



THE CITY RECORD

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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

QUEENS BOROUGH PRESIDENT

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on **Thursday, May 14, 2009** at 10:30 A.M., in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than **FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.**

CD07 – BSA# 246-01 BZ - IN THE MATTER of an application submitted by Eric Palatnik, PC on behalf of Bodhi Fitness Center, Inc. pursuant to Section 73-11 of the NYC Zoning Resolution, for a waiver of the Rules of Practice, a reopening to reflect the new owner/operator, and an extension of the term for a previously granted special permit for a physical culture establishment, which expired on June 1, 2008 in an M1-1/C2-2 district located at **35-11 Prince Street**, Block 4958, Lot 1, Zoning Map 10a, Flushing, Borough of Queens.

CD07 – BSA# 41-06 BZ - IN THE MATTER of an application submitted by Akerman Senterfitt Stadtmauer Bailkin on behalf of New York Hospital Queens pursuant to Sections 72-01 and 72-22 of the NYC Zoning Resolution, to legalize the relocation of the most northwestern portion of the parking structure, creating a 4'-8" side yard at the northwest corner which does not comply with the BSA-approved plans and ZR§ 33-25 in an R2/C1-2 district located at **139-24 Booth Memorial Avenue**, Block 6401, Lot 19, Zoning Map 10b, Flushing, Borough of Queens.

CD 08 – BSA #24-09 BZ - IN THE MATTER of an application submitted by Sheldon Lobel, P.C. on behalf of Meadow Park Rehabilitation and Health Care Center LLC, pursuant to Section 72-21 of the NYC Zoning Resolution, for a bulk variance to allow expansion of an existing nursing care facility located in an R3-2 district at **78-10 164th Street**, Block 6851, Lots 9, 11, 12, 23 & 24, Zoning Map 14c, Borough of Queens.

CD06 – ULURP# 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 of 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 R3-2 and M1-1 districts, Block 3886, Lots 340 and 558 and Block 3897, Lot 12, Zoning Map 14b, Glendale, Borough of Queens.

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);

c. the minimum distance between buildings on a zoning lot requirements of Section 23-711 (Standard minimum distance between buildings); and

d. 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. In addition, the entrances and exits to all off-street loading berths shall not be located on a #wide street# except by authorization as set forth in this Section.

- a) #Accessory# off-street parking spaces #Accessory# off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-561 (Accessory off-street parking spaces).
b) Curb cuts The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets# where such curb cuts are needed exclusively for required off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-553 and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.
c) Waiver of loading berth requirements The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:
(1) be hazardous to traffic safety;
(2) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; or
(3) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

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; * * * indicate where unchanged text appears in the Zoning Resolution.

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#; were 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 was were considered to be worthy of such preservation by the City Planning Commission and the Board of Estimate, or its successor ;, and established designated pursuant to Section 103-05-01. The Special PC Planned Community Preservation District and its regulations supplement or modify those of the districts on which it is superimposed.

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. These general goals include, among others, the following specific purposes:

- (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 (repeated from Section 12-10)

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 was 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

The City Planning Commission has established the #Special Planned Community Preservation District# in areas that:

- (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 District# 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 west of Fifth Avenue to a line 150 feet east of Fifth Avenue
37th Street - from a line 150 feet west of Fifth Avenue to a line 150 feet east of Sixth Avenue to Broadway
37th Street - from Third Avenue to Seventh Avenue
38th Street - from Exit Street to Seventh Avenue
39th Street - from a line 100 feet east of Exit Street to Broadway
40th Street - from a line 100 feet east of Exit Street to Third Avenue
41st 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

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF REAL ESTATE SERVICES

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT A REAL PROPERTY ACQUISITIONS AND DISPOSITIONS PUBLIC HEARING, in accordance with Section 824 of the New York City Charter, will be held at 10:00 A.M. on May 20, 2009 in the second floor conference room, 22 Reade Street, in Manhattan.

IN THE MATTER OF a proposed lease for the City of New York, as tenant, of approximately 39,388 rentable square feet of space on part of the ground, the entire fourth floor and 16 parking spaces on the cellar floor, in a building to be constructed at 4650 Broadway (Block 2175, Lot 1) in the Borough of Manhattan for the Department of Housing Preservation and Development to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine.

The proposed lease shall be for a period of twenty (20) years from Substantial Completion of alterations and improvements, at an annual rent for office space of \$1,467,203.00 (\$37.25 per square foot) and \$40,320.00 per annum (\$210 per month per space) for parking space for the first five (5) years, \$1,654,296.00 (\$42.00 per square foot) for office space and \$44,352.00 per annum (\$231 per month per space) for parking space for the following five(5) years, \$1,864,627.90 (\$47.34 per square foot) for office space and \$48,960.00 per annum (\$255 per month per space) for parking space for the following five (5) years and \$2,101,349.80 (\$53.35 per square foot) for office space and \$53,760.00 per annum (\$280 per month per space) for parking space for the last five (5) years, payable in equal monthly installments at the end of each month. There shall be three (3) months of free rent.

IN THE MATTER OF a proposed lease for the City of New York, as tenant, of approximately 11,807 rentable square feet, on part of the forth (4th) floor, in a building located at 195 Montague Street (Block 244, Lot 1007), in the Borough of Brooklyn, for the Department of Health and Mental Hygiene, or for such other use as the Commissioner of the Department of Citywide Administrative Services may determine.

The proposed lease shall be for a period of ten (10) years from Substantial Completion of alterations and improvements as certified by DRES. The rent shall commence two (2) months after substantial completion at an annual rent of \$400,000.00 (\$33.88 per square foot) for first five (5) years, and \$450,000.00 (\$38.11 per square foot) for the last five (5) years, payable in equal monthly installments at the end of each month.

Tenant shall have the right to terminate the lease on each anniversary of the rent commencement after the fifth (5th) year with 120 days prior written notice to Landlord. If the Tenant exercises its termination right then the Tenant shall reimburse the Landlord for the unamortized portion of Landlord's cost for the Tenant Work and the Brokerage Commission in connection to this transaction.

The Tenant shall have the option to renew the lease for a period of ten (10) years at an annual rental of \$475,000.00 (\$40.23 per square foot) for the first five years of the option, and \$537,500.00 (\$45.52 per square foot) for the last five years of the option.

Further information, including public inspection of the proposed leases may be obtained at One Centre Street, Room 2000 North, New York, N.Y. 10007. To schedule an inspection, please contact Chris Fleming at (212) 669-7497.

Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, Room 915, New York, N.Y. 10007, (212) 788-7490, no later than FIVE (5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

TDD users should call VERIZON relay services.

◀ m8

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, 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#;
- (b2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas; and
- (e3) 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 public 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 strikethrough 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 #Such #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.

Table with 2 columns: Community District, Zoning District. Rows include 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

- (c) 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(e) (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#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.
- (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. However, for #generating sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the guidelines.
- (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

23-941951 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

Column A	Column B
On site Without #public funding#:	
#New Construction Affordable Housing# or #Substantial Rehabilitation Affordable Housing# Without #public funding#:	3.75
#Preservation Affordable Housing# With #public funding#:	2.0
#New Construction Affordable Housing#, #Substantial Rehabilitation Affordable Housing# or #Preservation Affordable Housing# On site Substantial Rehabilitation	1.25
Off site New Construction (Private Site)	3.2
Off site New Construction (Public Site)*	4.0
Off site Substantial Rehabilitation (Private Site)	2.5
	3.7

* 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, 1997, 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:

District	Base #floor area ratio#	Maximum #floor area ratio#
R6*	2.2	2.42
R6**, R6A	2.7	3.6
R6A	2.7	3.6
R6B	2.0	2.2
R7A	3.45	4.6
R7D	4.2	5.6
R7X	3.75	5.0
R8, R8A	5.40	7.2
R9	6.0	8.0
R9A	6.5	8.5
R10	9.0	12.0

- * 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

- (a) 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)(d), 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 (a)(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 23-662 (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 23-951, 23-952 and 23-953, 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.

(c) 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.

22-051 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 90 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 – 940 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#.

22-052 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#.

22-053 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#, 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 a #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 #regulatory agreement# or 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

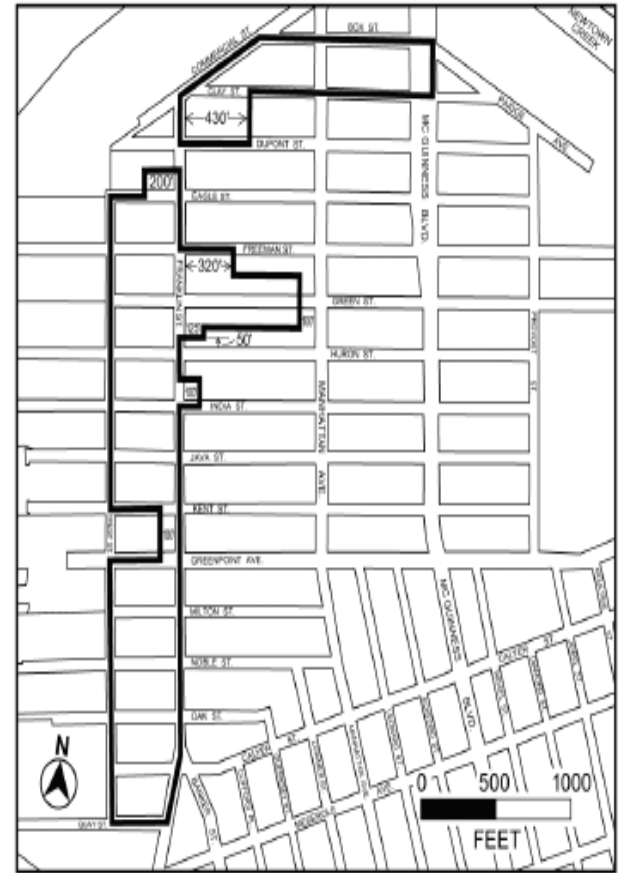
condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# 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:

