeking an amendment of the zoning text and zoning map to facilitate the rezoning of approximately 175 blocks in Greenpoint-Williamsburg. A copy of the full description is available for review at the Borough President's Office. Contact (718) 802-3856 for further information.

CALENDAR ITEM 2

FLATBUSH REZONING ZONING TEXT AMENDMENT; ZONING MAP AMENDMENT COMMUNITY DISTRICT 14
090335 ZRK – 090336 ZMK

In the matter of applications submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter seeking an amendment of the zoning text and zoning map to facilitate the rezoning of 180 blocks in the Flatbush neighborhood. A copy of the full description is available for review at the Borough President's Office. Contact (718) 802-3856 for further information.

CALENDAR ITEM 3

DUMBO REZONING ZONING TEXT AMENDMENT; ZONING MAP AMENDMENT COMMUNITY DISTRICT 2
090309 ZRK – 090310 ZMK

In the matter of applications submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter seeking an amendment of the zoning text and zoning map to facilitate the rezoning of 12 blocks in the DUMBO neighborhood. A copy of the full description is available for review at the Borough President's Office. Contact (718) 802-3856 for further information.

Note: To request a sign language interpreter, or to request TTD services, call Mr. Kevin Parris at (718) 802-3856 at least five business days before the day of the hearing.

m1-7

STATEN ISLAND BOROUGH PRESIDENT

■ PUBLIC MEETING

The Staten Island Borough President's Office hereby gives notice that a public meeting of The Staten Island Borough Board will take place on Wednesday, May 6, 2009 at 5:30 P.M. in the Conference Room 122 at Borough Hall - Stuyvesant Place, Staten Island, New York 10301.

a28-m6

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 matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, May 12, 2009:

SMORGAS CHEF

MANHATTAN CB - 2 20085608 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Smorgas Chef West Village, Inc., d/b/a Smorgas Chef, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 283 West 12th Street, Borough of Manhattan.

THE SHOREHAM HOTEL

MANHATTAN CB - 5 20095085 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of The Shoreham LLC, d/b/a The Shoreham Hotel, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 39 West 55th Street, Borough of Manhattan.

HUMMUS KITCHEN

MANHATTAN CB - 4 20095281 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of BM Café, Inc., d/b/a Hummus Kitchen, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 768 Ninth Avenue, Borough of Manhattan.

NYCMF INC.

MANHATTAN CB - 2 20095337 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of NYCMF Inc., for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 10 Downing Street, Borough of Manhattan.

FORDHAM UNIVERSITY

MANHATTAN CB - 7 C 050260 ZSM
Application submitted by Fordham University pursuant to

Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify:

- the height and setback requirements of Section 23-632 (Front setbacks in districts where front yards are not required);
- the inner and outer court regulations of Section 23-841 (Narrow outer courts), Section 23-843 (Outer court recesses), Section 23-851 (Minimum dimensions of inner courts), Section 23-852 (Inner court recesses), Section 24-632 (Wide outer courts), Section 24-633 (Outer court recesses), Section 24-652 (Minimum distance between required windows and certain walls), and Section 23-863 (Minimum distance between legally required windows and any wall in an inner court);
- the minimum distance between buildings on a zoning lot requirements of Section 23-711 (Standard minimum distance between buildings); and
- the minimum distance between legally required windows and zoning lot lines requirements of Section 23-861 (General Provisions);

in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

FORDHAM UNIVERSITY

MANHATTAN CB - 7 C 050269 ZSM
Application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 68 spaces on portions of the ground floor, cellar, and sub-cellar levels of a proposed mixed-use building (Site 4, Garage A) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

FORDHAM UNIVERSITY

MANHATTAN CB - 7 C 050271 ZSM
Application submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 137 spaces on portions of the ground floor, cellar, sub-cellar, and 2nd sub-cellar levels of a proposed mixed-use building (Site 3a/3, Garage C) in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District.

FORDHAM UNIVERSITY

MANHATTAN CB - 7 N 090170 ZRM
Application submitted by Fordham University pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, Article VIII, Chapter 2, concerning Section 82-50 (Off-Street Parking and Off-Street Loading Regulations), to modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District.

Matter underlined is new, to be added;
Matter within # # is defined in Section 12-10;
Matter in ~~strikeout~~ is text to be deleted;

*** indicates where unchanged text appears in the zoning resolution

Article VIII – Special Purpose Districts

Chapter 2 Special Lincoln Square District

82-50 OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section.

- a) #Accessory# off-street parking spaces
b) Curb cuts
c) Waiver of loading berth requirements

SUNNYSIDE GARDENS

QUEENS CB - 2 N 080253 ZRQ

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, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District).

Matter in graytone or underlined is new, to be added; Matter in ~~strikeout~~ is old, to be deleted; Matter within # # is defined in Section 12-10;

Article I General Provisions

Chapter 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

12-10 DEFINITIONS

Special Planned Community Preservation District The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts which that are at least 1.5 acres and contain a minimum of three #buildings#;

Article X Special Purpose Districts

Chapter 3 Special Planned Community Preservation District

103-00 GENERAL PURPOSES

The "Special Planned Community Preservation District" (hereinafter referred to as the "Special District"), established in this Resolution, is designed to promote and protect the public interest, general welfare and amenity.

- (a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;
(b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement

and landscaping add to the quality of urban life;

- (c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;
(d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and
(e) to guide future development within the each of the Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

103-01 Definitions Special Planned Community Preservation District

The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply to all districts which are at least 1.5 acres and contain a minimum of 3 #buildings#, are substantially designed and #developed# as a unit with substantial clustered #open space# and related #commercial uses# available to all residents of the District under the regulations of the Zoning Resolution prior to December 15, 1961, which were considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, or its successor, and were designated pursuant to Section 103-05. The Special PC Planned Community Preservation District and its regulations supplement or modify those of the districts on which it is superimposed.

Establishment of Special Planned Community Preservation District

- (a) have a land area of at least 1.5 acres;
(b) contain a minimum of three #buildings#;
(c) were designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961; and
(d) include considerable clustered #open space# and related #commercial uses# available to all residents of the District.

The Commission has found that the existing site plan resulted in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned #residential# community.

103-02 Special Planned Community Preservation District Areas

The #Special Planned Community Preservation District# areas are as follows, and are each indicated by the letters "PC" on the #zoning maps#: Fresh Meadows in the Borough of Queens The Harlem River Houses in the Borough of Manhattan Parkchester in the Borough of the Bronx Sunnyside Gardens in the Borough of Queens.

103-10 General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, and in accordance with the provisions of this Chapter, no new #development#, #enlargement# which may include demolition of #buildings#, or substantial alteration of landscaping or topography, is shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, designated as a #Special Planned Community Preservation District# except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

103-11 Special Permits for Bulk and Parking Modifications

- (a) For any new #development#, or #enlargement# which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:
(1) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;
(2) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;
(3) minor variations in the #yard# regulations required by the applicable district regulations;
(4) minor variations in the height and setback regulations required by the applicable district regulations;
(5) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot); or
(6) permitted or required #accessory# off-

street parking spaces, driveways or curb cuts to be located anywhere within the #development#, without regard to #zoning lot lines# or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces).

- (b) In order to grant such special permits, the City Planning Commission shall make the following findings:
(1) that the new #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design, and that the new #development# will not seriously alter the scenic amenity and the environmental quality of the community;
(2) that the new #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #development#, the landscaping surrounding the new landscaping arrangement, and conditions of the community;
(3) that the new #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic that will diminish the environmental quality of the community; and
(4) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.

(c) Notwithstanding the provisions of paragraph (a)(6) of this Section, where the requirement for #accessory# off-street parking spaces, driveways or curb cuts can only be accommodated in such a manner that the functioning of the existing planned community is substantially injured, the City Planning Commission shall authorize waiver of all or part of the required parking.

(d) No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8, of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under the provisions of this Section and Section 103-12.

The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit in order to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform with the intentions of the #Special Planned Community Preservation District#.

103-12 Special Permit for Landscaping and Topography Modifications

No substantial modifications of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such modifications are approved by special permit of the City Planning Commission.

103-04-103-13 Requirements for Application

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial alteration modification of landscaping or topography to be made within the Special District, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, building sections and elevation and an appropriate model of the planned community.

103-14 Recordation

At the time of any transfer of development rights which has been authorized by special permit under Section 103-11, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further #development# of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.

103-05 (text incorporated into 103-01)

Designation of Special Planned Community Preservation Districts

The City Planning Commission and the Board of Estimate may designate as #Special Planned Community Preservation Districts# areas of at least 1.5 acres which contain a minimum of three #buildings# designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961, with substantial clustered #open space# and related #commercial uses# available to all residents of the District, where the Commission finds that the existing site plan results in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned #residential# community.

103-06 (text incorporated into 103-11(a). Portion of paragraph (f) incorporated into 103-11(c).

Special Permit Provisions

For any new #development# or #enlargement# which may include demolition within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:

- (a) ~~the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;~~
- (b) ~~the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the #development# to be distributed without regard for #zoning lot lines#;~~
- (c) ~~minor variations in the #yard# regulations required by the applicable district regulations;~~
- (d) ~~minor variations in the height and setback regulations required by the applicable district regulations;~~
- (e) ~~modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot);~~
- (f) ~~permitted or required #accessory# off street parking spaces, driveways or curb cuts to be located anywhere within the #development#, without regard to #zoning lot lines# or the provisions of Section 25-621 (Location of parking spaces in certain districts), and Section 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces). Where such requirement substantially injures the functioning of the existing planned community, waiver of all or part of the required parking may be authorized.~~

103-061 (text incorporated into 103-11(b))

Findings

As a condition precedent to the granting of a special permit under the provisions of Section 103-06, the City Planning Commission shall make the following findings:

- (a) ~~that the new #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design; and that the new #development# will not seriously alter the scenic amenity and the environmental quality of the community;~~
- (b) ~~that the new #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #development#, the landscaping surrounding the new landscaping arrangement, and conditions of the community;~~
- (c) ~~that the new #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community; and~~
- (d) ~~that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.~~

The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform with the intentions of the #Special Planned Community Preservation Districts#.

103-07 (text incorporated into 103-11(d))

Special Provisions for Demolition of Buildings

No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8 of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under Section 103-06 (Special Permit Provisions).

103-08 (text incorporated into 103-12)

Special Provisions for Alterations of Landscaping or Topography

No substantial alterations of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such alterations are

approved by special permit by the City Planning Commission after public notice and hearing and subject to Board of Estimate action.

103-09 (text renumbered 103-14)

Recordation

At the time of any transfer of development rights which have been authorized by special permit under Section 103-06, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further #development# of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# to be transferred, and shall specify, by lot and #block# numbers, the lots from which and the lots to which such transfer is made.

103-20

Special Regulations for Sunnyside Gardens

In order to further protect and enhance the character of the Sunnyside Gardens area within the #Special Planned Community Preservation District#, the regulations of this Section, inclusive, shall supersede the regulations of the #Special Planned Community Preservation District# and the underlying zoning districts, as applicable

The special permit provisions of Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications) shall not apply within the Sunnyside Gardens area of the Special District.

103-21

Special Bulk Regulations

Notwithstanding any other provisions of this Resolution, #bulk# regulations applicable to the underlying #Residential# and #Commercial Districts# or modified within the Special District are hereby further modified to the extent set forth in this Section, inclusive.

103-211

Special Floor Area Regulations

In the Sunnyside Gardens area of the Special District, the #floor area# regulations of the underlying #Residential# and #Commercial Districts# shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #residential#, #commercial# and #community facility uses#, separately or in combination, shall be 0.75, which may be increased by up to 20 percent to a maximum #floor area ratio# of .9, provided that any such increase in #floor area# is located under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance, and the structural headroom of such #floor area# is between five and eight feet.

103-212

Special Density Regulations

In the Sunnyside Gardens area of the Special District, the density regulations of the underlying #Residential# and #Commercial Districts# shall not apply. In lieu thereof, for all #residential developments# or #enlargements#, the density factor for #dwelling units# shall be 900.

103-213

Special Height Regulations

In the Sunnyside Gardens area of the Special District, the height and setback regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply to all #developments# or #enlargements# in #Residential# and #Commercial Districts#.

103-214

Special Yard Regulations

In the Sunnyside Gardens area of the Special District, the #yard# regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply to all #developments# or #enlargements# in #Residential# and #Commercial Districts#.

103-22

Special Parking Regulations

In the Sunnyside Gardens area of the Special District, the off-street parking regulations of Article II, Chapter 5, pertaining to R4 Districts, shall be applicable for all #residential# and #community facility uses#, subject to the provisions of Section 103-23 pertaining to curb cuts.

103-23

Curb Cuts

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50th Street, within 100 feet of its intersection with 39th Avenue.

HUDSON ELDERT HOUSING

BROOKLYN CB - 5 M 090312 ZMK

Application submitted by Hudson Eldert, LLC, and Skyview Realty Association, Ltd., for modification of a Restrictive Declaration, which was approved as part of a Zoning Map Amendment (CP 21749), to eliminate the restriction that the property be limited to hospital and hospital-related uses, including nursing home facilities and the restriction that the parking be subject to the requirements applicable in an R4 District, on property located at 783 Eldert Lane (Block 4469, Lots 1, 6, 10, 16 and 54), in an R6 District.

HOBBS COURT

MANHATTAN CB - 11 C 090125 ZMM

Application submitted by the New York City Housing Authority and Phipps Houses and Urban Builders Collaborative, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b, changing from an R7A District to an R8A District property bounded by East 103rd Street, a line

325 feet easterly of Second Avenue, East 102nd Street, and a line 100 feet easterly of Second Avenue, as shown on a diagram (for illustrative purposes only) dated December 1, 2008.

86TH STREET/SIDEWALK CAFÉ TEXT

MANHATTAN CB - 8 N 090165 ZRM

Application submitted by Maz Mezcal Restaurant pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article I, Chapter 4 (Sidewalk Café Regulations), relating to Section 14-43 to permit small sidewalk cafes on the south side of East 86th Street from First Avenue to a line 125 feet east of Second Avenue.

Matter in underline is new, to be added;
Matter in strikeout is old, to be deleted;
Matter within # # is defined in Section 12-10;

14-43

Locations Where Only Small Sidewalk Cafes Are Permitted

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning.

Manhattan:
Orchard Street - from Canal Street to Houston Street
Delancey Street - from Norfolk Street to the Bowery
Centre Street - from Canal Street to Spring Street
Lafayette Street - from Canal Street to Houston Street
Sixth Avenue - from Canal Street to a line 100 feet south of Spring Street

Special Union Square Special District*
14th Street - from Second Avenue to Irving Place
14th Street - from a line 100 feet west of University Place to Eighth Avenue

23rd Street - from the East River to Eighth Avenue
31st Street - from Fifth Avenue to a line 200 feet east of Broadway

34th Street - from the East River to Fifth Avenue
35th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue

36th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue
37th Street - from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue

37th Street - from a line 150 feet east of Sixth Avenue to Broadway
38th Street - from Third Avenue to Seventh Avenue
39th Street - from Exit Street to Seventh Avenue

40th Street - from a line 100 feet east of Exit Street to Broadway
41st Street - from a line 100 feet east of Exit Street to Third Avenue

42nd Street - from First Avenue to Third Avenue
42nd Street - from Fifth Avenue to a line 275 feet east of Sixth Avenue

All #streets# bounded by 43rd Street on the south, 46th Street on the north, a line 200 feet east of Third Avenue on the east and Third Avenue on the west

43rd Street - from Fifth Avenue to Sixth Avenue
44th Street - from Fifth Avenue to Sixth Avenue
45th Street - from Fifth Avenue to Sixth Avenue
46th Street - from Fifth Avenue to Sixth Avenue
47th Street - from a line 200 feet east of Third Avenue to Third Avenue

48th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
49th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west

50th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
51st Street - from a line 150 feet east of Third Avenue to Eighth Avenue

52nd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
53rd Street - from a line 160 feet east of Third Avenue to Eighth Avenue

54th Street - from a line 150 feet east of Third Avenue to Eighth Avenue
55th Street - from a line 100 feet west of Second Avenue to Eighth Avenue

56th Street - from a line 100 feet west of Second Avenue to Eighth Avenue
57th Street - from the East River to Eighth Avenue
58th Street - from the East River to Eighth Avenue
59th Street - from the East River to Second Avenue

59th Street (Central Park South) - from Sixth Avenue to Columbus Circle
60th Street - from Lexington Avenue to Fifth Avenue
61st Street - from Third Avenue to Fifth Avenue

62nd Street - from Second Avenue to Fifth Avenue
63rd Street - from Second Avenue to Fifth Avenue
86th Street - from First Avenue to a line 125 feet east of Second Avenue, south side only

116th Street - from Malcolm X Boulevard to Frederick Douglass Boulevard

First Avenue - from 48th Street to 56th Street
Third Avenue - from 38th Street to 62nd Street
Lexington Avenue - from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street

Lexington Avenue - the entire length from a line 100 feet north of 96th Street, northward
Park Avenue - from 38th Street to 40th Street
Park Avenue - from 48th Street to 60th Street
Park Avenue - the entire length from a line 100 feet north of 96th Street, northward

Madison Avenue - from 23rd Street to 38th Street
Madison Avenue - from 59th Street to 61st Street
Special Madison Avenue Preservation District**
Madison Avenue - the entire length from a line 100 feet north of 96th Street, northward

Fifth Avenue - from 12th Street to 33rd Street
Fifth Avenue - from 59th Street to 61st Street
Sixth Avenue - from 36th Street to 42nd Street
Sixth Avenue - from a line 150 feet north of 42nd Street to 48th Street

Sixth Avenue - from 50th Street to Central Park South

Seventh Avenue - from 50th Street to Central Park South
 Broadway - from 36th Street to 40th Street
 Broadway - from 50th Street to Columbus Circle
 Columbus Circle - from Eighth Avenue, westward, to Broadway.

* #Small sidewalk cafes# are not allowed on 14th Street

** #Small sidewalk cafes# are not allowed on 86th Street within the Special Madison District

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, May 12, 2009.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matter in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, May 12, 2009:

**CARL C. ICAHN CHARTER SCHOOL
 BRONX CB - 3 C 090228 HAX**
 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 404 Claremont Parkway (Block 2896, Lot 96) 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 an expansion of the playground for the Carl C. Icahn Charter School.

☛ m6-12

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 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;
 - 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;
 - 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;
 - Flatlands Avenue, East 99th Street, a line 375 feet southeasterly of Flatlands Avenue, and East 98th Street;
 - 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;
 - 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;
 - 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;
 - 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:
- 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;
 - 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 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;
 - 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 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;
 - 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:
- 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
 - 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 line 100 feet northwesterly of Foster Avenue, East 93rd Street, Foster Avenue, and East 92nd Street;
 - 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
 - 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 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;
 - 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:
- 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;
 - 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
 - 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 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;
 - Flatlands Avenue, East 98th Street, a line 100 feet southeasterly of Flatlands Avenue, and Rockaway Parkway;
 - Flatlands Avenue, East 103rd Street, a line 100 feet southeasterly of Flatlands Avenue, and East 102nd Street;
 - Flatlands Avenue, East 106th Street, a line 100 feet southeasterly of Flatlands Avenue, and East 104th Street;
 - 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:
- 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;
 - 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
 - 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
- 7. 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 67, 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.

* * *

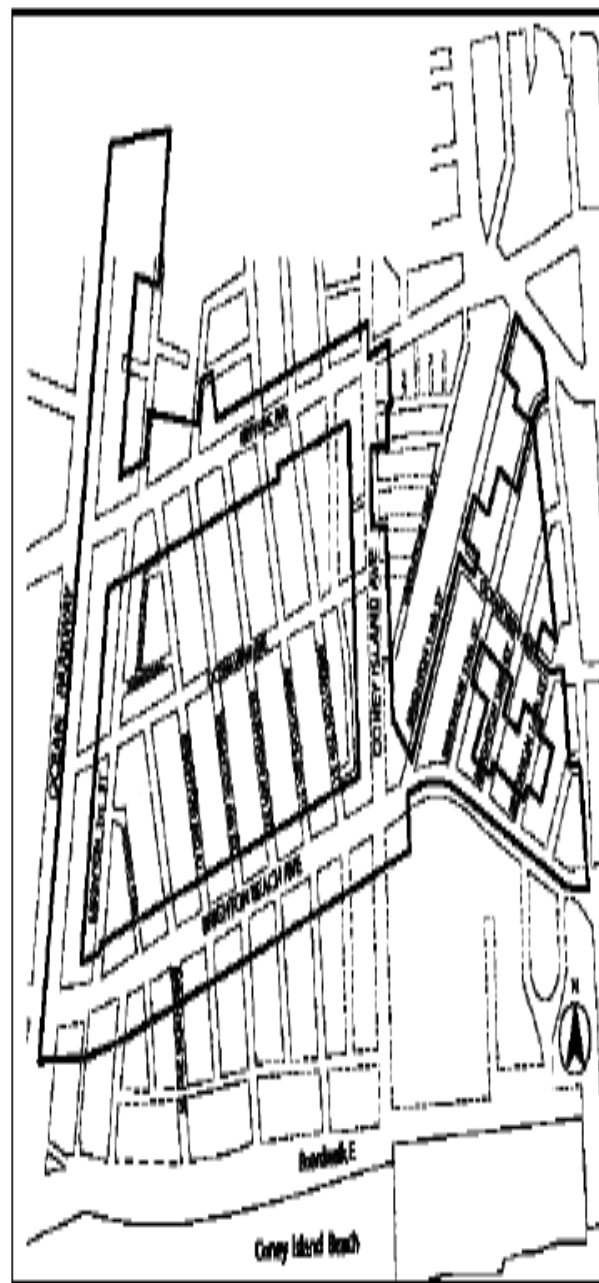
**23-90
INCLUSIONARY HOUSING**

* * *

**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 113-67, 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 s 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 s 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).

113-5032 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 s Subdistrict A shall be as set forth in Section 23-631, for #buildings or other structures# in R4-1 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.

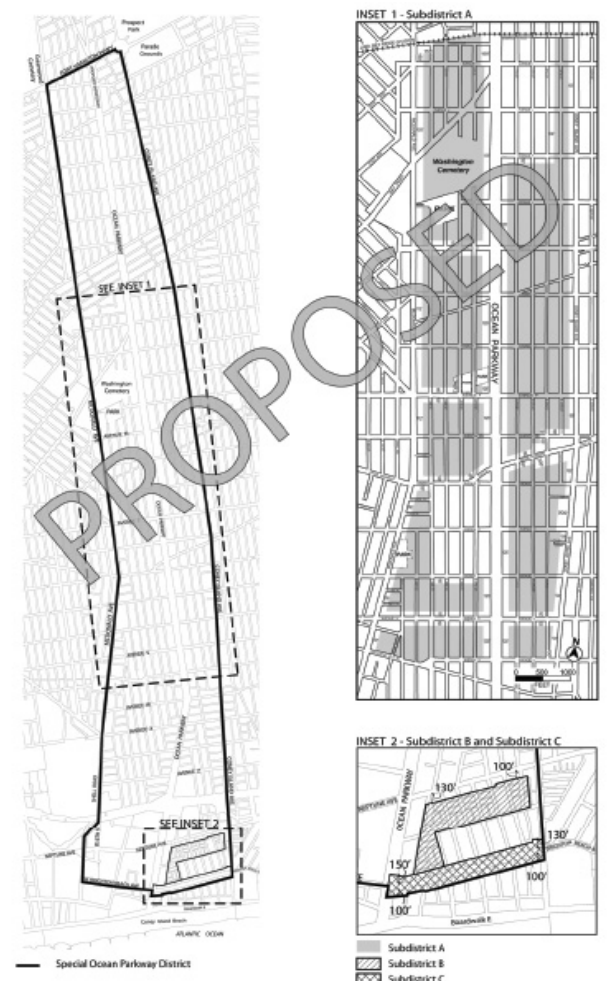
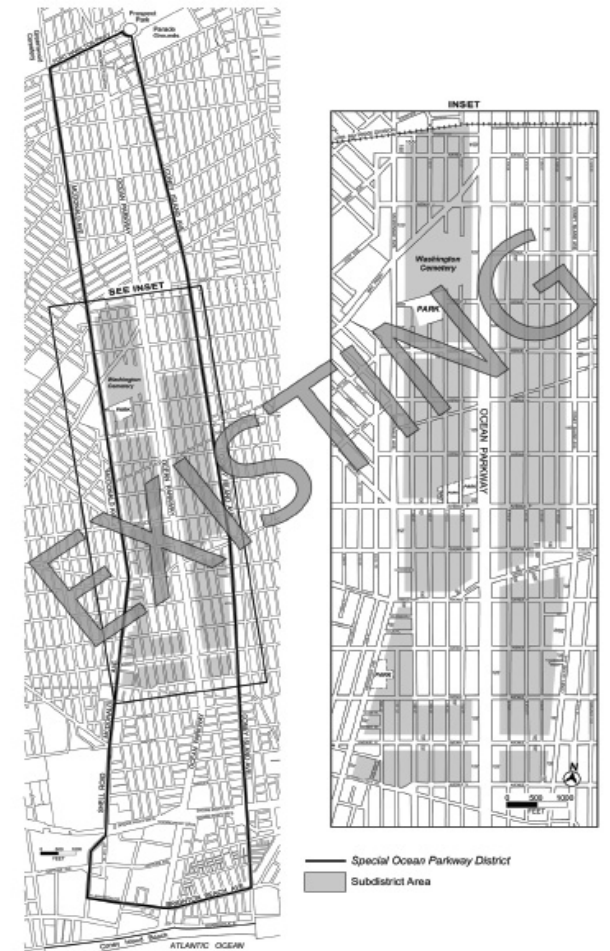
113-733 Reduced requirements for small zoning lots

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#.

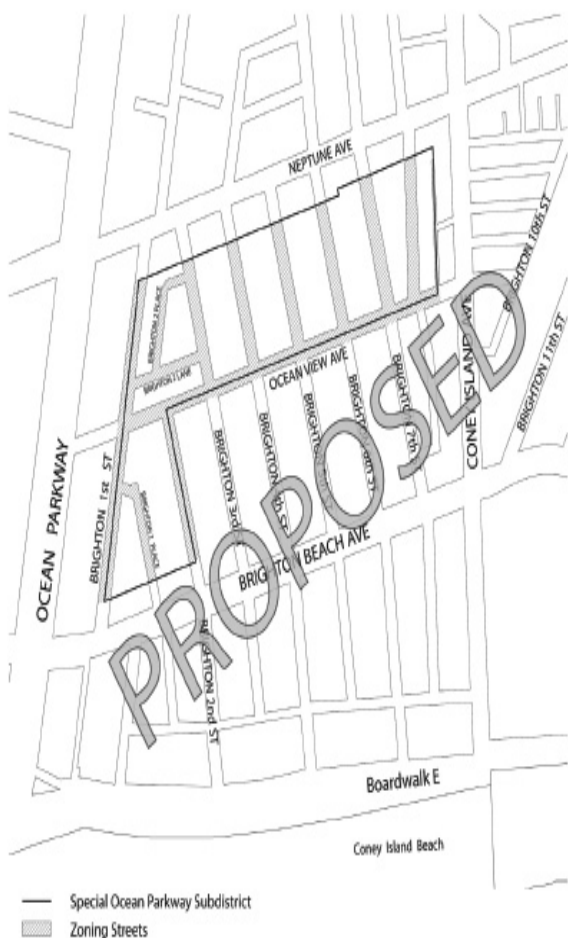
Appendix A Special Ocean Parkway District Map 1 Special Ocean Parkway District and Subdistricts

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 City Planning certifies to 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:

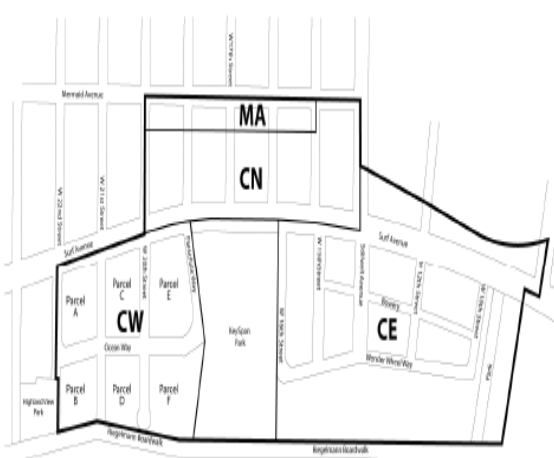
- (i) any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;
- (ii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (iii) a total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

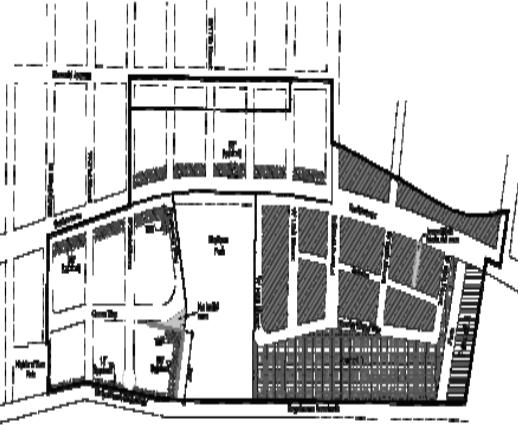
131-53 Curb Cuts

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#.

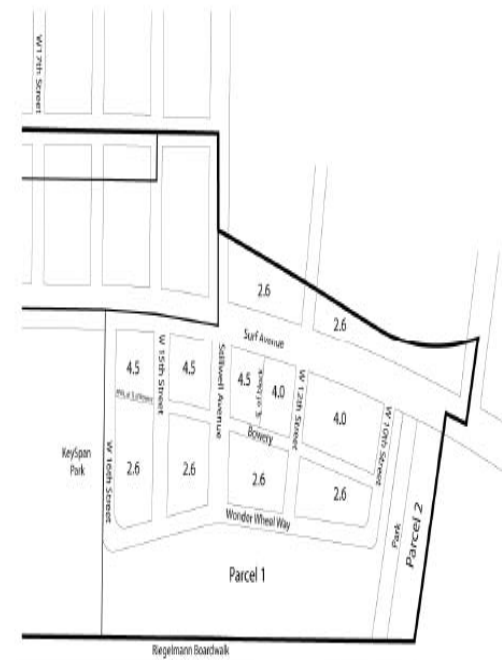
Map 1: Special Coney Island District and Subdistricts



Map 2: Mandatory Ground Floor Use Requirements



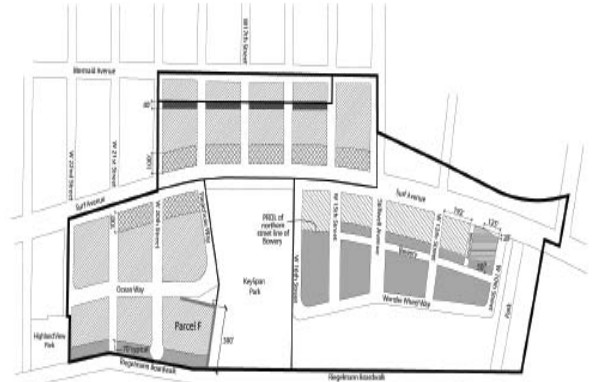
Map 3: Coney East Subdistrict Floor Area Ratios



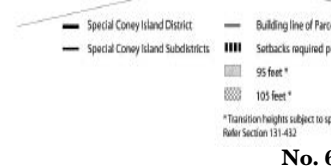
Map 4: Street Wall Location



Map 5: Minimum and Maximum Base Heights



Map 6: Coney West Subdistrict Transition Heights



No. 6

CD 13 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#.

