



THE CITY RECORD

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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BROOKLYN BOROUGH PRESIDENT

PUBLIC HEARINGS

UNIFORM LAND USE REVIEW PROCEDURE

NOTICE IS HEREBY GIVEN THAT, pursuant to Sections 82 and 197-C of the New York City Charter, Borough President will hold a public hearing on the following matters in the Court Room, First Floor, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 4:00 P.M. on Tuesday, June 30, 2009.

CALENDAR ITEM 1 BOARD OF ELECTIONS WAREHOUSE SITE SELECTION AND ACQUISITION COMMUNITY DISTRICT 7 090349 PCK

In the matter of an application submitted by the Board of Elections and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 4312 2nd Avenue for use as a warehouse facility.

CALENDAR ITEM 2 MOSDOTH CHILD CARE CENTER SITE ACQUISITION COMMUNITY DISTRICT 9 090323 PCK

In the matter of an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 420 Lefferts Avenue for continued use as a child care center.

CALENDAR ITEM 3 RIVERWAY SENIOR APARTMENTS UDAAP - LAND DISPOSITION COMMUNITY DISTRICT 16 090447 HAK

In the matter of applications submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter seeking approvals of an Urban Development Action Area designation and approval, and disposition of city-owned vacant land to facilitate the development of an approximately 115 unit rental project for the elderly in HPD's Supportive Housing Program.

CALENDAR ITEM 4 470 VANDERBILT AVENUE REZONING ZONING MAP/TEXT AMENDMENT - SPECIAL PERMIT COMMUNITY DISTRICT 2 090441 ZMK - 090442 ZRK - 090443 ZSK

In the matter of applications submitted by Atara Vanderbilt, LLC pursuant to Sections 197-c and 201 of the New York City Charter for: a.) an amendment of the Zoning Map eliminating from an existing R6 District a C2-3 District and changing from an R6 District property bounded by Fulton Street,

Vanderbilt Avenue, and a line 100 feet southeasterly of Fulton Street and Clermont Avenue; and, changing from an M1-1 District to a C6-3A District property bounded by a line 100 feet southeasterly of Fulton Street, Vanderbilt Avenue, Atlantic Avenue, and Clermont Avenue, b.) the grant of a special permit pursuant to Section 74-743(a) of the Zoning Resolution to modify the requirements of Section 23-145, Section 23-852, and Section 35-24 to facilitate a mixed use development on property located at 470 Vanderbilt Avenue.

CALENDAR ITEM 5 NAVY GREEN ZONING MAP AMENDMENT - SPECIAL PERMIT UDAAP - LAND DISPOSITION COMMUNITY DISTRICT 2 090444 ZMK - 090445 ZSK - 090446 HAK

In the matter of applications submitted by the New York City Department of Housing Preservation and Development pursuant to: a.) Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map changing from an M1-2 District to an R8 District and establishing within the proposed R8 District a C2-4 District property bounded by Flushing Avenue, Vanderbilt Avenue, a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly from the point of intersection of the westerly street line of Vanderbilt Avenue and northerly street line of Park Avenue and Clermont Avenue, and the grant of a special permit pursuant to Section 78-312(d) of the Zoning Resolution to modify the height and setback requirements of Section 23-632; and, b.) Article 16 of the General Municipal Law of New York State for the designation of property located at 136-50 Flushing Avenue as an Urban Development Action Area, an Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD to facilitate the development of a mixed-use development, tentatively known as Navy Green, with approximately 455 residential units, commercial and community facility space.

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

j24-30

CITY COUNCIL

PUBLIC HEARING

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

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Chambers, City Hall, New York City, New York 10007, commencing at 10:00 A.M. on Wednesday, July 1, 2009:

CONY ISLAND

BROOKLYN CB - 13 C 090272 ZMK
Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d:

- eliminating from within an existing R6 District a C1-2 District bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17th Street, a line 250 feet southerly of Mermaid Avenue, West 19th Street, a line 150 feet southerly of Mermaid Avenue, and West 20th Street;
- changing from a C7 District to an R5 District

property bounded by a line 300 feet northerly of the northerly boundary line of Coney Island Beach, a line 150 feet northerly of former Highland View Avenue, West 22nd Street, the northerly and easterly boundary line of a park, the northerly boundary line of Coney Island Beach, and West 24th Street and its southerly centerline prolongation;

- changing from an R6 District to an R7A District property bounded by Mermaid Avenue, West 15th Street, a line 100 feet southerly of Mermaid Avenue, and West 20th Street;
- changing from a C7 District to an R7D District property bounded by Surf Avenue, the northerly prolongation of the westerly boundary line of a park, the northerly and westerly boundary line of a former park, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park, and West 22nd Street; and excluding the area bounded by the southerly street line of Surf Avenue, the westerly street line of West 21st Street, the southerly, easterly and southerly boundary line of a former park, and the easterly street line of West 22nd Street;
- changing from an R6 District to an R7X District property bounded by Mermaid Avenue, Stillwell Avenue, a line 150 feet southerly of Mermaid Avenue, West 17th Street, Surf Avenue, West 20th Street, a line 100 feet southerly of Mermaid Avenue, and West 15th Street;
- changing from a C7 District to an R7X District property bounded by a line 150 feet southerly of Mermaid Avenue, Stillwell Avenue, Surf Avenue, and West 17th Street;
- establishing an R7D District bounded by:
 - the southerly street line of Surf Avenue, the westerly street line of West 21st Street, the southerly, easterly and southerly boundary line of a former park, and the easterly street line of West 22nd Street; and
 - the southerly street line of Surf Avenue, the proposed westerly boundary line of a park, the northerly boundary line of Coney Island Beach, and the westerly boundary line of a former park;
- establishing within a proposed R7A District a C2-4 District bounded by Mermaid Avenue, West 15th Street, a line 100 feet southerly of Mermaid Avenue, and West 20th Street;
- establishing within a proposed R7D District a C2-4 District bounded by Surf Avenue, the westerly boundary line of a park, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park, and West 22nd Street;
- establishing within a proposed R7X District a C2-4 District bounded by Mermaid Avenue, Stillwell Avenue, Surf Avenue, West 20th Street, a line 100 feet southerly of Mermaid Avenue, and West 15th Street; and
- establishing a Special Coney Island District (CI) bounded by Mermaid Avenue, Stillwell Avenue, the southerly boundary of the MTA New York City Transit Authority right-of-way, West 8th Street, Surf Avenue, the centerline of former West 8th Street and its northerly centerline prolongation, the northerly boundary line of Coney Island Beach, the easterly and northerly boundary line of a park, West 22nd Street, Surf Avenue, and West 20th Street;

as shown on a diagram (for illustrative purposes only) dated January 20, 2008, and which includes CEQR designation E-229.

CONY ISLAND

BROOKLYN CB - 13 N 090273 (A) ZRK
Application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c) (1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, relating to the creation of the Special Coney Island District (Article XIII, Chapter 1),

PROPOSED SPECIAL CONY ISLAND DISTRICT

“A text “ with CPC Modifications

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

11-12 Establishment of Districts

Establishment of the Special Clinton District

Establishment of the Special Coney Island District

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

Establishment of the Special Coney Island Mixed Use District

12-10 Definitions

Special Coney Island District

The #Special Coney Island District# is a Special Purpose District designated by the letters “CI” in which special regulations set forth in Article XIII, Chapter 1, apply. The #Special Coney Island District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed, provided that its regulations shall not apply in Parcel 1 of the Coney East Subdistrict, which shall be governed by the provisions of the underlying C7 District.

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

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

Table with 3 columns: District, #Enclosed Sidewalk Cafe#, #Unenclosed Sidewalk Cafe#. Rows include Brooklyn, Bay Ridge District, Coney Island District, Coney Island Mixed Use District, Downtown Brooklyn District, Mixed Use District-8 (Greenpoint-Williamsburg), Ocean Parkway District*, Sheepshead Bay District.

* #Sidewalk cafes# are not allowed on Ocean Parkway

Chapter 5 Residential Conversion of Existing Non-Residential Buildings

15-011 Applicability within Special Districts

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

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

ALL TEXT IN ARTICLE XIII, CHAPTER 1 IS NEW

131-00 GENERAL PURPOSES

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

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

131-01 General Provisions

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

Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

131-02 District Plan and Maps

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

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

131-03 Subdistricts

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

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

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

131-04 Applicability

131-041 Applicability of Article I, Chapter 1

Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

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

131-042 Applicability of Article 1, Chapter 5

The provisions of Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The conversion to #dwelling units#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

131-043 Applicability of Article 6, Chapter 2

The provisions of Article 6, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply in the #Special Coney Island District#.

131-044 Applicability of Article 7, Chapter 4

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

131-045 Physical Culture Establishments

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

131-046 Modification of use and bulk regulations for zoning lots fronting upon the Riegelmann Boardwalk, Keyspan Park and Highland View Park

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

131-10 SPECIAL USE REGULATIONS

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

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

131-11 Use Group 5

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter.

13-12 Use Groups A, B and C

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

131-121 Use Group A: Amusements

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

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

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

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

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

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

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

131-123 Use Group C: Retail and service uses

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

- Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving
Bicycle sales, rental or repair shops
Bookstores
Candy or ice cream stores
Clothing or clothing accessory
Clothing, custom manufacturing or altering for retail including costume production and hair product manufacturing
Delicatessen stores
Fishing tackle or equipment, rental or sales
Gift shops
Jewelry manufacturing from precious metals
Musical instruments store

Toy stores
Music stores

Newsstands

Patio or beach furniture or equipment

Photographic equipment stores and studios

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

**131-13
Special Use Regulations in Subdistricts**

**131-131
Coney East Subdistrict**

The #use# regulations of the underlying C7 District are modified as set forth in this Section. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages# shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

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

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

At least 15 percent of the #street# frontage of each #block# front bounding the south side of Surf Avenue between West 16th Street and West 10th Street shall be occupied by Use Group A1 #uses# at the ground floor level.

There shall be separate ground floor establishments fronting upon each #block# front bounding Surf Avenue, as follows:

- (1) On the #block# front bounding the southerly #street line# of Surf Avenue between Stillwell Avenue and West 12th Street there shall be at least six establishments;
- (2) On the #block# front bounding the southerly #street line# of Surf Avenue between West 12th Street and West 10th Street there shall be at least six establishments;
- (3) On all other #block# fronts there shall be at least four establishments;
- (4) The provisions of this paragraph (c) shall not apply along the southerly #street line# of Surf Avenue east of West 10th Street.

There may be fewer establishments fronting upon such #block# fronts than required pursuant to this paragraph (c) where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such modification is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Stillwell Avenue and West 10th Street

At least 15 percent of the Stillwell Avenue and West 10th Street #street# frontage of any #zoning lot# shall be occupied by Use Group A1 #uses# at the ground floor level.

(e) #Transient hotels#

- (1) #Transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th Street and West 16th Street south of the prolongation of the centerline of Bowery.
- (2) #Transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.
- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
- (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
- (5) #accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Depth of ground floor uses

All ground floor #uses# shall have a depth of at least 15 feet measured from the #street wall# of the #building#, as shown on Map 2 (Mandatory Ground Floor Use Requirements).

(g) Parcel 2

On Parcel 2 as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions

of Section 131-62 (Use and Location of Parking Facilities).

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

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

(a) Mandatory ground floor level use along designated #streets#

Any #use# listed in Use Groups A, B and C, as set forth in Sections 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of the Riegelmann Boardwalk and within 100 feet of all other designated streets, as shown on Map 2.

(1) Riegelmann Boardwalk

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

(2) Designated #streets# other than Riegelmann Boardwalk

At least 20 percent of the designated #street# frontage of a #building# shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining designated #street# frontage of such #buildings# shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, #transient hotels#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a designated #street#.

There shall be at least four separate ground floor #commercial# establishments fronting upon each #block# front bounding Surf Avenue.

All ground floor #commercial uses# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

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

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

From Use Group 2:
All #uses#.

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

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

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

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

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

Electrolysis studios, frozen food lockers and loan offices.

From Use Group 6D:
All #uses#.

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

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

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

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

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

Use Group 11:
All #uses#.

Use Groups 12A and 12B:
Trade expositions.

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

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

**131-14
Location of Uses within Buildings**

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

(a) #residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential use#, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and

(b) in the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#. Furthermore, a #public parking garage# may occupy any #story# of a #mixed building# provided such garage complies with the provisions of Section 131-52 (Use and Location of Parking Facilities).

**131-15
Transparency**

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

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

**131-16
Security Gates**

All security gates installed after (effective date of amendment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon the Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

**131-17
Authorization for Use Modifications**

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

**131-20
SIGN REGULATIONS**

(a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:

- (1) no #advertising signs# shall be permitted above a height of 40 feet, and
- (2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying along District Boundaries) shall not apply.

(b) In the Coney North and Coney West Subdistricts, the underlying C2-4 #sign# regulations shall apply, except that the height restrictions of Section 32-65 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial use#.

**131-30
FLOOR AREA REGULATIONS**

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

**131-31
Coney East Subdistrict**

The maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block# or portion thereof, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios). On Parcel 2, as shown on Map 3, the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

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

**131-321
Special floor area regulations for residential uses**

R7A R7D R7X

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

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

TABLE FLOOR AREA RATIO FOR BUILDINGS CONTAINING RESIDENCES

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

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

- Parcels A and B
- Parcels C and D
- Parcels E and F.

In addition, #floor area# attributable to lot 130, #block# 7071 within Parcel B may be distributed anywhere within Parcels C or D.

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

131-322 Special floor area regulations for community facility uses

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

131-323 Special floor area ratio regulations for hotel uses

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

131-324 Special floor area ratio regulations for entrances to stories above the base flood elevation

Up to 300 square feet of an entranceway adjoining the #street wall# of a #building# that contains ramps, stairs or handicap accessible elevators providing access from a public sidewalk to the lowest #story# above the #base flood elevation# shall be exempt from the definition of #floor area#.

131-325 Lot coverage

For #residential uses#, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less. Furthermore, the level of any #building# containing #accessory# parking spaces or non-#residential uses# shall be exempt from #lot coverage# regulations.