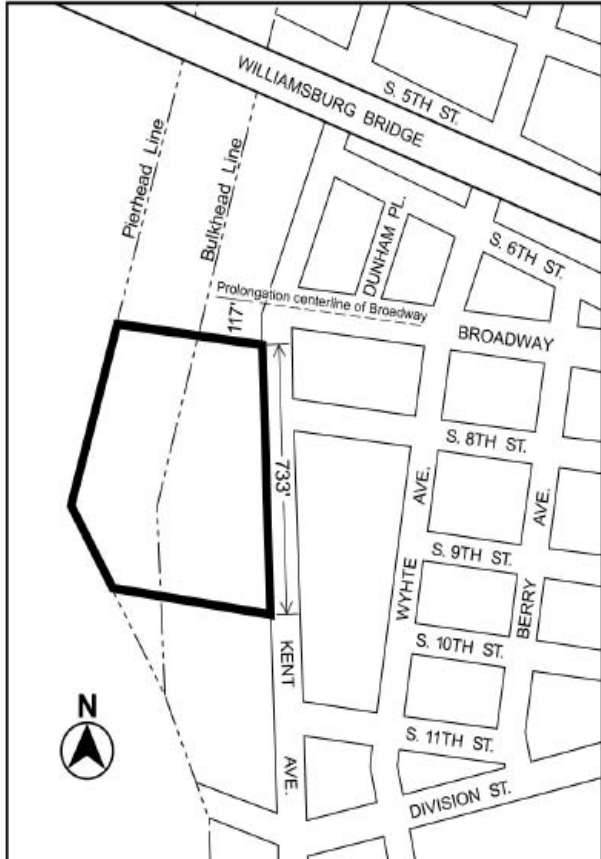


Map 1
Portion of Community District 1, Brooklyn



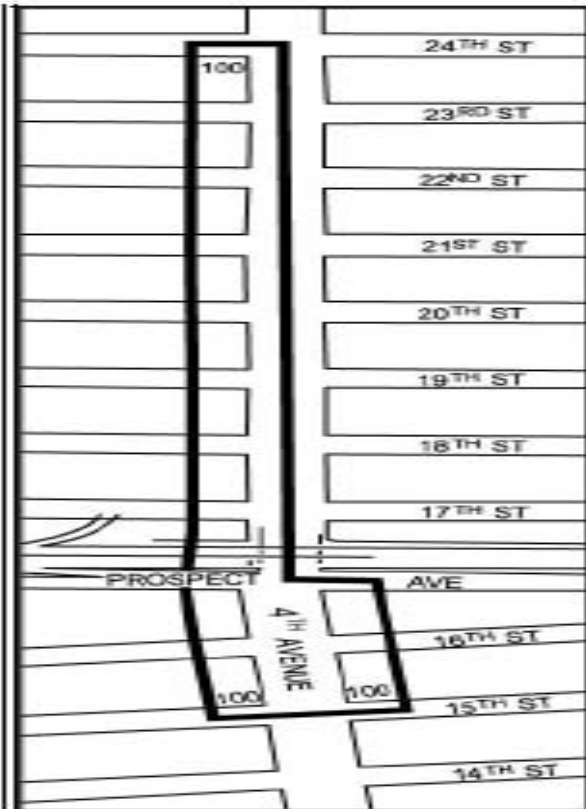
Map 2
Portion of Community District 1, Brooklyn

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



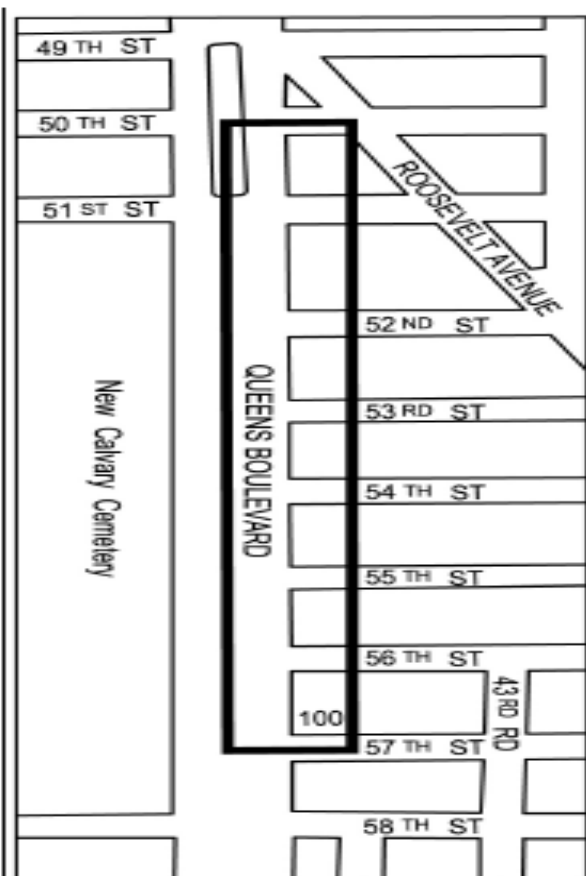
Map 3
Portion of Community District 1, Brooklyn

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

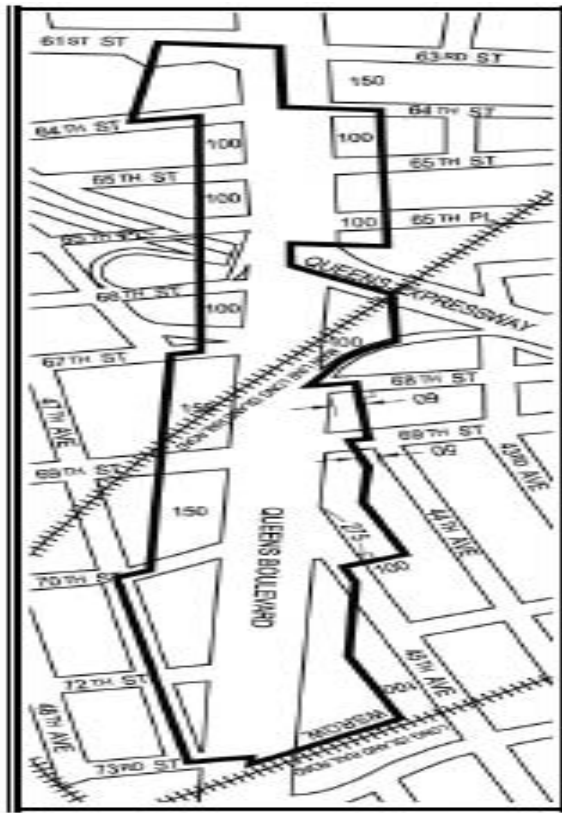


Map 4:
Portion of Community District 7, Brooklyn

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

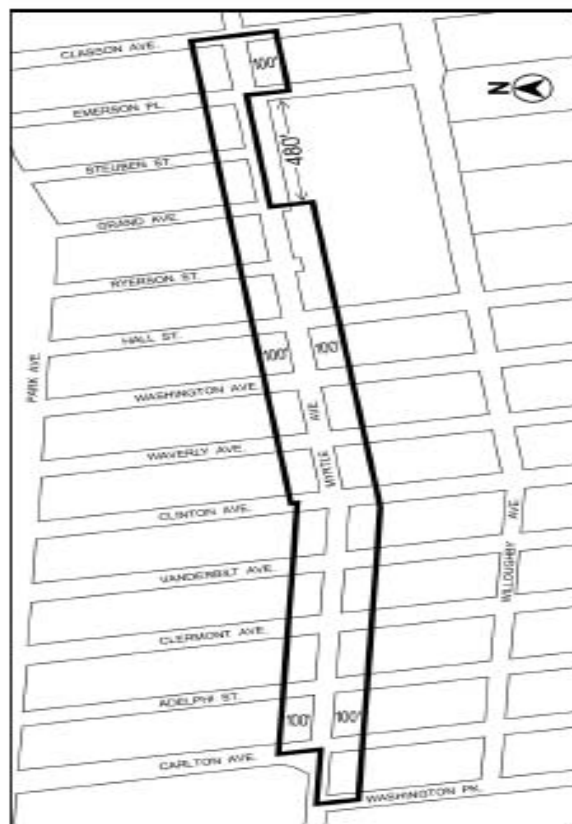


Map 5
Portion of Community District 2, Queens

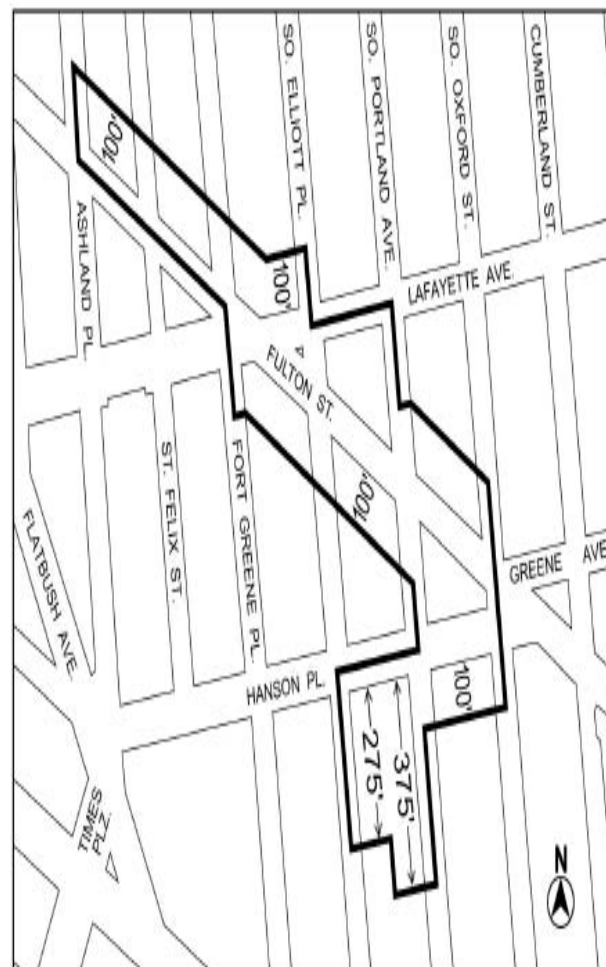


Map 6
Portion of Community District 2, Queens

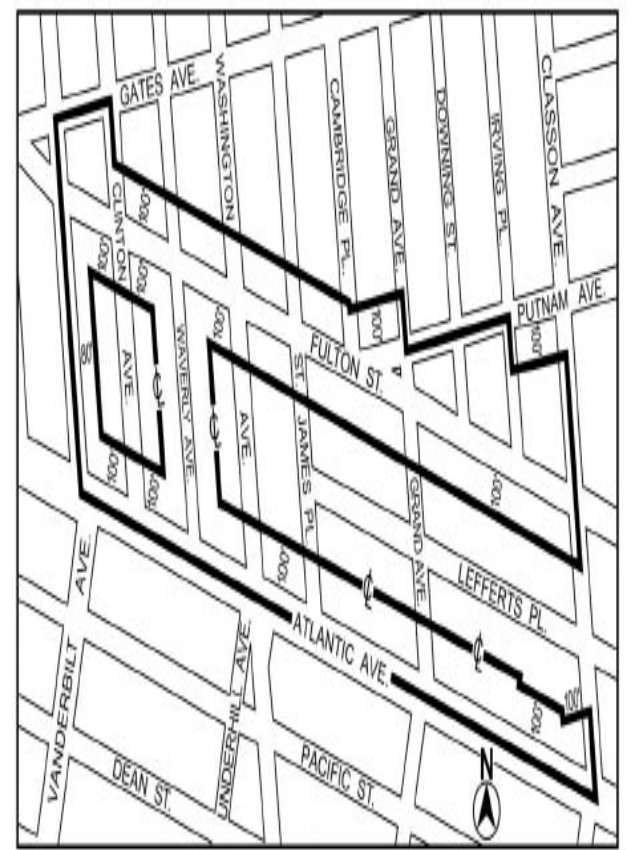
(e) In Community District 2, in the Borough of Brooklyn, the R7A Districts within the areas shown on the following Maps 7, 8 and 9:



Map 7
Portion of Community District 2, Brooklyn

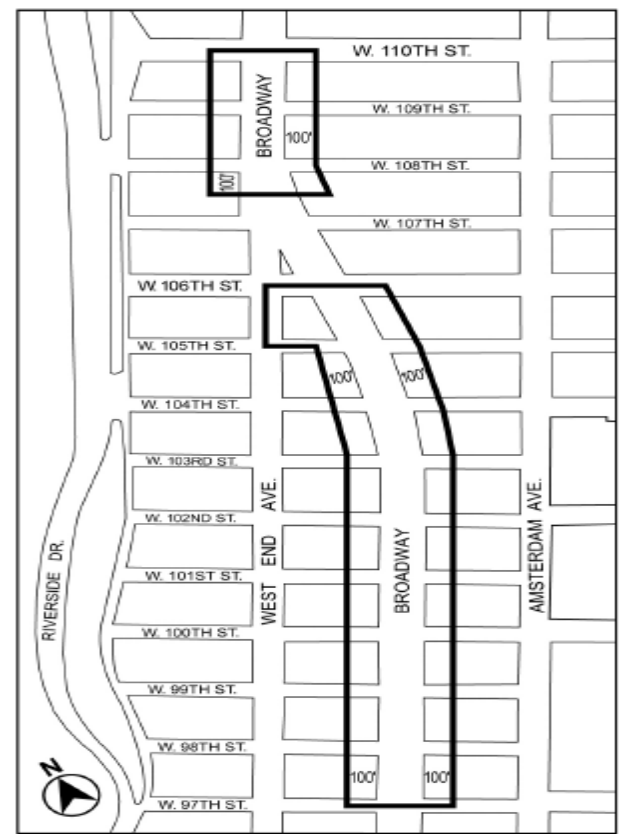


Map 8
Portion of Community District 2, Brooklyn



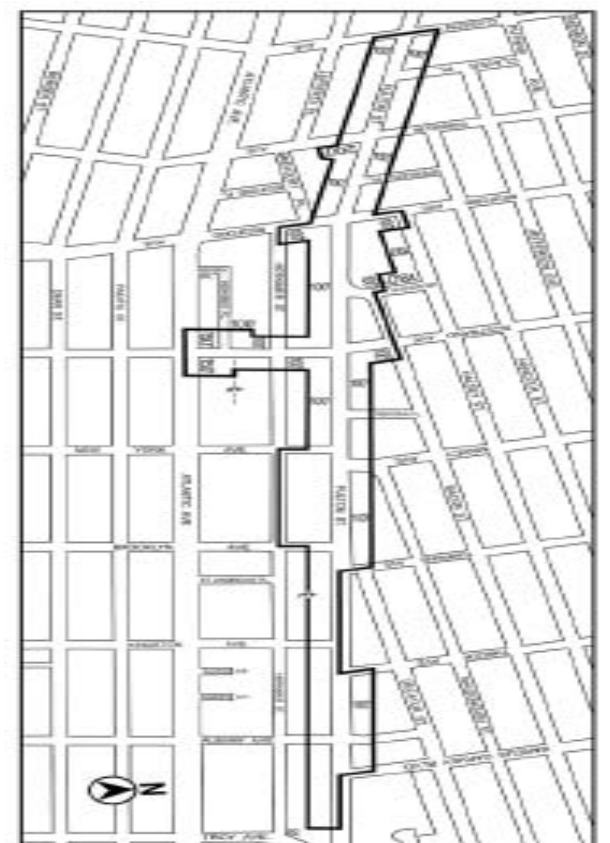
Map 9
Portion of Community District 2, Brooklyn

(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:

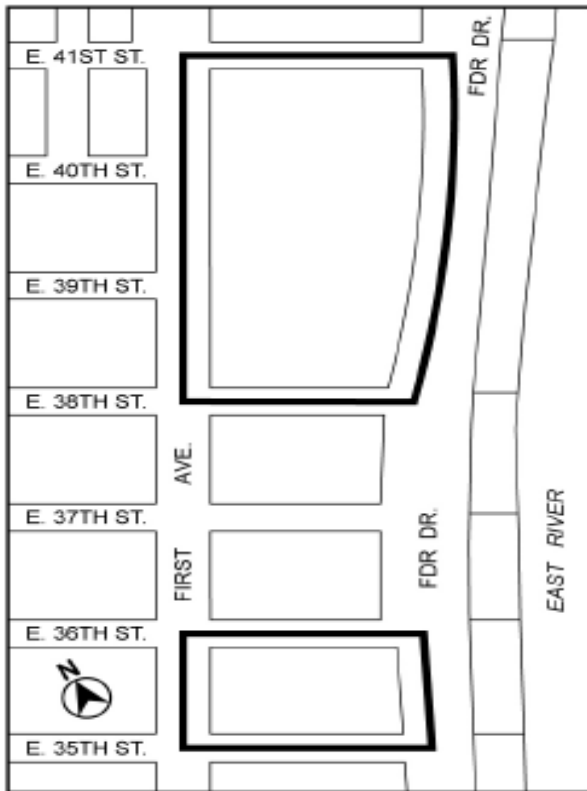


MAP 11
Portion of Community District 3, Brooklyn



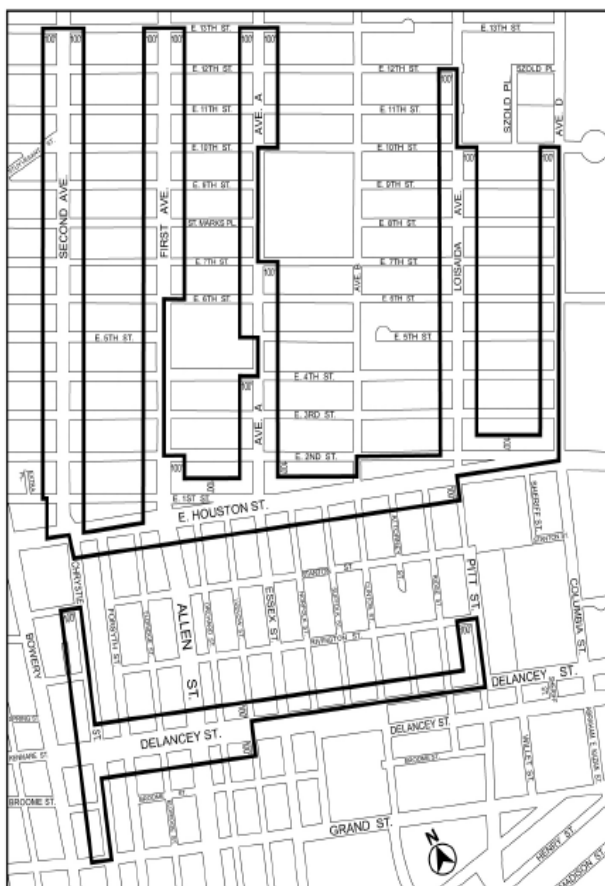
MAP 12
Portion of Community District 3, Brooklyn

(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 #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 23-953, 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.

(d) Permits and certificate of occupancy

The requirements of paragraphs (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 25th Street, Eighth Avenue, West 32nd 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 23-92 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 (c) 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: 125/80.

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: 175/80.

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 (g) (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

* * *
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 23-90 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 23-90, 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 (c) (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 “80 Percent of SMSA Limits”) for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 2(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 “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: 175/80.

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#.
- (c) 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 93-262 (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 93-262 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 93-262 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 93-262, 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 23-952, 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#.

* * *
**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 23-954 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 Sites Substantial 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#.

(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.

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#.

(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 Section 23-954 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 (ba) 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)(2) of Section 23-9526 (Substantial rehabilitation and off site new construction options Requirements 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 is 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 THE BRONX

COMMUNITY BOARD NO. 6 - Wednesday, May 13, 2009 at 6:30 P.M., Abraham Plaza, 1870 Crotona Avenue, (corner of East 176th St.), Bronx, NY

#C 090342ZMX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the zoning map, eliminating within an existing R7-1 district a C1-4 district bounded by a line 100 feet northwesterly of Southern Boulevard, a line 70 feet southwesterly of East 176th Street, and a line 80 feet southeasterly of Traflger Place.

m7-13

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

CONSUMER AFFAIRS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, PURSUANT TO LAW, that the New York City Department of Consumer Affairs will hold a Public Hearing on Wednesday May 13, 2009, at 2:00 P.M., at 66 John Street, 11th floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

- 1) 110 Varick St. Corp.
110 Varick Street, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 2) 1465 3rd Ave. Rest Corp.
1465 Third Avenue, in the Borough of Manhattan (to continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 3) 17 Mile Corporation
1444 1 Avenue, in the Borough of Manhattan (to continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 4) 200 East 81st Restaurant Corp.
1431 Third Avenue, in the Borough of Manhattan (to continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 5) 480 Rest Amsterdam Inc.
480 Amsterdam Avenue, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 6) 600 Metropolitan Corp.
600 Metropolitan Avenue, in the Borough of Brooklyn (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 7) Anagap Restaurant Inc.
531 Second avenue, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 8) Belcantata Rest. Inc.
922 Third Avenue, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 9) Brass Monkey LLC.
55 Little West 12 Street, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 10) Café Casano LLC.
38 West Street, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 11) Café La Nueva Bakery Inc.
85-06 37 Avenue, in the Borough of Queens (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 12) Cilantro West LLC.
485 Columbus Avenue, in the Borough of Manhattan (to continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 13) Copel 2007 Inc.
39 East 19th Street, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 14) Cositas Ricas Corp.
79-19 Roosevelt Avenue, in the Borough of Queens (to continue to maintain, and operate an enclosed sidewalk café for a term of two years.)
- 15) CPS Hospitality LLC
768 Fifth Avenue, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 16) Curry Mahal Inc.
119 Lexington Avenue, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 17) Eisen & Son Inc.
196 Eighth Avenue, in the Borough of Manhattan (modify, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 18) Glodal Entertainment Group LLC.
77-17 Queens Boulevard, in the Borough of Queens (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 19) Grand Italian Food Center LLC
186 Grant Street, in the Borough of Manhattan (to continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 20) Grillo, Ltd
2745 Broadway, in the Borough of Manhattan (to continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 21) Ifeta Corp.
41-51 31st Avenue, in the Borough of Queens (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 22) JDM Partners, Inc.
392 Columbus Avenue, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 23) King Luke Inc.
81 Broadway, in the Borough of Brooklyn (to continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 24) Les Brasseurs
1008 Second Avenue, in the Borough of Manhattan (to continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 25) Little Cupcake Corp.
9102 Third Avenue, in the Borough of Brooklyn (modify, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 26) Living Bread LLC.
1321 First Avenue, in the Borough of Manhattan (to continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 27) Maz Mezcal Inc.
316 East 86 Street, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 28) Nat of NY Corp.
1471 Second Avenue, in the Borough of Manhattan (to continue to maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 29) Osteria Casano LLC.
28 West Street, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 30) Sabor Latino, Corp.
95-35 40 Road, in the Borough of Queens (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 31) Sacco & Falco Inc.
21-02 30 Avenue, in the Borough of Queens (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 32) Sean OG Enterprises LLC
60-02 Woodside Avenue, in the Borough of Queens (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 33) Thafath Inc.
356 East 51 Street, in the Borough of Manhattan (to establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

Individuals requesting Sign Language Interpreters should contact the Department of Consumer Affairs, Legal Division, 42 Broadway, 9th Floor, New York, NY 10004, (212) 487-4422, no later than five (5) business days before the hearing.

m8

BOARD OF CORRECTION

■ MEETING

Please take note that the next meeting of the Board of Correction will be held on May 14, 2009 at 9:00 A.M., in the Conference Room of the Board of Correction. Located at: 51 Chambers Street, Room 929, New York, NY 10007.