131-422**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:

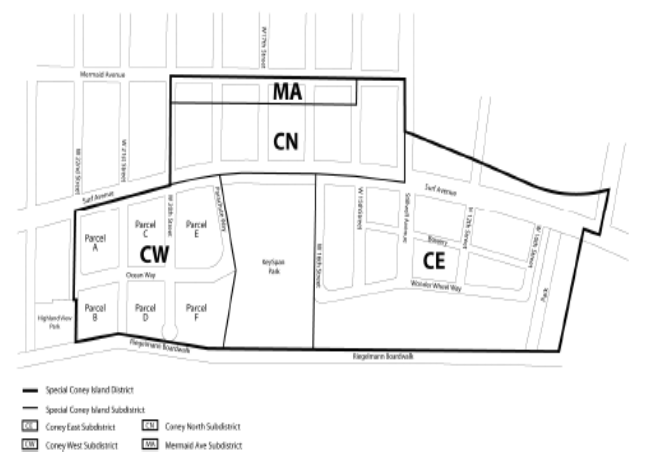
- (i) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
(ii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
(iii) a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

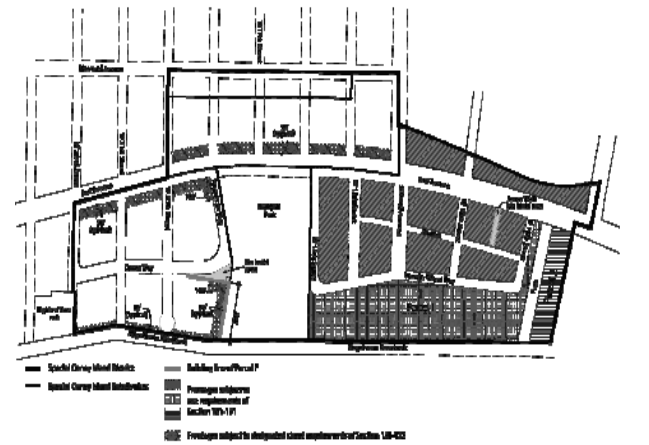
131-53 Curb Cuts

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#.

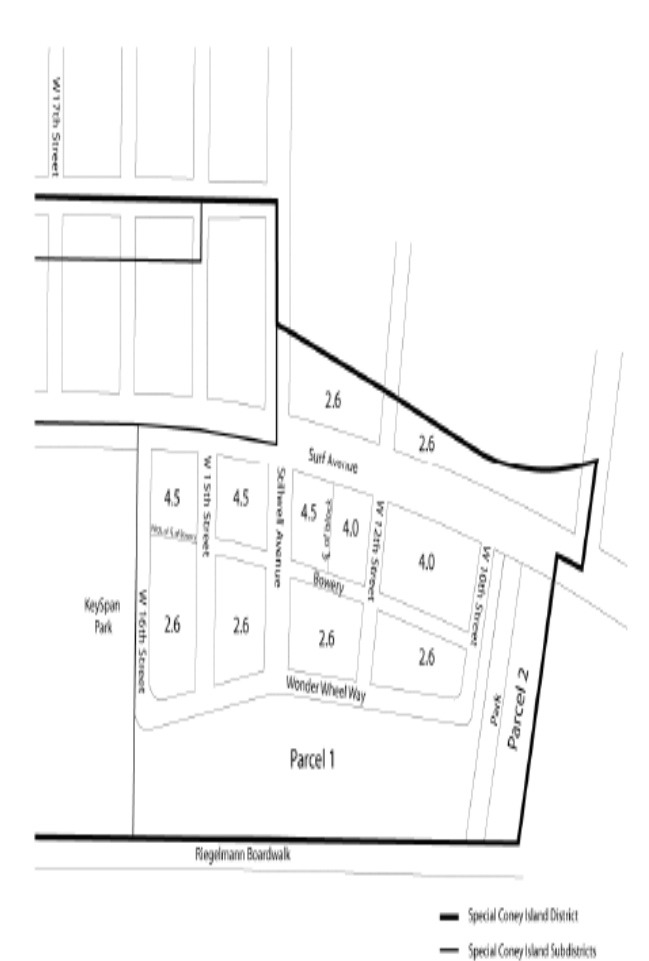
Map 1: Special Coney Island District and Subdistricts



Map 2: Mandatory Ground Floor Use Requirements



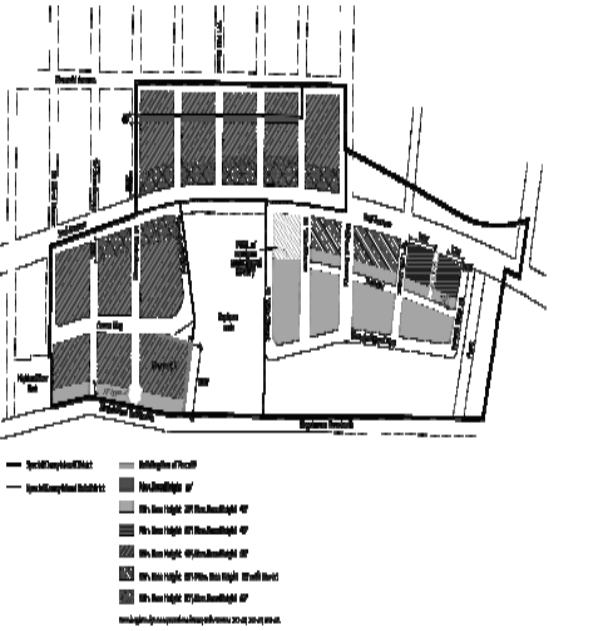
Map 3: Coney East Subdistrict Floor Area Ratios



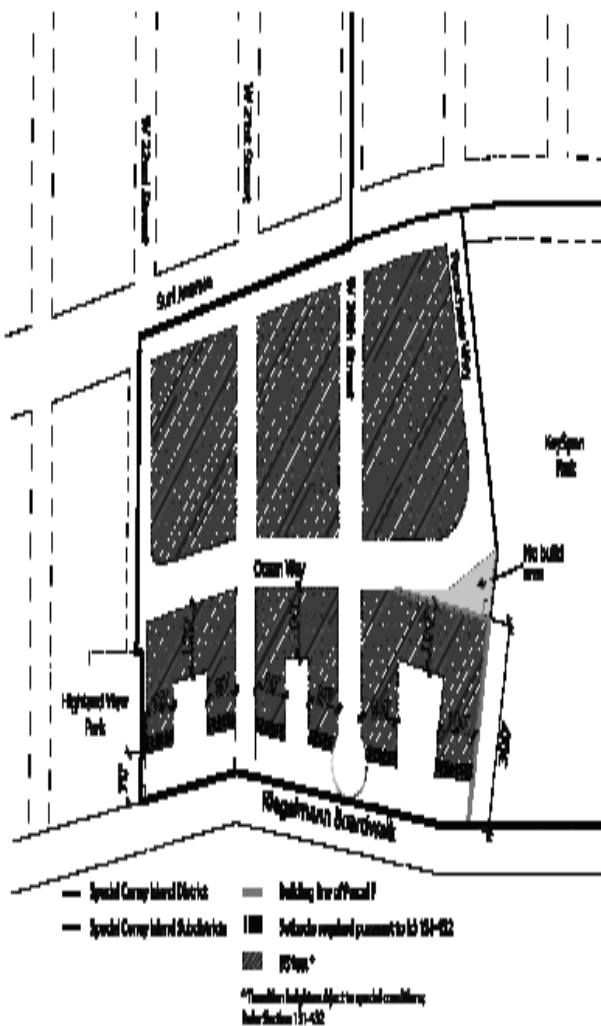
Map 4: Street Wall Location



Map 5: Minimum and Maximum Base Heights



Map 6: Coney West Subdistrict Transition Heights



CD 13 **No. 7** **C 090274 PQK**
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

No. 8

CD 13 **C 090275 PQK**
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).

No. 9

CD 13 **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/o190
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

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

BOROUGH OF MANHATTAN
Nos. 1, 2 & 3
ARC RAILROAD PASSENGER STATION
No. 1

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

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

Article VII
Chapter 4
Special Permits by the City Planning Commission

* * *

74-60
PUBLIC SERVICE OR TRANSPORTATION
FACILITIES

* * *

74-62
Railroad Passenger Stations

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

- (a1) that the principal access for such #use# is not located on a local #street#;
- (a2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas; and
- (a3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

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

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

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

- (1) that the principal access for such railroad passenger station is not located on a local #street#;
- (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas;
- (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
- (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;

- (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
- (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:
 - (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
 - (ii) that the design of the facility will blend harmoniously with the surrounding area.

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

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the City Planning Commission. The proposed site plan shall be referred to the affected Community Board, the local Council Member and the Borough President. The Chairperson shall not accept such site plan prior to sixty days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

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

No. 2

CDs 4 & 5 C 090263(A) ZSM
IN THE MATTER OF an application submitted by the Port of Authority of New York and New Jersey and the New Jersey Transit pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 74-62(b)* of the Zoning Resolution to allow:

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

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

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

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

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

No. 3

CDs 4 & 5 C 090263 ZSM
IN THE MATTER OF an application submitted by the Port of Authority of New York and New Jersey and the New Jersey Transit pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-62(b)* of the Zoning Resolution to allow:

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

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

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

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

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

CD 4 C 090220 PPM
IN THE MATTER OF an application submitted by the New York City Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties located at Piers 92 and 94, westerly of route 9A (Miller Highway) between West 51st and 55th streets (Block 1109, Lots 5 and 30) and p/o Marginal Street, Wharf or Place), pursuant to zoning.

No. 5

CD 04 C 090221 ZSM
IN THE MATTER OF an application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow a trade exposition facility with a rated capacity in excess of 2,500 persons within an existing building at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

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

No. 6

CD 04 C 090222 ZSM
IN THE MATTER OF an application submitted by the New York City Economic Development Corporation and MMPI Piers LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-734(b) of the Zoning Resolution to modify the height and setback and length requirements of Section 62-342 (Developments on Piers) for a structure on a pier in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District.

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

No. 7

111 8TH AVENUE

CD 4 C 080088 ZSM
IN THE MATTER OF an application submitted by 111 8th Avenue Parking LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended parking garage with a maximum capacity of 625 spaces on portions of the ground floor and cellar of an existing 17-story commercial building on property located at 111 8th Avenue (Block 39, Lot 1), in an M1-5 District.

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

BOROUGH OF QUEENS
No. 8
GLENDALE YARDS

CD 6 C 070429 MMQ
IN THE MATTER OF an application submitted by the Department of Transportation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 70th Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70th Avenue and 70th Road,

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

No. 9

COLLEGE POINT DISPOSITION

CD 7 C090320 PPQ
IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the

disposition of nine (9) city-owned properties in the College Point Corporate Park, pursuant to zoning.

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

CITYWIDE
No. 10
INCLUSIONARY HOUSING TEXT

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

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

12-10
DEFINITIONS

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

* * *

Inclusionary Housing designated area (7/25/07)

An "Inclusionary Housing designated area" is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The locations of sSuch #Inclusionary Housing designated areas# are identified in ~~Section 23-922~~ Appendix A of Article II, Chapter 3 of this Resolution or in Special Purpose Districts, as applicable.

* * *

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-144
In designated areas where the Inclusionary Housing Program is applicable.
 In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-9452 (In Inclusionary Housing designated areas). The locations of such districts are specified in ~~Section 23-922~~ (Inclusionary Housing designated areas) Appendix A of this Chapter.

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

* * *

23-15
Maximum Floor Area Ratio in R10 Districts

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

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

* * *

23-90
INCLUSIONARY HOUSING

23-91
General Provisions

~~An Inclusionary Housing program is established in those areas designated in Section 23-92 (Applicability) to preserve and to promote a mixture of low to upper income housing in neighborhoods experiencing a shift to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-95.~~

23-92
Applicability
23-921
R10 Districts

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

23-922
Inclusionary housing designated areas
The Inclusionary Housing Program shall apply in the following areas:

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

(map deleted)

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

(map deleted)

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

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

(map deleted)

Map 3
Portion of Community District 1, Brooklyn

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

(map deleted)

Map 4
Portion of Community District 7, Brooklyn

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

(map deleted)

Map 5
Portion of Community District 2, Queens

(map deleted)

Map 6
Portion of Community District 2, Queens

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

(map deleted)

Map 7
Portion of Community District 2, Brooklyn

(map deleted)

Map 8
Portion of Community District 2, Brooklyn

(map deleted)

Map 9
Portion of Community District 2, Brooklyn

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

(map deleted)

Map 10
Portion of Community District 7, Manhattan

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

(map deleted)

Map 11
Portion of Community District 3, Brooklyn

(map deleted)

Map 12
Portion of Community District 3, Brooklyn

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

(map deleted)

Map 13
Portion of Community District 6, Manhattan

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

(map deleted)

Map 14
Portion of Community District 3, Manhattan

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

23-93

Definitions

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

23-911

General Definitions

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

Administering agent

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

- (a) that each subject rental #affordable housing unit# is rented in compliance with such plan. #regulatory agreement# at #rent-up# and upon each subsequent vacancy; or
- (b) that each subject #homeownership affordable housing units# is owned and occupied in compliance with such #regulatory agreement# at #sale# and upon each #resale#.

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

Affordable floor area

(a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating

site#, other than any #super's unit#, are #affordable housing units#, all of the #residential floor area#, or #community facility floor area# for a #supportive housing project#, in such #generating site# is "affordable floor area".

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

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

Affordable housing

"Affordable housing" consists of:

- (a) #affordable housing units#; and
- (b) #eligible common areas#.

Affordable housing plan

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

Affordable housing unit

An "affordable housing unit" is:

- (a) a #dwelling unit#, other than a #super's unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:
 - (1) #low income households#;
 - (2) where permitted by Section 23-953 (Special provisions in specified areas), either #low income households# or a combination of #low income households# and #moderate income households# or #middle income households#; or
 - (3) upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable;
- (b) a #rooming unit#, other than a #super's unit#, that is used for class B occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by a #low income households#; or
- (c) a #supportive housing unit# within a #supportive housing project#.

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

Capital element

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

Compensated development

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

Compensated zoning lot

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

Completion notice

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

Development

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

Fair rent

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

Upon renewal of a lease for an existing tenant in #lower

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

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

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

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

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

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

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

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

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

Inclusionary Housing designated areas

"Inclusionary Housing designated areas" shall be those areas specified in Section 23-922 (Inclusionary Housing designated areas).

Lower income household

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

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

Lower income housing

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

- (a) real estate tax abatements and exemptions which are specifically limited to the #lower income housing#; or
- (b) operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5 percent of the "80 Percent of SMSA Limits" to afford such #lower income housing#.

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

Lower income housing plan

The "lower income housing plan," is the plan accepted by the Commissioner of Housing Preservation and Development, which sets forth the developer's plans for creating and maintaining the specified #lower income housing# pursuant

to this program, including but not limited to, choice of #administering agent#, tenant selection, rent levels in the #lower income housing# and income verification of tenants pursuant to paragraphs (b), (c) and (d) of Section 23-95. **Standard unit**

A "standard unit" is a:

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

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

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

Eligible common area

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

Floor area compensation

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

Generating site

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

Grandfathered tenant

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

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

Guidelines

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

Household

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

HPD

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

Income index

The "income index" is 125 percent of the income ceiling established by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for low-income families receiving housing assistance payments in New York City, as adjusted for #household# size. #HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by #HUD# or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income ceiling or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#, in a manner consistent with the standards and methodology in effect on [date of enactment].

Initial occupancy

"Initial occupancy" is:

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

- (b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

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

Low income floor area

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

Low income household

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

Low income limit

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

Middle income floor area

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

Middle income household

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

Middle income limit

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

Moderate income floor area

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

Moderate income household

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

Moderate income limit

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

New construction affordable housing

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

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

Permit notice

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

- (a) state the amount of #low income floor area#, #moderate income floor area#, or #middle income floor area# attributable to such #generating site#;
- (b) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# is #new construction affordable housing#. #substantial rehabilitation affordable housing# or #preservation affordable housing#;
- (c) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area#, or #middle income floor area# has utilized #public funding#; and
- (d) specify the amount of such #affordable housing# that the #compensated development# may utilize to generate #floor area compensation#.

Preservation affordable housing

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

- (a) is a #generating site# that existed and was legally permitted to be occupied on the #regulatory agreement date#, except as permitted in the #guidelines#; and
- (b) complies with the provisions of Section 23-961(c)

(Special requirements for rental #preservation affordable housing#) or Section 23-962(f) (Special requirements for #homeownership preservation affordable housing#), as applicable.

Public funding

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

Regulatory agreement

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

Regulatory agreement date

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

Regulatory period

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

Substantial rehabilitation affordable housing

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

- (a) is a #generating site# that existed on the #regulatory agreement date#, and
- (b) complies with the provisions of Section 23-961(f) (Special requirements for rental #substantial rehabilitation affordable housing#) or Section 23-962(g) (Special requirements for homeownership substantial rehabilitation affordable housing), as applicable.

Super's unit

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

23-912

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

Legal regulated rent

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

Maximum monthly rent

The "maximum monthly rent" is:

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

Monthly Rent

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

Rent stabilization

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

Rent-up

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

Rent-up date

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

Supportive housing project

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

- (a) 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#; and
- (b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and
- (c) such #generating site# is not a #compensated development#.

Supportive housing unit

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

Utility allowance

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

23-913**Definitions Applying to Homeownership Affordable Housing**

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

Appreciated price

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

Appreciation cap

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

- (a) 125 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #low income households# at #sale#; or
- (b) 175 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #moderate income households# at #sale#; or
- (c) 200 percent of the #income index# for an #homeownership affordable housing unit# that was restricted to occupancy by #middle income households# at #sale#.

Appreciation Index

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

Commencement date

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

Condominium Association

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

Cooperative corporation

A "cooperative corporation" is any corporation organized exclusively for the purpose of providing housing

accommodations to shareholders who are persons or families entitled, by reason of ownership of shares in such corporation, to residential occupancy.

Down Payment

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

Eligible Buyer

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

- (a) except in the case of #succession#:
 - (i) be, at initial #sale#, a #low income household#, #moderate income household#, or #middle income household# for which, at the #initial price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income; or
 - (ii) be, at #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household#, or #middle income households#, any #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income;
 - (iii) have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#; and
 - (iv) meet such additional eligibility requirements as may be specified in the #guidelines#.

(b) in the case of #succession#:

- (i) have an income no greater than product of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to the #homeownership affordable housing unit# at #initial sale#, and taking into account any subsequent adjustments, multiplied by the #appreciation index#; and
- (ii) meet such additional eligibility requirements as may be specified in the #guidelines#.

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

Family Member

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

Homeowner

A "homeowner" is a person or persons who:

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

Homeownership

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

Initial price

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

Maximum resale price

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

Monthly Fees

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

#condominium association# as permitted by the #regulatory agreement#.

Mortgage

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

Mortgage Payment

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

Resale

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

Sale

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

Sale date

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

Succession

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

23-92**General Provisions**

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

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

23-93**Applicability****23-931****Lower income housing plans approved prior to (date of enactment)**

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

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

Any previously approved #lower income housing plan#, as such term was defined prior to (date of enactment), and any legal document related thereto, may be modified by #HPD#, to apply the provisions of Section 23-961(b) (Monthly Rent) to such #lower income housing plan#.

23-932**R10 Districts**

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

23-933**Inclusionary housing designated areas**

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

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

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

23-94 Methods of Providing Affordable Housing

- (a) #Affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#.
(b) When determining whether #affordable housing# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# in order to calculate #floor area compensation#, or when making a determination of which #building# or #building segment# constitutes a #generating site#, #HPD# may separately consider each #building# or #building segment# on a #zoning lot#.
(c) The amount of #affordable floor area# in any #generating site# shall be determined based upon plans for such #generating site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential# uses.
(d) The amount of #low income#, #moderate income# and #middle income floor area# in a #generating site# shall be determined in the same manner as the calculation of #affordable floor area#.
(e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

23-95 Floor Area Compensation Compensated Zoning Lots

23-041951 Floor area compensation in R10 districts other than Inclusionary Housing designated areas

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

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

OPTIONS

Table with 2 columns: Column A and Column B. Rows include On-site Without #public funding#, #New Construction Affordable Housing# or #Substantial Rehabilitation Affordable Housing# Without #public funding#, #Preservation Affordable Housing# With #public funding#, #New Construction Affordable Housing#, #Substantial Rehabilitation Affordable Housing# or #Preservation Affordable Housing# On-site Substantial Rehabilitation, Off-site New Construction (Private Site), Off-site New Construction (Public Site), Off-site Substantial Rehabilitation (Private Site).

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

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

23-9452 Floor area compensation in Inclusionary Housing designated areas

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

- (a) Maximum #residential floor area ratio#
The #residential floor area# of a #development# or #enlargement# #zoning lot# may not exceed the

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

Table with 3 columns: District, Base #floor area ratio#, Maximum #floor area ratio#. Rows include R6*, R6**, R6A, R6B, R7A, R7D, R7X, R8, R8A, R9, R9A, R10.

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

- (b) Height and setback
(1) Except in #Special Mixed Use Districts#, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.
(2) In #Special Mixed Use Districts#, where the #residence district# designation has a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to paragraph (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the compensated #building# must be #developed# or #enlarged# pursuant to the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

- (c) #Lower income housing# requirements

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

23-953 Special floor area compensation provisions in specified areas

- (ad) Optional provisions for #general large-scale developments# in C4-6 or C5 Districts
Within a #general large-scale development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (a)(ad), inclusive, modify the provisions of paragraphs (a) and (c) of this Section, Section 23-93 (Definitions) and Section 23-95 (Lower Income Housing Requirements) 952 (In inclusionary housing designated areas):
(1) For the purposes of this paragraph, (d), inclusive, the definitions of #moderate income household# and #fair rent# in Section 93-231 (Definitions) shall apply.
"Moderate income housing" shall be defined as #standard units# occupied or to be occupied by #moderate income households#, and "middle income housing" shall be defined as #standard units# occupied or to be occupied by #middle income households#. #Moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of the definition of #lower income housing plan# in Section 23-93.
(2) The #residential floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the table in Section 23-942, except that the #floor area# of a #development# or #enlargement# may be increased up to the maximum #floor area ratio# specified in the table in 23-942, as follows:
(i) the #floor area# of a #development# or #enlargement# may be increased by one and one quarter square feet for each square foot of #floor area# provided for #lower income housing#;
(ii) the #floor area# of a #development# or #enlargement# may be further increased by 0.833 square feet for each one square foot of #moderate income floor area# provided for #moderate income housing#, or by 0.625 square feet for each one square foot of #middle income floor area# provided for #middle income, provided that for each square foot of such #floor area compensation# increase pursuant to

this paragraph, (d)(2)(ii), there is one square foot of #floor area compensation# increase pursuant to paragraph (d)(2)(i) of this Section 23-952;

- (iii)(2) However, the amount of #affordable lower income housing# #moderate income housing# and #middle income housing# required to receive such bonus #floor area compensation# need not exceed the amounts specified in this paragraph (4a)(2)(iii). If #affordable housing# is provided for both #low income and #moderate income housing# and #lower income housing# are provided households#, the amount of # moderate income housing floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #lower #low income housing floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income housing households# and #lower income housing# are provided households#, the amount of # middle income housing floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #lower income #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

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

- (3) The #lower income housing# must be provided in accordance with the provisions set forth in Section 23-95 (Lower Income Housing Requirements), except that:
(i) the provisions of paragraphs (a), (b) and (c)(i) of Section 93-233 shall apply; and
(ii) #moderate income housing# and #middle income housing# shall be considered #lower income housing# for the purposes of Sections 23-951, 23-952 and 23-953.
(b) Within R6 and R8 districts in Waterfront Access Plan BK-1 and R7-3 Districts within Community District 1, Borough of Brooklyn, #affordable housing# may be provided that is restricted to #moderate income floor area#, in accordance with the provisions of Section 62-352.
(c) Within the #Special Hudson Yards District# and the #Special West Chelsea District#, #affordable housing# may be provided that is restricted to #moderate income floor area# or #middle income floor area#, in accordance with the provisions of Sections 93-23 and 98-26, respectively.
(d) Within the #Special West Chelsea District#, conversions of non-#residential buildings#, or portions thereof, to #dwelling units#, that exceed the maximum #floor area ratio# specified in Section 98-22, shall be subject to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, as modified by Section 98-26.

23-954 Additional requirements for compensated developments

- (a) Height and setback in #inclusionary housing designated areas#
(1) In #inclusionary housing designated areas#, except within #Special Mixed Use Districts#, the #compensated development# must comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable.
(2) In #inclusionary housing designated areas# within #Special Mixed Use Districts#, where the #residence district# designation has a letter suffix, the #compensated development# must comply with the provisions of paragraph (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations). Where the #residence district# designation does not have a letter suffix, the #compensated development# must comply with the height and setback regulations of Section 23-633 regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.
(b) Compensated Development Building Permits
(1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation# based on the #affordable housing# described in such

#permit notice#.

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

(c) Compensated Development Certificates of Occupancy

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

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

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

(ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

23-956 Lower Income Housing Requirements for Generating Sites

To qualify for the increased #floor area#, #compensated developments# must provide #lower income housing# for the life of the increased #floor area# in the #compensated development# pursuant to one or more of the options listed in Sections 23-051, 23-052 and 23-053, and such #lower income housing# must meet each of the following requirements:

(a) Standards

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

(b) Tenant selection

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

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

(1) to maintain in a habitable condition all #lower income housing#; and

(2) to rent such housing to #lower income households#.

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

(e) Rent levels

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

(d) Income verification

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

(e) Lower income housing plan

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

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

(1) the #lower income housing# will be managed and operated by a responsible #administering agent#;

(2) there will be sufficient income to provide for adequate maintenance, operation and administration of the #lower income housing#; and

(3) tenant selection will be on an equitable, non-discriminatory basis and achieves a reasonable range of tenant incomes within the permitted income levels and rent levels established pursuant to this program.

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

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

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

(f) Permits and certificates of occupancy

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

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

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

the #compensated development#, the Commissioner of Housing Preservation and Development shall certify that the #lower income housing# is in compliance with the #lower income housing plan#.

(g) Insurance

The #administering agent# of the #lower income housing# shall have said housing insured against any damage or destruction in an amount equal to no less than the replacement value of such housing.

Any insurance proceeds received as a result of damage or destruction of all or part of such housing shall be used first for restoring such damaged or destroyed housing to #lower income housing#, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution. However, in #R6, R7 and R8 designated areas#, the Commissioner of Housing Preservation and Development may modify this requirement to provide priority for lenders participating in the financing of #lower income housing# that is assisted under City, State or Federal programs.

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

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

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

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

(j) Subsequent compensation

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

(k) Applicability to rent regulation

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

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

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

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

23-051 On-site new construction option

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

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

(b) #Dwelling units# designated as #lower income housing# shall be distributed throughout the #development#. No #story# shall contain more than two such units unless at least 80 percent of all #stories# contains two such units. The size of the designated #lower income housing# units shall at

least be distributed among the various size units in proportion to the total distribution of unit size within the #building# in the following categories of unit sizes:

- under 600 net square feet
- 600 – 740 net square feet
- 750 – 949 net square feet
- 950 – 1140 net square feet
- 1150 or more net square feet

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

23-052 Substantial rehabilitation and off-site new construction options

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

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

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

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

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

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

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

23-053 Preservation option

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

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

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

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

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

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

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

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

(e) The developer of a #compensated development# must demonstrate to the satisfaction of the

Commissioner of Housing Preservation and Development that, for three years prior to the submission of the #lower income housing plan#, no harassment occurred that resulted in removal of previous tenants of units proposed to become #lower income housing# preserved pursuant to this Section.

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

(a) Location of Generating Site and Compensated Zoning Lot

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

- (1) the #generating site# and the #compensated zoning lot# shall be located within the same Community District; or
- (2) the #generating site and the #compensated zoning lot# shall be located in adjacent Community Districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#. However, where the #compensated zoning lot# is located in Community District 1, Borough of Brooklyn, such adjacent Community District shall be located in the Borough of Brooklyn; in the #Special Downtown Jamaica District#, #affordable housing# shall be located in accordance with the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, #affordable housing# shall be located in accordance with the provisions of Section 125-22 (Newtown Creek Subdistrict).

(b) Distribution of Affordable Housing Units

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

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

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

(c) Bedroom Mix of Affordable Housing Units

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

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

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

(2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction affordable

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

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

(d) Size of Affordable Housing Units

(1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# shall contain not less than:

- (i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#; or
- (ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#; or
- (iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or
- (iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

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

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

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

(e) Administering Agent

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

(f) Regulatory Agreement

(1) The #regulatory agreement# shall require compliance with and shall incorporate by reference the #affordable housing plan# and the applicable provisions of this

Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.

(2) The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# or #substantial rehabilitation affordable housing#, such documentation shall include, but shall not be limited to, plans meeting the requirements of Section 23-94(c).

(3) The #regulatory agreement# shall be recorded against all tax lots comprising the the portion of the #zoning lot# within which the #generating site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing plan# for the entire #regulatory period#.

(4) #Affordable housing# may serve to secure debt with the prior approval of #HPD#. Any lien securing such debt shall be subordinated to the #regulatory agreement#.

(5) The #regulatory agreement# may, but shall not be required to, provide that such #regulatory agreement# may be terminated prior to the issuance of a temporary or permanent certificate of occupancy for any #compensated development# by the Department of Buildings.