131-326 Rear Yards

Required #rear yards# or #rear yard equivalents# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# facing onto such #yard#.

131-40 HEIGHT AND SETBACK REGULATIONS

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

131-41 Rooftop Regulations

(a) Permitted obstructions
The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

(b) Screening requirements for mechanical equipment

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

131-42 Coney East Subdistrict

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

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

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

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

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

(b) Building base
(1) Surf Avenue, west of West 12th Street

West of West 12th Street, the #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. If a tower is provided, in accordance with requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section. For #developments# or #enlargements# located West of West 12 Street that, provide a tower in accordance with the requirements of paragraph (d) of this Section, not more than 40 percent of the #aggregate width of street walls# facing Surf Avenue shall exceed a height of 45 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 60 feet but not more than 65 feet. Furthermore, any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with location requirements of paragraphs (d) of this Section.

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

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of

street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

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

(1) East of West 12th Street
The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within 100 feet of Jones Walk on the easterly side, the maximum building height after the required setbacks shall be 85 feet.

(2) West of West 12th Street
All portions of a #building# that exceed the maximum base height as set forth in paragraph (b) (1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

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

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

(1) Maximum floorplate
Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(2) Maximum length and height
The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet. The maximum height of a #building# located between West 12th Street and Jones Walk shall be 150 feet between West 12th Street and Jones Walk. The maximum height of a #building# located between West 12th Street and West 16th Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(3) Tower location
All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

131-422 Coney East Subdistrict, north side of Surf Avenue

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

131-423 Along all other streets

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

(a) #Street wall# location
The #street wall# of the #development# or #enlargement#, or portion thereof, shall be located within five feet of the #street line#. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, a recess shall be permitted to have a depth of up to ten feet as measured from the #street line# provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

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

West of West 12th Street, along the northern

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

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

131-43 Coney West Subdistrict

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

131-431 Coney West District, Surf Avenue

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

(a) #Street wall# location

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

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances; However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

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

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

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

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf

Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Towers).

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

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

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower. In addition, for #street walls# facing Ocean Way, building entrances providing direct access to the lowest #story# located above the #base flood elevation# may be recessed up to a depth of ten feet as measured from the #street line# provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line# shall be planted except for sidewalks, steps and handicap accessible elevators that provide access to building entrances.

(b) Building base

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

(c) Transition heights

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

- (1) above the maximum base height, up to 60 percent of the #aggregate width of street walls# facing Ocean Way, and along all other #streets#, other than the Riegelmann Boardwalk, shall be set back a minimum distance of 10 feet from the #street line#. The remaining portion of such #aggregate width of street walls# facing Ocean Way, and along all other #streets# other than the Riegelmann Boardwalk, shall be set back a minimum distance of 15 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), the remaining portion of such #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line#;
- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of the Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.

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

131-433 Riegelmann Boardwalk and Building Line of Parcel F

The #street wall# of the #development# or #enlargement# shall be located on the Riegelmann Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet, as shown on Map 2 (Mandatory Ground Floor Use Requirements). Any #building or other structure# within 70 feet of the Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of the Riegelmann Boardwalk.

In addition, on Parcel F, the #street wall# of the #development# or #enlargement# shall be located on the Parachute Way building line and the portion of the Ocean Way building line that is within 100 feet of the Parachute Way building line, as shown on Map 2. Such #street walls# shall extend along such entire frontages of Parcel F to a minimum height of 20 feet.

131-434 Coney West District towers

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

(a) Maximum floorplate

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

(b) Maximum length and height

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

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

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

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

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

(c) Tower location

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

131-44 Coney North Subdistrict

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

131-441 Coney North Subdistrict, Surf Avenue

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

(a) #Street wall# location

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

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (3) to allow for portions of towers to rise without setback from grade, a portion of a building base below a tower may be set back ten feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) Building base

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

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

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

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

(c) Transition height

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

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

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

(a) #Street wall# location

The #street wall# of a building base of a #development# or #enlargement#, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line#, except that, to allow portions of towers to rise without setback from grade, a portion of a building base below a tower may be recessed ten feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower.

For #buildings# where the ground floor level is occupied by #residential uses#, any area between the #street wall# and the #street line# shall be planted except for sidewalks, steps and handicap accessible elevators that provide access to building entrances.

(b) Building base

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

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

(c) Transition height

In all portions of #blocks# located beyond 100 feet of Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-443
Stillwell and Mermaid Avenues

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

- (a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls#

may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

131-444
Coney North Subdistrict towers

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

(a) Maximum floorplate

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

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building# shall be 220 feet and beyond 175 feet of Surf Avenue the maximum height of a #building# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

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

(1) The outermost wall of all tower #stories# shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or

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

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

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

(c) Tower location

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

131-45
Mermaid Avenue Subdistrict

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

(a) ground floor level recesses up to three feet deep shall be permitted for access to building entrances. However, for building entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

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

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

131-46
Tower Top Articulation

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

(a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a),

each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks

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

(c) Reverse setbacks

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

131-47
Design Requirements for Ground Level Setbacks

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

(a) Minimum and maximum areas

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

(b) Pavement

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

(c) Wall treatments

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

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

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

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

(ii) Such building walls shall be articulated with artwork or landscaping to a height of at least ten feet.

(d) Building entrances

A public entrance to a #building# shall front upon such setback area. No ramps shall be permitted within the setback area.

(e) Landscaping

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

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

(1) an additional public entrance to the #building# that fronts upon such setback area; and

(2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

131-48
Street Trees

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

131-49
Authorization for Exterior Ramps

The City Planning Commission may authorize modifications of the #street wall# location provisions of this Chapter to allow exterior ramps for access from the public sidewalk to the lowest #story# above the #base flood elevation# provided the Commission finds that the design of such ramps:

- (a) maximizes visibility of interior ground floor space within the #building# from the public sidewalk;
- (b) incorporates amenities such as seating and planting as the Commission may find appropriate; and
- (c) relates harmoniously with the design and materials of the adjacent #building# and the surrounding streetscape.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

131-50 OFF-STREET PARKING AND LOADING REGULATIONS

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

131-51 Amount of Required and Permitted Parking

- (a) Residential and Community Facility Parking

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

The underlying regulations shall apply, except as modified below:

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

In accordance with the provisions of Section 131-043 (Applicability of Article 7, Chapter 4), #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

131-52 Use and Location of Parking Facilities

The following provisions shall apply to all parking facilities:

- (a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is accessory within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# parking spaces and spaces within a #public parking garage# are provided on the same #zoning lot#, all such spaces may be provided within the same parking facility.
- (b) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:
 - (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by the Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
 - (2) In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:
 - Parcels A and B
 - Parcels C and D
 - Parcels E and F.
 - (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.
- (c) All off-#street# parking facilities shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
 - (i) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall#

of the #building# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas. All such parking facilities shall be exempt from the definition of #floor area#.

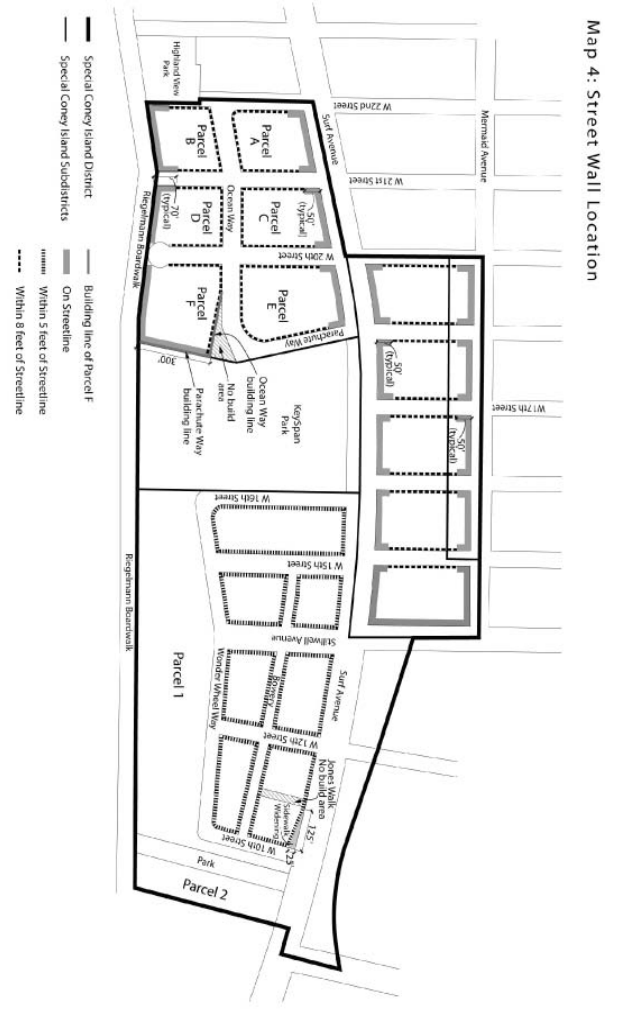
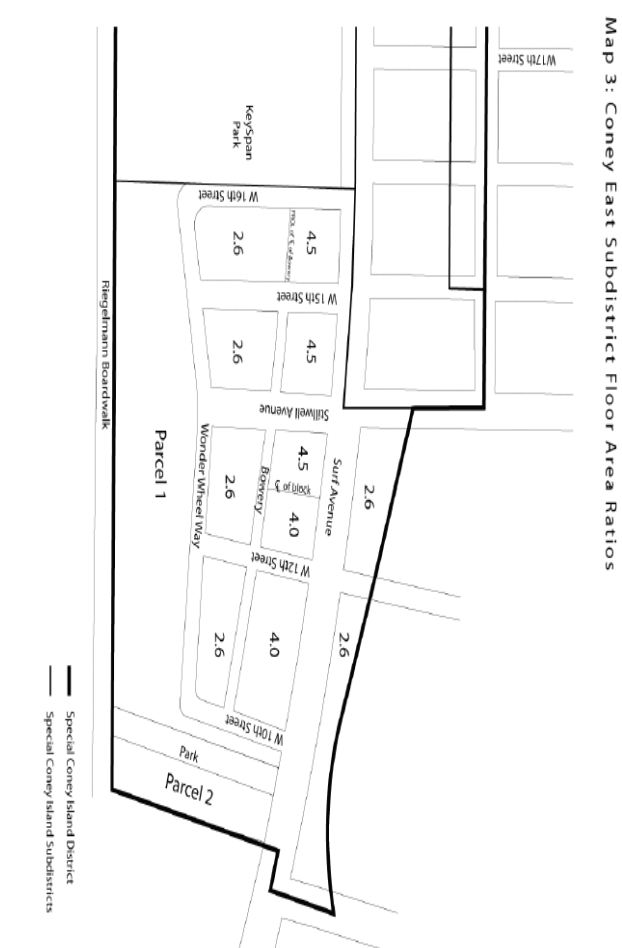
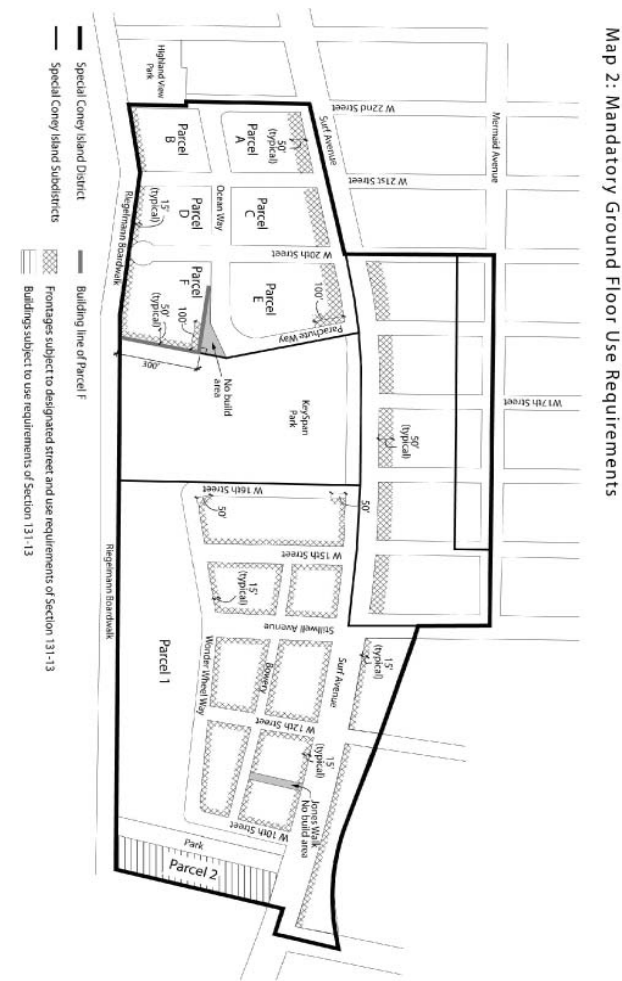
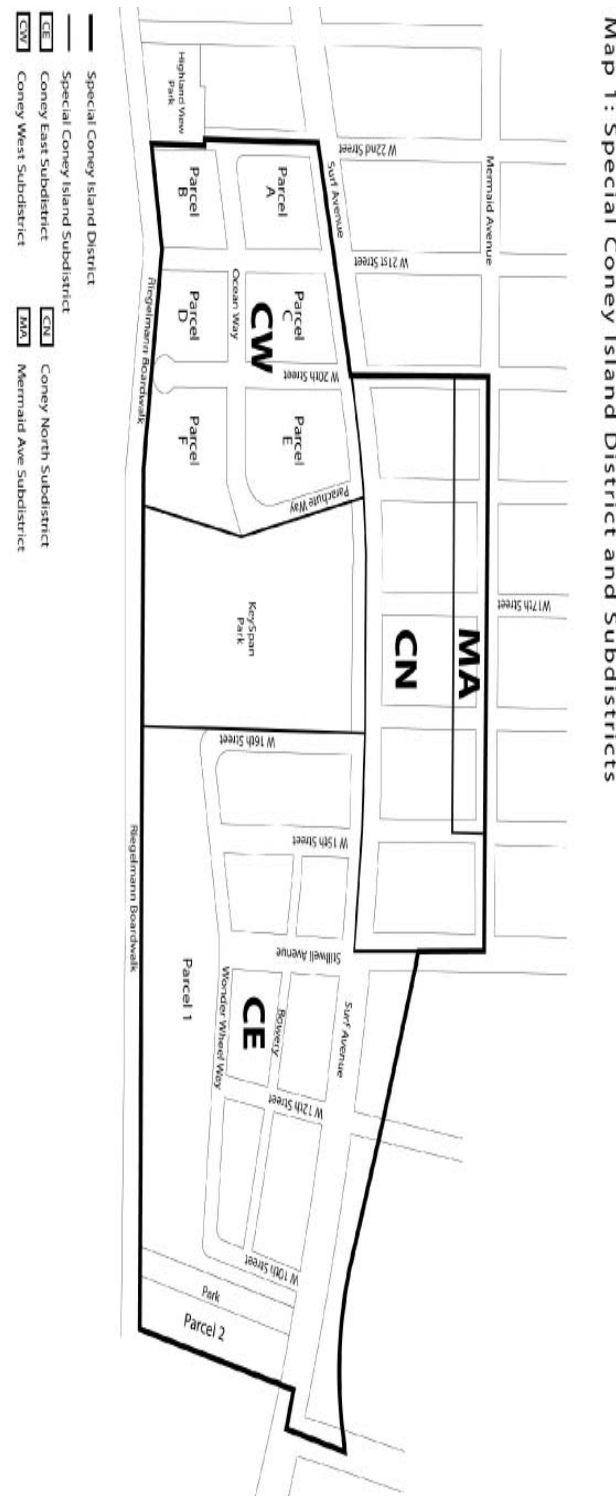
However, in the Coney East Subdistrict, the provisions of this paragraph (c)(2) need not apply on the north side of Surf Avenue above the level of the ground floor, on Parcel 2 beyond 70 feet of the Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue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

- (ii) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
- (iii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (iv) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.