At that time, there will be a discussion of various issues concerning New York City's correctional system.

m7-14

EMPLOYEES' RETIREMENT SYSTEM

■ MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, May 14, 2009 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

m7-13

ENVIRONMENTAL PROTECTION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on May 21, 2009 commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and Earth Tech Northeast/American Safety Consultant, Joint Venture, 120 White Plains Road, Suite 110, Tarrytown, New York 10591 for EHSM02: Consultant Services in Connection with Providing Oversight of all Aspects of Environmental Health and Safety for BEDC Construction Projects. The Contract term shall be 42 months from the date of the written notice to proceed. The Contract amount shall be \$18,192,671.00 - Location: NYC and Watershed Region - PIN# 82608WP01122.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from May 8, 2009 to May 21, 2009 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

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

☛ m8

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 a 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 1-1 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

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/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/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/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

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

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.

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

SALE OF: 1 LOT OF 28,800 LBS. OF ONCE FIRED ASSORTED CALIBER CARTRIDGE CASES.

S.P.#: 09021

DUE: May 21, 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.

m8-21

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."

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

PILLOWS, MEDICAL (STOREHOUSE) – Competitive Sealed Bids – PIN# 8570900748 – DUE 06-04-09 AT 10:30 A.M.
● READY MIXED CONCRETE – Competitive Sealed Bids – PIN# 8570900032 – DUE 05-28-09 AT 10:30 A.M.
● VEHICLE, DUMP BODY HOOK TRUCK – Competitive Sealed Bids – PIN# 8570900867 – DUE 05-29-09 AT 10:30 A.M.
● EQUIPMENT, AUTOMOTIVE SERVICE – Competitive Sealed Bids – PIN# 8570900207 – DUE 05-27-09 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.

m8

■ AWARDS

Goods

BARRICADES, STEEL, CROWD CONTROL – Competitive Sealed Bids – PIN# 857900030 – AMT: \$563,507.84 – TO: Friedrichs Custom Manufacturing Inc., 303 Butterworth Street, New Orleans, LA 70121.

m8

NETAPP SYSTEMS AND STORAGE - DOITT – Intergovernmental Purchase – PIN# 8570901097 – AMT: \$1,479,374.16 – TO: Webhouse Inc., 450 Sunrise Hwy., Ste. 103, Rockville Centre, NY 11570. NYS Contract #PT60947.
● MICROSOFT CLA AGREEMENT 6.0 - DPR – Competitive Sealed Bids – PIN# 8570901096 – AMT: \$184,968.89 – TO: Hewlett Packard Co., 10810 Farnam Dr., Omaha, NE 68154. NYS Contract #PT61408.

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.

m8

■ 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-ju17

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-ju17

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-ju17

CORRECTION

CENTRAL OFFICE OF PROCUREMENT

■ AWARDS

Services (Other Than Human Services)

SERVICE AND REPAIR TO NON-REFRIGERATED KITCHEN EQUIPMENT – Competitive Sealed Bids – PIN# 072200902EHS – AMT: \$1,940,500.00 – TO: Acme

American Repairs, Inc., 99 Scott Avenue, Brooklyn, NY 11237.

m8

DESIGN & CONSTRUCTION

CONTRACT SECTION

■ SOLICITATIONS

Construction / Construction Services

CATHERINE STREET FAMILY RESIDENCE ROOF REPLACEMENT, MANHATTAN – Competitive Sealed Bids – PIN# 8502009HL0015C – DUE 06-03-09 AT 2:00 P.M. – PROJECT NO: HH115CSRR. Bid documents are available at: <http://www.nyc.gov/buildnyc>. Special Experience Requirements apply to this contract.

This bid solicitation includes M/WBE participation goal(s) for subcontracted work. For the M/WBE goals, please visit our website at www.nyc.gov/buildnyc see "Bid Opportunities." For more information about M/WBE certification, please call 311 or go to www.nyc.gov/getcertified. Vendor Source ID#: 59851.

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

m8

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

MATERIALS MANAGEMENT

■ SOLICITATIONS

Goods

SERACULT FECAL OCCULT BLOOD SLIDE TEST – Public Bid – PIN# 029-0057 – DUE 05-19-09 AT 10:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Health and Hospitals Corporation, 346 Broadway, Room 516 New York, NY 10013. Grace Roccaforte (212) 442-3858 grace.roccaforte@nychhc.org

m8

Goods & Services

AUTOMOTIVE BODY REPAIR SERVICES – Competitive Sealed Bids – PIN# 029-0059 – DUE 05-19-09 AT 2:15 P.M. – The New York City Health and Hospitals Corporation (AKA-HHC or the Corporation) invites licensed and insured Automotive Body Repair Shops within the five boroughs of New York City to apply for a contract to repair its Citywide Fleet of leased and Corporate owned vehicles on an as needed basis. HHC's fleet consists of an estimated 430 vehicles, (sedans, 4 x 4's, vans, light-duty to heavy-duty trucks, buses, mobile medical units, emergency generator units and tractor/trailer).

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Health and Hospitals Corporation, 346 Broadway, 5th Floor Room 516, New York, NY 10013. Jeannette Torres (212) 442-3867, jeannette.torres@nychhc.org

m8

HEALTH AND MENTAL HYGIENE

■ SOLICITATIONS

Services (Other Than Human Services)

TEMPORARY PHLEBOTOMIST SERVICES – Competitive Sealed Bids – PIN# 10TB004800R0X00 – DUE 06-12-09 AT 11:00 A.M. – The Department of Health and Mental Hygiene's Bureau of Tuberculosis Control is seeking an appropriately qualified vendor to provide proficient Phlebotomists on a temporary basis to staff its nine (9) chest centers located throughout the five boroughs. DOHMH requires that each assigned phlebotomist be a graduate of a Phlebotomy Technician training program consisting of a minimum of six months of course credits on a full-time basis, have a working knowledge of laboratory procedures, and have at least one year of practical phlebotomy work experience and be capable of working independently with limited supervision. The phlebotomist shall also be required to demonstrate the ability to document services to be provided to patients as needed by meeting all requirements described in the Scope of Service, and each phlebotomist assigned by the vendor must be available to provide such temporary services, when requested. This services is expected to begin on July 1, 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. Health and Mental Hygiene, 93 Worth Street, Room 812 New York, NY 10013. Lorna Roberts (212) 442-2740 lroberts@health.nyc.gov

m8

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

Goods & Services

MAINTENANCE PAINTING OF APARTMENTS – Competitive Sealed Bids – DUE 06-02-09 – PIN# 9005742 - Marble Hill Houses Due at 10:00 A.M. PIN# 9005743 - Amsterdam Houses, Amsterdam Addition and Harborview Terrace Due at 10:05 A.M. PIN# 9005744 - Smith Houses Due at 10:10 A.M. PIN# 9005746 - Johnson Houses Due at 10:15 A.M. PIN# 9005747 - Ravenswood Houses Due at 10:20 A.M. PIN# 9005748 - Ocean Bay Apts. (Bayside) and Ocean Bay Apts. (Oceanside) Due at 10:25 A.M.

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

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

m8

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@nychc.nyc.gov

m6-12

REQUIREMENT CONTRACT FOR REPLACEMENT AND REPAIR OF INTERIOR COMPACTORS AT VARIOUS DEVELOPMENTS IN BROOKLYN AND STATEN ISLAND – Competitive Sealed Bids – PIN# RC9006095 – DUE 05-20-09 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@nychc.nyc.gov

m7-13

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@nychc.nyc.gov

m4-8

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@nychc.nyc.gov

m5-11

LOCAL LAW 11 BRICK REPAIR AT VARIOUS LOCATIONS (BROOKLYN AND STATEN ISLAND) – Competitive Sealed Bids – PIN# BW9005668 – DUE 05-21-09 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@nychc.nyc.gov

m8-14

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@nychc.nyc.gov

m4-8

HOUSING PRESERVATION & DEVELOPMENT

DIVISION OF MAINTENANCE

■ AWARDS

Services (Other Than Human Services)

LEAD ANALYSIS – Small Purchase – PIN# 80609K905694 – AMT: \$100,000.00 – TO: International Asbestos Testing Laboratories, Inc., 9000 Commerce Parkway, Suite B, Mount Laurel, NJ 08054.

m8

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 jljal@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, obicheta@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

LAW

SOLICITATIONS

Services (Other Than Human Services)

STRUCTURED JUDGMENT/SETTLEMENT CONSULTANT SERVICES – Request for Qualifications – PIN# 02509X100023 – DUE 06-04-09 AT 5:00 P.M. – The New York City Law Department ("Department") seeks Expressions of Interest ("EOI") from qualified structured judgment and settlement brokers and/or firms to assist the City of New York ("City") with structured judgments and/or settlements in cases brought against:

- (1) the City, its agencies and/or employees; and
 - (2) the NYC Department of Education and/or its employees.
- The intention is to create a panel of approximately five firms to assist the Department's Tort Division with structured judgments and/or settlements. It is anticipated that assignments will be made to firms on the panel on a rotating and case-by-case basis and that this panel will be in place for a period of approximately five years from the date it is established. Consultation services will include the following:
- (1) providing annuity quotes and settlement illustrations;
 - (2) reviewing and pricing life care plans;
 - (3) attending court hearings, mediations and settlement conferences;
 - (4) preparing court documents, such as infant compromise orders, settlement agreements, judgments, Medicare Set Asides, Special and/or Supplemental Needs Trusts and other trust agreements; and
 - (5) periodic counseling and training of Law Department staff on the use of structured settlements and on the case law, mechanics and calculations required on periodic judgments.
- Firms will be selected for inclusion on the panel on the basis of the Department's evaluation of the EOIs submitted in response to this notice. The EOI should document and demonstrate that the interested firm has
- (1) substantial experience in the structuring of judgments and settlements in personal injury cases;
 - (2) the ability to draft legal forms including settlement and trust agreements, infant compromise orders and judgments in accordance with CPLR Articles 50-A and B and applicable case law; and
 - (3) sufficient personnel and other resources to enable the firm to handle in a timely manner a significant volume of structured judgments and/or settlements and to provide related services.