(6) Where all of the #dwelling units#, #rooming units# or #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, the #regulatory agreement# shall provide that, following a default and any applicable opportunity to cure, #HPD# may, in addition to any other remedies provided therein or by applicable law,

(i) appoint a receiver to manage such #generating site# or

(ii) take control of the board of directors of any housing development fund company or not-for-profit corporation that owns, controls or operates such #generating site#.

(7) Where applicable in accordance with Section 23-96(g) (Monthly Rent), the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.

(g) Housing Standards

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

(h) Insurance

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

(i) Duration of Obligations

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

(1) the amount of such #floor area# devoted to #affordable housing# is not less than the #floor area# of the #affordable housing# that was damaged or destroyed, or

(2) one hundred percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.

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

Any #generating site# may contain #affordable housing# that satisfies the requirements of this Section 23-90 (INCLUSIONARY HOUSING), inclusive, for more than one #compensated

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

(k) Guidelines

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

23-961 Additional Requirements for Rental Affordable Housing

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

(a) Tenant Selection

(1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #low income households#, #moderate income households# and #middle income households#, as applicable. No lease or sublease of an #affordable housing unit# shall be executed, and no tenant or subtenant shall commence occupancy of an #affordable housing unit#, without the prior approval of the #administering agent#.

(2) A tenant may, with the prior approval of the #administering agent#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #regulatory agreement#.

(3) A #low income household# may rent an #affordable housing unit# that is restricted to occupancy by #moderate income# or #middle income households#, provided that the #administering agent# determines that such #low income household# is able to utilize rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, to afford the applicable #monthly rent#.

(b) Monthly Rent

(1) The #regulatory agreement# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# within 60 days following the #rent-up date# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy. However, the #regulatory agreement# may permit an alternative date by which any #affordable housing units# that are vacant on the #rent-up date# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD#.

(i) However, any #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #regulatory agreement date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #regulatory agreement date# and shall thereafter be subject to #rent stabilization# as provided herein.

(ii) The #regulatory agreement# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#, except as may be otherwise provided in the #guidelines# with respect to #affordable housing units# receiving project-based rental assistance pursuant to Section 8 of the United States Housing Act of 1937, as amended. However, the #regulatory agreement# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #regulatory agreement date#.

(2) The #regulatory agreement# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum monthly rent# or the #legal regulated rent#, except as may be otherwise provided in the #guidelines# with respect to #affordable housing units# receiving project-based rental assistance pursuant to Section 8 of the United States Housing Act of 1937, as amended. However, the #regulatory agreement# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #regulatory agreement date#.

(3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that the #monthly rent# registered and charged for each #affordable housing unit# complied with the applicable #monthly rent# requirements at the time of #initial occupancy#.

(4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.

(5) The #regulatory agreement# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to (i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount, (ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts, (iii) the nature of the tenant, or (iv) any other reason.

(6) The #regulatory agreement# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an #affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.

(7) The #regulatory agreement# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

(c) Income

(1) Each #affordable housing unit# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, for the entire #regulatory period#.

(2) The #administering agent# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #low income household#, #moderate income household# or #middle income household#, as applicable.

(3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# occupying an #affordable housing unit# complied with the applicable income eligibility requirements at the time of #initial occupancy#.

(4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied

with the applicable income eligibility requirements at the time of #initial occupancy#.

(d) Affordable Housing Plan

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

(e) Special requirements for rental #preservation affordable housing#

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

- (1) all of the #dwelling units#, #rooming units# and #supportive housing units# in the #generating site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #low income households# for the entire #regulatory period#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such

increases may be permitted by other laws; and

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

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

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

- (1) such #affordable housing# shall be created through the rehabilitation of a #generating site# at a cost per completed #affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

**23-962
Additional Requirements for Homeownership Affordable Housing**

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

(a) Homeowner Selection

- (1) Upon #sale# #homeownership affordable housing units# shall only be occupied by #eligible buyers# that are #low income households#, #moderate income households# and #middle income households#, as applicable. Upon any subsequent #resale# for the entire #regulatory period#, #homeownership affordable housing units# shall be sold to and occupied by #eligible buyers# at or below the #maximum resale price# on the #sale date#, as applicable. No #homeownership affordable housing unit# shall be sold to or occupied by any #household# or any other person without the prior approval of the #administering agent#.
- (2) A #homeowner# may, with the prior approval of the #administering agent#, sublet an #homeownership affordable housing unit# to another #low income household#, #moderate income household#, #middle income household#, or #eligible buyer#, as applicable, for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes paid by the sublessor.
- (3) A #homeowner# shall reside in the #homeownership affordable housing unit# except as provided in paragraph (a)(2) of this Section.
- (4) The restrictions in this Section 23-962(a) on the ownership of #homeownership affordable housing units# shall not prevent the exercise of a valid lien by a #mortgage# lender, #cooperative corporation#, #condominium association# or any other entity authorized by the #regulatory agreement# to take possession of a #homeownership

affordable housing unit# in the event of default by the #homeowner#. However, any #sale# or #resale# by such lien holder shall be to an #eligible buyer#, in accordance with this Section 23-962(a) and the #guidelines#.

(b) Price

- (1) The #initial price# or #maximum resale price# of any #homeownership affordable housing unit# shall be set assuming a #mortgage#, as defined in section 23-913 (Definitions Applying to Homeownership Generating Sites).
- (2) The #regulatory agreement# shall establish the #initial price# for each #homeownership affordable housing unit#. #HPD# shall set the #initial price# to ensure that the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid directly by the #homeowner# will not exceed 30 percent of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable.
- (3) Prior to any #resale# of an #homeownership affordable housing unit#, the #administering agent# shall set the #maximum resale price# for such #homeownership affordable housing unit#.
- (4) The #administering agent# shall not approve any #resale# unless the selected #eligible buyer# provides a #down payment# as specified in the #guidelines#.
- (5) An #homeownership affordable housing unit#, or any shares in a #cooperative corporation# appurtenant thereto, shall not secure any debt unless such debt is a #mortgage# that has been approved by the #administering agent#.

(c) Income

- (1) The #administering agent# shall verify the #household# income of a proposed #homeowner#, in accordance with the #guidelines#, prior to the #sale date# of any #homeownership affordable housing unit# in order to ensure that, upon #sale#, it is a #low income household#, #moderate income household# or #middle income household#, as applicable, and that upon #resale#, it is an #eligible buyer#.
- (2) The #administering agent# shall meet reporting requirements on each #sale and #resale# as set forth in the #guidelines#.
- (3) Each year after the #commencement date#, in the month specified in the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #resale# of an #homeownership affordable housing unit# during the preceding year complied with all applicable requirements on the #resale date#.

(d) Affordable Housing Plan

- (1) An #affordable housing plan# shall include the building plans, state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, rehabilitated or preserved, indicate how #homeowners# will be selected upon each #sale# or #resale# of a #homeownership affordable housing unit#, indicate how the #household# income of #eligible buyers# will be verified prior to such #household#'s initial occupancy# of a #homeownership affordable housing unit# and include such additional information as #HPD# deems necessary.
- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #homeownership affordable housing#, including that:
 - (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
 - (ii) #affordable housing units# will be sold under the supervision of a responsible #administering agent# to #eligible buyers# at each #sale# and #resale#; and
 - (iii) #homeowners# will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) The requirements of Section 23-961(d)(3) shall apply.

(e) Housing Standards

The requirements of Section 23-96(g) shall apply. In addition, each #homeowner# shall be obligated to maintain each #homeownership affordable housing unit# in accordance with minimum quality standards set forth in the #guidelines#. Prior to any #resale#, #HPD#, or its designee as specified in the

#guidelines#, shall inspect the #affordable housing unit# and shall either require the #homeowner# to remedy any condition that violates such minimum quality standards before the #sale date#, or require the retention of a portion of the #resale# proceeds to pay the cost of remedying such condition.

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

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

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

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

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #building#;
- (2) such #affordable housing# shall be created through the rehabilitation of such existing #building# at a cost per completed #homeownership affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (3) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (4) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional Requirements for Rental Affordable Housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units#

will provide a decent, safe and sanitary living environment for the entire #regulatory period#;

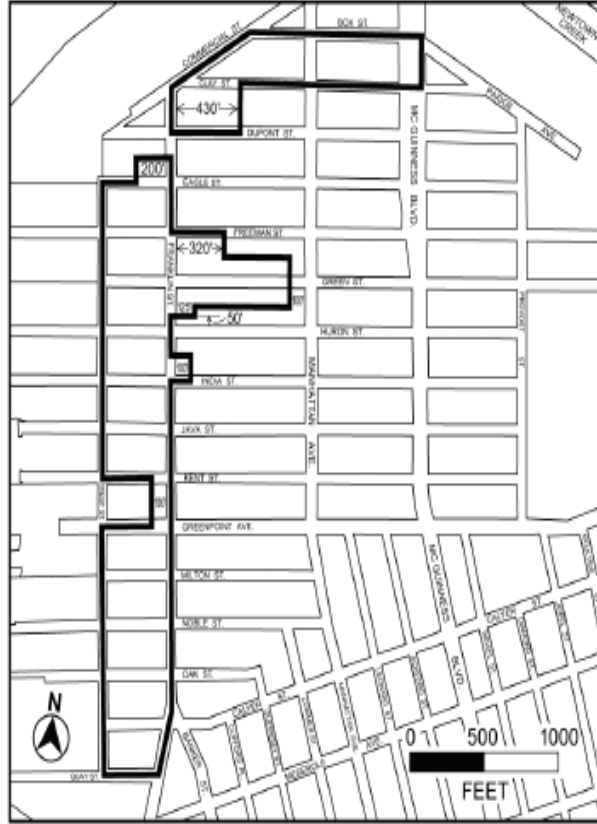
- (6) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

* * *

**APPENDIX A
INCLUSIONARY HOUSING DESIGNATED AREAS**

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

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

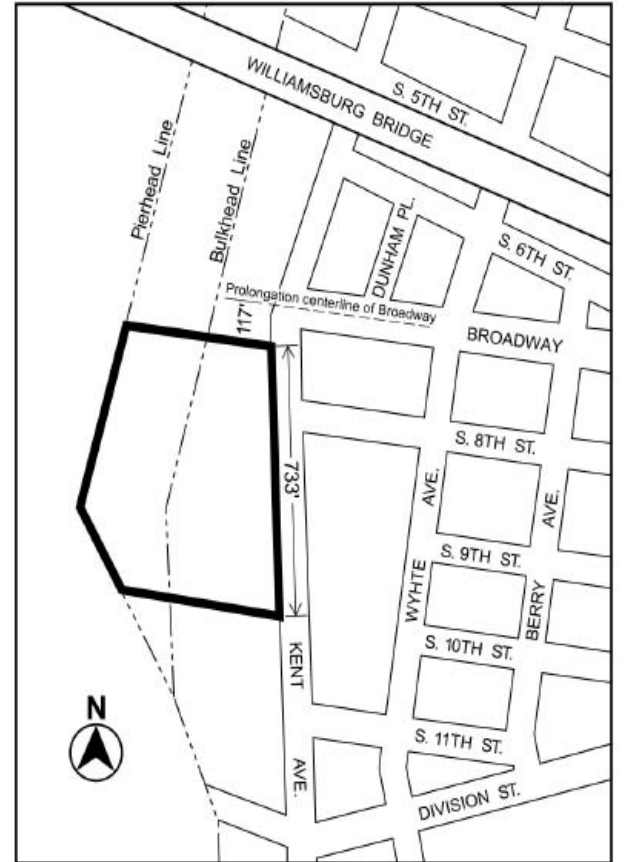


Map 1
Portion of Community District 1, Brooklyn



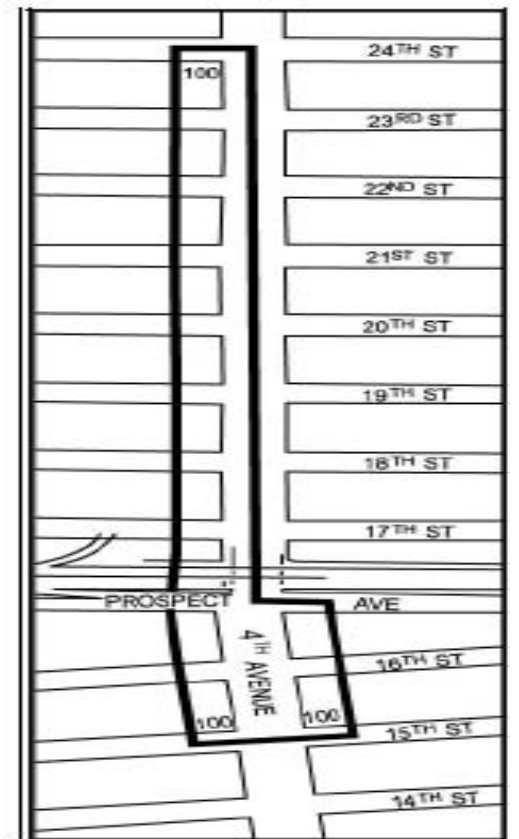
Map 2
Portion of Community District 1, Brooklyn

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



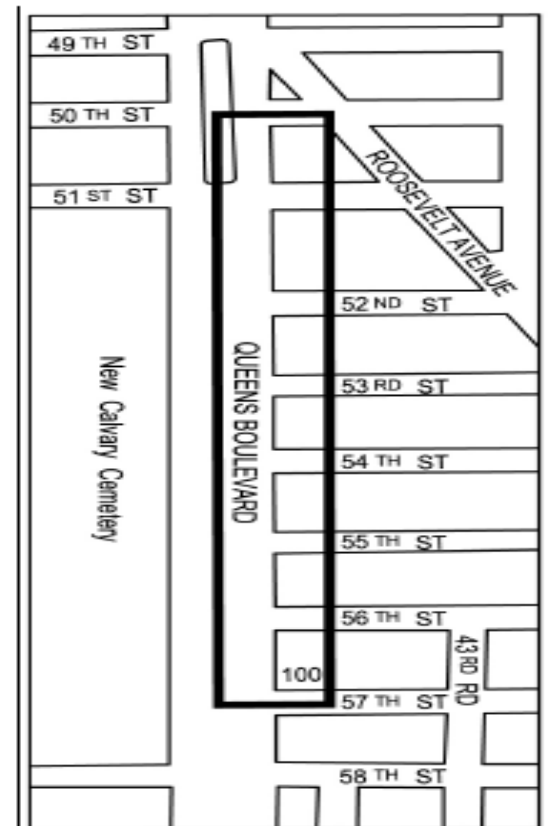
Map 3
Portion of Community District 1, Brooklyn

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

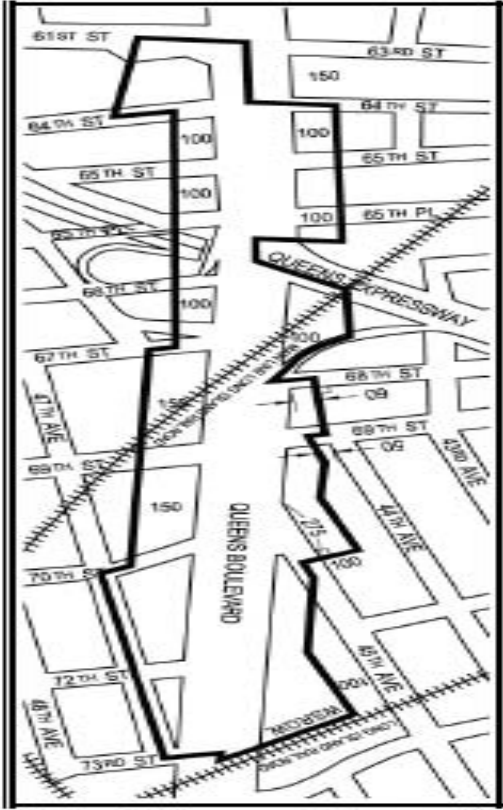


Map 4
Portion of Community District 7, Brooklyn

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

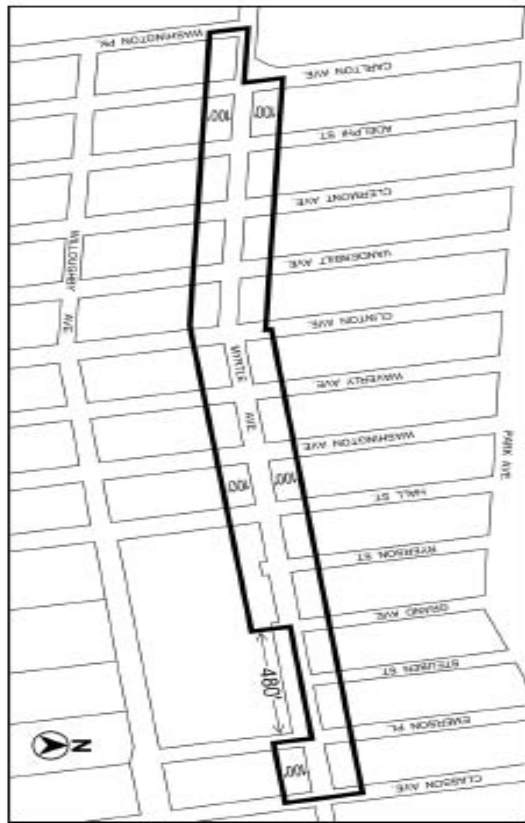


Map 5
Portion of Community District 2, Queens

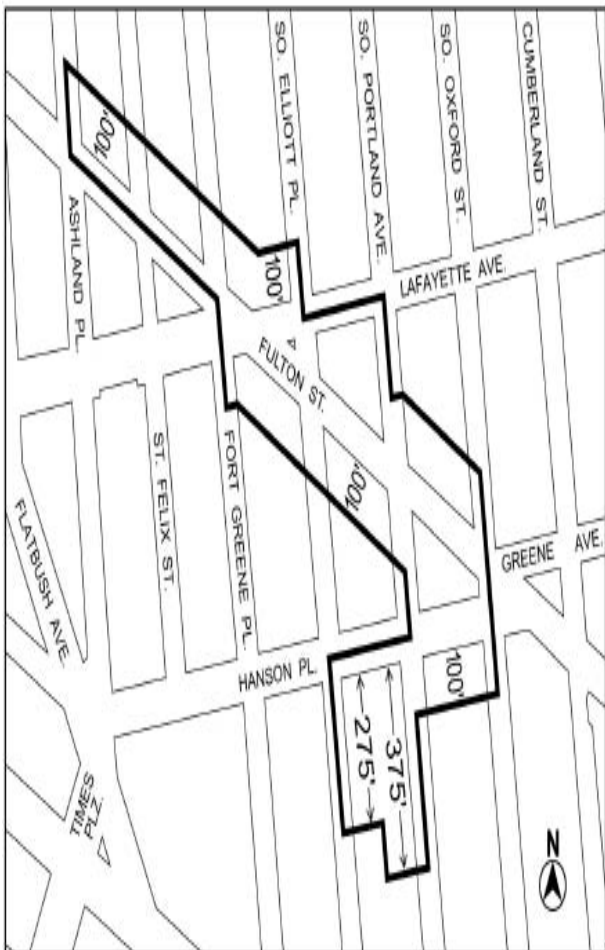


Map 6
Portion of Community District 2, Queens

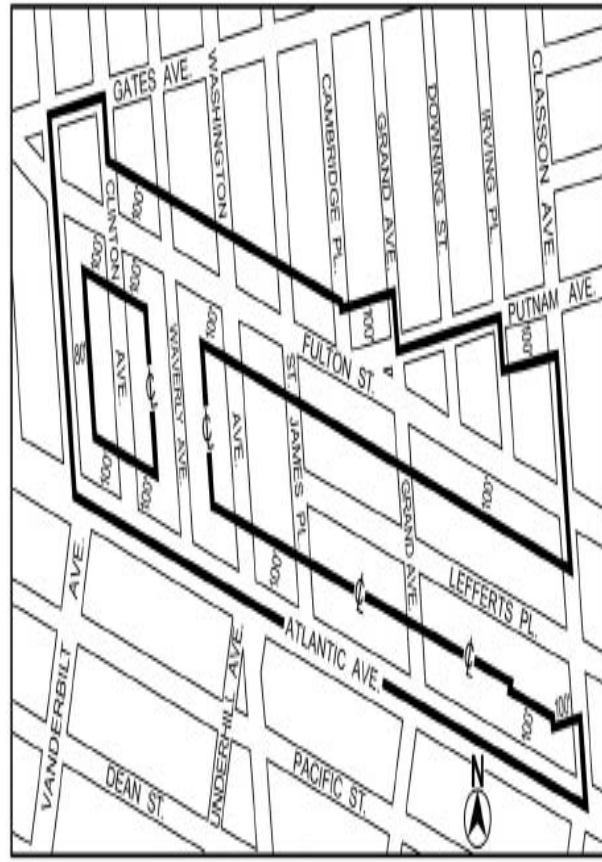
(e) In Community District 2, in the Borough of Brooklyn, the R7A Districts within the areas shown on the following Maps 7, 8 and 9:



Map 7
Portion of Community District 2, Brooklyn

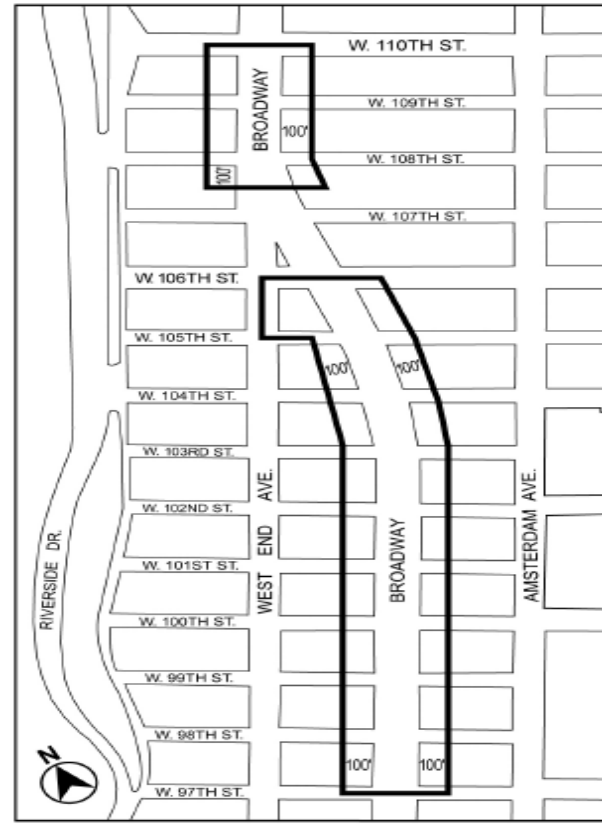


Map 8
Portion of Community District 2, Brooklyn



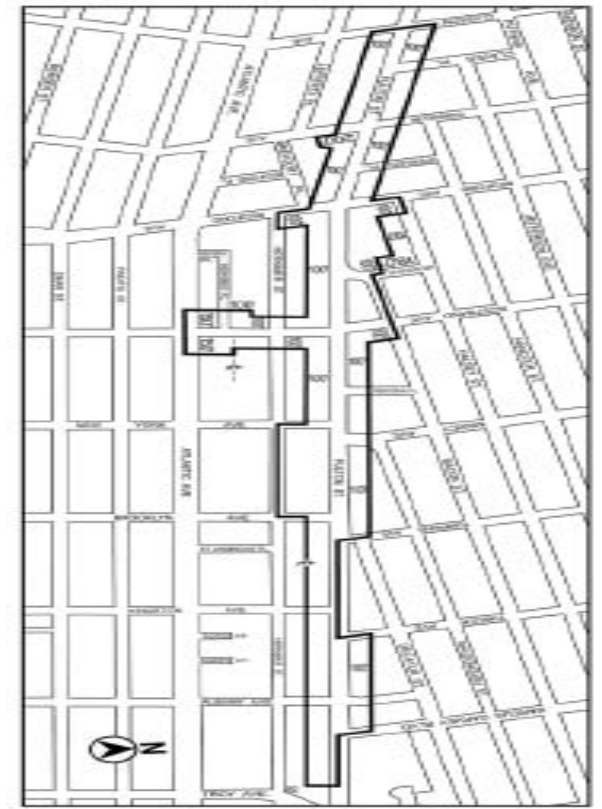
Map 9
Portion of Community District 2, Brooklyn

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

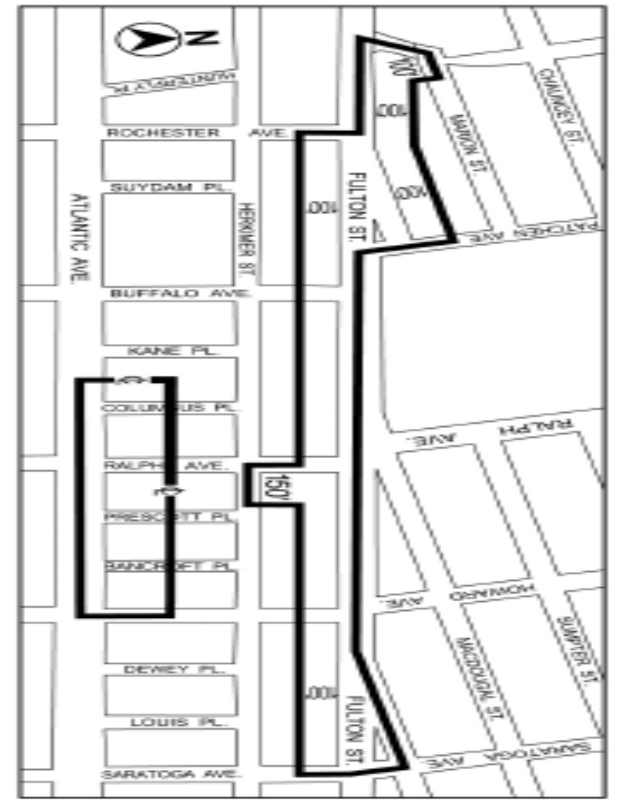


Map 10
Portion of Community District 7, Manhattan

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

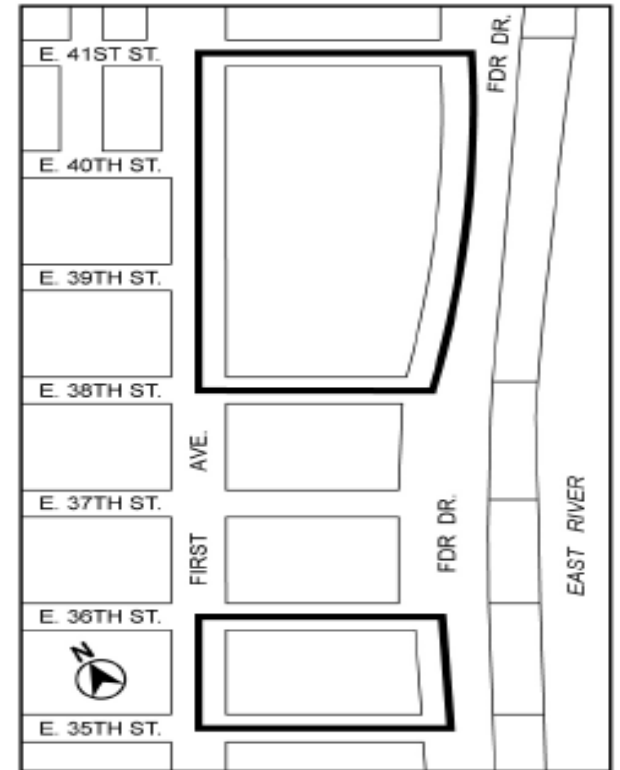


MAP 11
Portion of Community District 3, Brooklyn



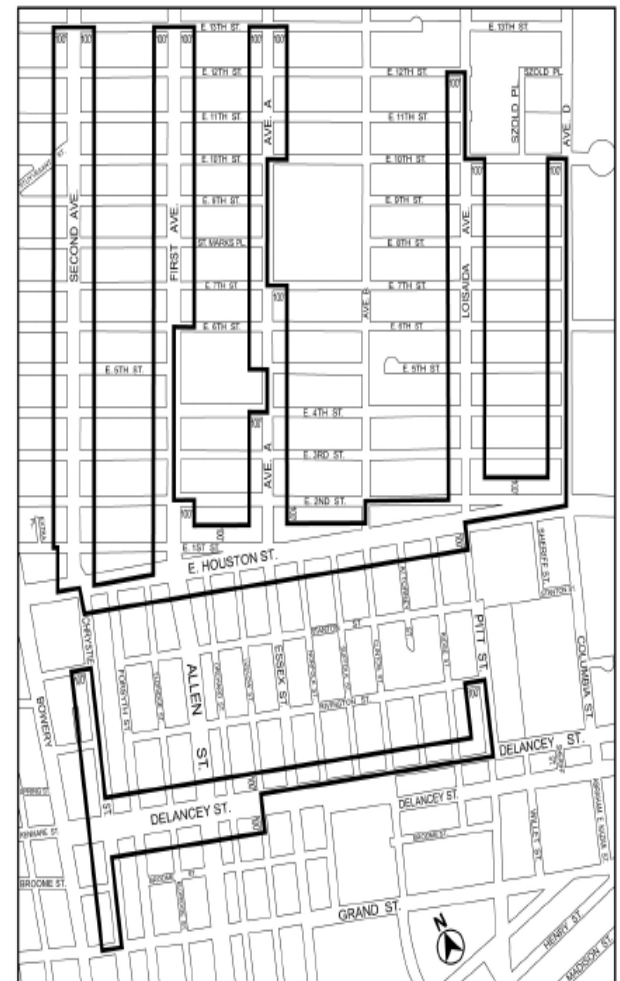
MAP 12
Portion of Community District 3, Brooklyn

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



MAP 13
Portion of Community District 6, Manhattan

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



Map 14
Portion of Community District 3, Manhattan
In addition, the following special purpose districts contain

#Inclusionary Housing designated areas#, as set forth within the special purpose district:

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

* * *

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

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

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

In the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

* * *

35-31
Maximum Floor Area Ratio for Mixed Buildings

C1 C2 C3 C4 C5 C6

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

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

In the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, and in Community District 1, Brooklyn, in R6 Districts without a letter suffix, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive.

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

* * *

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

* * *

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

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

* * *

62-352
Inclusionary Housing

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

(a) Definitions

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

Fair rent

At initial occupancy of #lower income housing# that is occupied by a #moderate income household# as

defined in this Section, "fair rent" shall include an annual rent for each such housing unit equal to not more than 30 percent of the annual income of the tenant of such housing (the "30 Percent Standard").

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

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

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

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

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

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

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

Lower income housing

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

Moderate income household

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

(b) #Floor area compensation# increase

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

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

- (ii) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#, and the #moderate income floor area# is equal to at least 15 percent of the total #residential floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #moderate income households#.