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

131-53 Curb Cuts

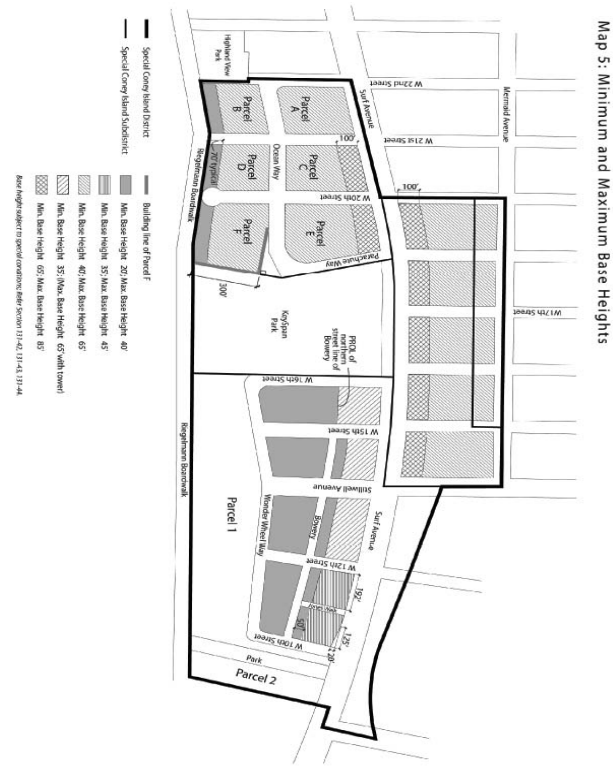
No curb cuts shall be permitted on Surf Avenue, Wonder Way or New Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply to all #developments# and #enlargements#.



Map 2: Mandatory Ground Floor Use Requirements

Map 3: Coney East Subdistrict Floor Area Ratios

Map 4: Street Wall Location



BROOKLYN CB - 13 **C 090274 PQK**
 Application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at:

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

BROOKLYN CB - 13 **C 090275 PPK**
 Application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at West 19th Street and Surf Avenue (Block 7060, Lots 19, 20, and 31).

BROOKLYN CB - 13 **C 090276 HAK**
 Application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
 - the designation of property located at:

1. the designation of property located at:

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

to a developer selected by HPD, is approved.

BROOKLYN CB - 13 **C 090277 PPK**
 Application submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property pursuant to zoning, located at:

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

B: Block 7071, Lot 142, pursuant to zoning.

BROOKLYN CB - 13 **C 090107 MMK**
 Application submitted by the Department of City Planning, Department of Parks and Recreation, and the New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.*, of the New York City Administrative Code, for an

amendment to the City Map involving:

- the establishment of new streets;
- the establishment of new parks and park additions;
- the modification and adjustment of grades of existing streets;
- the elimination, discontinuance and closing of portions of streets;
- the elimination of parks and portions of parks;
- the delineation of easements and corridors; and
- the extinguishment of record streets, all within an area generally bounded by West 8th Street, Surf Avenue, West 23rd Street, and the Public Beach,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2710 and X-2711, dated January 14, 2009, revised June 17, 2009, and Map Nos. Y-2715, X-2716, X-2717, and Y-2718, dated June 17, 2009, and signed by the Borough President.

j25-jy1

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON TUESDAY, JUNE 30, 2009, AT 11:00 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTER:

- M-1433,** Communication from the Mayor submitting the name of Burton Lehman, a resident of Manhattan, for appointment to the New York City Conflicts of Interest Board pursuant to § 2602 of the New York City Charter. Should Mr. Lehman receive the advice and consent of the Council, he will serve the remainder of a six-year term that expires on March 31, 2012.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael M. McSweeney
 City Clerk, Clerk of the Council

j23-30

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, July 1, 2009, commencing at 10:00 a.m.

**BOROUGH OF THE BRONX
 Nos. 1 & 2
 161 STREET REZONING
 No. 1**

CD 4 N 090364 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, modifying regulations establishing two new zoning districts: C6-3D and R9D and modifying related regulations.

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 1
 General Provisions**

**Chapter 1
 Title, Establishment of Controls and Interpretation of Regulations** * * *

**11-12
 Establishment of Districts** * * *

R9	General Residence District
R9-1	General Residence District
R9A	General Residence District
R9D	General Residence District
R9X	General Residence District

C6-3	General Central Commercial District
C6-3A	General Central Commercial District
C6-3D	General Central Commercial District
C6-3X	General Central Commercial District

**ARTICLE II RESIDENCE DISTRICT REGULATIONS
 Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts** * * *

**23-011
 Quality Housing Program**
 (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #development# or #enlargement# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and any #residential development#, #enlargement#, #extension# or conversion shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). In R5D Districts, certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

**23-144
 In designated areas where the Inclusionary Housing Program is applicable**
 In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Community District	Zoning District
Community District 4, Bronx	R8A R9D
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

**23-145
 For residential buildings developed or enlarged pursuant to the Quality Housing Program**
 R6 R7 R8 R9 R10

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

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO FOR QUALITY HOUSING BUILDINGS

District	Maximum #Lot Coverage#		Maximum #Floor Area Ratio#
	#Corner Lot	#Interior Lot# or #Through Lot#	
R6	80	60	2.20
R6**	80	60	2.43
R6* R6A R7B	80	65	3.00
R6B	80	60	2.00
R7	80	65	3.44
R7* R7A	80	65	4.00
R7D	80	65	4.20
R7X	80	70	5.00
R8 R8A R8X	80	70	6.02
R8*	80	70	7.20
R8B	80	70	4.00
R9 R9A	80	70	7.52
R9X R9D	80	70	9.00
R10	100	70	10.00

**23-532
 Required rear yard equivalents**
 * * *

However, in #lower density growth management areas# and in R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, on any #through lot# at least 180 feet in maximum depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

**23-621
 Permitted obstructions in certain districts**
 * * *

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
 (c) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, the permitted obstructions set forth in Section 23-62 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction within a required setback distance. Such dormer may exceed a maximum base height specified for such district provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

**23-633
 Street wall location and height and setback regulations in certain districts**
 R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

In the districts indicated, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply, except as otherwise set forth for #buildings# in R9D and R10X Districts.

(a) **#Street wall# location**
 R6A R7A R7D R7X R9D
 (1) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# of any #development# or #enlargement# shall be located no closer to the #street line# than the closest #street wall# of an existing #building# to such #street line#, located on the same #block#, and within 150 feet of such #development# or #enlargement#. However, a #street wall# need not be located further from the #street line# than 15 feet. On #corner lots#, these #street wall# location provisions shall apply along only one #street line#.

(b) **Setback regulations**
 R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
 In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, setbacks are required for all portions of #buildings# that exceed the maximum base height specified in the table in this Section. Such setbacks shall be provided in accordance with the following regulations:
 (1) At a height not lower than the minimum base height or higher than the maximum base height specified in the table in this Section, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet

shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

(2) On #narrow streets#, where a #street wall# is required to be located further than 10 feet from a #street line# in accordance with paragraph (a) of this Section, the depth of the required setback above the minimum base height may be reduced one foot for every foot that the #street wall# is required to be located beyond 10 feet of the #street line#, but in no event shall a setback less than 10 feet in depth be provided above the minimum base height.

(3) These setback provisions are optional for any building wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of Section 23-621 may penetrate a required setback area.

(4) In R9D Districts, for #developments# or #enlargements# that front upon an elevated rail line, at a height between grade level and 25 feet, a setback with a depth of at least 20 feet shall be provided from the #street line# fronting on such elevated rail line. The depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided.

(c) Maximum building height No #building# or other structure# shall exceed the maximum building height specified in the table in this Section, except as otherwise provided below: R9D R10X

In the districts indicated, any #building# or #buildings# or portions thereof which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be included in tower coverage. Such tower or towers may exceed a height limit of 85 feet above the #base plane# provided:

- (1) at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#; the base of such tower complies with the #street wall# location provisions of paragraph (a) of this Section and the setback provisions of paragraph (b) of this Section; and
(2) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.

Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be included in tower coverage.

(4) In R9D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (c)(4), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(5) In R9D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(d) Additional regulations In the districts indicated, and for #buildings# developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, the following additional regulations shall apply:

(5) In R9D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending

along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

Table with 4 columns: District, Minimum Base Height, Maximum Base Height, Maximum Building Height. Rows include R6B, R6A, R7B, R7A, R7D, R7X, R8B, R8A, R8X, R9A, R9D, R9X, R10A, R10X.

[del]1 Refers to that portion of a district which is within 100 feet of a #wide street#.

[del]2 Refers to that portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#.

[del]3 Core refers to #Manhattan Core#.

[del]4 #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (c) of this Section.

5 For #developments# or #enlargements# that front upon an elevated rail line, the maximum base height shall be 25 feet.

23-663 Required rear setbacks for tall buildings in other districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(b) In the districts indicated, and for #buildings# developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, no portion of a #building# that exceeds the applicable maximum base height specified in Section 23-633 (Street wall location and height and setback regulations in certain districts) shall be nearer to a #rear yard line# than 10 feet.

In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 23-533, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraph (b) of Section 23-533, the requirements of this Section shall not apply.

23-90 INCLUSIONARY HOUSING

23-92 Applicability

23-922 Inclusionary Housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

(YY) In Community District 4, in the Borough of the Bronx, in the R8A and R9D Districts within the areas shown on the following Map XX:



23-942 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 #floor area ratio# The #floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased by one and one-quarter square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income housing# required to receive such bonus #floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-residential floor area#, in the #building#. In addition, the following rules shall apply:

Table with 3 columns: District, Base #floor area ratio#, Maximum #floor area ratio#. Rows include R6*, R6**, R6A, R6B, R7A, R7D, R7X, R8, R9, R9A, R9D, R10.

Chapter 4 Bulk Regulations for Community Facility Buildings in Residence Districts

24-011 Quality Housing Program

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #residential# portion of a #building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8. In R5D Districts, certain provisions of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

24-11 Maximum Floor Area Ratio and Percentage of Lot Coverage

In R9A, R9D, R9X, R10A and R10X Districts, the bonus provisions of Sections 24-14 (Floor Area Bonus for a Public Plaza) and 24-15 (Floor Area Bonus for Arcades) shall not apply and the maximum #floor area ratio# shall not exceed that set forth in the following table:

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE

Table with 5 columns: #Floor Area Ratio#, #Corner Lot#, Interior Lot#, #Through Lot#, District. Rows include R1, R2, R3, R4, R5, R5A, R5B, R6, R6A, R5D, R6B, R7-1, R7-2, R7A, R7D, R7B, R7X, R8, R8A, R8B, R8X, R9, R9A, R9D, R9X, R10, R10A, R10X.

24-111 Maximum floor area ratio for certain community facility uses

(b) In the districts indicated, for any #zoning lot# containing nursing homes, health-related facilities or domiciliary care facilities for adults, each of which have secured certification by the appropriate governmental agency, sanitariums or philanthropic or non-profit institutions with sleeping accommodations as listed in Use Group 3, the #floor area ratio# as set forth in the following table, except where the permissible #floor area ratio# is modified pursuant to Section 74-902 (Bulk modifications for certain community facility uses).

The provisions of paragraph (b) of this Section are not applicable in R8B Districts in Community Board 8 in the Borough of Manhattan.

MAXIMUM FLOOR AREA RATIO FOR CERTAIN COMMUNITY FACILITIES

Table with 2 columns: District, Maximum #Floor Area Ratio# Permitted. Rows include R3, R4, R5, R5A, R5B, R5D, R6B, R6, R6A, R7B, R7, R7D, R7X, R7A, R8B, R8A, R8X, R9.

R9A	7.5
R9D	9.00
R9X	9.00

24-164
Location of open space for residential portion

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
 (b) In the districts indicated, and for #buildings# in which the #residential# portion is #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, the provisions of Section 28-30 (RECREATION SPACE AND PLANTING AREAS) shall apply.

24-351
Special provisions applying along district boundaries
 R6 R7 R8 R9 R10

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4 or R5 District coincides with a #side lot line# of a #zoning lot#, a #side yard# at least eight feet wide shall be provided along such boundary within the districts indicated. In addition, the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts) shall apply to any portion of a #building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District if the #building# that contains such portion is:

- (a) within an R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X District; or
- (b) within an R6, R7, R8, R9 or R10 District, without a letter suffix, and any portion of the #zoning lot# is #developed# pursuant to the Quality Housing Program.