Structured Judgment and Settlement brokers and/or firms wishing to be considered for inclusion on the Department's panel must submit one original and three copies of a written EOI to the contact person identified in this notice at the address and by the time stated in this notice. The EOI should be organized under the three above-specified criteria and should describe, demonstrate and document in detail and with specificity that the firm has the above-specified experience, ability and resources and meets the above-specified minimum requirements. Firms should document that they meet the above-stated minimum requirements by including in their EOIs

- (1) proof of membership in the National Structured Settlements Trade Association and
- (2) a written statement with respect to the firm's readiness, willingness and ability to issue a Certificate of Reliability and Assurances ("CORA") for each Annuity Contract and Settlement Agreement the firm may prepare at the Department's request. The package containing the EOI should be marked prominently with the above-referenced Procurement Identification Number (PIN 02509X100023) and should otherwise identify the submission as an EOI submitted in response to this notice. Firms whose EOIs are determined to be within a competitive range of technical merit will receive one or more hypothetical cases for which the firm will prepare structured settlements. The written responses to the hypothetical cases will be among the factors considered by the Department in its decision making with respect to placement on the panel. Interested parties can view a copy of the written notice of solicitation by visiting the City Record on Line: <http://a856-internet.nyc.gov/nycvendoronline/VendorShort/asp/VendorMenu.asp>

The following minimum qualification requirements apply to this solicitation:

- (1) all structured settlement and judgment brokers and/or firms on the Department's panel must be members of the National Structured Settlements Trade Association; and
- (2) all panel members must agree to execute, under oath, a Certificate of Reliability and Assurances ("CORA") which

must accompany each Annuity Contract and Settlement Agreement.

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.
 Law Department, 100 Church Street, Room 6-204 New York, NY 10007. Tom Dowling, Deputy Agency Chief Contracting Officer, (212) 788-1008, tdowling@law.nyc.gov

m7-13

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.nycgo.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@nycgo.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

AWARDS

Services (Other Than Human Services)

RENOVATION, OPERATION, AND MAINTENANCE OF AN 18-HOLE GOLF COURSE, CLUBHOUSE, AND FOOD SERVICE FACILITY – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# B57-A-GC – The City of New York Department of Parks and Recreation ("Parks") has awarded as a concession the renovation, operation, and maintenance of an 18-hole golf course, clubhouse, and food service facility at Marine Park, Brooklyn to Marine Park Seaside Links, LLC of 915 Victory Boulevard, Staten Island, New York 10301. The concession, which was solicited by a Request for Proposals, operates pursuant to a license agreement for a twenty (20) year term.

Compensation to the City is as follows: in each operating year of the license, licensee shall pay the City license fees consisting of the higher of the minimum annual fee (Years 1-5: \$325,000; Years 6-10: \$475,000; Years 11-15: \$575,000; Years 16-20: \$675,000) or an annual percentage of gross receipts derived from the operation of the licensed premises (11.125% of Merchandise and Pro Shop Gross Receipts plus 6.125% of food and beverage gross receipts between \$0 and \$1,000,000, 11.125% of Food and Beverage Gross Receipts between \$1,000,000 and \$2,000,000, 16.125% of Food and Beverage Gross Receipts over \$2,000,000, 10% of Driving Range and Golf Practice Center Gross Receipts between \$0 and \$500,000, 12.5% of Driving Range and Golf Practice Center Gross Receipts between \$500,000 and \$750,000, 15% of Driving Range and Golf Practice Center Gross Receipts over \$750,000, 10% of Mini Golf and Batting Cages Gross Receipts between \$0 and \$1,000,000, 12.5% of Mini Golf and Batting Cages Gross Receipts between \$1,000,000 and \$1,500,000, 15% of Mini Golf and Batting Cages Gross Receipts over \$1,500,000, 6.125% of Snack Bar Gross Receipts, 20.125% of "18 Hole Championship Golf Course" Gross Receipts in years 1-5, 21.125% of "18 Hole Championship Golf Course" Gross Receipts in years 6-10, 22.125% of "18 Hole Championship Golf Course" Gross Receipts in years 11-15, 23.125% of "18 Hole Championship Golf Course" Gross Receipts in years 16-20, and 5% of Banquet Facility Gross Receipts in years 1-10, 6% of Banquet Facility Gross Receipts in year 11, 7% of Banquet Facility Gross Receipts in year 12, 8% of Banquet Facility Gross Receipts in year 13, 9% of Banquet Facility Gross Receipts in year 14, and 10% of Banquet Facility Gross Receipts in years 15-20) plus a surcharge of \$4.00 for each round played, other than by Juniors (16 years old and younger). The calculation of percentage fees payable to the City shall be based on gross receipts exclusive of surcharge payments.

m8

RENOVATION AND OPERATION OF THE BAYSIDE MARINA, QUEENS –

Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# Q135-M – The City of New York Department of Parks and Recreation ("Parks") has awarded as a concession the renovation and operation of the Bayside Marina, Queens to MDM Marina Corp. of 28-05 Cross Island Parkway, Bayside, NY 11360. The concession, which was solicited by a Request for Proposals, operates pursuant to a license agreement for a fifteen (15) year term. Compensation to the City is as follows: in each operating year of the license, licensee shall pay the City a license fee consisting of the higher of the minimum annual fee (Year 1: \$25,000; Year 2: \$25,000; Year 3: \$30,000; Year 4: \$30,000; Year 5: \$30,000; Year 6: \$40,000; Year 7: \$40,000; Year 8: \$40,000; Year 9: \$40,000; Year 10: \$40,000; Year 11: \$45,000; Year 12: \$45,000; Year 13: \$45,000; Year 14: \$45,000; Year 15: \$45,000), or \$5,000 plus an annual percentage of gross receipts over \$25,000 derived from the operation of the licensed premises for that year (Year 1: 10%; Year 2: 10% Year 3: 11%; Year 4: 11%; Year 5: 11%; Year 6: 12%; Year 7: 12%; Year 8: 12%; Year 9: 12%; Year 10: 12%; Year 11: 12%; Year 12: 12%; Year 13: 12%; Year 14: 12%; Year 15: 12%).

m8

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 BUILDING AND NEW 4 STORY/CELLAR – Competitive Sealed Bids – PIN# SCA09-00085B-1 – DUE 06-05-09 AT 3:00 P.M. – PS/IS 277 (Queens). Project Range: \$50,870,000.00 to \$53,544,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Limited List bids will only be accepted from the following Construction Managers/Prime General Contractors: Bovis Lend Lease LMB, Inc.; Hunter Roberts Construction Group, Leon D. MeMatteis Construction Corp.; Petracca and Sons, Inc.; Skanska USA Building, Inc.; Tishman Construction Corp. of NY; Turner Construction Company.

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

m7-13

ELEVATOR REPAIR – Competitive Sealed Bids – PIN# SCA09-12524D-1 – DUE 05-27-09 AT 10:00 A.M. –

I.S. 71 (Brooklyn). Project Range: \$480,000.00 to \$504,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

m7-13

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

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

CONTRACT SERVICES

SOLICITATIONS

Construction / Construction Services

NEW ADDITION AND ALTERATIONS – Competitive Sealed Bids – PIN# SCA09-00078B-1 – DUE 06-02-09 AT 3:00 P.M. – PS 8 (Brooklyn). Project Range \$16,190,000.00 to \$17,043,000.00. Non-Refundable Document Charge \$250.00.

Limited List, Bids will only be accepted from the following Construction Managers/Prime General Contractors (See Attached List): Petracca & Sons, Inc., J. Petrocelli Construction, Inc., J. Kokolakis Contracting, Inc., Iannelli Construction Co., Inc., Turner Construction Co., Arena Construction Co., Inc., Arnell Construction Corp., Kreisler Borg Florman General Construction, Plaza Construction Corporation, Tishman Construction Corp. of NY, Hunter Roberts Construction Group.

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

m7-13

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

TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

SOLICITATIONS

Services (Other Than Human Services)

RISK ASSESSMENT AND FEASIBILITY STUDY AT THE BROOKLYN-BATTERY TUNNEL – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# PSC092851000 – DUE 06-02-09 AT 3:30 P.M. – PROJECT: AW-28.
Request for Expressions of Interest, for more information please visit our website at www.mta.info.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Triborough Bridge and Tunnel Authority, 3 Stone Street, Bid Suite. Victoria Warren (646) 252-6101, vprocure@mtabt.org

m8

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.

HOUSING PRESERVATION & DEVELOPMENT

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 21, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Housing Preservation and Development and The Center for New York City Neighborhoods, Inc., c/o OSI, 400 West 59th Street, New York, NY 10023, for the provision of Mortgage Foreclosure Prevention, Citywide. The contract amount shall be \$1,250,000. The contract term shall be from July 1, 2008 to June 30, 2009. PIN#: 806090100011.

The proposed contractor is being funded through City Council Discretionary Funds Appropriation, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Housing Preservation and Development, 100 Gold Street, 8th Floor, Room 8-S6, New York, NY 10038, on business days, from May 8, 2009 to May 21, 2009, excluding Holidays, from 10:00 A.M. to 4:00 P.M. Contact Ms. Angela Blake Fields at Room #8-S6, (212) 863-6655.

m8

HUMAN RESOURCES ADMINISTRATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 21, 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 three (3) proposed contracts between the Human Resources Administration of the City of New York and the Contractors listed below, for the provision of Clinical Case Management/Comprehensive Service Models for Substance Abuse Clients. The contract term shall be from April 8, 2009 to April 7, 2010.