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

- (i) the amount of #low income floor area# is equal to at least 7.5 percent of the total #residential

floor area#, exclusive of ground-floor non-#residential floor area#, on the #zoning lot# is occupied by #lower income households#; or

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

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

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

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

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

(c) #Lower Income Housing# Requirements

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

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

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

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

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

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

Preservation and Development approves the #lower income housing# plan.

(d) Permits and certificate of occupancy

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

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

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

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

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 3 Special Hudson Yards District

93-23 Modifications of Inclusionary Housing Program

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall be applicable within Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, except as modified in this Section. However, the modifications set forth in this Section shall not be applicable in the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, where the underlying provisions of Section 23-90, (INCLUSIONARY HOUSING), inclusive, shall apply shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts.

93-231 Definitions

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

Administering agent

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

The #administering agent# shall be a not for profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not for profit organization as the #administering agent# was unsuccessful. However, the Commissioner may approve an entity that is responsible for compliance

monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

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

Fair rent

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

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

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

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

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

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

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

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

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

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

Lower income household

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

Lower income housing

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

occupied or to be occupied by #lower income households#, as defined in Section 23-93, and #moderate income# or #middle income households#, as defined in this Section.

Moderate income household

For the purposes of Section 93-23, inclusive, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/90.

Middle income household

For the purposes of Section 93-23, inclusive, a "middle income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/90.

93-232 Floor area increase

The provisions of Section 23-9452 (Floor Area Compensation in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D and E) or 121-31 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# for #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing program may be increased, as follows:

- (a) The permitted #floor area ratio# may be increased from 6.5, or as otherwise specified in Section 93-22, to a maximum of 9.0, provided that:

- (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#; or

- (2) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#; or

- (3) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.

- (b) The permitted #floor area ratio# may be increased from 9.0 to a maximum of 12.0, provided that:

- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#; or

- (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #moderate income households#; or

- (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #lower income households#, and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#, inclusive of #floor area# bonused pursuant to this Section, shall be occupied by #middle income households#.

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

Lower income housing requirements

#Developments# that increase #floor area# in accordance

with the provisions of this Section shall comply with the lower income housing requirements of Section 23-95, except as modified in this Section.

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

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

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

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

(d) Permits and certificate of occupancy

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

No building permit for any portion of the #compensated development# that utilizes #floor area# bonused pursuant to Section 93-232 (Floor area increase) shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable #lower income housing plan# has been filed and approved.

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

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

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

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

(ii) if the #lower income housing# is subject to the requirements of city, state or federal programs assisting the lower

income housing that have size and distribution requirements conflicting with the size and distribution requirements of Section 23-951, paragraph (b), then the size and distribution requirements of Section 23-951, paragraph (b) may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#; and

(iii) Section 23-953 (a) shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

* * *

**Chapter 7
Special 125th Street District**

* * *

4/30/08

**97-42
Floor Area Bonuses**

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

4/30/08

**97-421
Inclusionary Housing**

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

* * *

**Chapter 8
Special West Chelsea District**

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

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

**98-261
Definitions**

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

Administering agent

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

Fair rent

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

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

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

(a) the then currently applicable "30 Percent Standard", or

(b) the Rent Stabilization Standard.

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

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

(1) the initial #fair rent#; and

(2) the monthly costs of a reasonable compensation for these utilities, by an

energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

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

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

Lower income household

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

Lower income housing

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

Moderate income household

For the purposes of this Section, a "moderate income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "30 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 125/80.

Middle income household

For the purposes of this Section, a "middle income household" is a #family# having an income equal to or less than the following proportion of the income limits (the "30 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments: 175/80.

**98-262
Floor area increase**

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

(a) In C6-4 Districts:

(1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #lower income households#;

(2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #moderate income floor areas# equal to at least 15 percent of the total #residential floor area# on the #zoning lot# is occupied by #moderate income households#; or

(3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, is occupied by #lower income households# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot# is occupied by #middle income households#.

(b) In C6-3 Districts:

(1) the amount of #low income floor area# is equal to at least 10 percent of the total

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

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

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

- (c) Affordable Housing Fund

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

Lower income housing requirements

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

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

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

This duty to rent shall be satisfied by the #administering agent#, if such agent has in fact rented all such units to #lower#, #moderate# or #middle income households#, as provided in this Section, or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.
- (b) The provisions of Section 23-95, paragraph (d) (Income verification), shall apply, except that prior to renting #lower income housing#, the #administering agent# shall verify the income of each household to occupy such housing, to assure that the households are #lower#, #moderate# or #middle income households# as provided by this Section. The #administering agent# shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of #lower income housing#

are #lower#, #moderate# or #middle income households# as required by the provisions of this Section and in the approved #lower income housing plan#.

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

- (d) Permits and certificate of occupancy

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

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

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

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

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

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**Chapter 5
Special Downtown Jamaica District**

**115-211
Special Inclusionary Housing regulations**

- (a) Applicability

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

The maximum #floor area ratio# for any #building# containing #residences# shall not exceed the base #floor area ratio# set forth in the following table, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in Section 23-9542 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

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

- (c) Modification of location requirements

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

- (d) Height and setback

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

*** * *
Article XI - Special Purpose Districts**

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

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

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

The maximum #lot coverage# for a #residential building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.
- (b) Maximum #floor area ratio# and lot coverage for #residential uses#
 - (1) M1-2/R5B designated district

The maximum #floor area ratio# for #residential use# shall be 1.65.
 - (2) M1-3/R7X designated district
 - (i) Inclusionary Housing Program

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

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

*** * *
Article XII - Special Purpose Districts**

**Chapter 3
Special Mixed Use District**

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

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

The maximum #floor area ratio# permitted for the #manufacturing# or #commercial# portion of a #mixed use building# in #Special Mixed Use Districts# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial buildings# under the provisions of Section 43-12, in accordance with the designated M1 District.
 - (2) Community facility portion

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

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

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

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

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

However, in the #Inclusionary Housing designated areas# set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial#, #community facility#, or #manufacturing uses# shall be the base #floor area ratio# set forth in of Section 23-9542 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING), inclusive (In Inclusionary Housing designated areas) shall apply.

* * *
Article XII - Special Purpose Districts

**Chapter 5
 Special Southern Hunters Point District**

**125-22
 Newtown Creek Subdistrict**

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

- (a) #Floor area# bonus for public amenities

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

- (b) #Floor area# increase for Inclusionary Housing

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

- (2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #lower income housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:

- (i) the height and setback regulations of paragraph (a) of Section 23-94254 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30 (HEIGHT AND SETBACK REGULATIONS), inclusive, of this Chapter shall apply; and
- (ii) the provisions of paragraph (a) of Section 23-9526 (Substantial rehabilitation and off-site new construction optionsRequirements for Generating Sites) shall be modified to require that in the event the #lower income housing# is not located within the same Community District as the #compensated development zoning lot#, it shall be located within a one-half mile radius of the #compensated development zoning lot# in an adjacent Community District in the Borough of Queens.

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

m6-20

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 7 - Monday, May 11, 2009 at 7:00 P.M., Union Plaza Care Center, 33-23 Union Street, Flushing, NY

BSA# 45-09-A-BZ

Location: 142-19 Cherry Avenue
 The instant application is filed on the theory that the owner of the subject premises has obtained a common law vested right to continue construction. The application seeks a determination that the owner has completed substantial construction and incurred considerable financial expenditures prior to the effective date of rezoning and therefore common law rights to continue construction have vested under the prior R7-1 zoning designation.

BSA# 30-09-BZ

Location: 136-33 37th Avenue
 Application to reduce the required accessory parking spaces for certain commercial and medical office uses proposed at the premises.

m5-11

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 8 - Tuesday, May 12, 2009 at 7:30 P.M., 197-15 Hillside Avenue, Hollis, NY

Cinque Fratelli, Inc., located at 178-01 Union Turnpike, is requesting a renewal license to continue to maintain and operate an unenclosed sidewalk cafe with 20 tables and 41 seats. No alterations have been made to the unenclosed sidewalk face since the last submission of the plans in May 2007.

m6-12

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 5 - Monday, May 11, 2009 at 7:30 P.M., Christ the King High School (cafeteria), 68-02 Metropolitan Avenue, Middle Village, NY

#C 090382ZMQ

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the zoning map to rezone approximately 300 blocks in the Queens communities of Middle Village, Glendale and Maspeth, Queens-Midtown Expressway to the north, Woodhaven Boulevard on the eastern border; Forest Park, Mount Lebanon Cemetery, Cypress Hills Cemetery, Mount Carmel Cemetery, Beth-El Cemetery, Union Field Cemetery, Mount Judah Cemetery, Cemetery of the Evergreens and Knollwood Park Cemetery on the southern border; and Cody Avenue, the Bay Ridge Division of the Long Island Rail Road, the LIRR Montauk Line, and 59th Street on the western and south west borders.

m5-11

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 1 - Tuesday, May 12, 2009 at 6:30 P.M., Swinging 60's Senior Citizens Center, 211 Ainslie Street, Brooklyn, NY

#C 090379HAK

640 Broadway
 IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter for the disposition of such property, to facilitate the development of a five-story mixed-use building with approximately nine residential units and commercial space to be developed, within the Broadway Triangle Urban Renewal Area, as an Urban Development Action Area.

m6-12

FRANCHISE AND CONCESSION REVIEW COMMITTEE

■ MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting at 2:30 P.M., on Wednesday, May 13, 2009 at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

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

m4-13

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

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

CERTIFICATE OF APPROPRIATENESS

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

CERTIFICATE OF APPROPRIATENESS

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

CERTIFICATE OF APPROPRIATENESS

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

CERTIFICATE OF APPROPRIATENESS

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

CERTIFICATE OF APPROPRIATENESS

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

CERTIFICATE OF APPROPRIATENESS

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

CERTIFICATE OF APPROPRIATENESS

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

CERTIFICATE OF APPROPRIATENESS

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

CERTIFICATE OF APPROPRIATENESS

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

CERTIFICATE OF APPROPRIATENESS

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

BINDING REPORT

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

CERTIFICATE OF APPROPRIATENESS

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

BINDING REPORT

BOROUGH OF MANHATTAN 09-8603 - Block 922, lot 1-Stuyvesant Square Park - Stuyvesant Square Historic District

A public park originally designed circa 1840s and redesigned in 1946. Application is to install gates and remove paving.

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

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

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

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

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

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

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

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

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

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

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

☛ m6-19

TAXI AND LIMOUSINE COMMISSION

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION will hold a Commission Meeting on Thursday, May 14th, 2009 at 9:30 A.M., at the offices of the New York City Taxi and Limousine Commission, located at 40 Rector Street, 5th Floor, New York, New York.

☛ m6

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

COMMUTER VAN SERVICE AUTHORITY APPLICATION

NOTICE IS HEREBY GIVEN that the Department of Transportation has received an application for a commuter van service authority. The applicant proposes to operate a van service in the Borough of Brooklyn from a residential area of Brooklyn bounded on the north by Empire Blvd. between Ocean Avenue on the west, and Remsen Avenue and Ralph Avenue on the east. Bounded on the east by Ralph Avenue between Remsen Avenue and Mill Avenue, then one block south on Mill Avenue between Ralph Avenue and Avenue U. Bounded on the south by Avenue U between Mill Avenue and Ocean Avenue, bounded on the west by Ocean Avenue between Avenue U and Empire Blvd. From said territory to mass transit facilities and shopping center of downtown Brooklyn. The applicant is Legacy Van Lines. They can be reached at 1143 East 42nd Street, Brooklyn, NY 11210. The applicant is proposing to use 3 van(s) daily to provide this service 24 hours a day.

There will be a public hearing held on Wednesday, June 17, 2009 at the Brooklyn Borough President's Office, 209 Joralemon Street, Community Room, Brooklyn, NY 11201 from 2:00 P.M. to 4:00 P.M. so you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Bureau of Traffic Operations, 40 Worth Street - Room 1035, New York, NY 10013 no later than June 17, 2009. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed service will not meet present and/or future public convenience and necessity.

m1-7

COMMUTER VAN SERVICE AUTHORITY SIX-YEAR RENEWAL

NOTICE IS HEREBY GIVEN that the Department of Transportation is conducting a hearing on the Six-Year Renewal of a Van Authority in the Borough of Queens. The van company requesting renewal is: **Yours N'Mine Transportation Service Inc.**, 146-28 Guy R Brewer Blvd., Jamaica, NY 11434.

There will be a public hearing held on Tuesday, June 2, 2009 at Queens Borough Hall, Room 213, Part 1, 120-55 Queens Blvd., Kew Gardens, New York 11424 so that you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Bureau of Traffic Operations, 40 Worth Street, Room 1035, New York, NY 10013 no later than June 2, 2009. Any written comments received after this date may not be considered. Those opposing the renewal must clearly specify why the existing services will not meet present and/or future public convenience and necessity.

m1-7

YOUTH AND COMMUNITY DEVELOPMENT

PUBLIC HEARINGS

SHORT NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Youth and Community Development, 156 William Street, 2nd floor, Borough of Manhattan, Wednesday, May 13, 2009, commencing at 10:00 A.M. on the following items:

IN THE MATTER OF two hundred nineteen (219) proposed contracts between the Department of Youth and Community Development and the providers listed in the attached to provide a wide spectrum of programming to match the self-defined needs, assets, and priorities of New York City's (City's) forty-three (43) low income communities. The term shall be from July 1, 2009 to June 30, 2012, with no renewal option.

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

Summary drafts of the contracts' scope, specifications and terms and conditions will be available for public inspection from Wednesday, May 6, 2009 to Wednesday, May 13, 2009, at The Department of Youth and Community Development, 156 William Street, 2nd Floor, New York, NY 10038, between the hours of 9:00 a.m. and 5:00 p.m. except holidays.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Mr. Vincent Perneti, Deputy Agency Chief Contracting Officer, 156 William Street, 2nd Floor, New York, NY 10038, vpernetti@dycd.nyc.gov. If the Department of Youth and Community Development receives no written requests to speak within the prescribed time, the Department reserves the right not to conduct the public hearing.

PROGRAM AREA – MIDDLE - SCHOOL YOUTH

Providers

BRONX – NDA 002

South Bronx Overall Economic Development Corp.
555 Bergen Avenue, 3rd Floor, Bronx, NY 10455
Pin No. 260100810202 **Amount** \$183,000

BRONX – NDA 003

Presbyterian Senior Services
2095 Broadway, Ste 409, New York, NY 10023
Pin No. 260100810303 **Amount** \$158,400

BRONX – NDA 004

CUNY/Creative Arts Team, Inc., New York, NY 10001
Pin No. 260100810403 **Amount** \$225,000

BRONX - NDA 005
 CUNY/ Creative Arts Team, Inc.
 101 West 31st Street, 6th Floor, New York, NY 10001
Pin No. 260100810503 **Amount** \$225,000

The Children's Society
 105 East 22nd Street, New York, NY 10010
Pin No. 260100810507 **Amount** \$169,353

BRONX - NDA 006
 South Bronx Overall Economic Development Corp.
 555 Bergen Avenue, 3rd Floor, Bronx, NY 10455
Pin No. 260100810605 **Amount** \$177,168

BRONX - NDA 007
 Good Shepherd , 305 Seventh Avenue, New York, NY 10001
Pin No. 260100810703 **Amount** \$225,030

BRONX - NDA 008
 Children's Arts & Science Workshop
 4271 Broadway, 2nd floor, New York, NY 10033
Pin No. 260100810800 **Amount** \$201,939

BRONX - NDA 009
 Bronx River Art Center, Inc.
 1087 East Tremont Avenue, Bronx, NY 10460
Pin No. 260100810900 **Amount** \$295,410

BRONX - NDA 010
 CUNY/ Creative Arts Team, Inc., 101 West 31st Street
 6th Floor, New York, New York 10001
Pin No. 260100811000 **Amount** \$225,000

BRONX - NDA 012
 Sport s and Arts in School Foundation, Inc.
 58-12 Queens Boulevard, Ste., 1, Woodside, NY 11377
Pin No. 260100811203 **Amount** \$184,755

BROOKLYN - NDA 001
 Sport s and Arts in School Foundation, Inc.
 58-12 Queens Boulevard, Ste., 1, Woodside, NY 11377
Pin No. 260100820103 **Amount** \$289,836

BROOKLYN - NDA 002
 The Arab American Family Support Center
 150 Court Street, 3rd Floor, Brooklyn, NY 11201
Pin No. 260100820203 **Amount** \$176,118

BROOKLYN - NDA 003
 CUNY/Creative Arts Team, Inc.
 101 West 31st Street, 6th Floor, New York, NY 10001
Pin No. 260100820302 **Amount** \$208,659

YMCA of Greater NY/Bedford Stuyvesant
 1121 Bedford Avenue, Brooklyn, NY 11216
Pin No. 260100820307 **Amount** \$208,659

BROOKLYN - NDA 004
 New York Junior Tennis League
 58-12 Queens Boulevard, Woodside, NY 11377
Pin No. 260100820402 **Amount** \$214,359

BROOKLYN - NDA 005
 CUNY/ Creative Arts Team, Inc.
 101 West 31st Street, 6th Floor, New York, NY 10001
Pin No. 260100820500 **Amount** \$225,000

Groundwork, Inc., 595 Sutter Avenue
 Brooklyn, NY11207
Pin No. 260100820502 **Amount** \$165,000

New York Junior Tennis League, 58-12 Queens Boulevard
 Woodside, NY 11377
Pin No. 260100820504 **Amount** \$293,436

BROOKLYN - NDA 006
 Red Hook Initiative, Inc., 595 Clinton Street
 Brooklyn, NY 11231
Pin No. 260100820602 **Amount** \$160,290

BBROOKLYN - NDA 007
 SCO Family of Services
 1 Alexander Place, Glen Cove, New York 11542
Pin No. 260100820704 **Amount** \$190,341

BBROOKLYN - NDA 011
 St. Rosalia Regina Paci Neighborhood
 6614 11th Avenue, Brooklyn, New York 11219
Pin No. 260100821103 **Amount** \$232,647

BBROOKLYN - NDA 012
 CUNY/ Creative Arts Team, Inc.
 101 West 31st Street, 6th Floor, New York, NY 10001
Pin No. 260100821205 **Amount** \$225,000

St. Rosalia Regina Paci Neighborhood
 6614 11th Avenue, Brooklyn, New York 11219
Pin No. 260100821207 **Amount** \$161,172

BBROOKLYN - NDA 014
 Flatbush Development Corporation
 1616 Newkirk Avenue, Brooklyn, New York 11226
Pin No. 260100821405 **Amount** \$178,170

BROOKLYN - NDA 016
 CUNY/ Creative Arts Team, Inc.
 101 West 31st Street, 6th Floor, New York, NY 10001
Pin No. 260100821602 **Amount** \$225,000

BROOKLYN - NDA 017
 Sports and Arts In Schools Foundation
 58-12 Queens Boulevard, Ste.1, Woodside, NY 11377
Pin No. 260100821704 **Amount** \$178,053

MANHATTAN- NDA 003
 Grand Street Settlement, Inc.
 80 Pitt Street, New York, NY 10002
Pin No. 260100830303 **Amount** \$194,400

Immigrant Social Services, Inc.
 137 Henry Street, New York, NY 10002
Pin No. 260100830308 **Amount** \$175,290

MANHATTAN- NDA 009
 New York Junior Tennis League
 58-12 Queens Boulevard, Ste.1, Woodside, NY 11377
Pin No. 260100830903 **Amount** \$167,607

MANHATTAN- NDA 010
 CUNY/ Creative Arts Team, Inc.
 101 West 31st Street, 6th Floor, New York, NY 10001
Pin No. 260100831001 **Amount** \$225,000

MANHATTAN- NDA 012
 Inwood Community Services, Inc.
 651 Academy Street - Top Floor, New York, NY 10034
Pin No. 260100831203 **Amount** \$247,500

QUEENS - NDA 003
 La Asociacion Benefica Cultural Father Billini
 35-34 105th Street, Corona, New York 11368
Pin No. 260100840301 **Amount** \$180,000

QUEENS - NDA 004
 New York Junior Tennis League
 58-12 Queens Boulevard, Ste.1, Queens, NY 11377
Pin No. 260100840403 **Amount** \$205,269

QUEENS - NDA 012
 YMCA of Greater NY- Jamaica
 5 West 63rd Street, New York, NY 10023
Pin No. 260100841206 **Amount** \$272,199

QUEENS - NDA 014
 Community Mediation Services, Inc.
 89-64 163rd Street, Jamaica, NY 11432
Pin No. 260100841402 **Amount** \$201,000

PROGRAM AREA - HIGH - SCHOOL-AGE YOUTH

Providers
BRONX - NDA 001
 Federation Employment & Guidance Services
 315 Hudson Street, 7th Floor, New York, NY 10013
Pin No. 260100810101 **Amount** \$251,547

Phipps Community Development
 902 Broadway, 13th Floor, New York, NY 10010
Pin No. 260100810104 **Amount** \$167,697

BRONX - NDA 002
 South Bronx Overall Economic Development Corp.,
 555 Bergen Avenue, 3rd Floor, Bronx, NY 10455
Pin No. 260100810203 **Amount** \$190,650

BRONX - NDA 003
 Sauti Yetu Center for African Women, Inc.
 2417 Third Avenue, Bronx, New York 10451
Pin No. 260100810304 **Amount** \$170,715

BRONX - NDA 004
 Citizens Advice Bureau, Inc.
 2054 Morris Avenue, Bronx, New York 10453
Pin No. 260100810400 **Amount** \$290,250

BRONX - NDA 005
 Mount Hope Housing Company
 2003-05 Walton Avenue, Bronx, New York 10453
Pin No. 260100810504 **Amount** \$297,723

BRONX - NDA 006
 Hospital Audiences, Inc.
 548 Broadway, 3rd Floor, New York, NY 10012
Pin No. 260100810600 **Amount** \$165,000

BRONX - NDA 007
 Sport and Arts In Schools Foundation
 58-12 Queens Boulevard, Woodside, NY 11377
Pin No. 260100810705 **Amount** \$245,358

BRONX - NDA 008
 Kingsbridge Heights Community Center
 3101 Kingsbridge Terrace, Bronx, New York 10463
Pin No. 260100810801 **Amount** \$191,400

BRONX - NDA 009
 South Bronx Overall Economic Development Corp.
 555 Bergen Avenue, 3rd Floor, Bronx, NY 10455
Pin No. 260100810902 **Amount** \$298,836

BRONX - NDA 010
 St. Raymond Community Outreach
 1720 Metropolitan avenue, Bronx, NY 10462
Pin No. 260100811002 **Amount** \$245,199

BRONX - NDA 011
 Neighborhood Initiative Development Corp
 2523 Olinville Avenue, Bronx, NY10467
Pin No. 260100811100 **Amount** \$174,747

BRONX - NDA 012
 South Bronx Overall Economic Development Corp.
 555 Bergen Avenue, 3rd Floor, Bronx, NY 10455
Pin No. 260100811202 **Amount** \$184,755

PROGRAM AREA - HIGH - SCHOOL-AGE YOUTH

Providers
BROOKLYN - NDA 001
 Opportunities for a Better Tomorrow
 783 4th Avenue, Brooklyn, NY 11232
Pin No. 260100820101 **Amount** \$306,591

BROOKLYN - NDA 002
 Direction For Our Youth
 21 West 86th Street, New York, NY 10024
Pin No. 260100820201 **Amount** \$181,500

BROOKLYN - NDA 003
 SCO Family of Services
 1 Alexander Place, Glen Cove, New York 11542
Pin No. 260100820304 **Amount** \$250,392

Vanguard Urban Improvement Association
 613-619 Troop Avenue, 3rd Floor, Brooklyn, NY 11216
Pin No. 260100820305 **Amount** \$166,926

BROOKLYN - NDA 004
 South Street Seaport Museum
 12 Fulton Street, New York, NY 10038
Pin No. 260100820405 **Amount** \$207,186

BROOKLYN - NDA 005
 Research Foundation of CUNY/ Brooklyn College
 2900 Bedford Avenue # 1602, Brooklyn, NY 11210
Pin No. 260100820505 **Amount** \$323,898

BROOKLYN - NDA 007
 SCO Family of Services
 1 Alexander Place, Glen Cove, New York 11542
Pin No. 260100820705 **Amount** \$188,544

BROOKLYN - NDA 008
 Research Foundation of CUNY/ Brooklyn College
 2900 Bedford Avenue # 1602, Brooklyn, NY 11210
Pin No. 260100820801 **Amount** \$405,087

BROOKLYN - NDA 009
 CAMBA, Inc.
 1720 Church Avenue, 2nd Floor, Brooklyn, NY 11226
Pin No. 260100820901 **Amount** \$150,000

Global Kids, Inc.
 137 East 25th Street, 2nd Floor, New York, NY 10010
Pin No. 260100820903 **Amount** \$206,250

BROOKLYN - NDA 011
 Brooklyn College Community Partnership
 2900 Bedford Avenue, Brooklyn, NY 11210
Pin No. 260100821101 **Amount** \$225,711

PROGRAM AREA - HIGH - SCHOOL-AGE YOUTH

Providers
BROOKLYN - NDA 012
 Council of Jewish Organizations of Flatbush
 1550 Coney Island Avenue, Brooklyn, NY 11230
Pin No. 260100821203 **Amount** \$174,333

Turning Point
 5013 Seventh Avenue, Brooklyn, NY 11220
Pin No. 260100821208 **Amount** \$261,501

BROOKLYN - NDA 014
 Brooklyn College Community Partnership
 2900 Bedford Avenue, Brooklyn, NY 11210
Pin No. 260100821400 **Amount** \$213,669

BROOKLYN - NDA 016
 CAMBA, Inc.
 1720 Church Avenue, 2nd Floor, Brooklyn, NY 11226
Pin No. 260100821600 **Amount** \$254,823

BROOKLYN - NDA 017
 Research Foundation of CUNY/ Brooklyn College
 2900 Bedford Avenue # 1602, Brooklyn, NY 11210
Pin No. 260100821703 **Amount** \$187,173

MANHATTAN- NDA 003
 Asian Professional Extension, Inc. (APEX)
 352 Seventh Avenue, Ste 201, New York, NY 10001
Pin No. 260100830300 **Amount** \$195,561

Chinese American Planning Council
 150 Elizabeth Street, New York, NY 10012
Pin No. 260100830301 **Amount** \$195,561

Henry Street Settlement, Inc.
 265 Henry Street, New York, NY 10002
Pin No. 260100830307 **Amount** \$195,561

MANHATTAN- NDA 009
 Children Art Carnival
 62 Hamilton Terrace, New York, NY 10031
Pin No. 260100830900 **Amount** \$184,116

MANHATTAN- NDA 010
 Sports and Arts In Schools Foundation
 58-12 Queens Boulevard, Ste.1, Woodside, NY 11377
Pin No. 260100831004 **Amount** \$162,087

Hospital Audiences, Inc.
 548 Broadway, 3rd Floor, New York, NY 10012
Pin No. 260100831002 **Amount** \$165,000

PROGRAM AREA - HIGH - SCHOOL-AGE YOUTH

Providers
MANHATTAN- NDA 011
 Harlem RBI
 333 East 100th Street, New York, NY10029
Pin No. 260100831103 **Amount** \$296,526

The Children's Aid Society
 105 East 22nd Street, New York, NY10010
Pin No. 260100831104 **Amount** \$197,685

MANHATTAN- NDA 012
 Children's Arts & Science Workshops, Inc.
 4271 Broadway, 2nd Floor, New York, NY 10034
Pin No. 260100831200 **Amount** \$327,300

QUEENS - NDA 001
 Jacob A. Riis Neighborhood Settlement, Inc.
 10-25 41st Avenue, Long Island City, NY 11101
Pin No. 260100840101 **Amount** \$199,500

Variety Boys & Girls Club of Queens, Inc.
 21-21 30th Road, Astoria, NY 11102
Pin No. 260100840103 **Amount** \$208,371

QUEENS - NDA 003
 Queens Community House, Inc.
 62nd Drive, Forest Hills, NY 11375
Pin No. 260100840303 **Amount** \$194,412

QUEENS - NDA 004
 Sunnyside Community Service, Inc.
 43-31 39th Street, Long Island City, NY 11104
Pin No. 260100840405 **Amount** \$219,666

QUEENS - NDA 007
 Chinese American Planning Council
 150 Elizabeth Street, New York, NY 10012
Pin No. 260100840700 **Amount** \$225,000

YWCA of Queens
 42-07 Parsons Boulevard, Flushing, NY 11355
Pin No. 260100840701 **Amount** \$150,000

QUEENS - NDA 012

Community Mediation Services, Inc.
163rd Street, Jamaica, NY 11432
Pin No. 260100841201 **Amount** \$273,000

The Child Center of NY
60-02 Queens Boulevard, Woodside, NY 11377
Pin No. 260100841205 **Amount** \$150,000

PROGRAM AREA - HIGH - SCHOOL-AGE YOUTH**Providers**

QUEENS - NDA 014
Community Mediation Services, Inc.
163rd Street, Jamaica, NY 11432
Pin No. 260100841403 **Amount** \$210,000

PROGRAM AREA - ADULT LITERACY**BRONX - NDA 003**

MBD Community Housing Corporation
1762 Boston Road, Bronx, NY 10460
Pin No. 260100810300 **Amount** \$156,771

BRONX - NDA 004

Highbridge Community Life Center
979 Ogden Avenue, Bronx, NY 10452
Pin No. 260100810405 **Amount** \$216,279

BRONX - NDA 005

Research Foundation of CUNY on Behalf Bronx Community
College, 230 West 41st Street, New York, NY 10036
Pin No. 260100810506 **Amount** \$257,184

BRONX - NDA 006

Phipps Community Development
902 Broadway, 13th Floor, New York, NY 10010
Pin No. 260100810603 **Amount** \$159,408

BRONX - NDA 007

Mosholu Montefiore Community Center
3450 Dekalb Avenue, Bronx, NY 10467
Pin No. 260100810704 **Amount** \$194,700

BROOKLYN - NDA 001

St. Nicholas Neighborhood Preservation Corp.
11 Catherine Street, 3rd Floor, Brooklyn, NY 11211
Pin No. 260100820104 **Amount** \$270,837

BROOKLYN - NDA 004

Ridgewood Bushwick Senior Citizens Council
555 Bushwick Avenue, Brooklyn, NY 11206
Pin No. 260100820403 **Amount** \$345,609

BROOKLYN - NDA 007

Brooklyn Chinese American Association
5002 8th Avenue, Brooklyn, NY 11220
Pin No. 260100820700 **Amount** \$192,027