24-381
Excepted through lots

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
 (b) In the districts indicated, and in other R6, R7, R8, R9 and R10 Districts where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions, and such #zoning lot# occupies the entire #block# frontage of a #street#.

24-382
Required rear yard equivalents

However, in R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and in other R6 through R10 Districts where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program, on any #through lot# at least 180 feet in depth from #street to street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

24-522
Front setbacks in districts where front yards are not required

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
 (b) In the districts indicated, for any #development# or #enlargement#, the provisions of this Section, Section 24-53 (Alternate Front Setbacks) and Section 24-54 (Tower Regulations) shall not apply. In lieu thereof, the provisions of Section 23-60 (HEIGHT AND SETBACK REGULATIONS) shall apply.

24-552
Required rear setbacks for tall buildings

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X
 (b) In the districts indicated, for any #development# or #enlargement#, and for #buildings# in which the #residential# portion is #developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, no portion of a #building# that exceeds the maximum base height specified in the table in Section 23-633 shall be nearer to a #rear yard line# than 10 feet.

Chapter 8
The Quality Housing Program

28-01
Applicability of this Chapter
 The Quality Housing Program is a specific set of standards and requirements for #buildings# containing #residences#. In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, some of these standards and requirements are mandatory for the #development#, #enlargement#, #extension# of, or conversion to any #residential use# other than #single-# or #two-family residences#. In R5D Districts, only the requirements set forth in Sections 28-12 (Street Tree Planting), 28-23 (Refuse Storage and Disposal), 28-33 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

Chapter 2
Use Regulations

32-656
Height of signs above roof
 C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9
 In the districts indicated, no #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, except that a vertical #sign#, the horizontal width of which, parallel to the wall, does not exceed 28 inches, may extend no higher than 15 feet above the roof level.

32-434
Ground floor use in C4-5D and C6-3D Districts and in Certain C2 Districts

C4-5D C6-3D

In all C4-5D Districts the districts indicated and in C2 Districts mapped within R7D or R9D Districts, #uses# on the ground floor or within five feet of #curb level# shall be limited to non-#residential uses# which shall extend along the entire width of the #building#, and lobbies, entrances to subway stations and #accessory# parking spaces, provided such lobbies and entrances do not occupy, in total, more than 25 percent of the #street wall# width of the #building# or more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#, whichever is less. Such non-#residential uses# shall have a minimum depth of 30 feet from the #street wall# of the #building#. In C6-3D Districts, a vertical circulation core shall be permitted within such minimum 30 foot depth.

Enclosed parking spaces, or parking spaces within a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#. However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage and, if such #building# fronts on both a #wide street# and a #narrow street#, such loading berth shall be located only on a #narrow street#.

In C6-3D Districts, each ground floor level #street wall# of a #commercial# or #community facility use# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. However, where the #street wall# or portion thereof fronts an elevated rail line or is located within 50 feet of a #street wall# that fronts an elevated rail line, the glazing requirement of the area of the ground floor level #street wall# may be reduced from 70 percent to 50 percent, and not less than 35 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 15 percent of such area may be glazed with translucent materials. Furthermore, all security gates installed after (date of enactment), that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

Chapter 3
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-12
Maximum Floor Area Ratio
 C1 C2 C3 C4 C5 C6 C7 C8

In addition, the following limitations on maximum permitted #floor area# shall apply:
 C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A
 (a) In contextual Commercial Districts in the districts indicated, and in C1 and C2 Districts mapped within R9A, R9D, R9X, R10A or R10X Districts, no #floor area# bonuses are permitted.

33-121
In districts with bulk governed by Residence District bulk regulations
 C1-1 C1-2 C-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the maximum #floor area ratio# for a #commercial# or #community facility building# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

District	MAXIMUM FLOOR AREA RATIO		
	For #Commercial Buildings#	For #Community Facility Buildings#	For #Buildings# Used for Both #Commercial# and #Community Facility Uses#
R1 R2	1.00	0.50	1.00
R3-1 R3A R3X	1.00	1.00	1.00
R3-2	1.00	1.60	1.60
R4 R5	1.00	2.00	2.00
R5D R6B	2.00	2.00	2.00
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00
R7D	2.00	4.20	4.20
R6 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R8	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9	2.00	10.00	10.00
R9A	2.00	7.5	7.5
R9D	2.00	9.00	9.00
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00

33-122
Commercial buildings in all other Commercial Districts
 C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the maximum #floor area ratio# for a #commercial building# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	0.50
C4-1 C8-1	1.00
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C7 C8-2 C8-3 C4-2A C4-3A	2.00
C4-2 C4-2F C4-3 C4-4 C4-4D C4-5 C4-6 C4-4A C4-5A C4-5X C5-1 C4-5D	3.40
C8-4	4.00
C6-1 C6-2 C6-3	4.20
C6-3D	5.00
C4-7 C5-2 C5-4 C6-4	6.00
C6-5 C6-8	10.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

33-123
Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts
 C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the maximum #floor area ratio# for a #community facility building#, or for a #building# used for both #commercial# and #community facility uses#, shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	1.00
C4-1	2.00
C8-1	2.40
C4-2A C4-3A	3.00
C1-6A C2-6A C4-4A C4-5A	4.00
C4-5D	4.20
C4-2 C4-3 C8-2	4.80
C4-5X	5.00
C6-1A	6.00
C1-6 C1-7 C2-6 C4-2F C4-4 C4-4D C4-5 C6-1 C6-2 C8-3 C8-4	6.50
C1-8A C2-7A C6-3A	7.50
C1-8X C2-7X C6-3D C6-3X	9.00
C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8	10.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

33-283
Required rear yard equivalents
 C1 C2 C3 C4-1 C7 C8-1 C8-2 C8-3

In the districts indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:
 (a) an open area with a minimum depth of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts. In C1-6A, C1-7A, C1-8X, C1-9A, C2-6A, C2-7X, C2-8A and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X or R10 Districts, a #rear yard equivalent# shall be provided only as set forth in this paragraph; or

33-294
Other special provisions along certain district boundaries

C1-6A C1-7A C1-8A C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X
 In the districts indicated, and in C1 and C2 Districts mapped within R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, the #development# or #enlargement# of a #building#, or portions thereof, within 25 feet of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts).

33-431
In C1 or C2 Districts with bulk governed by surrounding Residence District

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5
 (b) In the districts indicated, when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R10A or R10X Districts, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

33-432
In other Commercial Districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X
 (b) In the districts indicated, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

33-492
Height limitations for narrow buildings or enlargements

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4D C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X
 In the districts indicated, and in C1 and C2 Districts mapped within R7-2, R7D, R7X, R8, R9 and R10 Districts, if the width of the #street wall# of a new #building# or the #enlarged# portion of an existing #building# is 45 feet or less, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to such new or #enlarged building#.

Chapter 4
Bulk Regulations for Residential Buildings in Commercial Districts

34-011
Quality Housing Program
 In C1 and C2 Districts mapped within #Residence Districts# with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).

34-112
Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #Residence Districts# set forth in the following table:

Districts	Applicable #Residence District#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7
C1-6A C2-6A C4-4A C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C6-3	R9
C1-8A C2-7A C6-3A	R9A

C6-3D	R9D
C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5	R10
C6-4 C6-5 C6-6 C6-7 C6-8	
C6-9	
C1-9A C2-8A C4-6A C4-7A	R10A
C5-1A C5-2A C6-4A	
C6-4X	R10X
* * *	

Chapter 5 Bulk Regulations for Mixed Buildings in Commercial Districts

35-011 Quality Housing Program

In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, any #residential# portion of a #mixed building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8. In C1 and C2 Districts mapped within R5D Districts, #mixed buildings# shall comply with certain regulations of Article II, Chapter 8, as set forth in Section 28-01 (Applicability of this Chapter).

35-23 Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X
(b) In the districts indicated, the #bulk# regulations for #residential# portions of #mixed buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 shall apply to such #mixed building#.

<u>Applicable #Residence District#</u>	<u>District</u>
R6A	C4-2A C4-3A
R7A	C1-6A C2-6A C4-4A C4-5A
R7D	C4-5D
R7X	C4-5X
R8A	C1-7A C4-4D C6-2A
R9A	C1-8A C2-7A C6-3A
R9D	C6-3D
R9X	C1-8X C2-7X C6-3X
R10A	C1-9A C2-8A C4-6A C4-7A
	C5-1A C5-2A C6-4A
	C6-4X

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

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X
In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.
C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X
(a) Permitted obstructions
In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the permitted obstructions set forth in Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction within a required setback area. Such dormer may exceed a maximum base height specified for such district provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

(b) #Street wall# location
C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D
(2) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in other C1 or C2 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#:
(i) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
In C1 or C2 Districts when mapped within R9D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the

two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

(ii) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

Above a height of 12 feet above the #base plane#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(2)(i) of this Section.

(iii) For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section. The preceding #street wall# provisions shall not apply along #narrow streets# beyond 50 feet of their intersection with a #wide street#, nor along any #street frontage# of a #zoning lot# occupied by existing #buildings#. C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

(3) In the districts indicated, and in other C4, C5 or C6 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the #street wall# location requirements shall be as set forth in paragraph (b)(2), inclusive, of this Section, except that a #street wall# with a minimum height of 12 feet shall be required on a #narrow street line# beyond 50 feet of its intersection with a #wide street#, and shall extend along such entire #narrow street# frontage of the #zoning lot#. In C6-4X Districts, #public plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by a #public plaza#.

In C6-3D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

(c) Setback regulations
In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, all #developments# or #enlargements# shall comply with the following provisions:

(1) At a height not lower than the minimum base height or higher than the maximum base height specified in Table A of this Section for #buildings# in contextual districts, and Table B for #buildings# in non-contextual districts, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

(2) These setback provisions are optional for any building wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it in plan would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of paragraph (a) of this Section may penetrate a required setback area.

(3) In C6-3D Districts, for #developments# or #enlargements# that front upon an elevated rail line, at a height not lower than 15 feet or higher than 25 feet, a setback with a depth of at least 20 feet shall be provided from any #street wall# fronting on such elevated rail line, except that such dimensions may include the depth of any permitted recesses in the #street wall# and the depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided above the minimum base height.

(i) The setback provisions of paragraph (c) of this Section are optional for such #developments# or #enlargements# where a building wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#.

(ii) Where such #development# or #enlargement# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to

Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(d) Maximum building height
No #building or other structure# shall exceed the maximum building height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, except as provided in this paragraph, (d), inclusive:
C6-3D C6-4X
In the districts indicated, any #building# or #buildings#, or portions thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 33-454) above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to paragraph (a) of this Section shall not be included in tower #lot coverage#. Such tower or towers may exceed a height limit of 85 feet above the #base plane#, provided:

(1) at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street#, and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;

(2) the base of such tower complies with the #street wall# location provisions of paragraph (b) of this Section, and the setback provisions of paragraph (c) of this Section; and

(3) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.

(4) In C6-3D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(5) In C6-3D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

Dormers permitted within a required setback area pursuant to paragraph (a) of this Section shall not be included in tower #lot coverage#.

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

(e) Additional regulations
In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following additional provisions shall apply to all #developments# or #enlargements#:

(5) In C6-3D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

TABLE A HEIGHT AND SETBACK FOR BUILDINGS IN CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Building Height
C1 or C2 mapped in R6B	30	40	50
C1 or C2 mapped in R6A	40	60	70
C4-2A C4-3A			
C1 or C2 mapped in R7B	40	60	75
C1 or C2 mapped in R7A	40	65	80
C1-6A C2-6A C4-4A C4-5A			
C1 or C2 mapped in R7D			
C4-5D	60	85	100
C1 or C2 mapped in R7X	60	85	125
C4-5X			
C1 or C2 mapped in R8B	55	60	75
C1 or C2 mapped in R8A	60	85	120
C1-7A C4-4D C6-2A			
C1 or C2 mapped in R8X	60	85	150
C1 or C2 mapped in R9A**	60	95	135
C1-8A** C2-7A** C6-3A**			
C1 or C2 mapped in R9A*	60	102	145
C1-8A* C2-7A* C6-3A*			
C1 or C2 mapped in R9D	60	85****	***
C6-3D			
C1 or C2 mapped in R9X**	60	120	160
C1-8X** C2-7X** C6-3X**			
C1 or C2 mapped in R9X*	105	120	170

C1-8X* C2-7X* C6-3X*			
C1 or C2 mapped in R10A**	60	125	185
C1-9A** C2-8A** C4-6A**			
C4-7A** C5-1A** C5-2A**			
C6-4A**			
C1 or C2 mapped in R10A*	125	150	210
C1-9A* C2-8A* C4-6A*			
C4-7A* C5-1A* C5-2A*			
C6-4A*			
C1 or C2 mapped in R10X	60	85	***
C6-4X			

* Refers to that portion of a district which is within 100 feet of a #wide street#

** Refers to that portion of a district on a #narrow street#, except within a distance of 100 feet from its intersection with a #wide street#

*** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section

**** For #developments# or #enlargements# that front upon an elevated rail line, the maximum base height shall be 25 feet.

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).

In the 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 23-942 for the applicable district. However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be either the base #floor area ratio# set forth in Section 23-942 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial uses# in such district, whichever is lesser.

Such The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in such Section 23-942 only through the provision of #lower income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

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 III
Chapter 6
Accessory Off-Street Parking and Loading Regulations

36-52
Size and Location of Spaces

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-4A C6-4X

(b) Location of parking spaces in certain districts In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, #accessory# off-street parking spaces shall not be located between the #street wall# of a #building# and any #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire blockfront. Where a #zoning lot# is bounded by more than one #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire blockfront, this provision need not apply along more than one #street line#.