Contractor/Address

- National Assoc on Drug Abuse Problems, Inc.
355 Lexington Ave., 2nd fl., New York, New York 10017
PIN# 06909H070801 **Amount** \$4,164,030
- University Behavioral Associates, Inc.
111 East 210th St., Bronx, New York 10467
PIN# 06909H070802 **Amount** \$5,806,479
- Visiting Nurse Service of NY Home Care, Inc.
1250 Broadway, New York, New York 10001-3701
PIN# 06909H070803 **Amount** \$7,586,615

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

Draft copies of the proposed contract are 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 8, 2009 to May 21, 2009, excluding Holidays, from 10:00 A.M. to 5:00 P.M.

m8

PARKS AND RECREATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 21, 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 City of New York Parks and Recreation and Lichtenstein Consulting Engineers, P.C., 350 Fifth Avenue, Suite 2920, New York, NY 10118, to provide Architectural and Engineering Design Services for the Rehabilitation of the High Bridge, located over the Harlem River, Boroughs of Manhattan and The Bronx, BIN 2-24658-0. The contract amount shall be \$4,049,523.00. The contract term shall be 1,280 Consecutive Calendar days from the date of the written notice to proceed. PIN#: 8462007M037D01.

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

A draft copy of the proposed contract is available for public inspection at the Department of Parks and Recreation, Consultant Procurement Unit, Room 61, Olmsted Center, in Flushing Meadows-Corona Park, Queens, New York 11368, from May 8, 2009 to May 21, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M.

m8

TRANSPORTATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 21, 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 Transportation of the City of New York and Pennoni Associates Inc., 3602 Horizon Drive, Suite 160, King of Prussia, PA 19406, for the provision of Quality Assurance Services for the In-Process Fabrication Inspection of Pre-cast and Pre-stressed Concrete in the Northeastern United States, Contract No. HBCD005C. The contract amount shall be \$2,714,176.21. The contract term shall be 1,095 Consecutive Calendar Days from Date of Written Notice to Proceed with one option to renew for an additional one year at the sole discretion of the Department, under the exception for wage increases (to compensate for any escalation). PIN#: 84108MBBR268.

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

A draft copy of the proposed contract is available for public inspection at the Department of Transportation, Office of the Agency Chief Contracting Officer, 40 Worth Street, Room 1228, New York, NY 10013, from May 8, 2009 to May 21, 2009, excluding Saturdays, Sundays and Legal Holidays, from 9:00 A.M. to 5:00 P.M.

m8

AGENCY RULES

CITYWIDE ADMINISTRATIVE SERVICES

NOTICE

DIVISION OF CITYWIDE PERSONNEL SERVICES
PROPOSED AMENDMENT TO CLASSIFICATION

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing to amend the Classification of the Classified Service of the City of New York.

A public hearing will be held by the Commissioner of Citywide Administrative Services in accordance with Rule 2.6 of the Personnel Rules and Regulations of the City of New York at 1 Centre Street, Pre-Bid Room, 18th Floor North (18th floor public access only from South elevators), New York, NY 10007.

TUESDAY MAY 26, 2009 at 10:00 A.M.

RESOLVED, That the classification of the Classified Service of The City of New York is hereby amended under the heading POLICE DEPARTMENT [056] as follows:

I. By including in the Exempt Class, under Rule X, the following:

Title Code Number	Number of Positions Authorized	Class of Positions
M	1	Chief of Staff - PD
M	1	Deputy Commissioner (Counterterrorism) - PD
M	1	Deputy Commissioner

		(Intelligence) - PD	
M	1	Director of Internal Affairs - PD	
M	1	Director of Organized Crime Control - PD	
	1	Secretary to the First Deputy Commissioner - PD	

II. By including in the Non-Competitive Class, under Rule X, Part I, the following:

Title Code Number	Number of Positions Authorized	Class of Positions	Annual Salary Range
M	1	Civilianization Manager - PD	These are management classes of positions paid in accordance with the Pay Plan for Management Employees. Salaries for individual positions will be set at a level and rate in accordance with duties and responsibilities (PPME).
M	1	Director of Equal Employment Opportunity - PD	
M	1	Director of Photographic Services - PD	
II. (Continued)			
M	1	Director of Support Services - PD	
M	1	Director of Technology Development - PD	
M	25	Intelligence Research Manager - PD	

Part I positions are designated as confidential or policy influencing under Rule 3.2.3 (b) of the Personnel Rules and Regulations of the City of New York and therefore are not covered by Section 75 of the Civil Service Law.

III. By including in the Non-Competitive Class, Subject to Rule XI, Part I, the following:

Title Code Number	Number of Positions Authorized	Class of Positions	Salary Range Effective 2/1/2007		
			New Hire# Minimum	Incumbent Minimum	Maximum
	50	Assistant Advocate -PD	\$52,367	\$56,473	\$110,641
		Assignment Level I	\$52,367	\$56,473	\$82,236
		Assignment Level II	\$60,745	\$65,508	\$95,381
		Assignment Level III	\$70,465	\$75,990	\$110,641
	10	Assistant Counsel - PD	\$70,470	\$75,995	\$99,862
	125	Intelligence Research Specialist - PD	\$46,158	\$49,777	\$96,178
		Assignment Level I	\$46,158	\$49,777	\$69,008
		Assignment Level II	\$58,746	\$63,352	\$82,583
		Assignment Level III	\$71,348	\$76,942	\$96,178

Part I positions are designated as confidential or policy influencing under Rule 3.2.3 (b) of the Personnel Rules and Regulations of the City of New York and therefore are not covered by Section 75 of the Civil Service Law.

Employees hired into City Service on or after 2/1/2007 shall be paid at least the "New Hire Minimum" effective 2/1/2007. Upon completion of two years of active or qualified inactive service, such employees shall be paid at least the indicated "Incumbent Minimum" for the applicable title that is in effect on the two year anniversary of their original appointments. In no case shall an employee receive less than the stated "New Hire Minimum".

Copies of the proposal memorandum, the proposed classification resolution and the proposed class specifications for the above titles can be viewed on the DCAS Website at: www.nyc.gov/dcas.

LOCAL LAWS

NOTICE

LOCAL LAWS OF THE CITY OF NEW YORK FOR THE YEAR 2008

No. 62

Introduced by Council Members Weprin, Comrie and James (by request of the Mayor)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the establishment of the Fulton Street business improvement district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-478 to read as follows:
 §25- 478 *Fulton Street business improvement district.*
a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of

the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Brooklyn, the Fulton Street business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the Fulton Street business improvement district is based.

c. The district plan shall not be amended except in accordance with chapter four of this title.

§2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 18, 2008 and approved by the Mayor on December 29, 2008.

Michael McSweeney, First Deputy City Clerk
Acting City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 062 of 2008, Council Int. No. 842) contains the correct text and:

Received the following vote at the meeting of the New York City Council on December 18, 2008:

51 For, 0 Against, 0 Not Voting

Was signed by the Mayor on December 29, 2008
Was returned to the City Clerk on December 29, 2008.

Jeffrey D. Friedlander, Acting Corporation Counsel.

LOCAL LAWS OF THE CITY OF NEW YORK FOR THE YEAR 2009

No. 07

Introduced by Council Members Weprin and Comrie (by request of the Mayor)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the establishment of the Hudson Square business improvement district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-479 to read as follows:

§25- 479 *Hudson Square business improvement district.*
a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Manhattan, the Hudson Square business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the Hudson Square business improvement district is based.

c. The district plan shall not be amended except in accordance with chapter four of this title.

§2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

The City of New York, Office of the City Clerk, s.s.:
I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on January 28, 2009 and approved by the Mayor on February 10, 2009.

Michael McSweeney, City Clerk
Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed Local Law (Local Law 007 of 2009, Council Int. No. 870) contains the correct text and:

Received the following vote at the meeting of the New York City Council on January 28, 2009:

46 For, 0 Against, 0 Not Voting

Was signed by the Mayor on February 10, 2009
Was returned to the City Clerk on February 10, 2009.

Jeffrey D. Friedlander, Acting Corporation Counsel.

SANITATION

NOTICE

PURSUANT TO SECTION 1042 OF THE NEW YORK CITY CHARTER, THE NEW YORK CITY DEPARTMENT OF SANITATION HEREBY PUBLISHES ITS REGULATORY AGENDA FOR JULY 1, 2009 THROUGH JUNE 30, 2010:

A. THE FOLLOWING RULES WILL BE PROMULGATED PURSUANT TO THE NEW YORK CITY SOLID WASTE TRANSFER STATION LAW AS SET FORTH IN SECTIONS 16-130 AND 16-131 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

1. SUBJECT AREA: SOLID WASTE FACILITIES - REGISTRATION REQUIREMENTS FOR RECYCLING PROCESSING FACILITIES.

RATIONALE: Section 16-130(b) of the Administrative Code of the City of New York authorizes the Commissioner of Sanitation to establish one or more classes of permits for solid waste transfer facilities. Some transfer stations operating in New York City exclusively receive and process recyclable materials. The promulgation of separate rules requiring such facilities to register with the Department will enhance the Department's oversight and enforcement responsibilities in this area.

RULE: The Department will promulgate a rule establishing registration requirements for facilities that only receive and process recyclables designated by the Department.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE: Owners and operators of recycling facilities which operate in New York City.

RELEVANT FEDERAL, STATE AND LOCAL LAWS OR RULES APPLICABLE TO PROPOSED RULE:

- (a) Sections 16-301 *et seq.* and 16-306 of the Administrative Code of the City of New York;
- (b) Sections 1-10(g) of Chapter 1 and Section 4-08 of Chapter 4 of Title 16 of the Rules of the City of New York governing recycling responsibilities of owners and/or operators of solid waste transfer stations;
- (c) *City Administrative Procedure Act:* New York City Charter Section 1043.
- (d) 6 N.Y.C.R.R. 360, Subparts 360-11 and 360-12;
- (e) Chapter 1 of Title 17 of the Rules of the City of New York;

SCHEDULE FOR ADOPTION: Fiscal Year 2010.

OFFICIAL CONTACT: Deputy Commissioner for Legal Affairs, Department of Sanitation.

TELEPHONE: (646) 885-5006.

B. THE FOLLOWING RULES WILL BE PROMULGATED PURSUANT TO THE NEW YORK CITY RECYCLING LAW AS SET FORTH IN CHAPTERS 3 AND 4 OF TITLE 16 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK:

1. SUBJECT AREA: RECYCLING - RULES GOVERNING THE RECYCLING OF PRIVATE CARTER COLLECTED WASTE

RATIONALE: Pursuant to section 16-306(a) of the New York City Administrative Code, the Department is authorized to promulgate rules designating those materials required to be source separated for recycling by generators of private carter collected waste. In order to clarify the rules in relation to the recycling of private carter collected waste, the Department will amend section 1-10 of Chapter 1 of Title 16 of the Rules of the City of New York.

RULE: The Department will amend section 1-10 of its rules relating to the requirements imposed on various generators of private carter collected waste. Currently these rules set forth different source separation requirements based upon the origin of the waste (*i.e.*, food or beverage establishments, office buildings). The amendments will streamline and clarify current source separation requirements to facilitate increased recycling by the City's commercial establishments.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE: Those entities that receive solid waste collection from private carters.

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) Section 16-301 *et seq.* of the Administrative Code of the City of New York; and
- (b) *City Administrative Procedure Act:* New York City Charter Section 1043.