PROGRAM AREA - ADULT LITERACY**Providers**

BROOKLYN - NDA 014
CAMBA, Inc.
1720 Church Avenue, 2nd Floor, Brooklyn, NY 11226
Pin No. 260100821401 **Amount** \$165,816

BROOKLYN - NDA 016

The East New York Learning Center, Inc.
1958 Fulton Street, Brooklyn, NY 11233
Pin No. 260100821603 **Amount** \$236,064

BROOKLYN - NDA 017

CAMBA, Inc.
1720 Church Avenue, 2nd Floor, Brooklyn, NY 11226
Pin No. 260100821702 **Amount** \$148,896

MANHATTAN - NDA 009

Harlem Commonwealth Council, Inc.
361 West 125th Street, New York, NY 10027
Pin No. 260100830902 **Amount** \$186,423

MANHATTAN - NDA 012

Dominican Women's Development Center
519 West 189th Street, Gr. Fl., New York, NY 10040
Pin No. 260100831201 **Amount** \$192,780

QUEENS - NDA 004

Make the Road New York
301 Grove Street, Brooklyn, NY 11237
Pin No. 260100840402 **Amount** \$190,962

QUEENS - NDA 005

Ridgewood Bushwick Senior Citizens Council
555 Bushwick Avenue, Brooklyn, NY 11206
Pin No. 260100840501 **Amount** \$247,716

QUEENS - NDA 012

St. John's University
8000 Utopia Parkway, Jamaica, NY 11439
Pin No. 260100841204 **Amount** \$208,632

PROGRAM AREA - SENIORS**Providers**

BRONX - NDA 003
Neighborhood Self-Help by Older People, Inc.
953 Southern Boulevard, Bronx, NY 10459
Pin No. 260100810302 **Amount** \$163,686

BRONX - NDA 004

Neighborhood Self-Help by Older People, Inc.
953 Southern Boulevard, Bronx, NY 10459
Pin No. 260100810406 **Amount** \$271,335

BRONX - NDA 005

Neighborhood Self-Help by Older People, Inc.
953 Southern Boulevard, Bronx, NY 10459
Pin No. 260100810505 **Amount** \$254,706

BRONX - NDA 006

Neighborhood Self-Help by Older People, Inc.
953 Southern Boulevard, Bronx, NY 10459
Pin No. 260100810602 **Amount** \$181,308

BRONX - NDA 007

Bedford Park Multi-Service Center For Senior Citizens, Inc.
243 East 204th Street, Bronx, NY 10458
Pin No. 260100810700 **Amount** \$262,500

BRONX - NDA 008

Riverdale Senior Services, Inc.
2600 Netherland Avenue, Bronx, NY 10463
Pin No. 260100810802 **Amount** \$172,830

BRONX - NDA 009

Neighborhood Self-Help by Older People, Inc.
953 Southern Boulevard, Bronx, NY 10459
Pin No. 260100810901 **Amount** \$281,346

BRONX - NDA 011

Regional Aid For Interim Needs, Inc. (RAIN)
811 Morris Park Avenue, Bronx, NY 10462
Pin No. 260100811102 **Amount** \$170,808

BRONX - NDA 012

Neighborhood Self-Help by Older People, Inc.
953 Southern Boulevard, Bronx, NY 10459
Pin No. 260100811200 **Amount** \$180,684

Regional Aid For Interim Needs, Inc. (RAIN)
811 Morris Park Avenue, Bronx, NY 10462
Pin No. 260100811201 **Amount** \$208,560

PROGRAM AREA - SENIORS**Providers**

BROOKLYN - NDA 001
United Jewish Organization of Williamsburg
32 Penn Street, Brooklyn, NY 11211
Pin No. 260100820105 **Amount** \$257,610

BROOKLYN - NDA 003

Institute of Puerto Rican Hispanic Elderly, Inc.
105 East 22nd Street, New York, NY 10010
Pin No. 260100820303 **Amount** \$259,950

Wayside Out Reach Development, Inc.
1746-60 Broadway, Brooklyn, NY 11207
Pin No. 260100820306 **Amount** \$173,298

BROOKLYN - NDA 005

Wayside Out Reach Development, Inc.
1746-60 Broadway, Brooklyn, NY 11207
Pin No. 260100820507 **Amount** \$246,651

BROOKLYN - NDA 007

Lutheran Family Health Center
6025 6th Avenue, Brooklyn, NY 11220
Pin No. 260100820703 **Amount** \$185,175

BROOKLYN - NDA 009

Crown Heights Jewish Community Council
387-392 Kingston Avenue, Brooklyn, NY 11225
Pin No. 260100820902 **Amount** \$241,491

BROOKLYN - NDA 011

Brooklyn Chinese American Association
5002 8th Avenue, Brooklyn, NY 11220
Pin No. 260100821100 **Amount** \$271,935

BROOKLYN - NDA 012

Brooklyn Chinese American Association
5002 8th Avenue, Brooklyn, NY 11220
Pin No. 260100821201 **Amount** \$280,683

Council of Jewish Organization of Flatbush, Inc.
1550 Coney Island Avenue, Brooklyn, NY 11230
Pin No. 260100821204 **Amount** \$187,122

BROOKLYN - NDA 013

Conscientious Musical Revues
2576 Broadway, St. 446, New York, NY 10025
Pin No. 260100821301 **Amount** \$253,710

Jewish Community Council Of Greater Coney Island, Inc.
3001 West 37th Street, Brooklyn, NY 11224
Pin No. 260100821302 **Amount** \$380,565

BROOKLYN - NDA 014

Council of Jewish Organization of Flatbush, Inc.
1550 Coney Island Avenue, Brooklyn, NY 11230
Pin No. 260100821404 **Amount** \$195,300

BROOKLYN - NDA 015

Homecrest Community Services, Inc.
1413 Avenue T, Brooklyn, NY 11229
Pin No. 260100821502 **Amount** \$201,765

BROOKLYN - NDA 016

Wayside Out Reach Development, Inc.
1746-60 Broadway, Brooklyn, NY 11207
Pin No. 260100821604 **Amount** \$225,843

MANHATTAN - NDA 003

Grand Street Settlement, Inc.
80 Pitt Street, New York, NY 10002
Pin No. 260100830304 **Amount** \$199,500

Henry Street Settlement, Inc.
265 Henry Street, New York, NY 10002
Pin No. 260100830306 **Amount** \$150,000

MANHATTAN - NDA 009

Conscientious Musical Revues
2576 Broadway, St. 446, New York, NY 10025
Pin No. 260100830901 **Amount** \$207,780

MANHATTAN - NDA 012

Riverstone Senior Life Services
99 Fort Washington Avenue, New York, NY 10032
Pin No. 260100831202 **Amount** \$276,567

QUEENS - NDA 004

Institute of Puerto Rican Hispanic Elderly, Inc.
105 East 22nd Street, New York, NY 10010
Pin No. 260100840400 **Amount** \$215,616

QUEENS - NDA 012

Conscientious Musical Revues
2576 Broadway, St. 446, New York, NY 10025
Pin No. 260100841202 **Amount** \$206,439

PROGRAM AREA - HOUSING**BRONX - NDA 001**

Catholic Charities Community Service Archdiocese of NY
1011 First Avenue, 6th Floor, New York, NY 10022
Pin No. 260100810100 **Amount** \$253,794

Urban Justice Center
123 William Street, 16th Floor, New York, NY 10038
Pin No. 260100810105 **Amount** \$169,197

BRONX - NDA 002

Citizens Advice Bureau, Inc.
2054 Morris Avenue, Bronx, NY 10453
Pin No. 260100810201 **Amount** \$183,906

BRONX - NDA 003

Morrisania Revitalization Corporation
576 East 165th Street, Bronx, NY 100456
Pin No. 260100810301 **Amount** \$175,920

BRONX - NDA 004

Citizens Advice Bureau, Inc.
2054 Morris Avenue, Bronx, NY 100453
Pin No. 260100810401 **Amount** \$292,005

BRONX - NDA 005

Citizens Advice Bureau, Inc.
2054 Morris Avenue, Bronx, NY 100453
Pin No. 260100810501 **Amount** \$278,289

BRONX - NDA 006

LSNY-BRONX CORPORATION
579 Courtlandt Avenue, Bronx, NY 10451
Pin No. 260100810601 **Amount** \$199,179

BRONX - NDA 007

Citizens Advice Bureau, Inc.
2054 Morris Avenue, Bronx, NY 100453
Pin No. 260100810702 **Amount** \$237,735

BROOKLYN - NDA 001

Southside United Development Fund Corp
213 South 4th Street, Brooklyn, NY 11211
Pin No. 260100820102 **Amount** \$299,250

BROOKLYN - NDA 002

South Brooklyn Legal Services
105 Court Street, Brooklyn, NY 11201
Pin No. 260100820202 **Amount** \$157,899

PROGRAM AREA - HOUSING**Providers**

BROOKLYN - NDA 004
Ridgewood Bushwick Senior Citizens Council
555 Bushwick Avenue, Brooklyn, NY 11206
Pin No. 260100820404 **Amount** \$207,000

BROOKLYN - NDA 005

Cypress Hills Local Development Corp.
625 Jamaica Avenue, Brooklyn, NY 11208
Pin No. 260100820501 **Amount** \$307,320

BROOKLYN - NDA 006

Fifth Avenue Committee, Inc
621 Degraw Street, Brooklyn, NY 11217
Pin No. 260100820600 **Amount** \$163,539

BROOKLYN - NDA 007

CAMBA, Inc.
1720 Church Avenue, 2nd Floor, Brooklyn, NY 11226
Pin No. 260100820702 **Amount** \$169,569

BROOKLYN - NDA 009

Brooklyn Housing and Family Services, Inc
415 Albemarle Road, Brooklyn, NY 11218
Pin No. 260100820900 **Amount** \$156,000

BROOKLYN - NDA 012

Agudath Israel of America Community Service
42 Broadway, 14th Floor, New York, NY 10004
Pin No. 260100821200 **Amount** \$311,586

Brooklyn Chinese American Association
5002 8th Avenue, Brooklyn, NY 11220
Pin No. 260100821202 **Amount** \$234,000

BROOKLYN - NDA 013

Astella Development Corp
1618 Mermaid Avenue, Brooklyn, NY 11224
Pin No. 260100821300 **Amount** \$180,000

BROOKLYN - NDA 014

Council of Jewish Organization of Flatbush, Inc.
1550 Coney Island Avenue, Brooklyn, NY 11230
Pin No. 260100821403 **Amount** \$216,471

BROOKLYN - NDA 015

Shorefront Jewish Community Council
3049 Brighton, 6th Street, Brooklyn, NY 11235
Pin No. 260100821503 **Amount** \$206,535

BROOKLYN - NDA 017

Brooklyn Housing and Family Services, Inc,
415 Albemarle Road, Brooklyn, NY 11218
Pin No. 260100821701 **Amount** \$156,000

MANHATTAN - NDA 003

Cooper Square Community Development & Business Association
61 East 4th Street, New York, NY 10003
Pin No. 260100830302 **Amount** \$158,400

University Settlement Society of NY
184 Eldridge Street, New York, NY 10002
Pin No. 260100830309 **Amount** \$163,806

MANHATTAN - NDA 007

Stryckers Bay Neighborhood Council, Inc.
63 West 87th Street, New York, NY 10024
Pin No. 260100830700 **Amount** \$190,548

MANHATTAN - NDA 009

Urban Justice Center
123 William Street, 16th Floor, New York, NY 10038
Pin No. 260100830904 **Amount** \$231,327

MANHATTAN- NDA 010

Catholic Charities Community Service
1011 First Avenue, 6th Floor, New York, NY 10022
Pin No. 260100831000 **Amount** \$194,892

Manhattan Legal Services

55 West 125th Street, New York, NY 10027
Pin No. 260100831003 **Amount** \$292,338

MANHATTAN- NDA 011

Catholic Charities Community Service
1011 First Avenue, 6th Floor, New York, NY 10022
Pin No. 260100831100 **Amount** \$326,628

Fund for the City of New York Center for Court Innovation

520 8th Avenue, 18th Floor, New York, NY 10018
Pin No. 260100831101 **Amount** \$217,752

MANHATTAN- NDA 012

Northern Manhattan Improvement Corp.
76 Washington Avenue, New York, NY 10033
Pin No. 260100831205 **Amount** \$341,328

Washington Heights-Inwood Coalition

652 West 187th Street, New York, NY 10033
Pin No. 260100831207 **Amount** \$227,550

QUEENS - NDA 004

Queens Community House, Inc.
108-25 62nd Drive, Forest Hills, NY 11375
Pin No. 260100840404 **Amount** \$209,484

QUEENS - NDA 012

AIDS Center of Queens County, Inc.
97-45 Queens Boulevard, Ste.122, Rego Park, NY 11374
Pin No. 260100841200 **Amount** \$226,773

QUEENS - NDA 014

AIDS Center of Queens County, Inc.
97-45 Queens Boulevard, Ste.122, Rego Park, NY 11374
Pin No. 260100841401 **Amount** \$183,933

Richmond - NDA 001

Catholic Charities Community Service
1011 First Avenue, 6th Floor, New York, NY 10022
Pin No. 260100850100 **Amount** \$246,666

PROGRAM AREA - IMMIGRANTS**Providers****BRONX - NDA 004**

Citizens Advice Bureau, Inc.
2054 Morris Avenue, Bronx, NY 100453
Pin No. 260100810402 **Amount** \$213,837

BRONX - NDA 005

Citizens Advice Bureau, Inc.
2054 Morris Avenue, Bronx, NY 100453
Pin No. 260100810500 **Amount** \$215,463

BRONX - NDA 007

Tolentine-Zeiser Community Life Ctr.
2345 University Avenue, Bronx, NY 10468
Pin No. 260100810706 **Amount** \$174,531

BROOKLYN - NDA 004

Make the Road New York
301 Grove Street, Brooklyn, NY 11237
Pin No. 260100820401 **Amount** \$214,359

BROOKLYN - NDA 005

United Community Centers
613 New Lots Avenue, Brooklyn, NY 11207
Pin No. 260100820506 **Amount** \$157,500

PROGRAM AREA - IMMIGRANTS**Providers****BROOKLYN - NDA 014**

Goodwill Industries of Greater NY
4-21 27th Avenue, Astoria, NY 11102
Pin No. 260100821406 **Amount** \$167,226

BROOKLYN - NDA 015

Federation Employment & Guidance Srvices
315 Hudson Street, 7th Floor, New York, NY 10013
Pin No. 260100821501 **Amount** \$210,000

MANHATTAN- NDA 012

Northern Manhattan Improvement Corp.
76 Washington Avenue, New York, NY 10033
Pin No. 260100831204 **Amount** \$321,069

QUEENS - NDA 003

Make the Road New York
301 Grove Street, Brooklyn, NY 11237
Pin No. 260100840302 **Amount** \$196,251

RICHMOND - NDA 001

Make the Road New York
301 Grove Street, Brooklyn, NY 11237
Pin No. 260100850101 **Amount** \$197,997

PROGRAM AREA - HEALTHY FAMILIES**Providers****BRONX - NDA 001**

Neighborhood Association for the Inter-Cultural Affairs (NAICA)
1075 Grand Concourse, Bronx, NY 10452
Pin No. 260100810102 **Amount** \$270,078

Phipps Community Development

902 Broadway, 13th Floor, New York, NY 10010
Pin No. 260100810103 **Amount** \$180,051

BRONX - NDA 002

Citizens Advice Bureau, Inc.
2054 Morris Avenue, Bronx, NY 10453
Pin No. 260100810200 **Amount** \$189,000

BRONX - NDA 003

The Children's Aid Society
105 East 22nd Street, New York, NY 10010
Pin No. 260100810305 **Amount** \$175,275

BRONX - NDA 004

Highbridge Community Life Center
979 Ogden Avenue, Bronx, NY 10452
Pin No. 260100810404 **Amount** \$315,120

BRONX - NDA 005

Citizens Advice Bureau, Inc.
2054 Morris Avenue, Bronx, NY 10453
Pin No. 260100810502 **Amount** \$189,000

BRONX - NDA 006

Phipps Community Development
902 Broadway, 13th Floor, New York, NY 10010
Pin No. 260100810604 **Amount** \$191,223

BRONX - NDA 007

Citizens Advice Bureau, Inc.
2054 Morris Avenue, Bronx, NY 10453
Pin No. 260100810701 **Amount** \$247,740

BRONX - NDA 009

Youth Ministries for Peace and Justice
1384 Stratford Avenue, Bronx, NY 10472
Pin No. 260100810903 **Amount** \$303,750

BRONX - NDA 010

St. Raymond Community Outreach
1720 Metropolitan Avenue, Bronx, NY 10462
Pin No. 260100811001 **Amount** \$219,054

BROOKLYN - NDA 001

Catholic Charities Neighborhood Services
191 Joralemon Street, Brooklyn, NY 11201
Pin No. 260100820100 **Amount** \$294,501

BROOKLYN - NDA 002

Catholic Charities Neighborhood Services
191 Joralemon Street, Brooklyn, NY 11201
Pin No. 260100820200 **Amount** \$190,725

BROOKLYN - NDA 003

Bedford Stuyvesant Restoration Corp
1368 Fulton Street, 3rd bFl, Brooklyn, NY 11216
Pin No. 260100820300 **Amount** \$150,000

Catholic Charities Neighborhood Services

191 Joralemon Street, Brooklyn, NY 11201
Pin No. 260100820301 **Amount** \$267,144

BROOKLYN - NDA 004

Catholic Charities Neighborhood Services
191 Joralemon Street, Brooklyn, NY 11201
Pin No. 260100820400 **Amount** \$210,297

BROOKLYN - NDA 005

Italian American Civil Rights League
1460 Pennsylvania Avenue, Brooklyn, NY 11239
Pin No. 260100820503 **Amount** \$247,500

BROOKLYN - NDA 006

Fifth Avenue Committee, Inc.
621 Degraw Street, Brooklyn, NY 11217
Pin No. 260100820601 **Amount** \$168,459

BROOKLYN - NDA 007

Brooklyn Chinese American Association
5002 8th Avenue, Brooklyn, NY 11220
Pin No. 260100820701 **Amount** \$197,304

BROOKLYN - NDA 008

Brooklyn Housing & Family Services, Inc.
415 Albemarle Road, Brooklyn, NY 11218
Pin No. 260100820800 **Amount** \$202,500

The Friends of Crown Heights Educational Center

671-675 Prospect Place, Brooklyn, NY 11216
Pin No. 260100820802 **Amount** \$208,629

BROOKLYN - NDA 009

The Friends of Crown Heights Educational Center
671-675 Prospect Place, Brooklyn, NY 11216
Pin No. 260100820904 **Amount** \$244,014

BROOKLYN - NDA 011

Edith and Carl Marks Jewish Community House of
Bensonhurst, 7802 Bay Parkway, Brooklyn, NY 11214
Pin No. 260100821102 **Amount** \$232,647

BROOKLYN - NDA 012

Guardians of the Sick, Inc.
5216 11th Avenue, Brooklyn, NY 11219
Pin No. 260100821206 **Amount** \$210,000

Yeled VYalda Early Childhood Center

1312 38th Street, Brooklyn, NY 11216
Pin No. 260100821209 **Amount** \$222,204

BROOKLYN - NDA 013

Shorefront YM-YWHA
3300 Coney Island Avenue, Brooklyn, NY 11235
Pin No. 260100821303 **Amount** \$167,535

BROOKLYN - NDA 014

CAMBA, Inc.
1720 Church Avenue, 2nd Floor, Brooklyn, NY 11226
Pin No. 260100821402 **Amount** \$194,586

BROOKLYN - NDA 015

Brooklyn Chinese American Association
5002 8th Avenue, Brooklyn, 11220
Pin No. 260100821500 **Amount** \$172,779

BROOKLYN - NDA 016

Central Brooklyn Economic Development Corp
444 Thomas B. Boyland Street, Brooklyn, NY 11212
Pin No. 260100821601 **Amount** \$247,968

BROOKLYN - NDA 017

Brooklyn Housing & Family Services, Inc.
415 Albemarle Road, Brooklyn, NY 11218
Pin No. 260100821700 **Amount** \$162,000

BROOKLYN - NDA 018

Hebrew Educational Society
9502 Seaview Avenue, Brooklyn, NY 11236
Pin No. 260100821800 **Amount** \$270,750

MANHATTAN- NDA 003

Grand Street Settlement, Inc.
80 Pitt Street, New York, NY 10002
Pin No. 260100830305 **Amount** \$225,000

MANHATTAN- NDA 007

West Side Campaign Against Hunger
263 West 86th Street, New York, NY 10024
Pin No. 260100830701 **Amount** \$166,482

MANHATTAN- NDA 009

Urban Justice Center
123 William Street, 16th Floor, New York, NY 10038
Pin No. 260100830905 **Amount** \$177,075

MANHATTAN- NDA 010

The Children's Aid Society
105 East 22nd Street, New York, NY 10010
Pin No. 260100831005 **Amount** \$290,910

MANHATTAN- NDA 011

Greenhope Services For Women, Inc.
23 West 123rd Street, New York, NY 10027
Pin No. 260100831102 **Amount** \$233,466

The Children's Aid Society

105 East 22nd Street, New York, NY 10010
Pin No. 260100831105 **Amount** \$290,910

MANHATTAN- NDA 012

The Children's Aid Society
105 East 22nd Street, New York, NY 10010
Pin No. 260100831206 **Amount** \$290,910

QUEENS - NDA 001

Center for the Integration & Advancement of New Americans
31-09 Newtown Avenue, Ste. 411, Astoria, NY 11102
Pin No. 260100840100 **Amount** \$197,871

Jacob A. Riis Neighborhood Settlement

10-25 41st Avenue, Long Island City, NY 11101
Pin No. 260100840102 **Amount** \$210,000

QUEENS - NDA 003

Asian Americans for Equality
108 Norfolk Street, Lower Lv., New York, NY 10002
Pin No. 260100840300 **Amount** \$187,221

QUEENS - NDA 004

Make the Road New York
301 Grove Street, Brooklyn, NY 11237
Pin No. 260100840401 **Amount** \$236,310

QUEENS - NDA 005

Polonians Organized to Minister
56th Drive, Maspeth, NY 11378
Pin No. 260100840500 **Amount** \$156,000

QUEENS - NDA 012

Sakhi for South Asian Women
224 West 35th Street, Ste.902, New York, NY 10001
Pin No. 260100841203 **Amount** \$150,000

QUEENS - NDA 014

AIDS Center of Queens County, Inc.
97-45 Queens Boulevard, Ste. 122, Rego Park, NY 11374
Pin No. 260100841400 **Amount** \$199,545

Richmond - NDA 001

Project Hospitality
100 Park Avenue, Staten Island, NY 10302
Pin No. 260100850102 **Amount** \$246,666

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PROPERTY DISPOSITION**CITYWIDE ADMINISTRATIVE SERVICES****DIVISION OF MUNICIPAL SUPPLY SERVICES****■ AUCTION****PUBLIC AUCTION SALE NUMBER 09001 - W & X**

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans and light duty vehicles to be held on Wednesday, May 13, 2009 (SALE NUMBER 09001-W). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

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

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

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

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

m5-27

■ SALE BY SEALED BID

SALE OF: 3 YEAR CONTRACT FOR SCRAP METAL REMOVAL VIA CONTAINER

S.P.: 09016

DUE: May 12, 2009

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

a29-m12

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

S.P.#: 09020

DUE: May 19, 2009

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

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

m6-19

POLICE

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

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

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

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

INQUIRIES

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

FOR MOTOR VEHICLES**(All Boroughs):**

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

FOR ALL OTHER PROPERTY

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

j1-d31

■ AUCTION

PUBLIC AUCTION SALE NUMBER 1158

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

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

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

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

m6-19

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."

AGING

■ AWARDS*Goods & Services*

SERVICES FOR SENIOR CITIZENS – BP/City Council Discretionary – Part of the Solution
2763 Webster Avenue, Bronx, NY 10458

PIN: 12509DISC1V2 - Contract Amount: 10,000

Council of Neighborhood Organization Inc.
3911 Ft. Hamilton Pkwy., Brooklyn, NY 11218
PIN: 12509DISC2ZH - Contract Amount: \$18,750

United Chinese Association of Brooklyn
223 Kings Highway, Brooklyn, NY 11223
PIN: 12509DISC2Y6 - Contract Amount: \$25,000

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SERVICES FOR SENIOR CITIZENS – Negotiated Acquisition – Available only from a single source – Manhattan Legal Services
55 West 125th Street, 10th Floor, New York, NY 10027
PIN: 12509NABP3PL - Contract Amount: \$15,000

Young Men's and Young Women's Hebrew Association
92nd Street, Y-1395 Lexington Avenue, New York, NY 10128
PIN: 12509NABP3PP - Contract Amount: \$20,000

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CITYWIDE ADMINISTRATIVE SERVICES

■ SOLICITATIONS*Goods*

PURCHASE OF OFFICIALLY LICENSED NYC GOODS, "I LOVE NY" GOODS, GENERIC ITEMS AND PROPRIETARY SOUVENIRS – Sole Source – Available only from a single source - PIN# 856090000896 – DUE 05-18-09 AT 5:00 P.M. – The Department of Citywide Administrative Services intends to enter into sole source negotiations to Purchase Officially Licensed NYC Goods, "I Love NY" Goods, Generic items and proprietary souvenirs with Torkia International, Inc., 555 Winsor Drive, Secaucus, NJ 07094, for 1,095 consecutive calendar days. Any firm which believes that it can also provide this requirement is invited to so indicate by letter to: DCAS, Office of Contracts, 1 Centre Street, 18th Floor North, New York, NY 10007. Grace Seebol, Deputy Agency Contracting Office, (212) 669-3538, gseebol@dcas.nyc.gov

m4-8

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS*Goods*

RESILIENT SEATED GATE VALVES AND PARTS, RE-AD – Competitive Sealed Bids – PIN# 8570901053 – DUE 05-21-09 AT 10:30 A.M.
● **NURSING KITS FOR OEM RE-AD** – Competitive Sealed Bids – PIN# 8570901034 – DUE 05-21-09 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services, 1 Centre Street, Room 1800, New York, NY 10007. Jeanette Megna (212) 669-8610.

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MICROWAVE OVENS RE-AD – Competitive Sealed Bids – PIN# 8570901032 – DUE 05-22-09 AT 10:30 A.M.
● **UTILITY TRUCK WITH TELESCOPING ROOF** – Competitive Sealed Bids – PIN# 8570900131 – DUE 06-01-09 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services, 1 Centre Street, Room 1800, New York, NY 10007. Jeanette Megna (212) 669-8610.

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REFRIGERATORS: COMPACT - RE-AD – Competitive Sealed Bids – PIN# 8570900989 – DUE 06-02-09 AT 10:30 A.M.

● **COMMERCIAL, PRINTING AND DIRECT MAIL** – Competitive Sealed Bids – PIN# 8570801373 – DUE 06-03-09 AT 10:30 A.M.

● **GRP FOR ROSS PRESSURE REGULATOR VALVES DEP** – Competitive Sealed Bids – PIN# 8570901077 – DUE 05-29-09 AT 10:30 A.M.

● **CLEANER, GLASS AND PORCELAIN** – Competitive Sealed Bids – PIN# 8570900960 – DUE 06-01-09 AT 10:30 A.M.

● **HIV TESTING SYSTEMS RE-AD** – Competitive Sealed Bids – PIN# 8570800732 – DUE 06-02-09 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services, 1 Centre Street, Room 1800, New York, NY 10007. Jeanette Megna (212) 669-8610.

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■ AWARDS*Goods*

HP PRINTERS - DOC – Intergovernmental Purchase – PIN# 8570901104 – AMT: \$134,739.50 – TO: Hewlett Packard Co., 10810 Farnam Dr., Omaha, NE 68154. NYS Contract #PT58424.

● **IBM ENTERPRISE SYSTEMS - NYPD** – Intergovernmental Purchase – PIN# 8570901093 – AMT: \$1,473,558.50 – TO: IBM Corp., 80 State St., Albany, NY 12207. NYS Contract #PT63994.

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

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■ VENDOR LISTS*Goods*

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food

items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

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

j4-1j17

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

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

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

j4-1j17

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

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

j4-1j17

DESIGN & CONSTRUCTION

CONTRACT SECTION**■ SOLICITATIONS***Construction / Construction Services*

JEFFERSON MARKET BRANCH LIBRARY EXTERIOR RESTORATION – Competitive Sealed Bids – PIN# 8502009LNO016C – DUE 05-28-09 AT 2:00 P.M. – PROJECT NO: LNC3JMADA. Contract documents will not be sold after Wednesday, May 20, 2009. There will be a mandatory pre-bid conference on Thursday, May 21, 2009 at 10:00 A.M. at the Jefferson Market Branch Library at 425 Avenue of Americas, New York, NY 10011. Special Experience Requirements. Bid documents are available at: <http://www.nyc.gov/ddc>

This bid solicitation includes M/WBE participation goals for subcontracted work. For the M/WBE goals, please visit our website at www.ddc.nyc.gov/buildnyc See "Bid Opportunities." For more information about M/WBE certification, please call 311 or go to www.nyc.gov/getcertified. Apprenticeship Requirements apply to this contract. Vendor Source ID#: 59727.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid documents deposit - \$35.00 per set. Company check or money order. No cash accepted. Late bids will not be accepted.
Department of Design and Construction, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2614.

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EDUCATION

DIVISION OF CONTRACTS AND PURCHASING**■ SOLICITATIONS***Goods & Services*

GYM FACILITIES FOR THE MANHATTAN ACADEMY – Competitive Sealed Bids – PIN# B0998040 – DUE 05-20-09 AT 5:00 P.M. – Location to provide mandated physical education to its student body in grades 9 through 12. The facility needs to accommodate between 150/200 students, both male and female, on separate courts and fields for the following activities, basketball, soccer, and batting cages. If you cannot download this BID, please send an e-mail to VendorHotline@schools.nyc.gov with the BID number and title in the subject. For all questions related to this BID, please send an e-mail to HRehawi@schools.nyc.gov with the BID's number and title in the subject line of your e-mail. Bid opening: Thursday, May 21st, 2009 at 11:00 A.M.

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

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AUDIOMETRIC EQUIPMENT AND CALIBRATION – Competitive Sealed Bids – PIN# Z1063040 – DUE 05-19-09 AT 5:00 P.M. – This bid is intended to cover the requirements for the service and repair of audiometric equipment and the calibration of clinical and portable audiometers. The bid also is asking for percentage discounts off of various manufacturer's parts lists. The parts listed in these catalogs

are parts which would be used in the repair of the audiometric equipment. If you cannot download this OMA, please send an e-mail to VendorHotline@schools.nyc.gov with the OMA number and title in the subject. For all questions related to this OMA, please send an e-mail to MMcCrann@schools.nyc.gov with the OMA's number and title in the subject line of your e-mail. Bid opening: Wednesday, May 20th, 2009 at 11:00 A.M.