Article III
Chapter 7
Special Urban Design Regulations

37-38
Sidewalk Widening in Certain Districts
 C6-3D

In the district indicated, and in C1 or C2 districts mapped within an R9D district, for #developments# or #enlargements# on #zoning lots# fronting upon #wide streets#, or fronting upon #narrow streets# that include an elevated rail line, sidewalks, with a minimum depth of 20 feet measured perpendicular to the curb of the #street#, shall be provided along such entire #street# frontages of the #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 20 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 20 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. In addition, the provisions of paragraph (f) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces), subparagraphs (2) through (5) shall apply.

37-40
OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

Where a #development# or #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that

fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances* shall be provided in accordance with the provisions of this Section.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section 37-50.

Station	Line
8th Street	BMT-Broadway
23rd Street	BMT-Broadway
23rd Street	IRT-Lexington Ave.
28th Street	IRT-Lexington Ave.
33rd Street	IRT-Lexington Ave.
34th Street	IND-8th Avenue
59th Street	IRT-Lexington Ave.
Lexington Avenue-60th St.	BMT-Broadway
161st Street	IND-6th Avenue

* Provision of a new subway entrance or entrances pursuant to the requirements of this Section may also require satisfaction of additional obligations under the Americans for Disabilities Act of 1990 (ADA), including the ADA Accessibility Guidelines. The New York City Transit Authority should be consulted with regard to any such obligations.

* * *

No. 2

CD 4 **C 090365 ZMX**

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City charter for an amendment of the Zoning Map, Section Nos.3b and 6a:

1. eliminating from within an existing R7-1 District a C1-4 District bounded by Morris Avenue a line 100 feet northeasterly of East 161st Street, a line 100 feet southeasterly of Morris Avenue, and East 161st Street;
2. eliminating from within an existing R8 District a C1-4 District bounded by River Avenue, a line 250 feet northeasterly of East 161st Street, East 162nd Street, Gerard Avenue, East 161st Street, a line midway between Gerard Avenue and Walton Avenue, a line 100 feet southwesterly of East 161st Street, a line midway between River Avenue and Gerard Avenue, and a line 150 feet northeasterly of East 158th Street;
3. changing from an R7-1 District to an R8A District property bounded by East 162nd Street and its southeasterly prolongation, Park Avenue, East 161st Street, and Morris Avenue;
4. changing from an R8 District to a C6-2 District property bounded by East 161st Street, Concourse Village West, a line 50 feet northeasterly of East 159th Street, and a line 100 feet northwesterly of Concourse Village West;
5. changing from a C4-6 District to a C6-2 District property bounded by a line 140 feet northeasterly of East 161st Street, Sheridan Avenue, East 161st Street, and a line 100 feet northwesterly of Sheridan Avenue;
6. changing from a C8-3 District to a C6-2 District property bounded by East 161st Street, Concourse Village East, a line 150 feet southwesterly of East 161st Street, and Concourse Village West;
7. changing from an R8 District to a C6-3D* District property bounded by River Avenue, a line 250 feet northeasterly of East 161st Street, East 162nd Street, Gerard Avenue, East 161st Street, a line midway between Gerard Avenue and Walton Avenue, a line 110 feet southwesterly of East 161st Street, a line midway between River Avenue and Gerard Avenue, and a line 150 feet northeasterly of East 158th Street
8. changing from a C8-3 District to a C6-3D* District property bounded by River Avenue, a line 150 feet northeasterly of East 158th Street, a line midway between River Avenue and Gerard Avenue, and a line perpendicular to the southeasterly street line of River Avenue distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of River Avenue and the northeasterly street line of East 153rd Street; and
9. establishing within the proposed R8A district a C2-4 District bounded by East 162nd Street, a line 100 feet southeasterly of Morris Avenue, a line midway between East 161st Street and East 162nd Street, a line 100 feet northwesterly of Park Avenue, a line 100 feet northeasterly of East 161st Street, a line perpendicular to the northeasterly street line of East 161st Street distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of East 161st Street and the northwesterly street line of Park Avenue, East 161st Street, and Morris Avenue;

as shown on a diagram (for illustrative purposes only) dated March 30, 2009 and subject to the conditions of CEQR Declaration E-225.

* Note: A C6-3D District is proposed to be created under a related application N 090364 ZRY for an amendment of the Zoning Resolution.

NOTICE
On Wednesday, July 1, 2009, at 10:00 a.m., in Spector Hall, at the Department of City Planning, 22 Reade Street, in lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearings to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning applications for amendments to the Zoning Map and, the Zoning Resolution, related to the 161st Street rezoning proposal.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City

Environmental Quality Review (CEQR), CEQR No. 09DCP024X.

Nos. 3 & 4
SOCIAL SECURITY ADMINISTRATION PARKING
No. 3

CD 6 **C 090342 ZMX**

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, by:

1. 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 Trafalgar Place; and
2. establishing within an existing R7-1 District a C1-4 District bounded by:
 - a. Trafalgar Place, East 176th Street, a line 100 feet northwesterly of Southern Boulevard, and a line 70 feet southwesterly of East 176th Street; and
 - b. a line 80 feet southeasterly of Trafalgar Place, a line 100 feet northwesterly of Southern Boulevard, and East 175th Street;

as shown on a diagram (for illustrative purposes only) dated April 20, 2009.

No. 4

CD 6 **N 090343 HAX**

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 906 and 916 East 176th Street (Block 2958, p/o Lots 106 and 109) and 907 East 175th Street (Block 2958, Lot 120) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area;

to facilitate accessory parking.

BOROUGH OF BROOKLYN
Nos. 5 & 6
SUNSET PARK REZONING
No. 5

CD 7 **C 090386 ZMK**

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16b, 16d, 22a & 22c:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. a line 150 feet northwesterly of Fourth Avenue, 41st Street, Fourth Avenue, a line midway between 39th Street and 40th Street, a line 150 feet southeasterly of Fourth Avenue, and 42nd Street;
 - b. a line 150 feet northwesterly of Fourth Avenue, 44th Street, a line 150 feet southeasterly of Fourth Avenue, a line midway between 45th Street and 46th Street, Fourth Avenue, and 45th Street;
 - c. a line 150 feet northwesterly of Fourth Avenue, 47th Street, Fourth Avenue, 46th Street, a line 150 feet southeasterly of Fourth Avenue, 61st Street, a line 150 feet northwesterly of Fourth Avenue, 58th Street, Fourth Avenue, and 57th Street;
 - d. a line 150 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 150 feet southeasterly of Fifth Avenue, and 41st Street;
 - e. a line 150 feet northwesterly of Fifth Avenue, 43rd Street, Fifth Avenue, 44th Street, a line 150 feet southeasterly of Fifth Avenue and 50th Street;
 - f. a line 150 feet northwesterly of Fifth Avenue, 56th Street, a line 150 feet southeasterly of Fifth Avenue, 59th Street, Fifth Avenue, and 60th Street;
 - g. a line 150 feet northwesterly of Sixth Avenue, a line midway between 48th Street and Sunset Terrace, a line 150 feet southeasterly of Sixth Avenue, a line midway between 54th Street and 55th Street, Sixth Avenue, a line midway between 52nd Street and 53rd Street, a line 150 feet northwesterly of Sixth Avenue, 51st Street, Sixth Avenue, and 50th Street;
 - h. a line 150 feet northwesterly of Sixth Avenue, 56th Street, a line 150 feet southeasterly of Sixth Avenue, and a line midway between 58th Street and 59th Street;
 - i. a line 150 feet northwesterly of Seventh Avenue, 58th Street, a line 150 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, and a line midway between 61st Street and 62nd Street; and
 - j. a line 150 feet northwesterly of Eighth Avenue, a line midway between 39th Street and 40th Street/Finlandia Street, a line 150 feet southeasterly of Eighth Avenue, and a line midway between 60th Street and 61st Street;
2. eliminating from within an existing R6 District a C2-3 District bounded by: Fourth Avenue, 30th Street, a line 150 feet Southeasterly of Fourth Avenue, and 34th Street;

- a. a line 150 feet northwesterly of Fourth Avenue, 61st Street, a line 150 feet southeasterly of Fourth Avenue, the northeasterly service road of the Gowanus Expressway, Fourth Avenue, 64th Street, a southeasterly boundary line of a Park and its southwesterly prolongation, and a northeasterly boundary line of a Park; and
- b. a line 150 feet northwesterly of Fifth Avenue, 60th Street, a line 150 feet southeasterly of Fifth Avenue, a line midway between 62nd Street and 63rd Street, a line 100 feet southeasterly of Fifth Avenue, and 63rd Street;
- 3. changing from an R6 District to an R4-1 District property bounded by Gowanus Expressway, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Fourth Avenue, and a line midway between 62nd Street and 63rd Street;
- 4. changing from an R6 District to an R4A District property bounded by the northwesterly street line of Second Avenue, a line midway between 61st Street and 62nd Street and its northwesterly prolongation, a line 380 feet southeasterly of Second Avenue, 62nd Street, a north westerly service road of the Gowanus Expressway, and a line midway between 62nd Street and 63rd Street and its northwesterly prolongation;
- 5. changing from an R6 District to an R6A District property bounded by:
 - a. Gowanus Expressway, a line midway between 57th Street and 58th Street, a line 100 feet northwesterly of Fourth Avenue, and 60th Street;
 - b. a line 100 feet northwesterly of Gowanus Expressway, 61st Street, a line 100 feet northwesterly of Fourth Avenue, a line midway between 61st Street and 62nd Street, Gowanus Expressway, a line midway between 62nd and 63rd Street, a line 100 feet northwesterly of Fourth Avenue, Gowanus Expressway, 64th Street, Third Avenue (Northwesterly portion), a north westerly service road of the Gowanus Expressway, and 62nd Street;
 - c. a line 100 feet southeasterly of Fourth Avenue, a line midway between 60th Street and 61st Street, a line 100 feet northwesterly of Fifth Avenue, 57th Street, a line 100 feet southeasterly of Fifth Avenue, 63rd Street, Fifth Avenue, 64th Street, a line 100 feet northwesterly of Fifth Avenue, and a line midway between 61st Street and 62nd street;
 - d. a line 100 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fifth Avenue, the northeasterly, northwesterly and southwesterly boundary line of Sunset Park, a line 100 feet southeasterly of Fifth Avenue, and 47th Street;
 - e. a line 505 feet northwesterly of Sixth Avenue and its southwesterly prolongation, 40th Street, a line 155 feet northwesterly of Sixth Avenue and its southwesterly prolongation, and the northeasterly boundary line of Sunset Park; and
 - f. a line 100 feet northwesterly of Sixth Avenue and its northeasterly prolongation, the southwesterly boundary line of Sunset Park, a line 100 feet southeasterly of Sixth Avenue and its northeasterly prolongation, the northeasterly, northwesterly and southwesterly boundary line of Rainbow Park, a line 100 feet southeasterly of Sixth Avenue, and 61st Street;
- 6. changing from an R6 District to an R6B District property bounded by:
 - a. a line 100 feet southeasterly of Fourth Avenue, a line midway between 28th Street and 29th Street, Fifth Avenue, 35th Street, a line 200 feet northwesterly of Fifth Avenue, a line midway between 37th Street and 38th Street, a line 100 feet southeasterly of Fourth Avenue, 36th Street, Fourth Avenue, and 34th Street;
 - b. Gowanus Expressway, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Fourth Avenue, and a line midway between 57th Street and 58th Street;
 - c. the northwesterly street line of Second Avenue, a line midway between 60th Street and 61st Street and its northwesterly prolongation, a line 350 feet southeasterly of Second Avenue, a line midway between 59th Street and 60th Street, a line 100 feet northwesterly of Third Avenue, 60th Street, a line 100 feet northwesterly of Fourth Avenue, 61st Street, a line 100 feet northwesterly of Third Avenue, 62nd Street, a line 380 feet southeasterly of Second Avenue, and a line midway between 61st Street and 62nd Street and its northwesterly prolongation;
 - d. a line 100 feet southeasterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Fifth Avenue, 50th Street, a line 150 feet northwesterly of Fifth Avenue, 56th Street, a line 100 feet northwesterly of Fifth Avenue, and a line midway between 60th Street and 61st Street;
 - e. a line 100 feet southeasterly of Fourth Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Fifth Avenue, 64th Street, Fifth Avenue, and the northeasterly service road of Gowanus Expressway;
 - f. a line 100 feet southeasterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet northwesterly of Seventh Avenue, the northeasterly boundary line of Sunset Park, a line 155 feet northwesterly of Sixth Avenue and its southwesterly prolongation, and the northeasterly boundary line of Sunset Park;
 - g. a line 100 feet southeasterly of Fifth Avenue, the southwesterly boundary line of Sunset Park, a line 100 feet northwesterly of Sixth Avenue and its northeasterly prolongation, 61st Street, a line 100 feet southeasterly of Sixth Avenue, the southwesterly, northwesterly and northeasterly boundary line of Rainbow Park, a line 100 feet southeasterly of Sixth Avenue and its northeasterly prolongation, the southwesterly boundary line of Sunset Park and its southeasterly prolongation, Seventh Avenue, a line midway between 44th Street and 45th Street, a line 100 feet northwesterly of Seventh Avenue, a line midway between 62nd Street and 63rd Street, a line 100 feet southeasterly of Fifth Avenue, 56th Street, a line 150 feet southeasterly of Fifth Avenue, and 50th Street; and
 - h. a line 100 feet southeasterly of Seventh Avenue, a line midway between 39th Street and 40th Street/ Finlandia Street, a line 100 feet northwesterly of Eighth Avenue, a line midway between 60th Street and 61st Street, a line 100 feet southeasterly of Seventh Avenue, a line midway between 40th Street/ Finlandia Street and 41st Street, a line 325 feet southeasterly of Seventh Avenue, and 40th Street/ Finlandia Street;
- 7. changing from a C4-3 District to an R6B District property bounded by:
 - a. a line 150 feet northwesterly of Fifth Avenue, 50th Street, a line 100 feet northwesterly of Fifth Avenue, and 56th Street; and
 - b. a line 100 feet southeasterly of Fifth Avenue, 50th Street, a line 150 feet southeasterly of Fifth Avenue, and 56th Street;
- 8. changing from an R6 District to an R7A District property bounded by:
 - a. Fourth Avenue, a line midway between 28th Street and 29th Street, a line 100 feet southeasterly of Fourth Avenue, and 34th Street;
 - b. Fourth Avenue, 36th Street, a line 100 feet southeasterly of Fourth Avenue, and a line midway between 37th Street and 38th Street;
 - c. a line 100 feet northwesterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fourth Avenue, and the north easterly service road of Gowanus Expressway, Fourth Avenue, and Gowanus Expressway; and
 - d. a line 100 feet northwesterly of Seventh Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Seventh Avenue, 40th Street/ Finlandia Street, a line 325 feet southeasterly of Seventh Avenue, a line midway between 40th Street/ Finlandia Street and 41st Street, a line 100 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, a line midway between 61st Street and 62nd Street, a line 100 feet northwesterly of Seventh Avenue, a line midway between 44th Street and 45th Street, Seventh Avenue, the southeasterly prolongation of the southwesterly boundary line of Sunset Park, and the southeasterly and northeasterly boundary line of Sunset Park;
- 9. changing from an R6 District to a C4-3A District property bounded by:
 - a. a line 100 feet northwesterly of Fifth Avenue, 47th Street, a line 100 feet southeasterly of Fifth Avenue, and 50th Street; and
 - b. a line 100 feet northwesterly of Fifth Avenue, 56th Street, a line 100 feet southeasterly of Fifth Avenue and 57th Street;
- 10. changing from a C4-3 District to an C4-3A District property bounded by a line 100 feet northwesterly of Fifth Avenue, 50th Street, a line 100 feet southeasterly of Fifth Avenue, and 56th Street;
- 11. establishing within an existing R6 District a C2-4 District bounded by a line 100 feet northwesterly of Eighth Avenue, a line midway between 39th Street and 40th Street/ Finlandia Street, Eighth Avenue, and a line midway between 60th Street and 61st Street;
- 12. establishing within a proposed R6A District a C2-4 District bounded by:
 - a. a line 100 feet northwesterly of Third Avenue, 61st Street, Third Avenue, and 62nd Street;
- b. a line 100 feet northwesterly of Fifth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fifth Avenue, the northeasterly service road of Gowanus Expressway;
- c. a line 100 feet northwesterly of Fifth Avenue, 57th Street, a line 100 feet southeasterly of Fifth Avenue, 59th Street, Fifth Avenue, 60th Street, a line 100 feet southeasterly of Fifth Avenue, 63rd Street, Fifth Avenue, and 64th Street;
- d. Sixth Avenue, 50th Street, a line 100 feet southeasterly of Sixth Avenue and 51st Street;
- e. a line 100 feet northwesterly of Sixth Avenue, 51st Street, Sixth Avenue, 52nd Street, a line 100 feet southeasterly of Sixth Avenue, 53rd Street, Sixth Avenue, and a line midway between 52nd Street and 53rd Street;
- f. a line 100 feet northwesterly of Sixth Avenue, 56th Street, Sixth Avenue, and 57th Street;
- g. Sixth Avenue, 57th Street, a line 100 feet southeasterly of Sixth Avenue, and 58th Street; and
- h. a line 100 feet northwesterly of Sixth Avenue, 58th Street, Sixth Avenue, and a line midway between 58th Street and 59th Street;
- 13. establishing within a proposed R7A a C2-4 District bounded by:
 - a. Fourth Avenue, a line midway between 28th Street and 29th Street, a line 100 feet southeasterly of Fourth Avenue, and 34th Street;
 - b. Fourth Avenue, 36th Street, a line 100 feet southeasterly of Fourth Avenue, and 37th Street;
 - c. a line 100 feet northwesterly of Fourth Avenue, a line midway between 39th Street and 40th Street, a line 100 feet southeasterly of Fourth Avenue, the northeasterly service road of Gowanus Expressway, Fourth Avenue, and 64th Street; and
 - d. a line 100 feet northwesterly of Seventh Avenue, a line midway between 45th Street and 46th Street, Seventh Avenue, Sunset Terrace, a line 100 feet southeasterly of Seventh Avenue, a line midway between 60th Street and 61st Street, Seventh Avenue, and a line midway between 61st Street and 62nd Street;