SCHEDULE FOR ADOPTION: Fiscal Year 2010.

OFFICIAL CONTACT: Deputy Commissioner for Legal Affairs, Department of Sanitation.

TELEPHONE: (646) 885-5006.

2. SUBJECT AREA: RECYCLING - RULES GOVERNING THE DISPOSAL OF REFUSE AND RECYCLABLES GENERATED AT STREET EVENTS.

RATIONALE: On February 26, 2009, the Mayor signed Local Law No. 13 of 2009 into law in relation to the collection

and removal of solid waste and recyclable materials at street events. In order to conform its rules to the law, the Department will amend Chapter 14 of Title 16 of the Rules of the City of New York to ensure that it is consistent with Local Law No. 13.

RULE: The Department will amend its rules by clarifying the responsibilities of sponsors, producers and event managers of street events in relation to the disposal of refuse and recyclable materials generated at street events and those street activities that occupy no more than one block for no more than one day where no licensed vendor participates.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE: Sponsors, producers and event managers of street events.

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) Section 16-326 *et seq.* of the Administrative Code of the City of New York; and
- (b) *City Administrative Procedure Act*: New York City Charter Section 1043.

SCHEDULE FOR ADOPTION: Fiscal Year 2010.

OFFICIAL CONTACT: Deputy Commissioner for Legal Affairs, Department of Sanitation.

TELEPHONE: (646) 885-5006.

3. SUBJECT AREA: RECYCLING - RULES GOVERNING PLASTIC BAGS COLLECTION.

RATIONALE: Pursuant to Local Law No. 1 of 2008, the Department is authorized to establish rules to foster a system for store retailers, operators, manufacturers and recyclers to calculate and report to the Department the weight of all plastic carryout bags and other film plastic collected and recycled.

RULE: The Department will promulgate rules establishing a system that will enable store retailers, operators, manufacturers and recyclers to report to the Department the weight of all plastic carryout bags and other film plastic collected and recycled in a uniform manner. Additionally, these rules may also clarify the size of the bin required under the law.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE: Store retailers in New York City, and operators, manufacturers and recyclers of plastic bags and film plastic.

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) Section 16-450 *et seq.* of the Administrative Code of the City of New York; and
- (b) *City Administrative Procedure Act*: New York City Charter Section 1043.

SCHEDULE FOR ADOPTION: Fiscal Year 2010.

OFFICIAL CONTACT: Deputy Commissioner for Legal Affairs, Department of Sanitation.

TELEPHONE: (646) 885-5006.

TAXI AND LIMOUSINE COMMISSION

■ NOTICE

**Regulatory Agenda
Fiscal Year Ending June 30, 2010**

Pursuant to Section 1042 of the Charter of the City of New York, the New York City Taxi and Limousine Commission ("TLC") hereby publishes a Regulatory Agenda for the Fiscal Year ending June 30, 2009. This Regulatory Agenda describes briefly the subject areas in which it is anticipated that rules may be promulgated during the fiscal year.

The legal basis for each proposed rule is the authority conferred to the TLC pursuant to chapter 65 of the City Charter and Title 19, Chapter 5 of the Administrative Code of the City of New York, which confer upon the Commission the authority to promulgate rules relating to public safety, comfort and convenience, standards and conditions of service, the issuance, suspension and revocation of licenses, and the development of a transportation policy relating to for-hire vehicles and taxicabs.

The individuals and entities likely to be subject to the proposed rules are the owners and drivers of licensed medallion taxicabs, for-hire vehicles, commuter vans and paratransit services vehicles; the owners of bases dispatching for-hire vehicles, paratransit services vehicles and commuter vans; taxicab brokers; taxicab agents; taximeter businesses; and representatives authorized to appear before the Commission's Adjudications Tribunal.

An agency official knowledgeable about the subject area of each proposal is:

Charles R. Fraser
Deputy Commissioner for Legal Affairs/General Counsel
Taxi and Limousine Commission
40 Rector Street, New York, New York 10006
Telephone: (212) 676-1135

1. Comprehensive Rule Revision

As the second phase of a three-phase project to assess, restructure and revise the Commission's rules, the Commission expects to complete a largely non-substantive revision and re-promulgation of its entire body of rules during FY 2010. During FY 2009, these amendments are expected to be largely non-substantive. Rather, rules will be revised to be in plain English, outdated and duplicative rules will be eliminated, and the overall structure of the Commission's rules will change.

The Commission expects to present revised rules chapters at each Commission meeting until this phase of the project is completed, which the Commission expects will be during the Fall of 2009.

2. Adjudications Procedures

The Commission expects to propose several rules relating to adjudications before the Commission's tribunal. Among these will be rules to establish fixed fines for all violations, eliminating fines that can vary within specified ranges. That proposal would enable individuals who wish to plead guilty to violations to do so by mail, thereby eliminating the requirement of a personal appearance before an administrative law judge. Other proposed rules would revise the procedures for appeals from decisions rendered by the Commission's administrative law judges, adjournments, and motions to vacate defaults. These proposals are scheduled for consideration in the Winter of 2009-10.

3. Licensing Requirements

The Commission expects to propose rules revising licensing requirements to standardize requirements for new and renewal applicants. The proposed amendments will create a one-year ban after license revocation for all license types; eliminate or codify license renewal grace periods; and revise

licensee education/training requirements. This will allow the Commission to process applications more quickly and provide better customer service to the public and licensees.

The Commission also expects to propose a rule requiring that new and renewal license applicants pay any outstanding fines before their application can be accepted for review. This will increase the Commission's ability to collect outstanding debts and further deter licensees from violating Commission rules and regulations.

The Commission expects to consider these proposals in the Spring of 2010.

4. Vehicle Tow and Removal Fees

The Commission expects to amend applicable penalties for unlicensed activity, including the fees charged for vehicle tow and removal. Currently the penalties for vehicle tow and removal vary between industries; the proposed rules will standardize and update them. This proposal is scheduled for consideration in the Spring of 2010.

5. Rooftop Advertising Fixtures

The Commission expects to propose rules stating technical standards for taxicab rooftop advertising fixtures. The Commission expects to consider this proposal in the Spring of 2010.

6. Medallion Revocations

The Commission expects to propose rules revising the procedures for the re-sale of revoked medallions. The Commission expects to consider this proposal in the Spring of 2010.

■ m8

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ NOTICE

**OFFICIAL FUEL PRICE SCHEDULE NO. 6249
FUEL OIL AND KEROSENE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 5/4/2009
2887105	2.0	#1DULS	MANH	SPRAGUE ENERGY CORP -.0083 GAL.	1.8786 GAL.
2887105	3.0	#1DULS	BRONX	SPRAGUE ENERGY CORP -.0083 GAL.	1.8786 GAL.
2887105	4.0	#1DULS	BROOKLYN	SPRAGUE ENERGY CORP -.0083 GAL.	1.9136 GAL.
2887105	5.0	#1DULS	QUEENS	SPRAGUE ENERGY CORP -.0083 GAL.	1.9136 GAL.
2887105	6.0	#1DULS	S.I.	SPRAGUE ENERGY CORP -.0083 GAL.	1.9786 GAL.
2887105	7.0	#1DULS	P/U	SPRAGUE ENERGY CORP -.0083 GAL.	1.7904 GAL.
2887086	3.0	#1DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP +.0123 GAL.	1.9592 GAL.
2887086	7.0	#1DULSB20	P/U	SPRAGUE ENERGY CORP +.0123 GAL.	1.8895 GAL.
2887086	1.0	#1DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP -.0032 GAL.	1.8373 GAL.
2887086	5.0	#1DULSB5	P/U	SPRAGUE ENERGY CORP -.0032 GAL.	1.7553 GAL.
2887052	1.0	#2	MANH	RAPID PETROLEUM -.0074 GAL.	1.3956 GAL.
2887052	4.0	#2	BRONX	RAPID PETROLEUM -.0074 GAL.	1.3954 GAL.
2887052	7.0	#2	BROOKLYN	RAPID PETROLEUM -.0074 GAL.	1.3850 GAL.
2887052	13.0	#2	S.I.	RAPID PETROLEUM -.0074 GAL.	1.4285 GAL.
2887053	10.0	#2	QUEENS	METRO FUEL OIL CORP. -.0281 GAL.	1.4183 GAL.
2887169	1.0	#2B5	CITY WIDE BY TW	METRO FUEL OIL CORP. -.0023 GAL.	1.8302 GAL.
2887105	8.0	#2DHS	BARGE M.T.F. 111	SPRAGUE ENERGY CORP -.0074 GAL.	1.6711 GAL.
2887106	9.0	#2DHS	BARGE WI	METRO FUEL OIL CORP. -.0074 GAL.	1.5825 GAL.
2887301	1.0	#2DLS	BARGE ST. GEORGE	METRO FUEL OIL CORP. -.0011 GAL.	1.6785 GAL.
2887301	3.0	#2DLS	P/U	METRO FUEL OIL CORP. -.0011 GAL.	1.5413 GAL.
2887302	4.0	#2DLS	CITY WIDE BY TW	SPRAGUE ENERGY CORP. -.0011 GAL.	1.6630 GAL.
2887105	1.0	#2DULS	CITY WIDE BY TW	SPRAGUE ENERGY CORP -.0281 GAL.	1.5426 GAL.
2887105	1.1	#2DULS	P/U	SPRAGUE ENERGY CORP -.0281 GAL.	1.5076 GAL.
2887301	2.0	#2DULS	BARGE ST. GEORGE	METRO FUEL OIL CORP. -.0281 GAL.	1.6223 GAL.
2887086	4.0	#2DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP -.0035 GAL.	1.7791 GAL.
2887087	8.0	#2DULSB20	P/U	METRO FUEL OIL CORP. -.0035 GAL.	2.1299 GAL.
2887086	2.0	#2DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP -.0219 GAL.	1.6260 GAL.
2887105	10.0	#2DULSB5	BARGE ST. GEORGE	SPRAGUE ENERGY CORP -.0219 GAL.	2.1613 GAL.
2887159	6.0	#2DULSB5	P/U	METRO FUEL OIL CORP. -.0219 GAL.	1.6737 GAL.
2887274	7.0	#2DULSDISP	DISPENSED	SPRAGUE ENERGY CORP. -.0281 GAL.	1.8695 GAL.
2887052	2.0	#4	MANH	RAPID PETROLEUM +.0189 GAL.	1.2863 GAL.
2887052	5.0	#4	BRONX	RAPID PETROLEUM +.0189 GAL.	1.2897 GAL.
2887052	8.0	#4	BROOKLYN	RAPID PETROLEUM +.0189 GAL.	1.3005 GAL.
2887052	14.0	#4	S.I.	RAPID PETROLEUM +.0189 GAL.	1.3335 GAL.
2887053	11.0	#4	QUEENS	METRO FUEL OIL CORP. +.0189 GAL.	1.3053 GAL.
2887052	3.0	#6	MANH	RAPID PETROLEUM +.0364 GAL.	1.2290 GAL.
2887052	6.0	#6	BRONX	RAPID PETROLEUM +.0364 GAL.	1.2290 GAL.
2887052	9.0	#6	BROOKLYN	RAPID PETROLEUM +.0364 GAL.	1.2440 GAL.
2887052	15.0	#6	S.I.	RAPID PETROLEUM +.0364 GAL.	1.2800 GAL.
2887054	12.0	#6	QUEENS	CASTLE OIL CORPORATION +.0364 GAL.	1.2481 GAL.
2787347	1.0	JETA	FLOYD BENNETT	SPRAGUE ENERGY CORP -.0021 GAL.	2.1089 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6250
FUEL OIL, PRIME AND START**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 5/4/2009
2787117	1.0	#2	MANH	PACIFIC ENERGY -.0074 GAL.	1.4749 GAL.
2787117	79.0	#2	BRONX	PACIFIC ENERGY -.0074 GAL.	1.4749 GAL.
2787117	157.0	#2	QNS., BROOKLYN & S.I.	PACIFIC ENERGY -.0074 GAL.	1.4739 GAL.
2787118	235.0	#4	CITY WIDE BY TW	EAST COAST PETROLEUM +.0189 GAL.	1.4784 GAL.
2787118	236.0	#6	CITY WIDE BY TW	EAST COAST PETROLEUM +.0364 GAL.	1.4740 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6251
FUEL OIL AND REPAIRS**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 5/4/2009
2787112	1.0	#2	MANH	SJ FUEL CO. INC. -.0074 GAL.	1.3529 GAL.
2787113	79.0	#2	BRONX	PACIFIC ENERGY -.0074 GAL.	1.2975 GAL.
2787114	157.0	#2	QNS., BROOKLYN & S.I.	NU WAY FUEL OIL -.0074 GAL.	1.4685 GAL.