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

OFFICE OF EMERGENCY MANAGEMENT

INTENT TO AWARD

Services (Other Than Human Services)

METRO NY TRANSPORTATION FACILITIES STUDY AND EVACUATION DECISION TOOLS – Government to Government – PIN# 01709PPT1001 – DUE 05-14-09 AT 5:00 P.M. – CORRECTION: The New York City Office of Emergency Management (NYCOEM) intends to enter into a government-to-government purchase with the United States Army Corps of Engineers (USACE) to provide evacuation planning services, including the development of evacuation plan documents and decision-making tools.

Qualified vendors may express their interest in providing such services in the future by contacting Erika Yan at procurement@oem.nyc.gov

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.
 Office of Emergency Management, 165 Cadman Plaza East, Brooklyn, NY 11201. Erika Yan (718) 422-4845.

a30-m6

ENVIRONMENTAL PROTECTION

SOLICITATIONS

Construction / Construction Services

MAINTENANCE AND PROTECTION OF VARIOUS SITES IN QUEENS AND BROOKLYN PUMPING SYSTEM AT SHAFT 15, CITYWIDE – Competitive Sealed Bids – PIN# 82609W000105 – DUE 06-11-09 AT 11:30 A.M. – CONTRACT C-545J2: Document Fee \$100.00. There is a pre-bid conference on 5-28-09 at 10:00 A.M. at Shaft 15B, 851 Main Street, Roosevelt Island, N.Y. 10044. There will also be a site visit following by the pre-bid at Shaft 23B, the corner of Nelson and Hicks Streets, Red Hook, N.Y. 11231. The project manager for this job is James Carlese. If you have technical questions about this job please call at (718) 595-6141. Be advised that the following solicitation for heavy construction includes an apprenticeship participation requirement. Vendor Source ID#: 57678.

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

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Services (Other Than Human Services)

APPRAISAL SERVICES DEL-361 – Request for Proposals – PIN# 82609WS00011 – DUE 07-17-09 AT 4:00 P.M. – This procurement is intended to provide uninterrupted appraisal services for the City's Land Acquisition Program ("LAP") when its current service contracts expire. The Department expects to award contracts to no more than seven (7) appraisal firms. Each contract will cover appraisal reports on fee simple and conservation easement properties both East-of-Hudson and West-of-Hudson and, on occasion, valuation of associated real property interests and improvements. Minimum Qualification Requirements:
 1. The proposer must be a Member of the Appraisal Institute ("MAI") or a member of a nationally recognized appraisal association; and
 2. A principle of the firm must hold current New York State certification as a State Certified General Real Estate Appraiser.
 Pre-proposal Conference: June 11, 2009, 2:00 P.M., 71 Smith Avenue, 2nd Fl., Training Rms. 1 and 3, Kingston, NY 12401.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Environmental Protection, 59-17 Junction Blvd., Bid Room, Flushing, NY 11373. 71 Smith Avenue, Kingston, NY 12401. David Tobias (845) 340-7837, dtobias@dep.nyc.gov

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AWARDS

Construction Related Services

PAINT THE EXISTING INTERIORS AS NEEDED AT VARIOUS DEP FACILITIES, CITYWIDE – Competitive Sealed Bids – PIN# 82608FMC1208 – AMT: \$605,000.00 – TO: Bob's Professional Painting and Wallpapering, 140 Benson Ave., Elmont, NY 11003. PROJECT: FMC-1-2008.

m6

Services (Other Than Human Services)

SUPPLYING CATIONIC DEWATERING POLYMER AT HUNTS POINT, BRONX – Competitive Sealed Bids – PIN# 8260901232HP – AMT: \$12,366,000.00 – TO: Chemtall Incorporated, P.O. Box 250, One Chemical Plant Road, Riceboro, GA 31323. PROJECT 1232-HP-ITEM#2.
SUPPLYING CATIONIC POLYMER FOR SLUDGE THICKENING, VARIOUS LOCATIONS – Competitive Sealed Bids – PIN# 826081199TH – AMT: \$2,035,000.00 –

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TO: Chemtall Inc., 1 Chemical Plant Road, Riceboro, GA 31323. PROJECT: 1199-TH(R2).
SERVICE AND REPAIR OF AIR CONDITIONING SYSTEMS AT VARIOUS WPCPS – Competitive Sealed Bids – PIN# 826091226ACS – AMT: \$1,166,126.62 – TO: AM Motor and Refrigeration, 2418 3rd Ave., Bronx, New York 10454. PROJECT: 1226-ACS.

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AUTOMATIC METER READING INSTALLATION, MANHATTAN WEST – Competitive Sealed Bids – PIN# 82608BCSAMNW – AMT: \$5,705,525.00 – TO: Kentrel Corp., 1014 Main Street, Avoca, PA 18641. CONTRACT: BCS-AMIMW.
AUTOMATIC METER READING INSTALLATIONS, MANHATTAN EAST – Competitive Sealed Bids – PIN# 82608BCSAMNE – AMT: \$5,632,100.00 – TO: Kentrel Corp., 101 Main Street, Avoca, PA 18641. PROJECT: BCS-AMIME.

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BUREAU OF WATER SUPPLY

AWARDS

Construction / Construction Services

STORMWATER REMEDIATION OF CROTON FALLS RESERVOIR – Competitive Sealed Bids – PIN# 82608WS00042 – AMT: \$3,275,941.00 – TO: Harrison Park Associates, Inc., 83 Park Lane, West Harrison, NY 10604. PROJECT CRO-490.

m6

BUREAU OF WATER AND SEWER OPERATIONS

AWARDS

Services (Other Than Human Services)

ARTERIAL HIGHWAY CLEANING CITYWIDE – Competitive Sealed Bids – PIN# 8260900ACH09 – AMT: \$775,423.20 – TO: E&B Industrial Cleaning Corp., 1 Watkins Terrace. PROJECT: AHC-09.

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BUREAU OF WASTEWATER TREATMENT

AWARDS

Construction Related Services

RECONSTRUCTION OF SLUICE GATE ACTUATORS AT CONEY ISLAND WPCP – Competitive Sealed Bids – PIN# 82607WPC1131 – AMT: \$4,400,000.00 – TO: Halcyon Const. Corp., 65 Marble Ave., Pleasantville, New York 10570. CONTRACT: CI-85.

m6

FIRE

AWARDS

Construction Related Services

PLUMBING SERVICES – Competitive Sealed Bids – PIN# 057080000582 – AMT: \$7,906,750.00 – TO: Franco Belli Plumbing and Heating and Sons, 165 2nd Avenue, Brooklyn, NY 11215. Vendor Source ID#: 55399.

m6

HEALTH AND HOSPITALS CORPORATION

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

j1-d31

SOLICITATIONS

Goods & Services

MANNOTONE ST 11G STEREO PROBS – Competitive Sealed Bids – PIN# 22209127 – DUE 05-20-09 AT 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Lincoln Hospital Center, 234 East 149th Street, Room 2A2, Bronx, NY 10451. Edwin Iyasere (718) 579-5106.

m6

REMOVAL AND REPAIR OF 350 HP MOTOR – Competitive Sealed Bids – PIN# 11109126 – DUE 05-21-09 AT 3:00 P.M. – There will be a mandatory pre-bid meeting on 5/20/09 at 11:00 A.M. in the 3rd Floor Conference Room of Bellevue Hospital Center's C&D Building. All interested vendor's must attend this meeting in order to submit a responsive bid.

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

m6

Services (Other Than Human Services)

FIRE LINE REPAIR – Competitive Sealed Bids – PIN# 000041209037 – DUE 06-02-09 –

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.
 Coler-Goldwater Memorial Hospital, 1 Main Street, Roosevelt Island, New York, NY 10044. Starr Kollere (212) 318-4260, starr.kollere@nychhc.org

m6

MATERIALS MANAGEMENT

INTENT TO AWARD

Goods

INFANT FORMULA LABORATORY – Sole Source – Available only from a single source - PIN# 029-0061 – DUE 05-27-09 AT 11:00 A.M. –

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Health and Hospitals Corporation, 346 Broadway, Rm. 516, New York, NY 10013. Naima Richardson (212) 442-0328, Naima.Richardson@nychhc.org

m6

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

Human / Client Service

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

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

j12-24

HOUSING AUTHORITY

SOLICITATIONS

Construction / Construction Services

TOILET AND LOCKER ROOM RENOVATION AT BAISLEY PARK – Competitive Sealed Bids – PIN# GR8012518 – DUE 05-19-09 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

m6-12

REPLACEMENT OF CONTROLLERS, DOOR OPERATORS AND LANDING CONTROL SYSTEM DEVICES FOR SIX (6) ELEVATORS AT PENNSYLVANIA-WORTMAN AVENUE HOUSES – Competitive Sealed Bids – PIN# EV9005011 – DUE 05-26-09 AT 10:00 A.M. –
ROOF REPLACEMENT, MASONRY REPAIR, NEW CORNICE AND ASBESTOS ABATEMENT AT 89-97 (BLDG. #1) AND 99-103 (BLDG. #2) AVENUE "C" LOWER EAST SIDE REHAB. (GROUP 5) – Competitive Sealed Bids – PIN# RF9003727 – DUE 05-18-09 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 (212) 306-3121, gloria.guillo@nycha.nyc.gov

m4-8

REPAIRING WATER TANK ENCLOSURE AT MOTT HAVEN HOUSES – Competitive Sealed Bids – PIN# BW8016020 – DUE 05-14-09 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

m1-7

REPLACEMENT OF UNDERGROUND STEAM DISTRIBUTION SYSTEM AT VARIOUS DEVELOPMENTS – Competitive Sealed Bids – PIN# HE9005764 – DUE 05-18-09 AT 11:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

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

m5-11

LOCAL LAW 11 BRICK REPAIR AT VARIOUS LOCATIONS (BRONX AND QUEENS) – Competitive Sealed Bids – PIN# BW9004119 – DUE 05-14-09 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

m1-7

Construction Related Services

ENERGY PERFORMANCE CONTRACTING PROGRAM – Request for Qualifications – PIN# 052609 – DUE 05-26-09 AT 3:00 P.M. – New York City Housing Authority (“NYCHA”) will be retrofitting its building systems over several phases to reduce utility consumption and to use the resulting financial savings from early phases to repay the costs of the energy conservation measures in later phases. Selected building retrofit projects will be implemented through Energy Service Companies (“ESCOs”). The purpose of this Request for Qualifications (“RFQ”) is to enable NYCHA to establish a qualified pool of ESCOs for future energy-efficiency building-retrofit projects. The RFQ will result in a pre-qualified list of ESCOs (“Qualified ESCO(s)”) certified by NYCHA, which will be eligible to bid on expedited competitive solicitations for Energy Projects over a multi-year period.

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, 6th Floor, New York, NY 10007. Edwin Mendez (212) 306-4696, edwin.mendez1@nycha.nyc.gov

m4-8

PURCHASING DIVISION

SOLICITATIONS

Goods & Services

LIQUIDATION OF NYCHA SURPLUS / OBSOLETE MATERIALS – Competitive Sealed Bids – RFQ #6662 RJ – DUE 06-03-09 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Bid documents available via internet ONLY: http://www.nyc.gov/html/nyccha/html/business/goods_materials.shtml Renato Jedreicich (718) 707-5431.

m6

HUMAN RESOURCES ADMINISTRATION

INTENT TO AWARD

Services (Other Than Human Services)

DATA/VOICE INFRASTRUCTURE – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 069-01-310-0007 – DUE 05-15-09 AT 5:00 P.M. – The Human Resources Administration (HRA)/Management Information Systems (MIS), in accordance with Section 3-04 (b)(2)(iii) of the New York City Procurement Policy Board (PPB) Rules, intends to enter into negotiations with AT&T Corp., the organization that currently provides installation of Data/Voice Infrastructure (services) to HRA, for a contract extension for a period of twelve (12) months. There is a compelling need to extend the contract once more as bid solicitations (held on 12/15/08 and 3/04/09) for the services were unsuccessful.

Vendors interested in responding to future solicitation for these services must retain a New York State Office of General Services Contract or U.S. General Services Administration Contract containing references of all Systemax products and services with appropriate pricing. You may contact Ms. Lin Jia at (718) 510-0379 or jial@hra.nyc.gov for further information. Anyone having comments on vendor performance of the proposed contract extension may contact Mr. Chukus Obicheta at (718) 510-8535 on or before 5/15/09. You may also write to: Chukus Obicheta, HRA/MIS, Office of Budget and Contracts, 15 Metrotech Center, 12th Fl., Brooklyn, NY 11201. Phone: (718) 510-8535, obichetac@hra.nyc.gov

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Human Resources Administration, 15 Metrotech Center, 12th Fl., Brooklyn, NY 11201. Chukus Obicheta (718) 510-8535.

m5-11

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

SOLICITATIONS

Goods & Services

HANDHELD METER READING DEVICES, MAINTENANCE AND REPAIR SERVICES – Sole Source – Available only from a single source - PIN# 85809SS00040 – DUE 05-11-09 AT 3:00 P.M. – DoITT intends to enter into negotiations with Northrop Grumman Commercial Information Services to provide handheld meter reading devices, maintenance and repair services on behalf of DEP. The handheld electronic meter reading devices are loaded with VersaProbe software application and able to read Shlumberger ARB v, ProRead plus; Sensus and Kent water meters. Any firm which believes it can provide the required services for the current procurement or in the future is invited to express interest via email to acco@doitt.nyc.gov by May 11, 2009, 3:00 P.M.

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

m4-8

MAINTENANCE, REPAIR, MODIFICATION, UPGRADES AND CABLING SERVICES FOR DOITT’S MANAGED NEC PBX SYSTEMS

– Negotiated Acquisition – PIN# 85809NA00041 – DUE 05-11-09 AT 3:00 P.M. – DoITT intends to enter into negotiations with Verizon Select Services to provide maintenance, repair, modifications, upgrades and cabling services for DoITT’s managed NEC PBX Systems. Any firm which believes it can provide the required services for the current procurement or in the future is invited to express interest via email to acco@doitt.nyc.gov by May 11, 2009, 3:00 P.M.

The services cannot be timely procured through competitive sealed bidding or competitive sealed proposals. DoITT’s utilizing the Negotiated Acquisition Extension procurement source method to provide the necessary goods and services in order to continue to provide uninterrupted service.

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

m4-8

NYC & COMPANY

SOLICITATIONS

Services (Other Than Human Services)

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

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

Official City trademarks to be licensed include NYPD, FDNY, NYC Parks and Recreation, Department of Sanitation, Taxi and Limousine Commission, Department of Transportation and the Mayor’s Office of Film, Theater and Broadcasting as well as a new stylized “NYC” brand.

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

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. NYC & Company, 810 7th Avenue, 3rd Floor, New York, NY 10019. Kevin Konrad (212) 484-5446, kkonrad@nyeco.com

m4-15

PARKS AND RECREATION

REVENUE AND CONCESSIONS

SOLICITATIONS

Services (Other Than Human Services)

OPERATION AND MAINTENANCE OF AN 18-HOLE JACK NICKLAUS SIGNATURE GOLF COURSE AND THE DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF A CLUBHOUSE/RESTAURANT/BANQUET FACILITY AND ANCILLARY FACILITIES – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# X126-GC – DUE 08-03-09 AT 3:00 P.M. – At Ferry Point Park, The Bronx.

Parks will hold an on-site proposer meeting and site tour on Wednesday, June 10, 2009 at 11:00 A.M. at the Ferry Point Park entrance gate on the east side of the Whitestone Bridge toll plaza. All interested parties are urged to attend.

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

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

a29-m12

INSTALLATION, OPERATION, AND MAINTENANCE OF A BEACH ADVENTURE CONCESSION –

Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# B169-A-O – DUE 05-22-09 AT 3:00 P.M. – At Coney Island Beach, Brooklyn. Parks will hold an on-site proposer meeting and site tour on Monday, May 11, 2009 at 11:00 A.M. at the entrance to Steeplechase Pier, Coney Island Beach, Brooklyn. All interested parties are urged to attend.

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

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

a29-m12

POLICE

INTENT TO AWARD

Goods & Services

MANAGEMENT AND MAINTENANCE OF THE PHOTO-IMAGING MANAGEMENT SYSTEMS – Sole Source – Available only from a single source - PIN# 056090000670 – DUE 05-13-09 AT 3:00 P.M. – The New York Police Department (NYPD) intends to enter into negotiations with DataWorks Plus, LLC, to provide management and maintenance of its customized Photo-Imaging Management System (PIMS). PIMS encompasses all of the photo-based applications used by the NYPD. The contract will include maintenance and support of the software code for PIMS. Any firm which believes it can provide the required services for the current procurement or in the future is invited to express interest via email to sheridan.ameer@nypd.org

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Police Department, 51 Chambers Street, Room 310, New York, NY 10007. Sheridan Ameer (646) 610-5221, sheridan.ameer@nypd.org

m6-12

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction / Construction Services

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW FOUR (4) STORY PRIMARY SCHOOL WITH CELLAR AND PLAYGROUND – Competitive Sealed Bids – PIN# 09-00084B-1 – DUE 06-04-09 AT 3:00 P.M. – P.S. 264 (Brooklyn). Project Range: \$39,300,000.00 - \$41,371,000.00.

Non-refundable bid document charge: \$250.00, certified check or money order only, made payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Limited List: Bids will only be accepted from the following Construction Managers/Prime General Contractors - Arena Construction Co., Inc.; Arnell Construction Corp.; Hunter Roberts Construction Group; Iannelli Construction Co., Inc.; J. Petrocelli Construction, Inc.; Leon D. DeMatteis Construction Corp.; Petracca and Sons, Inc.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Seema Menon (718) 472-8284, SMenon@nycsca.org

m6-12

AUDITORIUM UPGRADE – Competitive Sealed Bids – PIN# SCA09-12025D-1 – DUE 05-22-09 AT 2:30 P.M. – P.S. 64 (Old 71) - Manhattan. Project Range: \$1,130,000.00 - \$1,192,000.00.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Nacardie Louis (718) 752-5851, nlouis@nycsca.org

m6

TCU REMOVAL AND PARK RESTORATION – Competitive Sealed Bids – PIN# SCA09-12547D-1 – DUE 05-26-09 AT 10:30 A.M. – HS of Telecommunication Arts and Technology (Brooklyn). Project Range: \$1,220,000.00 to \$1,290,000.00. 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

m5-11

VENTILATION SYSTEMS REFURBISHMENT – Competitive Sealed Bids – PIN# SCA09-12777D-1 – DUE 05-21-09 AT 12:00 P.M. – Bushwick HS (Brooklyn). Project Range: \$840,000.00 to \$885,000.00. 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

m4-8

WINDOWS, FLOOD ELIMINATION – Competitive Sealed Bids – PIN# SCA09-12437D-1 – DUE 05-22-09 AT 10:00 A.M. – IS 256 at M118 (Manhattan). Project Range: \$3,260,000.00 to \$3,440,000.00. 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

m1-7

NEW SIX (6) STORY SCHOOL – Competitive Sealed Bids – PIN# SCA09-11809D-1 – DUE 05-28-09 AT 3:00 P.M. – Community Health Academy (Manhattan). Project Range: \$45,110,000.00 to \$47,483,000.00. Non-refundable bid document charge: \$250.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Limited List: Bid will only be accepted from the following Construction Managers/Prime General Contractors (See Attached List)
 Andron Construction Corp., Iannelli Construction Co., Inc.; Leon D. DeMatteis Construction Corp., The Morgan Contracting Corp.; Petracca and Sons Inc.; Tishman Construction Corp. of N.Y.

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

m1-7

STUDENT TOILET UPGRADES – Competitive Sealed Bids – PIN# SCA09-12346D-1 – DUE 05-22-09 AT 12:00 P.M. – Lincoln HS (Brooklyn). Project Range: \$1,240,000.00 to \$1,310,000.00. 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

m1-7

REPAIR WATER PENETRATION THRU EXT. WALLS – Competitive Sealed Bids – PIN# SCA09-12017D-1 – DUE 05-20-09 AT 12:00 P.M. – Forsyth High School (Manhattan). Project Range: \$2,360,000.00 to \$2,490,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make checks payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

a30-m6

FLOORS – Competitive Sealed Bids – PIN# SCA09-12584D-1 – DUE 05-21-09 AT 11:30 A.M. – PS 119 (Brooklyn). Project Range: \$1,050,000.00 to \$1,110,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order. Make checks payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

a30-m6

CONTRACT SERVICES

■ SOLICITATIONS

Construction / Construction Services

SURVEILLANCE CAMERA INSTALLATION – Competitive Sealed Bids – PIN# SCA09-12744D-1 – DUE 05-19-09 AT 10:30 A.M. – Five (5) Various Schools. Project Range: \$1,400,000.00 to \$1,480,000.00. 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, Long Island City, NY 11101. Ricardo Forde (718) 752-5288, rforde@nycsca.org

a30-m6

CONSTRUCTION OF A NEW WING/RENOVATIONS TO EXISTING BUILDING – Competitive Sealed Bids – PIN# SCA09-00075B-1 – DUE 06-03-09 AT 2:30 P.M. – PS 196 (Queens). Project Range: \$26,750,000.00 - \$28,161,000.00. Non-refundable bid document charge: \$250.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Limited List: Bids will only be accepted from the following Construction Managers/Prime General Contractors:
 Andron Construction Corp., Citnalta Construction Corp., J. Petrocelli Construction, Inc.; Kreisler Borg Florman General Const. Co.; Plaza Construction Corp.

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

m1-7

FLOOD ELIMINATION/EXTERIOR MASONRY/PLAYGROUND – Competitive Sealed Bids – PIN# SCA09-004474-1 – DUE 05-27-09 AT 11:30 A.M. – PS 45 (Queens). Project Range: \$1,620,000.00 - \$1,710,000.00. 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

m4-8

CLASSROOM CONVERSION – Competitive Sealed Bids – PIN# SCA09-10186D-1 – DUE 05-27-09 AT 3:00 P.M. – Brooklyn Tech High School (Brooklyn). Project Range: \$1,130,000.00 - \$1,190,000.00. 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

m6-12

REMOVE, REPAIR AND REPLACE FLOORS – Competitive Sealed Bids – PIN# SCA09-12589D-1 – DUE 05-19-09 AT 10:00 A.M. – Abraham Lincoln High School (Brooklyn). Project Range: \$960,000.00 to \$1,010,000.00. 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

a30-m6

TRANSPORTATION

■ SOLICITATIONS

Construction Related Services

PROTECTIVE COATING BRIDGES – Competitive Sealed Bids – PIN# 84108BKBR284 – DUE 06-17-09 – Contract documents available during the hours of 9:00 A.M. - 3:00 P.M. ONLY. Protective coating of BSHP Bridges in Brooklyn, Contract No. HB107007B. Together with all work, incidental thereto. A pre-bid meeting (optional) will be held on Wednesday, May 20, 2009 at 10:00 A.M. at 2 Rector Street, 7th Floor, New York, NY 10006. Effective Monday, May 4, 2009, the New York City 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, New York, NY 10041. A deposit of \$50.00 in the form of a certified check or money order made payable to New York City Department of Transportation is required to obtain Contract Bid/Proposal Documents. 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 located on the south side of the Building facing the Vietnam Veterans Memorial. All visitors must go through the building's security screening process. Bidders should allow extra time and ensure that proper government issued photo identification (i.e. Drivers License, Passport, Identification card) is available upon request. Please ensure that your company's address, telephone and fax numbers are submitted by your company (or messenger service) when picking up contract documents. For additional information please contact Mark Lenkovskiy at (212) 788-2077. Vendor Source ID#: 59567.

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, Office of the Agency Chief Contracting Officer/Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. Bid Window (212) 839-9434.

m6

AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

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

HOMELESS SERVICES

■ PUBLIC HEARINGS

WITHDRAWN BY DEPARTMENT OF HOMELESS SERVICES

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 Homeless Services and Women In Need, Inc., 115 West 31st Street, New York, NY, 10001, to develop and operate a transitional residence for homeless families located at Southern Boulevard Residence, 430 Southern Boulevard, Bronx, NY, 10455, Community Board 1. The total contract amount shall be \$49,358,795. The contract term shall be from July 1, 2009 to June 30, 2014, with one four-year option to renew from July 1, 2014 to June 30, 2018. PIN#: 071-09S-03-1360.

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method (Open Ended Request for Proposals), pursuant to Section 3-03 (b) (2) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Homeless Services, 33 Beaver Street, NY, NY, 10004, from April 24, 2009 to May 7, 2009, excluding Saturdays, Sundays and holidays from 9:00 A.M. to 5:00 P.M.

a28-m7

AGENCY RULES

TAXI AND LIMOUSINE COMMISSION

■ NOTICE

Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing Paratransit Vehicles and Service.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC's regulatory agenda for Fiscal Year 2009 because the need for such rules was not anticipated at the time the regulatory agenda was published.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on June 5, 2009 at 2:30 P.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone, no later than May 29, 2009.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than June 5, 2009 to:

Charles R. Fraser
 Deputy Commissioner for Legal Affairs/General Counsel
 Taxi and Limousine Commission
 40 Rector Street, 5th Floor, New York, New York 10006
 Telephone: 212-676-1135
 Fax: 212-676-1102 Email: tlcrules@tlc.nyc.gov

Written comments and a summary of all comments received at the hearing will be available for public inspection at that office.

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 10 thereto, to read as follows:

New Material is underlined.

**Chapter 10
 PARATRANSIT VEHICLES AND BASES**

**Sub-chapter 10A Paratransit Vehicle Owners
 Sub-chapter 10B Paratransit Base Station Owners**

\$10A-01 Scope of this Sub-chapter

- (a) To establish the procedures and requirements for obtaining and maintaining a Paratransit Vehicle Owner's License.
- (b) To provide penalties for violation of the requirements of maintaining a Paratransit Vehicle Owner's License.

\$10A-02 Penalties

- (a) Specific Penalties. If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (b) General Penalty. Fines are due within 30 days of the day the violator is found guilty of the violation.

If a respondent has made a timely request for a copy of the hearing recording under §18-14(e) of this title, the time for payment of fines is extended to 21 days from the date of the issuance of the recording. If a timely appeal has been filed, fines are stayed until a decision is made in the appeal. If the fine is not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.

(c) **Penalties.**

(1) The following violations incur mandatory penalties:

Description of Violation	Rule	Mandatory Penalty for All Violations
1. Operation of unlicensed vehicle	§10A-10(a)	● First violation: \$100-\$350
2. Driver unlicensed by TLC	§10A-10(b)	
3. Driver unlicensed by State	§10A-10(c),(d)	● Second violation (any and/or has not qualified combination of as Article 19-A "bus driver" provisions) within 24 months: \$350 - \$500
4. Unlicensed advertising "having Paratransit Service"	§10A-10(f)	● Third violation (any combination of provisions) within 24 months: Mandatory Revocation of License
5. Marking or defacing Paratransit Vehicle License	§10A-09(a)	
6. No overcharges or disability surcharges	§10A-22(a)	
7. No refusing orderly passenger	§10A-16(d)	

- (2) The 24-month period will be counted backward from the date of the most recent conviction.
- (3) The License of any Licensee who has five (or more) open and outstanding summonses for a 12-month period, will be revoked. The 12-month period will be counted from the date the earliest summons was issued.

§10A-03 Definitions Specific to this Sub-chapter

- (a) **Base Affiliation.** Each Paratransit Vehicle must be associated with a specific Paratransit Base and work only with the Base with which it is affiliated.
- (b) **Business Entity.** A Paratransit Business Entity must be either a corporation or a partnership.
- (c) **Electronic Trip Record System** is the hardware and software that collects and stores the data that must be recorded for each passenger trip.
- (d) **Licensee** refers to a Paratransit Vehicle Owner.
- (e) **Rate Schedule** is the Commission-approved listing of the manner in which and amount of fare that a Paratransit Vehicle Owner is permitted to charge a passenger.
- (f) **Vehicle** refers to a Paratransit Vehicle.
- (g) **Vehicle Owner (or Owner)** refers to a Paratransit Vehicle Owner, and can be an individual or Business Entity who:
 - (1) Owns the Vehicle outright;
 - (2) Is purchasing the Vehicle from a conditional vendor;
 - (3) Is leasing the Vehicle; or
 - (4) Is an agent or employee of any of the above and has authority to act on their behalf.

§10A-04 Licensing – Requirements

Requirements (a) through (e) apply to an individual Applicant and to all of a Business Entity Applicant's Business Entity Persons

- (a) **Age.** Applicants must be at least 18 years of age.
- (b) **Identification.** Applicants for a new (original) Paratransit Vehicle License must provide both of the following proofs of identity:
 - (1) A Valid Government photo ID.
 - (2) A Valid, original social security card.
- (c) **Fingerprinting to Verify Good Moral Character.**
 - (1) Applicants must be of good moral character.
 - (2) Applicants must be fingerprinted.
 - (3) In addition, any individual and all Business Entity Persons of a Business Entity that provides funds to an Applicant must be fingerprinted, unless the provider is a licensed bank or loan company.
 - (4) The Commission may waive any of this subdivision's fingerprinting requirements.
- (d) **Valid Certificate of Operating Authority.** Applicants must have a valid certificate of Operating Authority for the City of New York issued by the New York State Department of Transportation.
- (e) **Operate from Licensed Base.** Applicants must demonstrate that the Vehicle will operate from a Base that is Licensed unless exempted from this requirement by the Commission.
- (f) **Complete Application Forms.** The Applicant must complete and file the required Commission application forms.
- (g) **Fitness to Hold License.** The Commission will

determine an Applicant's fitness by examining the Applicant's (or Licensee's) criminal and driving records, medical and mental health records, and any history of drug or alcohol use.