as shown on a diagram (for illustrative purposes only) dated April 20, 2009, and subject to the conditions of CEQR Declaration E-236.

No. 6

CD 7 IN THE MATTER OF C 090387 ZRK

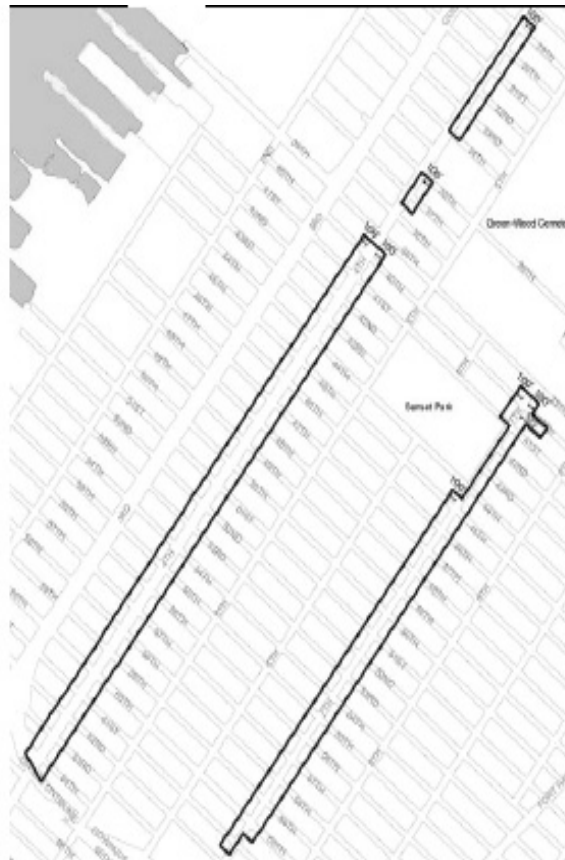
an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-90, inclusive, relating to the application of the Inclusionary Housing Program to proposed R7A districts, in the Borough of Brooklyn, Community District 7.

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

 Article II: Residence District Regulations
 Chapter 3
 Bulk Regulations for Residential Buildings in Residence Districts
 * * *
 23-144
 In designated areas where the Inclusionary Housing Program is applicable
 In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

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

 23-922
 Inclusionary housing designated areas
 The Inclusionary Housing Program shall apply in the following areas:
 * * *
(x) In Community District 7, in the Borough of Brooklyn, in the R7A District within the areas shown on the following Maps X1:



Map X1. Portion of Community District 7, Brooklyn

No. 7

JARICAN CULTURAL CENTER

CD 8 C 090219 ZSK
IN THE MATTER OF an application submitted by Jarican Cultural Foundation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a non-profit institution without sleeping accommodations (Use Group 4A) on the second floor of a proposed two-story building located at 1025 Pacific Street (Block 1125, lots 60 and 61), in an M1-1 District.

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

BOROUGH OF STATEN ISLAND

No. 8

PRESENTATION CIRCLE

CD 3 C 080374 ZSR
IN THE MATTER OF an application submitted by Presentations Sisters of Staten Island, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-732 of the Zoning Resolution to allow a private sewage pumping station which will serve a 97-unit residential development on property located at 419 Woodrow Road (Block 5735, p/o Lot 1 (tentative Lot 15)), in an R3-2 District, within the Special South Richmond District (SRD).

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.

YVETTE V. GRUEL, Calendar Officer

**City Planning Commission, 22 Reade Street, Room 2E
 New York, New York 10007 Telephone (212) 720-3370**

j18-1jy1

CIVILIAN COMPLAINT REVIEW BOARD

PUBLIC MEETING

The Civilian Complaint Review Board's Monthly Public meeting has been scheduled for 10:00 A.M. on Wednesday, July 8th, 2009 at 40 Rector Street, 2nd Floor, New York City. The agency's Executive Director Report will be available online on Friday, July 3rd, 2009 at nyc.gov/crb.

j26-1jy6

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 7 - Monday, June 29, 2009, 7:00 P.M., Union Plaza Care Center, 33-23 Union Street, Flushing, NY

#090403PSQ

IN THE MATTER OF an application submitted by the New York City Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property generally bounded by 28th Avenue, Ulmer Street, 31st Avenue and College Point Boulevard, for use as a police academy.

BSA# 177-09-BZ

Sky View Parc - 40-22 College Point Boulevard
 Application seeks a special permit pursuant to Zoning Resolution 73-66 for the six residential towers that exceed the permitted heights found in Zoning Resolution 61-20.

Application by the New York City Department of Citywide Administrative Services, Division of Real Estate Services, for the disposition of a city-owned property in the College Point Corporate Park, pursuant to zoning. This property was inadvertently excluded in an earlier disposition ULURP application, this application is meant to correct the oversight from the previous application.

j23-29

ECONOMIC DEVELOPMENT CORPORATION

NOTICE

The New York City Economic Development Corporation (NYCEDC) invites you to the NYC Gov 2.0 Tech Forum being held at the Digital Sandbox, 55 Broad Street, on July 9th, 2009. The forum gives your firm the opportunity to:

- Learn about the City's growing technology needs
- Gain insights on the City's Procurement process

For more information about the event, visit www.nycedc.com/NYCGovTech. To register please send an email to NYCGovTech@nycedc.com by July 2. Space is limited.

j26-1jy2

EDUCATIONAL CONSTRUCTION FUND

MEETING

The Trustees and Executive Director of the New York City Educational Construction Fund hereby provide notice of its Meeting to be held on Thursday, July 2, 2009. This meeting will take place at the offices of the New York City Office of Management and Budget, 75 Park Place, New York, NY in Conference Room 6M-4. The meeting time is 9:00 A.M.

For information contact Juanita Rosillo at (718) 472-8285.

j24-26

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on **Tuesday, July 07, 2009 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF THE BRONX 09-3008 - Block VARIOUS, lot VARIOUS-**
 Various Addresses - Fieldston Historic District
 A Romantic style planned suburb laid out in 1914 by engineer Albert Wheeler based on recommendations made by Frederick Law Olmsted and James R. Croe. The Historic District is characterized by an eclectic variety of residential buildings and styles including Medieval, Tudor, and Mediterranean, as well as formal modernist houses. Application is to establish a Master Plan to govern certain types of alterations to buildings, other improvements and landscape improvements within the Fieldston Historic District, authorizing the staff to approve such work if it meets the requirements of the Master Plan.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF THE BRONX 09-6620 - Block VARIOUS, lot VARIOUS-**
 Various Addresses - Fieldston Historic District
 A Romantic style planned suburb laid out in 1914 by engineer Albert Wheeler based on recommendations made by Frederick Law Olmsted and James R. Croe. The Historic District is characterized by an eclectic variety of residential buildings and styles including Medieval, Tudor, and Mediterranean, as well as formal modernist houses. Application is to adopt the Fieldston Historic District Implementation Rules for a proposed master plan for certain alterations to improvements in the Fieldston Historic District pursuant to the City Administrative Procedures Act.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF QUEENS 09-0740 - Block 1278, lot 38-78-27 37th Avenue - Jackson Heights Historic District**
 A neo-Georgian style commercial building designed by Andrew J. Thomas and built in 1947. Application is to legalize the installation of an areaway fence without Landmarks Preservation Commission permits.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF QUEENS 09-5039 - Block 1443, lot 33-82-15 35th Avenue - Jackson Heights Historic District**
 A neo-Georgian style apartment building, designed by Seelig & Finkelstein and built in 1937. Application is to construct a barrier-free access ramp and railing.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF QUEENS 09-8016 - Block 1009, lot 1-303 Manor Road, aka 32-15 East Drive, 32-15 240th Street - Douglaston Historic District**
 A Colonial Revival style freestanding house designed by Hobart A. Walker and built in 1912. Application is to construct an addition, modify a driveway, replace retaining walls and a deck, and install HVAC equipment. Zoned R1-2.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF QUEENS 09-7625 - Block 8066, lot 7-220 Forest Road - Douglaston Historic District**
 A Contemporary Colonial Revival style house built in 1961. Application is to construct a rear addition and alter the facades. Zoned R1-2.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 10-0267 - Block 87, lot 1-209 Broadway - St. Paul's Chapel and Graveyard-Individual Landmark**
 A Georgian style church designed by Thomas McBean and built in 1764-66. Application is to install signage.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 10-0266 - Block 49, lot 1-81 Broadway - Trinity Church and Graveyard-Individual Landmark**
 A Gothic Revival style church designed by Richard Upjohn and built in 1846. Application is to install signage.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-9164 - Block 89, lot 1-135-139 Fulton Street, aka 93-99 Nassau Street - Bennett Building - Individual Landmark**
 A Second Empire style office and store building designed by Arthur D. Gilman and built in 1872-1873, with additions designed by James M. Farnsworth and built in 1890-1892 and 1894. Application is to legalize the enlargement of a rooftop addition without Landmarks Preservation Commission permits. Zoned C 5-5.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-9177 - Block 217, lot 1-250 West Street - Tribeca North Historic District**
 A neo-Renaissance style warehouse designed by William H. Birkmire and built in 1903-1906. Application is to construct a rooftop addition, alter the facade, and replace windows. Zoned C6-3A.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 08-6877 - Block 497, lot 33-83 Spring Street - SoHo-Cast Iron Historic District**
 A 19th century building altered by Richard Berger as a store and loft building in 1886. Application is to install a new storefront infill.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 08-7598 - Block 230, lot 3-317 Canal Street - SoHo-Cast Iron Historic District**
 A Federal style house built in 1821 and altered in 1869. Application is to install new storefront infill.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-6476 - Block 532, lot 20-659-659A Broadway, aka 218-226 Mercer Street and 77 Bleecker Street - NoHo Historic District**
 An Italianate style store building designed by Griffith Thomas and built in 1866-67. Application is to legalize alterations to the storefront and the installation of signage without Landmarks Preservation Commission permits.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-8652 - Block 609, lot 75-159 West 13th Street - Greenwich Village Historic District**
 A rowhouse built in 1847-48 and altered in the 20th century. Application is to install windows and a cornice, and re-clad the brick facade.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 088334 - Block 625, lot 36-23 8th Avenue - Greenwich Village Historic District**
 A rowhouse built in 1845. Application is to alter the existing rooftop addition. Zoned C1-6.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-9426 - Block 712, lot 24-409 West 14th Street - Gansevoort Market Historic District**
 An Italianate style French flats and brewery building designed by John B. Snook and built in 1876. Application is to install new storefront infill.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 10-0043 - Block 847, lot 22-876 Broadway - Ladies Mile Historic District**
 A commercial palace style store and warehouse building design by Henry Fernbach and built in 1883-84. Application is to install new storefront infill.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-3179 - Block 828, lot 41-230 Fifth Avenue - Madison Square North Historic District**
 A Beaux Arts style office building designed by Schwartz & Gross and built in 1912-15. Application is to install a flagpole.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-2884 - Block 1030, lot 58-232-246 Central Park South, aka 233-241 West 58th Street, 1792-1810 Broadway - Central Park South Apartments - Individual Landmark**
 An Art-Deco style apartment building designed by Mayer and Whittlesey and built in 1939-1940. Application is to legalize the installation of awnings and conduits without Landmarks Preservation Commission permits.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-7422 - Block 1244, lot 33-80 Riverside Drive - Riverside Drive- West 80th-81st Street Historic District**
 A neo-Classical style apartment building, designed by Maurice Deutsch and built in 1926-1927. Application is to construct a rooftop addition. Zoned R10A.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-8789 - Block 1202, lot 11-53 West 88th Street - Upper West Side/Central Park West Historic District**
 A Romanesque Revival style rowhouse, designed by Neville & Bagge, built in 1892-94. Application is to construct a rear yard addition. Zoned R7-2.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-7680 - Block 1399, lot 5-113 East 64th Street - Upper East Side Historic District.**
 A residence building, designed by W.P. & A.M. Parsons and built in 1881-82, and altered by Theodore A. Cieslewicz in 1948. Application is to alter the facade.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 099455 - Block 1503, lot 24-51 East 91st Street - Expanded Carnegie Hill Historic District**
 A neo-Grec style rowhouse designed by A.B. Ogden & Son, and built in 1884 and altered in 1950. Application is to construct a rooftop addition, modify the areaway and installed a barrier-free access lift. Zoned R8B and R10/C1.5.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-7400 - Block 1507, lot 1-1140 Fifth Avenue - Carnegie Hill Historic District**
 A neo-Renaissance style apartment building, designed in 1921 by the Fred F. French Co. Application is to establish a master plan governing the future installation of windows.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-8909 - Block 1523, lot 171-1211 Park Avenue - Carnegie Hill Historic District**
 A neo-Georgian style townhouse designed by Flemer & Kohler and built in 1922. Application is to construct a rooftop addition. Zoned R10.

**CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF MANHATTAN 09-7411 - Block 1504, lot 16-1298 Madison Avenue - Carnegie Hill Historic District**
 A Romanesque Revival/Queen Anne style rowhouse built in 1889 by A.B. Ogden & Son, altered in 1926 and again in 1955-56 by Glick & Gelbman. Application is to modify the facade and construct rooftop and rear year additions. Zoned R10/C1-5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-8532 - Block 301, lot 44-155 Warren Street - Cobble Hill Historic District
A Greek Revival style rowhouse built in 1838. Application is to construct dormers at the roof.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-6543 - Block 211, lot 15-72 Poplar Street - Brooklyn Heights Historic District
A brick police station building with a one-story attached garage designed by Beverly King and Harry Walker and built in 1912. Application is to construct rooftop additions, modify the entrances and window openings. Zoned R7-1, R-8.

MODIFICATION OF USE AND BULK
BOROUGH OF BROOKLYN 10-0214 - Block 211, lot 15-72 Poplar Street - Brooklyn Heights Historic District
A brick police station building with a one-story attached garage designed by Beverly King and Harry Walker and built in 1912. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Bulk Pursuant to Section 74-711 of the Zoning Resolution. Zoning R 7-1, R-8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-9087 - Block 208, lot 209-138 Columbia Heights - Brooklyn Heights Historic District
An Italianate style house built in 1860. Application is to install a rear yard deck.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-9497 - Block 386, lot 20-162 Bergen Street - Boerum Hill Historic District
An Italianate style rowhouse built between 1856 and 1861. Application is to alter the areaway, install a ramp, and alter window openings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-8710 - Block 1930, lot 5-321 Clinton Avenue - Clinton Hill Historic District
A transitional Italianate/neo-Grec style residence designed by Ebenezer L. Roberts and built in 1875. Application is to construct a deck and railing.

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

j23-jy7

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARING

ADDED CASE
JULY 14, 2009, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 14, 2009, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

191-09-A
APPLICANT - Michael T. Cetera, AIA, for Devorah Halberstam, owner.
SUBJECT - Application June 16, 2009 - Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced prior to the text amendment of April 30, 2008. R2 zoning district.
PREMISES AFFECTED - 1291 Carroll Street, north side, 60' west of the intersection of Brooklyn Avenue and Carroll Street, Block 1284, Lot 48, Borough of Brooklyn.
COMMUNITY BOARD #9BK

j25-26

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 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M., on Wednesday, July 8, 2009. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor, New York, NY 10013, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing Rodney Miller, Sr. to construct, maintain and use steps and planted area on the north sidewalk of East 92nd Street, west of Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten 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:

From the Approval Date to June 30, 2020 - \$25/annum

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

#2 In the matter of a proposed revocable consent authorizing Lucille Lortel Theatre Foundation, Inc. to maintain and use name plates and bollards on the north sidewalk of Christopher Street, east of Hudson Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2009 to June 30, 2019 - \$7,350/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.

#3 In the matter of a proposed revocable consent authorizing New York University to construct, maintain and use a conduit under, across and along East 13th Street, west of Third 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 - \$8,870
For the period July 1, 2010 to June 30, 2011 - \$9,136
For the period July 1, 2011 to June 30, 2012 - \$9,402
For the period July 1, 2012 to June 30, 2013 - \$9,668
For the period July 1, 2013 to June 30, 2014 - \$9,934
For the period July 1, 2014 to June 30, 2015 - \$10,200
For the period July 1, 2015 to June 30, 2016 - \$10,466
For the period July 1, 2016 to June 30, 2017 - \$10,732
For the period July 1, 2017 to June 30, 2018 - \$10,998
For the period July 1, 2018 to June 30, 2019 - \$11,264

the maintenance of a security deposit in the sum of \$12,000, 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 New York University to maintain and use a conduit under and across a public walkway, between West 3rd Street and West 4th Street, east of LaGuardia Place, 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 - \$1,775
For the period July 1, 2010 to June 30, 2011 - \$1,827
For the period July 1, 2011 to June 30, 2012 - \$1,879
For the period July 1, 2012 to June 30, 2013 - \$1,931
For the period July 1, 2013 to June 30, 2014 - \$1,983
For the period July 1, 2014 to June 30, 2015 - \$2,035
For the period July 1, 2015 to June 30, 2016 - \$2,087
For the period July 1, 2016 to June 30, 2017 - \$2,139
For the period July 1, 2017 to June 30, 2018 - \$2,191
For the period July 1, 2018 to June 30, 2019 - \$2,243

the maintenance of a security deposit in the sum of \$12,000, 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 200 Park LP to construct, maintain and use bollards on the sidewalks adjacent to Viaduct East and Viaduct West, south of 45th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor. There shall be no compensation required for this revocable consent. the maintenance of a security deposit in the sum of \$15,000, and the filing of an insurance policy for property damage and/or bodily injury, including death, shall be not less than \$10,000,000 combined single limit per occurrence and a minimum \$20,000,000 aggregate.

#6 In the matter of a proposed revocable consent authorizing Goldman Sachs Headquarters LLC to maintain and use bollards on Murray Street, between West Street and Vesey Street; and on Vesey Street between West Street and Murray Street, in front of 200 West Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor. There shall be no compensation required for this revocable consent.

the maintenance of a security deposit in the sum of \$30,000, 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.

#7 In the matter of a proposed revocable consent authorizing Metropolitan Transportation Authority to maintain and use bollards on 8th Avenue between 31st and 33rd Streets, and 7th Avenue and 34th Street, in front of Penn Station, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor. There shall be no compensation required for this revocable consent.

There is no maintenance of a security deposit required, 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.

#8 In the matter of a proposed revocable consent authorizing JP Morgan Chase Bank, N.A. to maintain and use a bridge over and across Duffield Street, south of Myrtle Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$25,093
For the period July 1, 2010 to June 30, 2011 - \$25,824
For the period July 1, 2011 to June 30, 2012 - \$26,555
For the period July 1, 2012 to June 30, 2013 - \$27,286
For the period July 1, 2013 to June 30, 2014 - \$28,017
For the period July 1, 2014 to June 30, 2015 - \$28,748
For the period July 1, 2015 to June 30, 2016 - \$29,479
For the period July 1, 2016 to June 30, 2017 - \$30,210
For the period July 1, 2017 to June 30, 2018 - \$30,941
For the period July 1, 2018 to June 30, 2019 - \$31,672

the maintenance of a security deposit in the sum of \$31,700, 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.

#9 In the matter of a proposed revocable consent authorizing JP Morgan Chase Bank, N.A. to maintain and use a tunnel under and across Duffield Street, south of Myrtle Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$25,517
For the period July 1, 2010 to June 30, 2011 - \$26,260
For the period July 1, 2011 to June 30, 2012 - \$27,003
For the period July 1, 2012 to June 30, 2013 - \$27,746
For the period July 1, 2013 to June 30, 2014 - \$28,489
For the period July 1, 2014 to June 30, 2015 - \$29,232
For the period July 1, 2015 to June 30, 2016 - \$29,975
For the period July 1, 2016 to June 30, 2017 - \$30,718
For the period July 1, 2017 to June 30, 2018 - \$31,461
For the period July 1, 2018 to June 30, 2019 - \$32,204

the maintenance of a security deposit in the sum of \$32,200, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

j17-jy8

COURT NOTICES

SUPREME COURT

■ NOTICE

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

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

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

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

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

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

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

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

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

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

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

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Queens, IA Part 8 (Hon. Jaime A. Rios, J.S.C.), duly entered in the office of the Clerk of the County of Queens on May 28, 2009, the application of the City of New York to acquire certain real property, for the Department of Design and Construction and the Department of Transportation, was granted and the City was thereby authorized to file an acquisition map with the Office of the City Register.

Said map, showing the property acquired by the City, was filed with the City Register on June 10, 2009. Title to the real property vested in the City of New York on June 10, 2009.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Part of Lot
1	15961	104
2	15961	103
3	15961	102
8	15961	94
9	15961	92
10	15961	88
14	15961	81
15	15961	80
16	15961	79
18	15961	76
19	15961	74
20	15961	72
21	15961	70
22	15961	69
23	15961	68
26	15960	57
27	15960	56
28	15960	54
29	15960	53
30	15960	51
31	15960	49
37	15960	40
38	15960	39
39	15960	37
41	15960	34
42	15960	32
46	15960	26
47	15960	25
48	15960	24
51	15960	21
52	15960	20
57	15960	14
58	15960	11
59	15960	9
62	15960	6
63	15960	5
64	15960	4
66	15965	115
67	15965	114
68	15965	112
69	15965	111
70	15965	110
71	15965	109
73	15965	107
74	15965	105
75	15965	104
76	15965	103
78	15965	100
79	15965	99
80	15965	98
81	15965	97
82	15965	96
84	15965	93
85	15965	92
86	15965	91
87	15965	90
88	15965	89
89	15965	86
90	15965	87
92	15965	84
118	15965	40
143	15967	30
145	15967	26
146	15967	24
147	15967	22
148	15967	20

149	15967	18
150	15967	14
155	15967	8
156	15967	7
157	15967	6
158	15967	5
160	15968	109
161	15968	108
162	15968	107
163	15968	106
164	15968	105
165	15968	104
166	15968	103
168	15968	101
169	15968	99
170	15968	97
171	15968	96
172	15968	95
173	15968	94
174	15968	92
175	15968	91
177	15968	89
179	15968	87
180	15968	86
181	15968	85
183	15968	83
184	15968	82
185	15968	81
188	15968	78
189	15968	75
190	15968	74
191	15968	73
192	15968	72
193	15968	71
194	15968	70
195	15968	69
196	15968	68
199	15966	31
204	15966	26
207	15966	22
208	15966	20
209	15966	19
210	15966	18
211	15966	17
212	15966	15
213	15966	14
214	15966	13
215	15966	12
216	15966	11
217	15966	10
218	15966	9
219	15966	8
220	15966	7
221	15966	5
222	15966	3
223	15966	1
225	15966	80
228	15966	77
233	15966	70
234	15966	68
236	15966	65
237	15966	64
238	15966	63
239	15966	62
241	15966	59
242	15966	58
243	15966	57
244	15966	56
245	15966	53
249	15966	35
250	15966	33
251	15966	32
257	15963	46
266	15963	37
270	15963	33
273	15962	18
281	15962	6
282	15962	5
290	15962	100
295	15962	89
296	15962	88
297	15962	87
299	15962	92
302	15962	80
303	15962	78
304	15962	75
307	15962	67
308	15962	63
309	15962	61
310	15962	59
312	15962	56
314	15962	51
315	15962	50
316	15962	49
317	15962	48
318	15962	46
319	15962	45

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof is hereby required, on or before June 10, 2010 (which is one (1) calendar year from the title vesting date), to file a written claim with the Clerk of the Court of Queens County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL § 504, the claim shall include:

- A. the name and post office address of the condemnee;
- B. reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- C. a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- D. if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to §5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 on or before June 10, 2011 (which is two (2) calendar years from the title vesting date).

Dated: June 16, 2009, New York, New York
 MICHAEL A. CARDOZO
 Corporation Counsel of the City of New York
 100 Church Street
 New York, New York 10007
 Tel. (212) 788-0424

j19-jy2

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 09001- Z and 01001 - A

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, July 08, 2009 (SALE NUMBER 01001-A). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 AM until 9:00 A.M. The auction begins at 9:00 A.M.