2787115 234.0 #4 CITY WIDE BY TW EAST COAST PETROLEUM +.0189 GAL. 1.4344 GAL.

OFFICIAL FUEL PRICE SCHEDULE NO. 6252 GASOLINE

Table with columns: CONTRACT NO., ITEM NO., FUEL/OIL TYPE, VENDOR, CHANGE, PRICE EFF. 5/4/2009. Rows include items like CITY WIDE BY TW, CITY WIDE BY TW, CITY WIDE BY VEHICLE, etc.

COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Rm. 629, New York, NY 10007 on May 21, 2009, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with columns: Damage Parcel No., Block, Lot P/O. Row 1: 1, 2448, P/O 60

Acquired in the proceeding, entitled: Third Water Tunnel Shaft 18B subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr. Comptroller

m7-21

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO THE SPECIAL CLINTON DISTRICT PROVISIONS OF THE ZONING RESOLUTION

DATE OF NOTICE: May 7, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Table with columns: Address, Application #, Inquiry Period. Row 1: 405 West 46th Street, Manhattan 30/09 September 5, 1973 to Present

Prior to the issuance of a permit by the Department of Buildings for the alteration or demolition of residential buildings in certain areas of the Special Clinton District, the Department of Housing Preservation and Development is required to certify that: 1) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration or demolition, the owner shall have notified HPD of the owner's intention to alter or demolish the building and 2) the eviction and relocation practices followed by the owner of the building satisfy all applicable legal requirements and that no harassment has occurred.

The owner of the building located at the above-referenced address seeks the issuance of an HPD Certification. The owner has represented and certified to HPD of the owner's intention to alter or demolish the building and that the eviction and relocation practices followed by the owner satisfy all applicable legal requirements and that no harassment has occurred. For your information HPD considers harassment to include, but not be limited to, the threatened or actual use of physical force, deprivation of essential services such as heat, water, gas or electric, or any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy.

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

m7-15

OFFICE OF THE MAYOR

OFFICE OF THE CRIMINAL JUSTICE COORDINATOR

NOTICE

The U.S. Department of Justice, Bureau of Justice Assistance (BJA), recently announced that \$29,062,259 is available for New York City under the American Recovery and Reinvestment Act, Edward Byrne Memorial Justice Assistance Grant (JAG) program. Funds may be used for several purpose areas, including: law enforcement programs, prosecution and court programs, prevention and education programs, corrections, drug treatment, planning, evaluation, and technology improvement programs, and crime victim and witness programs.

The Mayor's Office of the Criminal Justice Coordinator, in consultation with the New York City Office of Management and Budget, is in the process of preparing a distribution plan for JAG funds. The City is required to submit an application for funding to BJA by May 18, 2009. Individuals or organizations who wish to provide comment about the distribution of JAG funds in New York City should send comments to:

Grants Coordinator New York City Mayor's Office of the Criminal Justice Coordinator One Centre Street, Room 1012 North, New York, NY 10007

All comments must be received by May 15, 2009.

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m8-14

MAYOR'S OFFICE OF ENVIRONMENTAL COORDINATION

NOTICE

NOTICE OF CEQR COMMENCEMENT

Table with columns: CEQR NO., Project Name, Borough, CD. Rows include projects like 137-35 Elder Avenue aka 43-49 Main Street, Royal Palace, Hatzolah of Far Rockaway, etc.

Table with columns: ID, Project Name, Location, ID. Rows include Montgomery Avenue Residential Staten Island SI01, North Corona II Rezoning Queens QN03, Gowanus Rezoning and Related Actions Brooklyn BK06, etc.

09DEP047U	Proposed Expansion of Boating at Cannonsville Reservoir	Upstate	
09DHS004K	The Flagstone Family Residence	Brooklyn	BK16
09DHS005X	The Lafayette Safe Haven	Bronx	BX02
09DME010M	Preferred Floors Land Disposition	Manhattan	MN11
09DOT001R	Amboy Road and Annadale Road Reconstruction	Staten Island	SI03
08DPR003R	Goodhue Park Mapping and Acquisition	Staten Island	SI01
09DPR003R	Ocean Breeze Park Redevelopment	Staten Island	SI02
09DPR004X	Putnam Greenway	Bronx	BX08
09DPR006K	Transmitter Park Redevelopment	Brooklyn	BK01
09HPD022M	West 44th Street and Eleventh Avenue Rezoning (PS 51)	Manhattan	MN04
09HPD025M	West 128th Street Dempsey Apartments	Manhattan	MN10
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 Café 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			
Draft Scope of Work			
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			
Draft EIS and NOC			
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			
Other (Minor Modification or Errata)			
CEQR NO.	Project Name	Borough	CD
09DCP013Q	Special Forest Hills Special District	Queens	QN06

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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

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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.

al-m18

CHANGES IN PERSONNEL

HRA/DEPT OF SOCIAL SERVICES
FOR PERIOD ENDING 04/17/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for HRA/DEPT OF SOCIAL SERVICES.

DEPT. OF HOMELESS SERVICES
FOR PERIOD ENDING 04/17/09

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for DEPT. OF HOMELESS SERVICES.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for various departments.

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ENVIRONMENTAL PROTECTION

Promulgation of Chapter 39 of Title 15 of the Rules of the City of New York Defining the Term "Adjacent" in Relation to Engine Idling Near Schools.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Environmental Protection by sections 1043 and 1403(c) of the Charter of the City of New York, and section 24-163(f) of the Administrative Code of the City of New York, and in accordance with the requirements of section 1043 of the Charter of the City of New York, that the Department of Environmental Protection promulgates a rule defining the term adjacent in relation to engine idling near schools (15 RCNY 39-01 et seq.) These amendments were proposed and published on April 6th, 2009 in the City Record. The required hearing was held on May 6, 2009.

Statement of Basis and Purpose

On February 10, 2009, Mayor Michael Bloomberg signed Local Law Number 5 for the year 2009. The law amended section 24-163 of the Administrative Code of the City of New York in relation to the amount of time the engine of a motor vehicle is permitted to idle when adjacent to a school. The law provides that the Commissioner shall determine by rule the meaning of the term "adjacent".

This rulemaking sets forth the determination by the Commissioner of the Department of Environmental Protection as to the meaning of the term "adjacent" for purposes of compliance with Section 24-163(f) of the Administrative Code.

Consistent with the above, DEP promulgates the following new Rule, to be found at 15 RCNY chapter 39. This Rule sets forth the definition of the term "adjacent" in relation to engine idling near schools.

The Rule is authorized by Section 1043 of the Charter of the City of New York, section 24-163(f) of the Administrative Code and Local Law Number 5 for the year 2009.

The text of the Rule follows.

Title 15 of the Rules of the City of New York is amended by adding a new Chapter 39, to read as follows:

Chapter 39
Engine Idling Adjacent to any Public or Non-Public School.

§39-01 Definitions.

Marginal Street. "Marginal street" shall have the meaning set forth in section 4-01 of Title 34 of the Rules for the City of New York.

Street. "Street" shall have the meaning set forth in subdivision 13 of section 1-112 of the Administrative Code of the City of New York, except that for the purposes of this rule "street" shall include "marginal streets".

§39-02 Adjacent to Any Public or Non-Public School.

"Adjacent" shall mean on each and every street on which a school is located and has entrances and/or exits to such street. School shall include any building or structure, playground, athletic field or other property that is part of the school.

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HOUSING PRESERVATION AND DEVELOPMENT

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, May 21, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Housing Preservation and Development and EMPHASYS Computer Solutions, 3890 Charlevoix Avenue, Suite 370, Petoskey, MI. 49770, for the provision of a Proprietary Software Support Agreement. The contract amount shall be \$154,968. The contract term shall be from September 1, 2009 to August 31, 2012. PIN#: 806091000706.

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

A draft copy of the proposed contract is available for public inspection at the Department of Housing Preservation and Development, 100 Gold Street, 8th Floor, Room 8-S6, New York, NY 10038, on business days, from May 8, 2009 to May 21, 2009, excluding Holidays, from 10:00 A.M. to 4:00 P.M. Contact Ms. Angela Blake Fields at Room # 8-S6, (212) 863-6655.

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READER'S GUIDE

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

NOTICE TO ALL NEW YORK CITY CONTRACTORS

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

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

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

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

VENDOR ENROLLMENT APPLICATION

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

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

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application. If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

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

PRE-QUALIFIED LIST

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

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

NON-MAYORAL ENTITIES

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

PUBLIC ACCESS CENTER

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

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

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

PROMPT PAYMENT

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

PROCUREMENT POLICY BOARD RULES

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

COMMON ABBREVIATIONS USED IN THE CR

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

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

KEY TO METHODS OF SOURCE SELECTION

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

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

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

HOW TO READ CR PROCUREMENT NOTICES

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

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

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

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

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

☛ m27-30

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

NUMBERED NOTES

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