- (h) **Own a Paratransit Vehicle.** Applicants must have ownership in a Paratransit Vehicle.
- (i) **Vehicle Mileage Requirements.** The Applicant for an original (new) License must submit a New York State Department of Transportation Form MC300, dated not more than one month from the application date, proving that the Vehicle meets the relevant mileage requirement:
 - (1) On and after January 1, 2009, a vehicle must have fewer than 50,000 miles.
 - (2) On and after January 1, 2010, a vehicle must have fewer than 25,000 miles.
 - (3) On and after January 1, 2011, a vehicle must be of the most recent model year or the immediately preceding model year and must have fewer than 500 miles.
- (j) **Other Requirements Relating to the Vehicle.** The Applicant must demonstrate that:
 - (1) The vehicle is in safe operating condition and meets all the requirements of the Commission and all other Government agencies that have concurrent jurisdiction.
 - (2) Applicant has the required vehicle liability insurance coverage by bond or policy as determined by the State of New York.
 - (3) The certificate of title and the certificate of registration are in the Applicant's name (unless title is retained by a lessor or conditional vendor).
 - (4) The vehicle will not have to be retired before the end of the two-year term of the License under the terms of Vehicle Retirement established in §10A-34 of this Sub-chapter.
- (k) **Other Required Documents.** In addition to copies of the certificate of title and the certificate of registration, the following documents must be filed with the application:
 - (1) A copy of the motor vehicle tax stamp receipt for the Paratransit Vehicle.
 - (2) A current Rate Schedule.
 - (3) A New York State Department of Transportation inspection checklist.
 - (4) A copy of the leasing agreement, if Applicant is leasing the vehicle.
 - (5) A partnership Applicant must file a certified copy of its partnership certification from the County Clerk.
 - (6) A corporate Applicant must file a certified copy of its certificate of incorporation and a list of its current shareholders and officers.
- (l) **Designate Drivers as Agents to Accept Service.** The Applicant must agree that any Driver who operates one of the Owner's Paratransit Vehicles will be considered as an agent of the Owner for purposes of accepting service of Commission notices to correct Vehicle defects.

§10A-05 Licensing – Terms of License

- (a) **New Licenses.** The term of a new Vehicle License is two years from the date it is issued.
- (b) **Renewals.** The renewal term of a Vehicle License is two years from the date on which the previous License expired.
- (c) **Extension.** The Commission can extend the expiration date of the Vehicle License by up to an additional 31 days.
- (d) **When to File Application for Renewal.** A renewing Applicant must file on or before the expiration date of the current License.

§10A-06 Licensing – License and Administrative Fees

- (a) **Fee for License.** The fee for a Vehicle License will be \$275 annually.
- (b) **License Replacement Fee.** The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.
- (c) **Late Filing Fee.** The Commission will charge an additional fee of \$25 for late filing of a renewal application, if it allows the filing at all.
- (d) **No Refund if Application Denied.** The Commission will not refund fees if it denies or disapproves an application.
- (e) **Change of Base Affiliation.** A Vehicle Owner can change the Paratransit Base with which it is affiliated after approval by the Commission and payment of a \$25 fee.

§10A-07 Licensing – Causes for Denial

- (a) **Failure to Meet the Requirements.** The Commission will deny an application for a new or renewed License if the Applicant fails to meet the requirements.
- (b) **No Longer Meets Requirements.** The Commission will deny a Licensee's renewal application or suspend or revoke a License if the Commission learns that the Vehicle Owner no longer meets the licensing requirements.
- (c) **Material Misrepresentation or Falsification.** The Commission will deny a Paratransit License application and may suspend or revoke a renewal application, and can impose other sanctions if the Applicant:
 - (1) Fails to notify the Commission of any

material change in the information contained in the application;

- (2) Attempts to conceal the identity of a party who has an interest in the ownership of a Paratransit Vehicle; or
- (3) Lies or misrepresents any information in the application.
- (d) **Prior License Revocation.** The Commission will not issue any License to any individual or Business Entity that has had its license revoked until at least one year following the date of the revocation.
- (e) **Misleading Trade Name.** The Commission will not issue a License to a Business Entity with a corporate or trade name similar to a name already in use by another Paratransit Vehicle Owner.

§10A-08 Licensing – Process upon Denial

- (a) **Denial of Application.** If the Commission denies the application for a Paratransit Vehicle License or its renewal, the Applicant will be notified, in writing, of the reason(s) for the denial.
- (b) **Right to Appeal On Denial.** If the Commission denies an application for a new or renewal Paratransit Vehicle License:
 - (1) The Applicant is entitled to a hearing before the Commission.
 - (2) The Applicant can be represented by an attorney or by a non-attorney.
 - (3) The Commission can, for cause, refuse to allow a non-attorney to represent the Applicant.

§10A-09 Licensing – Care of Licenses

- (a) **Unauthorized Changes to License.** A Vehicle Owner must not make any unauthorized entry on a Paratransit Vehicle License or change, deface, conceal, obliterate or render any entry on that License unreadable.

§10A-09(a)	Mandatory Penalties See §10A-02(c)
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- (b) **Surrender of Unreadable License.** A Vehicle Owner must immediately surrender an unreadable Paratransit Vehicle License to the Commission to obtain a legible replacement.

§10A-09(b)	Fine: \$25	Appearance NOT required
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- (c) **Surrender Upon Suspension or Revocation.** A Vehicle Owner must surrender a suspended or revoked License it to the Commission within 48 hours of the suspension or revocation.

§10A-09(c)	Fine: \$100	Appearance NOT required
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- (d) **Report of Lost, Stolen, or Destroyed License.**
 - (1) A Vehicle Owner must notify the Commission and the Police Department within 48 hours (not including weekends and holidays) of the theft, loss or destruction of a Paratransit Vehicle License.
 - (2) The Vehicle Owner must also furnish the Commission with an affidavit or other information as may be required, including the police receipt number.
 - (3) A substitute Paratransit Vehicle License will be issued by the Commission.

§10A-09(d)	Fine: \$50	Appearance NOT required
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- (e) **Report of Plate Replacement.** A Vehicle Owner must notify the Commission within 48 hours (not including weekends and holidays) after replacing the Vehicle's New York State license plates.

§10A-09(e)	Fine: \$50	Appearance NOT required
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§10A-10 Compliance with Laws – Unlicensed Activity

- (a) **Vehicle Must Be Licensed.** A Vehicle Owner must not allow a Paratransit Vehicle to be dispatched or operated if the Vehicle does not have a Valid License from the Commission.

§10A-10(a)	Mandatory Penalties. See §10A-02(c)
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- (b) **Driver Must Have a Paratransit License.** A Vehicle Owner must not allow a Vehicle to be dispatched or operated by a Driver who does not have a Valid Paratransit Driver's License.

§10A-10(b)	Mandatory Penalties See §10A-02(c)
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- (c) **Drivers Must Have State Driver's License.** A Vehicle Owner must not allow a Vehicle to be dispatched or operated by a Driver who does not have a Valid state driver's license.

§10A-10(c)	Mandatory Penalties See §10A-02(c)
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- (d) **Compliance with §5-09(d).** A Vehicle Owner must not allow a Vehicle to be dispatched or operated by a Driver who has not complied with §5-09(d) of Article 19-A of the New York State Vehicle and Traffic Law (setting forth certain requirements for bus drivers).

§10A-10(d)	Mandatory Penalties See §10A-02(c)
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- (e) **Base Must Be Licensed.** A Vehicle Owner must not dispatch or allow to be dispatched any Paratransit Vehicle from a Base that does not have a Valid License, unless it has been exempted by the New York State Department of Transportation.

§10A-10(e)	Fine: \$150	Appearance NOT required
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- (f) **Advertising of Unlicensed Paratransit Service.** A Vehicle Owner whose License is not Valid may not advertise or claim to offer "Paratransit Service" or any comparable service.

§10A-10(f) Mandatory Penalties See §10A-02(c)

(g) Activity After License Expiration. Any activity to provide paratransit service after the Vehicle License has expired and before a renewal License has been issued is considered "unlicensed activity" and is subject to the penalties in these Rules and in the Administrative Code.

§10A-11 Compliance with Law – Vehicle Insurance

(a) Maintain Liability Insurance.

- (1) A Vehicle Owner must maintain at least the minimum amount of liability insurance required by the NYS Department of Transportation for each Vehicle owned by Owner.
- (2) A Vehicle Owner must comply with all New York State Laws regarding this coverage.

§10A-11(a) (1) and (2) Fine: \$50 Appearance NOT required

(b) Submit Proof of Insurance.

- (1) A Vehicle Owner must submit annual proof of liability insurance coverage to the Commission on or before the 15th day of January of each year.
- (2) Proof must include the name and address of the carrier and the insurance policy number for each Paratransit Vehicle owned.

§10A-11(b) (1) and (2) Fine: \$50 Appearance NOT required

(c) Notify Commission of Cancellation or Change of Carrier. A Vehicle Owner must notify the Commission, in writing, within 72 hours after receiving notice of:

- (1) Cancellation of the required liability insurance;
- (2) Change of insurance carrier; or
- (3) Change in the policy number.

§10A-11(c) Fine: \$100 Appearance NOT required

(d) Surrender License on Loss or Termination of Insurance. A Vehicle Owner must surrender the Paratransit Vehicle License to the Commission prior to or on the termination date of the liability insurance unless:

- (1) The Owner is not notified, or
- (2) The Owner obtains new insurance effective on the termination date of the old policy.

§10A-11(d) Fine: \$100 Appearance NOT required

§10A-12 Compliance with Laws – Proper Conduct

(a) Bribery. A Vehicle Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§10A-12 (a) Fine: \$1,000 up to revocation Appearance REQUIRED

(b) Failure to Report Bribery. A Vehicle Owner must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant.

§10A-12 (b) Fine: \$1,000 up to revocation Appearance REQUIRED

(c) Fraud, Theft. While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§10A-12 (c) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED

(d) Willful Acts of Omission. While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not commit or attempt to commit any willful act of omission that is against the best interests of the public.

§10A-12 (d) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED

(e) Willful Acts of Commission. While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not commit or attempt to commit any willful act of commission that is against the best interests of the public.

§10A-12 (e) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED

(f) Threats, Harassment, Abuse. While performing the duties and responsibilities of a Vehicle Owner, a Licensee must not threaten, harass, or abuse any person.

§10A-12 (f) Fine: \$50-\$350 and/or suspension up to 30 days Appearance REQUIRED

(g) Use or Threat of Physical Force. While performing the duties and responsibilities of a Vehicle Owner or any act in connection with those duties, a Licensee must not use or attempt to use any physical force against a person or Service Animal.

§10A-12 (g) Fine: \$20-\$350 and/or suspension up to 30 days; possible revocation (OATH) Appearance REQUIRED

(h) Notice of Criminal Conviction.

- (1) A Vehicle Owner must notify the

Commission within 15 calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Business Entity Person.

- (2) The notice must be in writing and must be accompanied by a certified copy of the certificate issued by the clerk of the court explaining what happened as a result of the conviction.

§10A-12 (h) Fine: \$50-\$250 Appearance REQUIRED

(i) Failure to Cooperate with Commission Enforcement.

- (1) A Vehicle Owner must cooperate with all Commission enforcement officers and all authorized representatives of the Commission.
- (2) Cooperation includes, but is not limited to, responding to a request for the Licensee's name, License number, and any documents Licensee is required to have in his or her possession.

§10A-12 (i) Fine: \$50 to 150 Appearance REQUIRED

(j) Failure to Cooperate with the Commission.

- (1) A Vehicle Owner must promptly and truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.

§10A-12 (j)(1) Fine: \$200 and suspension until compliance Appearance REQUIRED

- (2) A Vehicle Owner must respond to any telephone or pager contact from the Commission within forty-eight hours, seven days a week.

§10A-12 (j)(2) Fine: \$500 Appearance NOT required

(k) Courtesy. Vehicle Owners must be courteous toward passengers and the general public, including Commission personnel, while performing their duties and responsibilities as Licensees.

§10A-12 (k) Fine: \$25 Appearance NOT required

(l) Unlawful Uses of Vehicle or Garage. A Vehicle Owner must not use or permit another person to use his or her Paratransit Vehicle or garage for any unlawful purpose and must immediately report to the police any criminal use or attempt thereof involving the Vehicle or Base.

§10A-12 (l) Fine: \$25-\$350 and/or suspension up to 30 days Appearance REQUIRED

§10A-13 Compliance with Laws – Miscellaneous

(a) Compliance with Laws, Rules and Regulations. A Vehicle Owner must comply with the Commission's Paratransit Vehicle Specifications and all other pertinent laws, rules or regulations governing Vehicle Owners.

§10A-13(a) Fine: \$50 Appearance NOT REQUIRED

§10A-14 RESERVED [Operations – Business Premises]

§10A-15 RESERVED [Operations – Management Oversight (Use of Agents)]

§10A-16 Operations – Service Requirements (Passengers)

(a) Timely Pickups. Vehicle Owners must schedule the daily trips as efficiently as possible, to avoid unreasonably late pickups and missed trips.

§10A-16(a) Fine: \$25 Appearance NOT required

(b) Notify Passenger of Delay. If a pickup is unreasonably delayed or cancelled, the Vehicle Owner (or Base Owner) must promptly notify the waiting passenger.

§10A-16(b) Fine: \$50 Appearance NOT required

(c) Monitor Drivers' Behavior. Vehicle Owners must monitor the behavior and conduct of the Drivers toward the passengers, investigate complaints, and take appropriate action to resolve the complaints.

§10A-16(c) Fine: \$50-\$250 and/or suspension until a monitoring procedure is devised and/or other appropriate action is taken to the satisfaction of the Commission Appearance REQUIRED

(d) Unauthorized Refusal to Provide Transportation. A Vehicle Owner must not refuse by words, gestures or any other means, to provide transportation to any orderly person who has prearranged the trip and the destination is within New York City, unless:

- (1) There is no Vehicle then available for the requested transportation; or
- (2) There is a justification for refusing that is listed in §6-20(b) of the Paratransit Driver's chapter.

§10A-16(d) Mandatory Penalties. See §10A-02(c)

§10A-17 Operations – Owners' Responsibilities with Respect to Drivers

(a) Training for Paratransit Drivers. A Vehicle Owner must ensure that every Driver is trained how to properly and safely:

- (1) Assist any Person with a Disability or other passenger in and out of a Paratransit Vehicle

§10A-17(a)(1) Fine: \$50-\$150 Appearance REQUIRED

- (2) Utilize the wheelchair ramp, the fastening devices, and any other safety precautions or devices contained in the Vehicle.

§10A-17(a)(2) Fine: \$50-\$150 Appearance REQUIRED

§10A-18 Records – Trip Record Information

(a) Trip Sheet. All Paratransit Vehicles must be equipped with an Electronic Trip Sheet that shows the following information:

- (1) The Paratransit Driver's License number.
- (2) The Paratransit Vehicle's state license plate number.
- (3) The date and time of pick-up of each passenger.
- (4) The date and time of drop-off of each passenger.
- (5) The locations of pick-ups and drop-offs.
- (6) Any other entries required by the Commission and local, state or federal law.

§10A-18(a) Fine: \$50 for each violation of this rule; however, no violation of this rule may exceed \$100 for each vehicle stop Appearance NOT required

(b) Contemporaneous Recording. The specific information about each trip must be collected and recorded when it occurs.

(c) Transmit Monthly. All data required under subdivision (a) above must be electronically transmitted to the Commission on a monthly basis.

§10A-18(c) Fine: \$250 and suspension until compliance Appearance NOT required

(d) Re-Write of Trip Record Prohibited. A Vehicle Owner must not rewrite a Trip Record in whole or in part, without prior Commission approval.

§10A-18(d) Fine: \$75-\$350 and/or suspension up to 30 days Appearance REQUIRED

(e) Correcting Electronic Trip Sheets.

- (1) The Vehicle Owner must ensure that all necessary corrections and additions are made to the Trip Sheet.
- (2) The electronic Trip Record data collected in the Paratransit Vehicle must not be erased, deleted, altered, changed or obliterated.

§10A-18(e) Fine: \$30 Appearance NOT required

(f) Hand-written Trip Sheets.

- (1) In the event that the electronic Trip Record equipment malfunctions, hand-written Trip Sheets showing the same information required in subdivision (a) above, must be used during the period the Vehicle is permitted to operate (see §10A-33(c)).
- (2) The Vehicle Owner must not allow a Vehicle to be dispatched until the Owner has signed his or her name to the hand-written Trip Sheet.

§10A-18(f)(1)-(2) Fine: \$50 for each violation of this rule; however, no violation of this rule may exceed \$100 for each vehicle stop Appearance NOT Required

- (3) At the end of a Driver's shift, the Vehicle Owner must examine any hand-written Trip Record and must enter the date and time in ink.

- (4) The Vehicle Owner must also enter and sign a statement indicating that the Driver's entries have been examined.

§10A-18(f)(3)-(4) Fine: \$25 Appearance NOT required

(g) Correcting Mistakes on Hand-Written Trip Sheets.

- (1) The Vehicle Owner must correct wrong entries on a written Trip Record (or any other written records Owner is required to maintain) by drawing a single line through the incorrect entry and initialing the correction.
- (2) A Vehicle Owner must not make erasures or obliterate or omit any essential information.

§10A-18(f) Fine: \$30 Appearance NOT required

§10A-19 Records – Current Contact Information

(a) Current Mailing Address.

- (1) The Mailing Address for a Paratransit Vehicle Owner must be either a designated post office box, or one of the following:

- (i) The home address for an individual Vehicle Owner
- (ii) A partner's home address for a partnership Licensee
- (iii) The address of the secretary of the corporation for a corporate Licensee.

- (2) The Commission will consider any notice or summons sent to the last address given by the Vehicle Owner as sufficient notice.
 - (b) 24-hour Communication Device.
 - (1) A Vehicle Owner must maintain a current telephone number on file with the Commission.
 - (2) This number must be connected to an answering machine or must be a pager number, answering service number or something similar that allows the Commission to contact the Vehicle Owner on a 24-hour basis.
-
- §10A-19(b) Fine: \$100 Appearance NOT required

§10A-20 Records – Additional Records to be Maintained

- (a) Financial and Operational Records. A Vehicle Owner must maintain complete financial and other operational records for a period of three years. The records must be available to the Commission for inspection and must include the following:
 - (1) Vehicle liability insurance coverage
 - (2) other documents specifically prepared in connection with the operation of a Paratransit Vehicle
-
- §10A-20(a) Fine: \$50 Appearance NOT required

§10A-21 Reporting Requirements

- (a) Give Drivers Access to Records for Reporting. A Vehicle Owner must make available to a Driver any records that the Vehicle Owner is required to maintain, if a Driver is required to bring those records to the Commission or any other Government agency.
-
- §10A-21(a) Fine: \$50 Appearance NOT required

(b) Lost Property.

- (1) A Vehicle Owner must look inside the Paratransit Vehicle after each work shift for anything passengers have forgotten.
 - (2) If property is found and the rightful owner is known or can be easily determined, the Vehicle Owner must notify the rightful owner within a reasonable time.
 - (3) If the rightful owner cannot be determined, the lost property must be taken without delay to the police precinct where the garage is located.
-
- §10A-21(b) Fine: \$50-\$250 Appearance NOT required

- (c) Lost Property Notification. The Vehicle Owner must promptly inform the Commission of any property found and taken to a police precinct.
 - (d) Notification of Change of Status. A Vehicle Owner must report any important changes, including any changes regarding Vehicle ownership, title, financing and registration, to the Commission within 72 hours.
-
- §10A-21(d) Fine: \$50 Appearance NOT required

§10A-22 Operations – Rates and Tolls

- (a) Overcharges.
 - (1) A Vehicle Owner must not charge or attempt to charge a fare above the approved rate of fare currently filed with the Commission.
 - (2) A Vehicle Owner must not impose or attempt to impose any additional charge for transporting a Person with a Disability, a service animal accompanying a Person with a Disability, or a wheelchair or other mobility aid.
-
- §10A-22(a) Mandatory Penalty: See 10A-02(c)

§10A-23 RESERVED [Operations – E-ZPass]

§10A-24 RESERVED [Operations – Miscellaneous Requirements]

§10A-25 Vehicle Condition – Inspections

- (a) Inspection of Paratransit Vehicles. A Vehicle Owner is responsible for ensuring that all repairs discovered by the Base Owner during Base Owner's inspection are made before allowing a Driver to operate the Vehicle.
-
- §10A-25(a) Fine: \$50-\$500 Appearance NOT required
- (b) Approved Paratransit Vehicles. A Vehicle Owner must only allow Paratransit Vehicles that have been inspected and approved by the New York State Department of Transportation to be dispatched.
-
- §10A-25(b) Fine: \$100-\$500 Appearance NOT required
- (c) Compliance with NYS DOT Rules. A Vehicle Owner must comply with the New York State Department of Transportation regulations and inspection requirements and schedules.
-
- §10A-25(c) Fine: \$100 Appearance NOT required

§10A-26 Vehicle Condition – Safety

- (a) Compliance with Notices to Correct Defects. A Vehicle Owner must comply with all Commission notices, summonses, and directives to correct defects in a Paratransit Vehicle.
-
- §10A-26(a) Fine: \$100 Appearance NOT required
- (b) Timely Repairs. A Vehicle Owner must make all repairs or alterations that the New York State Department of Transportation requires to meet its specifications or to maintain proper standards of safety and comfort. These repairs or alterations must be made within the time period given by the state inspectors.
-
- §10A-26(b) Fine: \$100 Appearance NOT required
- (c) Replacement of Unsafe or Unfit Vehicles.
 - (1) A Vehicle Owner must replace a Paratransit Vehicle when the New York State Department of Transportation determines that the Vehicle is unsafe or unfit for use as a Paratransit Vehicle and directs the Owner to remove it from service immediately.
 - (2) If a Vehicle Owner fails to replace the Vehicle within 120 days of notice, the Commission will consider it as abandonment of the Paratransit Vehicle License and the Commission can initiate revocation proceedings.
-
- §10A-26(c) Fine: \$100-\$500 and/or suspension for 30 days Appearance REQUIRED
- (d) Handling of Infectious Disease.
 - (1) Handling Passengers with Infectious Diseases. Owners and Drivers must obey all Government laws, rules and regulations, regarding the handling of passengers with infectious diseases.
-
- §10A-26(d)(1) Fine: \$25-\$1,000 and possible suspension or revocation (OATH) Appearance REQUIRED
- (2) Compliance with Rules. Owners must obey all Government laws, rules and regulations, regarding what must be provided to the Driver or passengers when transporting passengers with infectious diseases (e.g. masks, gloves, etc.).
-
- §10A-26(d)(2) Fine: \$25-\$1,000 and possible suspension or revocation (OATH) Appearance REQUIRED
- (3) Protective Clothing. The Vehicle Owner must provide protective clothing, (goggles, gloves, gowns, and masks) to any employee who disinfects the Vehicle.
-
- §10A-26(d)(3) Fine: \$25-\$1,000 and possible suspension or revocation Appearance REQUIRED
- (4) Cleaning of Vehicle after Transportation.
 - (i) Owners and Drivers must obey all Government laws, rules and regulations, regarding the cleaning of Paratransit Vehicles after transporting passengers with infectious diseases and the disposal of contaminated materials.
 - (ii) An appropriate disinfectant solution (according to the New York City Emergency Medical Service and the New York State Department of Health) is:
 - (A) One (1) part sodium hypochlorite solution (bleach) to nine (9) parts water.
 - (B) Fill the bucket with water first and then add the solution.
 - (C) This solution is incompatible with acids, organic material or reducing agents; NEVER mix this solution with hydrogen peroxide, ammonia or any other cleansing agent.
-
- §10A-26(d)(4) Fine: \$25-\$1,000 and possible suspension or revocation (OATH) Appearance REQUIRED
- (5) Stretchers and Linens.
 - (i) If a stretcher is contaminated, clean and disinfect by wiping.
 - (ii) If it is saturated, dispose of it in an appropriate manner.
 - (iii) Dispose of any contaminated linen.
 - (iv) Dispose of contaminated material by placing the items in a buff-colored impervious plastic bag, seal the bag, tag it as "contaminated" and dispose of the material in the manner approved at a local hospital.
-
- §10A-26(d)(5) Fine: \$25-\$1,000 and possible suspension or revocation (OATH) Appearance REQUIRED
- (6) Gross Contamination. In the case of gross contamination where the Vehicle is saturated or encrusted, the Vehicle must be sterilized through the use of steam gas or liquid agents.
-
- §10A-26(d)(6) Fine: \$25-\$1,000 and possible suspension or revocation (OATH) Appearance REQUIRED

§10A-27 Vehicle Condition – Miscellaneous

- (a) Clean, Painted, Good Appearance. A Vehicle Owner must keep all Paratransit Vehicles clean, well-painted and in good appearance.
-
- §10A-27(a) Fine: \$25 Appearance NOT required

§10A-28 Vehicle – Markings and Advertising

- (a) Vehicle Specifications and Markings. A Vehicle Owner must comply with the markings specifications for Paratransit Vehicles.
-
- §10A-28(a) Fine: \$50 Appearance NOT required
- (b) Remove Markings Before Selling. A Vehicle Owner is responsible for removing all official markings when selling or disposing of a Paratransit Vehicle, unless the Owner obtains Commission approval in approved transfers.
-
- §10A-28(b) Fine: \$100 Appearance NOT required
- (c) Required ID Marking. The Vehicle Owner must attach a Valid Commission decal to the Vehicle in a plainly visible location when a License is granted, renewed, or whenever else a new decal is required. The Vehicle Owner must also put the company name, trade name and other vehicle identification markings required by the Commission or New York State Law.
-
- §10A-28(c) Fine: \$50 Appearance NOT required
- (d) Commercial Use Tax Stamp. A Vehicle Owner must attach a commercial use motor vehicle tax stamp to the lower right side of the Vehicle windshield, so that it is plainly visible.
-
- §10A-28(d) Fine: \$25 Appearance NOT required
- (e) Unauthorized Advertising. A Vehicle Owner may not display advertising on the exterior or interior of a Paratransit Vehicle unless the Vehicle Owner has first obtained Commission authorization.
-
- §10A-28(e) Fine: \$50 Appearance NOT required

§10A-29 Vehicle – Documents Required in Vehicle

- (a) A Vehicle Owner may only permit the operation and the dispatch of a Paratransit Vehicle when the following are present in the Vehicle:
 - (1) The Driver's written Trip Record.
 - (2) The Driver's Paratransit Driver's License.
 - (3) A copy of the registration certificate.
 - (4) A copy of the Paratransit Vehicle License.
 - (5) A copy of the individual vehicle insurance card.
 - (6) A copy of the lease card or agreement, if any.
 - (7) All required notices.
 - (8) A two-way radio, if the Paratransit Base Owner uses a radio system.
 - (9) electronic Trip Record system.
-
- §10A-29(a) Fine: \$15 for each violation Appearance NOT required

§10A-30 Vehicle – Equipment

- (a) Only Authorized Equipment.
 - (1) A Vehicle Owner must allow the dispatch only of Paratransit Vehicles outfitted with equipment and devices specifically required by the Vehicle and Traffic Laws and by the Commission for use in Paratransit Vehicles.
 - (2) The Commission has the authority to approve equipment and devices other than those described in paragraph (1) upon the request of the Vehicle Owner.
 - (3) Owner does not need Commission approval to install additional mobility devices such as grab bars or non-slip flooring.
-
- §10A-30(a) Fine: \$30-\$300 and/or suspension up to 30 days Appearance REQUIRED

§10A-31 RESERVED [Vehicle Equipment – Partitions]

§10A-32 RESERVED [Vehicle Equipment – In-Vehicle Camera System]

§10A-33 Vehicle Equipment – Electronic Trip Record System

- (a) Must Be Installed. A Vehicle Owner must install Electronic Trip Record Systems in all Paratransit Vehicles owned by Owner.
-
- §10A-33(a) Fine: \$250 and suspension Appearance NOT required until compliance
- (b) Must Be in Good Working Order. A Vehicle Owner must not allow a Paratransit Vehicle to be dispatched unless the Electronic Trip Record System in the Vehicle is in good working order.
-
- §10A-33(b) Fine: \$500 Appearance REQUIRED
- (c) System Malfunction.
 - (1) If the Electronic Trip Record System malfunctions, the Vehicle Owner must have the system repaired or replaced within three (3) business days after the malfunction is reported to the

Commissions Safety and Emissions facility.

- (2) A Vehicle Owner can dispatch a Paratransit Vehicle in which the Electronic Trip Record System does not work, only:
 - (i) For three business days after the malfunction was reported to Safety and Emissions.
 - (ii) If a hand-written Trip Record is used in place of the Electronic Trip Record.

§10A-34 Vehicle Retirement Dates

- (a) On and after January 1, 2009, all Paratransit Vehicles that are of model year 2000 or earlier must be retired from Paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.
- (b) On and after January 1, 2010, all Paratransit Vehicles that are of model year 2002 or earlier must be retired from paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.
- (c) On and after January 1, 2011, all Paratransit Vehicles that are of model year 2004 or earlier must be retired from paratransit service no later than the expiration dates of their Paratransit Vehicle Licenses.
- (d) On and after January 1, 2012, all Paratransit Vehicles must be retired no later than seven years after the Vehicle was first licensed.
- (e) **Mandatory Retirement.**
 - (1) A Paratransit Vehicle that cannot pass the New York State Department of Transportation inspection must be retired, regardless of whether its retirement date has been reached.
 - (2) A Paratransit Vehicle which has reached its retirement date must be retired, regardless of whether it may still pass the New York State Department of Transportation inspection.
- (f) **Extension of Time for Retirement.**
 - (1) A Vehicle Owner can request an extension of a Vehicle's retirement date.
 - (2) Any request for an extension of the retirement date must be made at least two months before that date.
 - (3) The extension request must include documentation demonstrating that:
 - (i) A new vehicle has been ordered.
 - (ii) The new vehicle will not be delivered until after the retirement date.
 - (iii) The new vehicle will be delivered no later than 60 days after the retirement date.
 - (4) If the Vehicle Owner's documentation is complete and accurate, the retirement date of the Vehicle will be extended to the projected delivery date of the new vehicle. The Chairperson may confirm the completeness and accuracy of the documentation.

§10B-01 Scope of this Sub-chapter

- (a) To establish the procedures and requirements for obtaining and maintaining a Paratransit Base Station Owner's License.
- (b) To provide penalties for violation of the requirements of maintaining a Paratransit Base Station Owner's License.

§10B-02 Penalties

- (a) **Specific Penalties.** If there are specific penalties for violating a Rule, they are shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (b) **General Penalty.** Fines are due within 30 days of the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the hearing recording under §18-14(e) of this title, the time for payment of fines is extended to 21 days from the date of the issuance of the recording. If a timely appeal has been filed, fines are stayed until a decision is made in the appeal. If the fine is not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.
- (c) **Mandatory Penalties.** The following violations incur mandatory penalties:
 - (1) The following violations incur mandatory penalties:

Description of Violation	Rule	Mandatory Penalty for All Violations
8. Operation of unlicensed Vehicle	§10B-10(a)	● First violation: \$100-\$350
9. Driver unlicensed by TLC	§10B-10(b)	● Second violation (any combination of provisions) within 24 months: \$350 - \$500
10. Driver unlicensed by State and/or has not qualified as Article 19-A "bus driver"	§10B-10(c)/ §10B-10(d)	● Third violation (any combination of provisions) within 24 months: Mandatory Revocation of License
11. Passenger pick-ups only on prearranged basis; no "hails"	§10B-16(a)	

- (2) The 24-month period will be counted backward from the date of the most recent conviction.
- (3) The License of any Licensee who has five (or more) open and outstanding summonses for a 12-month period, will be revoked. The 12-month period will be counted from the date the earliest summons was issued.

§10B-03 Definitions Specific to this Sub-chapter

- (a) **Base Affiliation.** Each Paratransit Vehicle must be associated with a specific Paratransit Base and work only with the Base with which it is affiliated.
- (b) **Base (or Base Station)** refers to Paratransit Base Station.
- (c) **Base Owner (or Owner)** refers to the owner of a Paratransit Base Station.
- (d) **Business Entity.** A Paratransit Business Entity must be either a corporation or a partnership.
- (e) **Electronic Trip Record System** is the hardware and software that collects and stores the data required to be collected and kept for each passenger trip.
- (f) **Licensee** refers to a Paratransit Base Station Licensee.
- (g) **Rate Schedule** is the official list of rates and rules concerning the rates that a Paratransit Base Station is permitted to charge a passenger.
- (h) **Trip Record (or Trip Sheet)** refers to the hand-written or electronic collection of data that is required to be kept for each passenger trip.
- (i) **Vehicle** refers to a Paratransit Vehicle.

§10B-04 Licensing - General Requirements

- (a) **Identification.** An individual Applicant or an Applicant's Business Entity Persons applying for a new (original) Base Station License must provide both of the following proofs of identity:
 - (1) A Valid Government photo ID
 - (2) A Valid, original social security card
- (b) **Fingerprinting.** The Applicant and all corporate officers and active stockholders of a corporate Applicant must be fingerprinted at the Commission.
- (c) **Complete Application Forms.** The Applicant must complete and file the required application forms.
- (d) **Requirements concerning Paratransit Vehicles.**
 - (1) The application for a Base License must be accompanied by at least one Paratransit Vehicle License application.
 - (2) The Applicant must ensure that any affiliated Paratransit Vehicle being licensed for the first time submits a New York State Department of Transportation Form MC300, dated within one month of the application date, proving that the Vehicle meets the relevant mileage requirement:
 - (i) On and after January 1, 2009, a vehicle must have fewer than 50,000 miles.
 - (ii) On and after January 1, 2010, a vehicle must have fewer than 25,000 miles.
 - (iii) On and after January 1, 2011, a vehicle must be of the most recent model year or the immediately preceding model year and must have fewer than 500 miles.
- (e) **Additional Documents Required.**
 - (1) A copy of the Applicant's New York State Department of Transportation Certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle (operating authority).
 - (2) The copy of the current Rate Schedule.
 - (3) A corporate Applicant must file a copy of its certificate of incorporation and a list of its shareholders and current officers.
 - (4) A partnership Applicant must file a copy of its partnership agreement, if any.
- (f) **Additional Requirements.** An Applicant for a Base Station License must show that:
 - (1) The Base will be located on commercial property or other appropriately-zoned location unless the Base will operate no more than four (4) vehicles, in which case it can be maintained at the Base Owner's residence.
 - (2) The Base will be maintained as a separate entity.
 - (3) The Base will maintain outside advertising identifying the premises as a Paratransit Base Station and providing its business name and phone number.

§10B-05 Licensing - Term of License

- (a) **New Licenses.** The term of a new Base License is two years.
- (b) **Renewals.** The renewal term of a Base License is two years from the date on which the previous License expired.
- (c) **When to File Application for Renewal.** A renewing Applicant must file a complete application on or

before the expiration date of the current License.

§10B-06 Licensing - License and Administrative Fees

- (a) **Fee for License.** The fee for a Paratransit Base License is \$500 annually.
- (b) **License Replacement Fee.** The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.
- (c) **When Fee is Paid.** The fee for an original or renewal License must be paid at the time the application is filed.
- (d) **Late Filing Fee.** The Commission will charge an additional fee of \$25 for late filing of a renewal application, if it allows the filing at all.
- (e) **No Refund if Application Denied.** The Commission will not refund fees if it denies or disapproves an application.

§10B-07 Licensing - Causes for Denial

- (a) **No Longer Meets Requirements.** The Commission will deny a Base Owner's renewal application or suspend or revoke a License if the Commission learns that the Owner no longer meets the Base License requirements.
- (b) **Prior License Revocation.** The Commission will not issue any License to any individual or Business Entity that has had its license revoked until at least one year following the date of the revocation.
- (c) **Misleading Trade Name.** The Commission will not issue a License to a Business Entity with a corporate or trade name similar to a name already in use by another Paratransit Base Station Owner.

§10B-08 Licensing - Transfer of Base License

- (a) A Base Owner must notify and get prior approval from the Commission before transferring, selling, or assigning the Base to another.
- | | | |
|------------|-------------|-------------------------|
| §10B-08(a) | Fine: \$100 | Appearance NOT required |
|------------|-------------|-------------------------|
- (b) The prospective new Base Owner must file the appropriate Base application form with the Commission.
 - (c) Upon approval of the transfer, the Commission will permit the entire fleet to be transferred to the new Base as long as the Vehicles meet the age retirement requirements established in Sub-chapter 10A-34 of this Chapter.
 - (d) The Transferee must pay the paratransit affiliation fee to the Commission, if any is required.
- | | | |
|------------|-------------|-------------------------|
| §10B-08(d) | Fine: \$100 | Appearance NOT required |
|------------|-------------|-------------------------|

§10B-09 RESERVED [Licensing - Care of Licenses]

§10B-10 Compliance with Laws - Unlicensed Activity

- (a) **Vehicle Must Be Licensed.** A Base Station Owner must not dispatch or allow a Paratransit Vehicle to be operated if the Vehicle does not have a Valid License.

§10B-10(a)	Mandatory Penalties. See §10B-02(c)
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- (b) **Driver Must Have a Paratransit License.** A Base Station Owner must not dispatch a Driver who does not have a Valid Paratransit Driver's License.

§10B-10(b)	Mandatory Penalties See §10B-02(c)
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- (c) **Driver Must Have State Driver's License.** A Base Station Owner must not dispatch a Driver who does not have a Valid state driver's license.

§10B-10(c)	Mandatory Penalties See §10B-02(c)
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- (d) **Compliance with §509-d.** A Base Station Owner must not allow a Vehicle to be dispatched or operated by a Driver who has not complied with §509-d of Article 19-A of the New York State Vehicle and Traffic Law (regarding requirements for bus drivers).

§10B-10(d)	Mandatory Penalties See §10B-02(c)
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- (e) **Base Must Be Licensed.** A Base Station Owner must not dispatch any Vehicle if the Base does not have a Valid Base Station License, unless it has been exempted by the New York State Department of Transportation.

§10B-10(e)	Fine: \$150	Appearance NOT required
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- (f) **Activity After License Expiration.** Any activity to provide paratransit service after the Vehicle License has expired and before a renewal License has been issued is considered "unlicensed activity" and is subject to the penalties in these Rules and in the Administrative Code.

§10B-11 Compliance with Laws - Worker's Compensation

- (a) **Compliance with Workers' Compensation Law.** A Base Station Owner must comply with all provisions of the New York State Workers' Compensation law and regulations, and provide coverage and benefits to all eligible employees.

§10B-11(a)	Fine: \$25 for each day of non-compliance and either suspension until compliance or license revocation	Appearance REQUIRED
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§10B-12 Compliance with Laws - Proper Conduct

- (a) **Bribery.** A Base Station Applicant or Licensee must not offer or give any gift, gratuity or thing of value to any employee, representative or member of the Commission or any other public servant.

§10B-12 (a)	Fine: \$1,000 up to revocation	Appearance REQUIRED
(b)	<i>Failure to Report Bribery.</i> A Base Station Owner must immediately report to the Commission any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any other public servant.	
§10B-12 (b)	Fine: \$1,000 up to revocation	Appearance REQUIRED
(c)	<i>Fraud, Theft.</i> While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit, any act of fraud, misrepresentation or theft.	
§10B-12 (c)	Fine: \$25-\$350 and/or suspension up to 30 days	Appearance REQUIRED
(d)	<i>Willful Acts of Omission.</i> While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit any willful act of omission that is against the best interests of the public.	
§10B-12 (d)	Fine: \$25-\$350 and/or suspension up to 30 days	Appearance REQUIRED
(e)	<i>Willful Acts of Commission.</i> While performing the duties and responsibilities of a Base Station Owner, a Licensee must not commit or attempt to commit any willful act of commission that is against the best interests of the public.	
§10B-12 (e)	Fine: \$25-\$350 and/or suspension up to 30 days	Appearance REQUIRED
(f)	<i>Threats, Harassment, Abuse.</i> While performing the duties and responsibilities of a Base Station Owner, a Licensee must not:	
	(1)	Threaten, harass, or abuse any person;
	(2)	Distract, or attempt to distract a Service Animal.
§10B-12 (f)	Fine: \$25-\$350 and/or suspension up to 30 days	Appearance REQUIRED
(g)	<i>Use or Threat of Physical Force.</i> While performing the duties and responsibilities of a Base Station Owner or any act in connection with those duties, a Licensee must not harm, use or attempt to harm or use any physical force against a person or Service Animal.	
§10B-12 (g)	Fine: \$20-\$350 and/or suspension up to 30 days; possible revocation (OATH)	
(h)	<i>Notice of Criminal Conviction.</i>	
	(1)	A Base Station Owner must notify the Commission within 15 calendar days after any criminal conviction of the Licensee, individually or, if the Licensee is a Business Entity, of any Business Entity Person.
	(2)	The Owner must also provide the Commission with a certified copy of the certificate issued by the clerk of the court explaining what happened as a result of the conviction within 15 days after the certificate is issued.
§10B-12 (h)	Fine: \$50-\$250	Appearance REQUIRED
(i)	<i>Failure to Cooperate with Commission Enforcement.</i> A Base Station Owner must cooperate with all Commission enforcement officers and all authorized representatives of the Commission. Cooperation includes, but is not limited to, responding to a request for the Licensee's name, License number, and any documents Licensee is required to have in his or her possession.	
§10B-12 (i)	Fine: \$15-150	Appearance REQUIRED
(j)	<i>Failure to Cooperate with the Commission.</i>	
	(1)	A Base Station Owner must promptly and truthfully answer all questions and comply with all communications, directives, and summonses issued by the Commission or its representatives.
§10B-12 (j)(1)	Fine: \$200 and suspension until compliance	Appearance REQUIRED
	(2)	A Base Station Owner must respond to any telephone or pager contact from the Commission within forty-eight hours, seven days a week.
§10B-12 (j)(2)	Fine: \$500	Appearance NOT required
(k)	<i>Courtesy.</i> Owners must be courteous toward passengers and the general public, including Commission personnel, while performing their duties and responsibilities as Owners.	
§10B-12 (k)	Fine: \$25	Appearance NOT required
§10B-13 RESERVED [Compliance with Laws – Miscellaneous]		
§10B-14 Operations – Business Premises		
(a)	<i>Location of Business.</i> The Base must be located on commercial property or other appropriately-zoned location. If the Base operates four or fewer vehicles, it can be maintained at the Base Owner's residence.	
(b)	<i>Required Outside Signage.</i> The Base must maintain outside advertising stating the business name and telephone number and indicating to the public that it is a Paratransit Base.	
§10B-14(b)	Fine: \$50	Appearance NOT required
(c)	<i>Record Maintenance.</i> The Base must maintain Trip Records of all Paratransit Vehicles dispatched.	
§10B-15 RESERVED [Operations – Management		

Oversight (Use of Agents)]**§10B-16 Operations – Service Requirements (Passengers)**

(a) *Prohibited Pickups.* A Base Owner must only dispatch Drivers to pick up passengers on a prearrangement basis. Base Owners must not allow Drivers to solicit or respond to hails.

§10B-16(a) Mandatory Penalties. See §10B-02(c)

(b) *Timely Pickups.* Base Owners must schedule and dispatch the daily trips as efficiently as possible, to avoid unreasonably late pickups and missed trips.

§10B-16(b) Fine: \$25 Appearance NOT required

(c) *Notify Passenger of Delay.* If a pickup is unreasonably delayed or cancelled, the Base Owner (or Vehicle Owner) must promptly notify the waiting passenger.

§10B-16(c) Fine: \$50 Appearance NOT required

(d) *Monitor Drivers' Behavior.* Base Owners must monitor the behavior and conduct of the Drivers toward the passengers, investigate passenger complaints, and take appropriate action to resolve the complaints.

§10B-16(d) Fine: \$50-\$250 and/or suspension until a monitoring procedure is devised and/or other appropriate action is taken to the satisfaction of the Commission

§10B-17 Operations – Owners' Responsibilities with Respect to Drivers

(a) *Maximum Hours of Work for Drivers.* A Base Owner must not require a Driver to operate a Paratransit Vehicle more than (12) consecutive hours. However, if a Driver has accepted a passenger prior to the conclusion of the twelfth hour the Driver can complete that trip provided he or she is able to drive safely.

§10B-17(a) Fine: \$50 Appearance NOT required

(b) *Familiarize Employees with Rules and Regulations.*

(1) Base Owners must ensure that all Drivers (and other employees) are familiar with the rules that govern Driver conduct and aware of any changes made to those rules.

(2) Base Owners must maintain a current copy of the Commission Rules at the Base for the information of Drivers and employees.

§10B-17(b) Fine: \$50 Appearance NOT required

§10B-18 Records – Trip Record Information (Electronic)

(a) *Required Information.* Base Owners must not dispatch a Paratransit Vehicle unless it is equipped with an Electronic Trip Record System that electronically collects all of the following trip data:

- (1) The Paratransit Driver's license number.
- (2) The Paratransit Vehicle's state license plate number.
- (3) The date and time of pick-up of each passenger.
- (4) The date and time of drop-off of each passenger.
- (5) The locations of pick-ups and drop-offs.
- (6) Any other entries required by the Commission and local, state or federal law.

NOTE: The Driver must enter the location, date and time of passenger pick-up and drop-off and any other data that must be collected during the trip; the Base Owner is permitted to make all other entries

§10B-18(a) Fine: \$250 and suspension until compliance Appearance NOT required

(b) *Transmit Monthly.* All data required under subdivision (a) above must be electronically transmitted to the Commission on a monthly basis.

§10B-18(b) Fine: \$250 and suspension until compliance Appearance NOT required

(c) *Corrections.* The Base Owner must make all necessary corrections and additions to the Electronic Trip Record System.

§10B-18(c) Fine: \$30 Appearance NOT required

(d) *No Deletions or Alterations.* The Base Owner must not permit the electronic trip record data collected in the Paratransit Vehicle to be erased, deleted, altered, changed or obliterated.

§10B-18(d) Fine: \$30 Appearance NOT required

§10B-19 Records – Current Contact Information

(a) *Current Mailing Address.* The Mailing Address for a Paratransit Base Station must be either the address of the Base Station or a designated post office box. The Commission will consider any notice or summons sent to the last address given by the Base Owner as sufficient notice.

(b) *24-hour Communication Device.*

(1) A Base Owner must maintain a current telephone number on file with the Commission.

(2) This number must be connected to an

answering machine or must be a pager number, answering service number or something similar that allows the Commission to contact the Base Owner on a 24-hour basis.

§10B-19(b) Fine: \$100 Appearance NOT required

§10B-20 Records – Additional Records to be Maintained

(a) *Financial and Operational Records.* A Base Owner must maintain complete financial and other operational records for a period of three years. The records must be available to the Commission for inspection and must include the following:

- (1) The driver's trip records.
- (2) Any workers' compensation insurance coverage
- (3) Any other documents created or maintained in conjunction with the operation of a Base

§10B-20(a) Fine: \$50 Appearance NOT required

§10B-21 Reporting Requirements

(a) *Report Rate Changes.* A Base Owner must file the Rate Schedule with the Commission annually or at least ten (10) days prior to the effective date of any change.

§10B-21(a) Fine: \$50 Appearance NOT required

(b) *Give Drivers Access to Records for Reporting.* A Base Owner must provide a Driver with access to any records (or copies of the records) that the Base is required to maintain, if a Driver is required to bring those records (or copies) to the Commission or any other Government agency.

§10B-21(b) Fine: \$50 Appearance NOT required

(c) *Report Change of Status.* A Base Owner must report any important changes, including a change in the Base address, to the Commission within 72 hours.

§10B-21(c) Fine: \$50 Appearance NOT required

§10B-22 Operations – Rates and Tolls

(a) *Must file Rate Schedule.* A Base Owner must not dispatch a Paratransit Vehicle unless the Rate Schedule for the Paratransit Vehicle has been filed with the Commission.

(b) *Must List Rate Schedule.* The Rate Schedule must include the minimum fare, different fares for different types of paratransit services, portal time, tolls and extra charges, if any.

§10B-22 Fine: \$50 Appearance NOT required

§10B-23 RESERVED [Operations – E-ZPass]**§10B-24 RESERVED [Operations – Miscellaneous Requirements]****§10B-25 Vehicle Condition – Inspections**

(a) *Equipment Must be in Good Working Order.* A Base Owner must not dispatch a Paratransit Vehicle until the Base Owner inspects and reasonably determines that all equipment is in good working order and meets all requirements of the New York State Vehicle and Traffic Law and these Commission Rules.

(b) *Equipment to be Inspected.* Equipment to be inspected includes, but is not limited to, brakes, tires, lights, signals, wheelchair ramps, fastening devices, and heating and ventilation units.

§10B-25 Fine: \$50-\$500 Appearance NOT required

§10B-26 RESERVED [Vehicle Condition – Safety]**§10B-27 RESERVED [Vehicle Condition – Miscellaneous]****§10B-28 Vehicle – Markings and Advertising**

(a) *Vehicle Specifications and Markings.* A Base Owner must comply with the markings specifications for Paratransit Vehicles.

§10B-28(a) Fine: \$50 Appearance NOT required

(b) *Required ID Marking.* A Base Owner must ensure that each Vehicle affiliated with the Base has a Valid Commission Decal attached to and plainly visible on the exterior of the Vehicle.

§10B-28(b) Fine: \$50 Appearance NOT required

(c) *Commercial Use Tax Stamp.* A Base Owner must confirm that the vehicle has a commercial use motor vehicle tax stamp attached to the lower right side of the Vehicle windshield, and is plainly visible.

§10B-28(c) Fine: \$25 Appearance NOT required

(d) *Unauthorized Advertising.* A Base Owner must not display advertising on the exterior or interior of a Paratransit Vehicle unless the Base Owner has first obtained Commission authorization.

§10B-28(d) Fine: \$50 Appearance NOT required

§10B-29 Vehicle – Documents Required in Vehicle

(a) Base Owner must only permit the operation and the dispatch of a Paratransit Vehicle when the following are present in the Vehicle:

- (1) The Trip Record.
- (2) The Driver's Paratransit Driver's License.

09HPD026M	Promesa East 120th Street and 1st Avenue Mixed-Use	Manhattan	MN11
09HPD027K	Vann Court	Brooklyn	BK03
09HPD029Q	161-79 86th Street	Queens	QN08
09HPD030K	Navy Green	Brooklyn	BK02
09HPD031K	Riverway Senior Apartments	Brooklyn	BK16
09SBS004R	New York Container Terminal Expansion Project	Staten Island	SI01
08TLC052K	39 Line Trip Car Service Inc	Brooklyn	BK07
08TLC054K	NY 88 Express	Brooklyn	BK10
08TLC055X	New York Ride, Inc	Bronx	BX12
08TLC059M	Family San Juan Radio Dispatch Inc	Manhattan	MN09
09TLC007K	Flamingo Transportation & Limo Services	Brooklyn	BK09
09TLC009Q	Dollar Express Car & Limo Inc	Queens	QN12
09TLC010Q	Duke Car & Limo Service	Queens	QN08
09TLC011K	Colonial II Car & Limousine Inc	Brooklyn	BK10
09TLC012K	Safari Transportation Inc	Brooklyn	BK03
09TLC013Q	Champion Car & Limo Service Inc	Queens	QN04
09TLC014K	Red Hook Car & Limo Service	Brooklyn	BK06
09TLC015M	Xpress Transportation & Multi Service Inc	Manhattan	MN12
09TLC016K	Narrows Limo & Car inc	Brooklyn	BK10
09TLC017Q	Astoria Transportation Inc	Queens	QN01
09TLC018K	Promenade Car Lease Inc	Brooklyn	BK02
09TLC019K	Gason Car & Limousine Service Inc	Brooklyn	BK12
09TLC020R	Double A Car Service Inc d/b/a United Cars	Staten Island	SI03
09TLC021M	Segura Mobile Service Inc (Allen Car Service)	Manhattan	MN03
09TLC022Q	Moe Car & Limo Service Inc	Queens	QN02
09TLC024M	Allen Car Service Inc	Manhattan	MN03
09BOE001K	NYC Board of Election Voting Machine Facility	Brooklyn	BK07
08DME010X	Broadway Plaza	Bronx	BX08
09DPR002M	Randall's Island Field Development Project	Manhattan	MN11

DETERMINATION OF SIGNIFICANCE

Negative Declaration

CEQR NO.	Project Name	Borough	CD
09BOE001K	NYC Board of Election Voting Machine Facility	Brooklyn	BK07
07DCP041M	345 West 35th Street	Manhattan	MN04
07DCP085M	111 Eighth Avenue Parking Garage Expansion	Manhattan	MN04
07DCP087K	111 Union Street Rezoning	Brooklyn	BK06
08DCP013K	155 West Street Special Permit	Brooklyn	BK01
08DCP046M	Maz Mezcal Small Sidewalk Cafe Zoning Text Amendment	Manhattan	MN08
08DCP050M	405 West 53rd Street Parking Garage	Manhattan	MN04
08DCP057M	150 Charles Street Public Parking Garage	Manhattan	MN02
08DCP060R	4243 & 4247 Richmond Avenue	Staten Island	SI03
08DCP063M	150 Amsterdam Avenue	Manhattan	MN07
08DCP064M	4-8 East 94th Street	Manhattan	MN08
08DCP069R	481 Jersey Street	Staten Island	SI01
09DCP021R	Cross Access Connection Text Amendment	Staten Island	SI/all
09DCP029Y	Bicycle Parking Text Amendment	Citywide	
09DCP031M	Eastern Yards Text Amendment	Manhattan	MN04
09DCP035Y	Waterfront Zoning Text Amendment	Citywide	
09DCP042Q	North Flushing Rezoning	Queens	QN07 QN11
09DCP046Y	Inclusionary Housing Text Amendment	Citywide	
09DCP047Q	Long Island City District Text Amendment	Queens	QN02
09DCP052K	Canarsie Rezoning	Brooklyn	BK18
01DEP087K	Gowanus Facilities Upgrade	Brooklyn	BK06
07DEP003U	Gilboa Dam Reconstruction	Upstate	
09DEP046U	Proposed Amendments to the Rules for the Recreational Use	Upstate	
09DEP047U	Proposed Expansion of Boating at Cannonsville Reservoir	Upstate	
09DHS004K	The Flagstone Family Residence	Brooklyn	BK16
09DHS005X	The Lafayette Safe Haven	Bronx	BX02
08DME010X	Broadway Plaza	Bronx	BX08
09DME002K	Bush Terminal - Units B & C	Brooklyn	BK07
04DOS004Q	Tully Environmental Inc	Queens	QN07
08DPR003R	Goodhue Park Mapping and Acquisition	Staten Island	SI01
09DPR004X	Putnam Greenway	Bronx	BX08
09HPD021K	Coney Island Commons	Brooklyn	BK13
09HPD025M	West 128th Street Dempsey Apartments	Manhattan	MN10

09SBS002M	Pier 92-94 Manhattan, Vornado-MMPI Trade Show Facility	Manhattan	MN04
08TLC052K	39 Line Trip Car Service Inc	Brooklyn	BK07
08TLC054K	NY 88 Express	Brooklyn	BK10
08TLC055X	New York Ride, Inc	Bronx	BX12
08TLC059M	Family San Juan Radio Dispatch Inc	Manhattan	MN09
09TLC007K	Flamingo Transportation & Limo Services	Brooklyn	BK09
09TLC009Q	Dollar Express Car & Limo Inc	Queens	QN12
09TLC011K	Colonial II Car & Limousine Inc	Brooklyn	BK10
09TLC012K	Safari Transportation Inc	Brooklyn	BK03
09TLC014K	Red Hook Car & Limo Service	Brooklyn	BK06
09TLC016K	Narrows Limo & Car inc	Brooklyn	BK10
09TLC017Q	Astoria Transportation Inc	Queens	QN01
09TLC018K	Promenade Car Lease Inc	Brooklyn	BK02
09TLC019K	Gason Car & Limousine Service Inc	Brooklyn	BK12
09TLC020R	Double A Car Service Inc d/b/a United Cars	Staten Island	SI03
09TLC021M	Segura Mobile Service Inc (Allen Car Service)	Manhattan	MN03
09TLC022Q	Moe Car & Limo Service Inc	Queens	QN02
09TLC024M	Allen Car Service Inc	Manhattan	MN03

Modified Negative Declaration

CEQR NO.	Project Name	Borough	CD
08DCP032R	Brighton Avenue Hillside Authorizations	Staten Island	SI01
08DPR002X	Shakespeare Ave/West Bronx Recreation Center Ball Field	Bronx	BX04
06HPD011M	Dona Petra Santiago Apartments	Manhattan	MN03

Conditional Negative Declaration

CEQR NO.	Project Name	Borough	CD
06DCP041Q	Astoria Boulevard Rezoning	Queens	QN03
07DCP046X	Vista Mar I	Bronx	BX09
07DCP056K	Clarkson Avenue Zoning Map Amendment	Brooklyn	BK17
08DCP005K	830 Fountain Avenue	Brooklyn	BK05

Positive Declaration

CEQR NO.	Project Name	Borough	CD
09DCP015K	Gowanus Rezoning and Related Actions	Brooklyn	BK06
09DCP019M	15 Penn Plaza	Manhattan	MN05
09HPD022M	West 44th Street and Eleventh Avenue Rezoning (PS 51)	Manhattan	MN04

SCOPING

CEQR NO.	Project Name	Borough	CD
09DCP015K	Gowanus Rezoning and Related Actions	Brooklyn	BK06
09HPD022M	West 44th Street and Eleventh Avenue Rezoning (PS 51)	Manhattan	MN04

Final Scope of Work

CEQR NO.	Project Name	Borough	CD
08DCP071X	Lower Concourse Rezoning and Related Actions	Bronx	BX01
09DCP024X	161st Street/River Avenue Rezoning	Bronx	BX04
08DME007K	Coney Island Rezoning	Brooklyn	BK13

ENVIRONMENTAL IMPACT STATEMENT

CEQR NO.	Project Name	Borough	CD
08DCP071X	Lower Concourse Rezoning and Related Actions	Bronx	BX01
09DCP024X	161st Street / River Avenue Rezoning	Bronx	BX04

Final EIS and NOC

CEQR NO.	Project Name	Borough	CD
07DCP071M	770 Eleventh Avenue Mixed Use Development Rezoning	Manhattan	MN04
08DCP033K	363-365 Bond Street	Brooklyn	BK06
07HPD021K	Gateway Estates II Project, Fresh Creek Urban Renewal	Brooklyn	BK05
07NYP004X	Public Safety Answering Center II (PSAC II)	Bronx	BX11

MISCELLANEOUS

CEQR NO.	Project Name	Borough	CD
09DCP013Q	Special Forest Hills Special District	Queens	QN06

OFFICE OF MANAGEMENT AND BUDGET

NOTICE

DEPARTMENT OF CITY PLANNING
OFFICE OF MANAGEMENT AND BUDGET
COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM
NOTICE OF PROPOSED PROGRAM CHANGES TO THE 2009 CONSOLIDATED PLAN
NOTICE OF AVAILABILITY OF THE PROPOSED CITY FISCAL YEAR 2010 COMMUNITY DEVELOPMENT PROGRAM DESCRIPTIONS & BUDGET
NOTICE OF PROPOSED EXPENDITURE FOR

COMMUNITY DEVELOPMENT PROGRAM FUNDING UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

TO ALL AGENCIES, COMMUNITY BOARDS, GROUPS AND PERSONS:

Modification to the Community Development Block Grant Program (CD)

Pursuant to Section 91.105(c) of the Department of Housing and Urban Development's (HUD) Consolidated Plan Regulations, the City proposes changes in the 2009 Consolidated Plan/Thirty-Fifth Community Development Program Year (CD 35), effective July 1, 2009. The proposed changes are identified in the "Proposed City Fiscal Year 2010 Community Development Program". This document contains the Proposed City Fiscal Year 2010 budget, the Proposed Revised CD Year 35 budget (which will be incorporated into the Amended 2009 Consolidated Plan) and the Proposed CD 36 budget.

This document also contains the City's proposal for Community Development Program funding under the American Recovery and Reinvestment Act of 2009.

On Monday, May 4th, the "Proposed City Fiscal Year 2010 Community Development Program" document will be available, one copy per person or organization, at the following locations:

The Department of City Planning
The Book Store
22 Reade Street, 1st Floor
New York, New York 10007
10:00 A.M. - 4:00 P.M.

The Office of Management and Budget
75 Park Place, 8th Floor Reception Area
New York, New York 10007
10:00 A.M. - 5:00 P.M.

If you would like the document emailed to you in PDF format, please call (212) 788-6177.

Written comments on the proposed changes should be directed to Charles V. Sorrentino, Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street, 4th Floor, New York, New York 10007 by June 4, 2009.

City of New York:
Amanda M. Burden, Director, Department of City Planning
Mark Page, Budget Director, Office of Management and Budget

Date: May 4, 2009

m4-8

POLICE

NOTICE

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

a1-m18

LATE NOTICE

HUMAN RESOURCES ADMINISTRATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 7, 2009, 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 Human Resources Administration of the City of New York and the contractor listed below, for the provision of assisting domestic violence clients to establish new homes. The contract term shall be from July 1, 2008 to June 30, 2009.

Contractor/Address

Sanctuary for Families, P.O. Box 1406
Wall Street Station, New York, NY 10268

PIN# 06909H070019 Amount \$150,000
Service Area Citywide

The proposed contract is being funded through City Council Discretionary Funds Appropriation, pursuant to Section 1-02 (e) of the Procurement Policy Board (PPB) Rules.

A draft copy of the proposed contract is available for public inspection at the Human Resources Administration of the City of New York, 180 Water Street, Room 1420, New York, NY 10038, on business days, from May 6, 2009 through May 7, 2009, from 10:00 A.M. to 5:00 P.M.

m6-7