NOTE: The auction scheduled for Wednesday, June 24, 2009 (SALE NUMBER 09001-Z) 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.

j18-jy8

■ SALE BY SEALED BID

SALE OF: 14 PIECES OF USED LANDFILL EQUIPMENT.

S.P.#: 09025 DUE: July 2, 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.

j19-jy2

SALE OF: 1 LOT OF 28,800 LBS. OF ONCE FIRED ASSORTED CALIBER CARTRIDGE CASES AND 1 LOT OF 40,000 LBS. OF BULLET LEAD, USED.

S.P.#: 09026 DUE: July 7, 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.

j23-jy7

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

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.”

ADMINISTRATION FOR CHILDREN’S SERVICES

■ INTENT TO AWARD

Services (Other Than Human Services)

DAY CARE COUNCIL – Sole Source – Available only from a single source - PIN# 06811DCC0000 – DUE 07-13-09 – The Administration for Children’s Services (ACS) contracts with over 250 not-for-profit organizations to operate childcare programs and provide services in over 300 locations throughout the five boroughs. These organizations are the employers of over 6000 child care professional and support staff.

The Day Care Council of New York, Inc. (“The Council”) has been designated by the Child Care Not-for-Profit providers represented by District Council 1707/Local 205 of AFSCME and The Council of Supervisors and Administrators (CSA) to serve as their representative in all collective bargaining issues negotiations and agreements. Additionally, The Council provides grievance-mediation services, recruitment and personnel assistance. Training and technical assistance is also provided to ensure consistency and efficiency throughout the childcare community.

ACS cannot perform these negotiations with the unions on behalf of the contracted agencies and their staffs, because ACS is not the employer. However, City funding is used to adjudicate any grievances, fund collective bargaining issues and other negotiations affecting contract with our child care vendors. It is therefore advantageous to the City to provide funding to The Council to advocate for ACS not-for-profit agencies. Additionally, based upon correspondence from the City of New York’s Office of Labor Relations (OLR) pertaining to lawsuits brought by unions against the City claiming the City was a “joint employer” with contract vendor agencies; the City prevailed in these cases because it was not a signatory to collective bargaining agreements between these unions and the vendor agencies and it did not directly provide wages or benefits to these employees. The Council’s contract will eliminate the appearance that the City is a joint employer of the not-for-profit employees.

The Council’s unique expertise, service and configuration are the primary basis for this sole source method determination. It conforms to the first condition for a sole source procurement that there be only one source for the required service pursuant to Section 3-05 of the PPB Rules.

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.
 Administration for Children’s Services, Office of Child Care Contracts, 150 William Street, 9th Floor, New York, NY 10038. Sherene Hassen (212) 341-3443, sherene.hassen@dca.state.ny.us

j25-jy1

DESIGN & CONSTRUCTION

CONTRACT SECTION

■ AWARDS

Construction/Construction Services

CONSTRUCTION OF CATCH BASINS IN VARIOUS LOCATIONS, QUEENS – Competitive Sealed Bids – PIN# 8502008SE0007C – AMT: \$1,221,488.55 – TO: P & T II Contracting Corp., 2417 Jericho Turnpike, Suite 315, Garden City, NY 11040. PROJECT ID: SECB07Q1.

● **INSTALLATION OF COMPLEX PEDESTRIAN RAMPS AT DESIGNATED LOCATIONS, QUEENS** – Competitive Sealed Bids – PIN# 8502009HW0013C – AMT: \$5,284,046.07 – TO: P & T II Contracting Corp., 2417 Jericho Turnpike, Suite 315, Garden City, NY 11040. PROJECT ID: HWP2009Q.

● **INSTALLATION OF SIDEWALKS, ADJACENT CURBS AND PEDESTRIAN RAMPS, BROOKLYN** – Competitive Sealed Bids – PIN# 8502009HW0006C – AMT: \$2,546,000.00 – TO: Power Concrete Co., Inc., 497 Raymond Boulevard, Newark, NJ 07105. PROJECT ID: HWS2009K.

● **CONSTRUCTION OF STORM SEWERS AND OUTFALL IN BEACH 42ND STREET, QUEENS** – Competitive Sealed Bids – PIN# 8502009SE0004C – AMT: \$5,277,781.60 – TO: C.A.C. Industries, Inc., 23-23 Borden Avenue, Long Island City, NY 11101. PROJECT ID: SEQ200533.

● **RIVERSIDE HEALTH CENTER BUILDING RENOVATION - HVAC WORK, MANHATTAN** – Competitive Sealed Bids – PIN# 8502009HL0011C –

RECONSTRUCTION OF MCCARREN POOL AND BATHHOUSE – Competitive Sealed Bids – PIN# 8462009B058C01 – DUE 08-11-09 AT 10:30 A.M. – Located East of Lorimer Street between Bayard Street and Driggs Ave. in McCarren Park, Brooklyn, known as Contract #B058-108M. Vendor Source ID#: 60995. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005. This contract is subject to Apprenticeship program requirements.

A pre-bid meeting is scheduled for Friday, July 17, 2009 at 11:00 A.M. at the site.

Bid documents are available for a fee of \$100.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

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

j26-2

RECONSTRUCTION AND STABILIZATION OF RETAINING WALLS – Competitive Sealed Bids – PIN# 8462009C000C18 – DUE 07-29-09 AT 10:30 A.M. – Known as Contract Number CNYG-1209M. Vendor Source ID#: 60913.

● **RECONSTRUCTION OF THE ROOFING SYSTEM AND STABILIZATION OF THE BULKHEAD AT CROMWELL RECREATION CENTER PIER #6** – Competitive Sealed Bids – PIN# 8462009R043C02 – DUE 07-29-09 AT 10:30 A.M. – Staten Island, known as Contract Number R043-108MA. Vendor Source ID#: 60898.

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

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

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

j26

RECONSTRUCTION OF MCCARREN POOL AND BATHHOUSE – Competitive Sealed Bids – DUE 08-11-09 AT 10:30 A.M. –
PIN# 8462009B058C02 - Electrical
PIN# 8462009B058C03 - Plumbing
PIN# 8462009B058C04 - HVAC

Located East of Lorimer Street between Bayard Street and Driggs Ave. in McCarren Park, Brooklyn, known as Contract #B058-208M, B058-308M, 058-408M. Vendor Source ID#: 60996, 60997, 60998. This contract is subject to Apprenticeship program requirements.

A pre-bid meeting is schedule for Friday, July 17, 2009 at 11:00 A.M. at the site. Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

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

j26-2

REVENUE AND CONCESSIONS

SOLICITATIONS

Services (Other Than Human Services)

MAINTENANCE AND OPERATION OF AN INDOOR TENNIS/SPORTS FACILITY AND OPTIONAL FOOD SERVICE FACILITY – Competitive Sealed Proposals – Judgment required in evaluating proposals – PIN# X10-IT – DUE 08-26-09 AT 3:00 P.M. – At Crotona Park, The Bronx. Parks will hold an on-site proposer meeting and site tour on Tuesday, July 21, 2009 at 11:00 A.M. at the proposed concession site (Block #2942, Lot #1), which is located at 1700 Crotona Avenue, Bronx, NY 10457. We will be meeting in front of the tennis courts which are located east of Crotona Ave., west of Indian Lake, south of Crotona Park North, and north of Indian Rock.
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) 306-1397, joel.metlen@parks.nyc.gov*

j25-2

RENOVATION, OPERATION, AND MAINTENANCE OF THE PARKING LOT AT ORCHARD BEACH – Competitive Sealed Bids – PIN# X39-B-PL – DUE 07-31-09 AT 11:00 A.M. – In Pelham Bay Park, The Bronx. Parks will hold a recommended bidder meeting on Monday, July 13, 2009 at 10:00 A.M. at the concession site, which is located at Orchard Beach in Pelham Bay Park, Bronx. We will be meeting to the left of the ticket booths at the parking lot entrance. All interested parties are urged to attend.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
*Parks and Recreation, The Arsenal-Central Park
830 Fifth Avenue, Room 407, New York, NY 10021.
Alexander Han (212) 360-1397, alexander.han@parks.nyc.gov*

j22-2

TRANSPORTATION

BRIDGES

SOLICITATIONS

Construction / Construction Services

REPLACEMENT OF CITY ISLAND BRIDGE OVER EASTCHESTER BAY, BRONX – Competitive Sealed Proposals – Judgment required in evaluating proposals – PIN# 84108BXR265 – DUE 07-22-09 AT 2:00 P.M. – Request for Proposals will be available between the hours of 9:00 A.M. - 3:00 P.M. Entrance is located on the south side facing the Vietnam Veterans Memorial.

The proposed Engineering Services is necessary for the Resident Engineering Inspection Services for replacement of City Island Bridge over Eastchester Bay, Contract No. HBX1164A. The pre-proposal conference will be held on July 8, 2009 at 2:00 P.M. at 55 Water Street, Ground Floor, Bid Room.

This RFP is available on NYCDOT website at <https://a841-dotwebpcard01.nyc.gov/RFP/html/asp.rfp.asp> A deposit of \$50.00 in the form of a certified check or money order made payable to New York City Department of Transportation is required to obtain bid/contract documents. NO CASH ACCEPTED. Refund will be made only for contract Bid/Proposal documents that are returned in its original condition within 10 days after the Bid Opening. Due to increased building security bidders should ensure that proper photo identification is available upon request. Please ensure that your company's address, telephone and fax numbers are submitted by your company (or messenger service) when picking up contract documents. For additional information, please contact Dr. Paul-Michael Kazas at (212) 839-6314.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
*Department of Transportation, Office of ACCO
Contract Unit, 55 Water Street, Ground Floor, New York, NY 10041. Bid Window (212) 839-9435.*

j26

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.

BUILDINGS

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, July 9, 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 Buildings and M.G. McLaren, P.C., 100 Snake Hill Road, West Nyack, NY 10994, to provide the professional engineering services pertaining to peer review and knowledge transfer for crane plan examination. The contract amount shall be \$192,600.00. The contract term shall be from March 26, 2009 to December 31, 2009. PIN#: 81009OPS0060.

The proposed contractor has been selected by means of Negotiated Acquisition, pursuant to Chapter 3, Section 3-04 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Buildings, 280 Broadway, 6th Floor, Contracts/Purchasing Division, New York, NY 10007, from June 26, 2009 to July 9, 2009, Monday to Friday, excluding Holidays, from 10:00 A.M. to 3:00 P.M.

j26

HOMELESS SERVICES

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, July 9, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Homeless Services and Bowery Residents' Committee, Inc., 324 Lafayette St., 8th Floor, New York, NY 10012, to develop and operate a transitional residence for homeless adult families located at Lenox Residence, 101 West 145th Street, New York, NY 10039, Community Board #10. The contract amount shall be \$6,865,650. The contract term shall be from July 1, 2009 to June 30, 2014 with one four-year option to renew from July 1, 2014 to June 30, 2018 PIN #: 071-00S-003-264.

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method (Open Ended Request for Proposals), pursuant to Section 3-03 (b) (2) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Homeless Services, 33 Beaver Street, NY, NY 10004, from June 26, 2009 to July 9, 2009, excluding Saturdays, Sundays and Holidays from 9:00 A.M. to 5:00 P.M.

j26

HUMAN RESOURCES ADMINISTRATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, July 9, 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 Human Resources Administration of the City of New York and the Contractor listed below, for the provision of Non-Emergency Scatter Site I Housing and Supportive Services for Persons Living with AIDS and Advanced HIV Related Illnesses and their Families in the Borough of Brooklyn. The contract term shall be for nine months from July 1, 2009 to March 31, 2010.

Contractor/Address	PIN #	Amount
Discipleship Outreach Ministries, Inc. 5220 Fourth Avenue Brooklyn, NY 11220	06910H071801	\$510,743.00

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

A draft copy of the proposed contract is available for public inspection at the Human Resources Administration of the City of New York, 180 Water Street, Room 1420, New York, NY 10038, on business days, from June 26, 2009 to July 9, 2009, excluding Holidays, from 10:00 A.M. to 5:00 P.M.

j26

SANITATION

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, July 9, 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 Sanitation, Bureau of Long-Term Export and Hennington, Durham & Richardson Architecture & Engineering, P.C. (“HDR”), One Blue Hill Plaza, Pearl River, New York 10965, for Professional Services to Support the Continuing Development and Implementation of Solid Waste Management Plans. The contract term shall be five years from the Notice To Proceed. The contract amount shall not exceed \$9,286,983 with no renewal options. PIN#: 82709RR00043.

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

A draft copy of the proposed contract is available for public inspection at the Department of Sanitation's Contract Division, 51 Chambers Street, 8th Floor, Room 806, New York, NY 10007, Monday to Friday, from June 26, 2009 to July 9, 2009, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

j26

AGENCY RULES

HEALTH AND MENTAL HYGIENE

NOTICE

NOTICE OF INTENTION TO AMEND ARTICLE 7 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed amendment of Article 7 (Administrative

Tribunal) of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 10:00 A.M. TO 12:00 NOON ON WEDNESDAY, JULY 29, 2009 IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. TUESDAY, JULY 28, 2009. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY JULY 17, 2009.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12:00 P.M. JULY 29, 2009. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> ON OR BEFORE 5:00 P.M., WEDNESDAY, JULY 29, 2009. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED.

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

STATUTORY AUTHORITY

These amendments to the Health Code are promulgated pursuant to §§558 and 1043 of the Charter. Sections 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the authority of the Commissioner and the Department of Health and Mental Hygiene (the Department) extends. Section 1043 grants the Department rule-making authority.

STATEMENT OF BASIS AND PURPOSE

The Board of Health, at its meeting on June 18, 2008, adopted a resolution repealing and reenacting Article 7 of the New York City Health Code (Administrative Tribunal). The Department requests that the Board further amend §7.09 (Appearances) and §7.11 (Hearings and mail adjudications) of this Article. Subdivision (d) of §7.09 provides that a default may be found if the respondent fails to appear at a hearing of a notice of violation. The hearing examiner, after finding the respondent in default, will then review the allegations in the notice of violation, and may issue a default decision, finding the respondent in violation of the specific law or regulations cited. A respondent is notified of the default decision by certified mail. A respondent may then, within 30 days of the mailing of the notice of decision, request that the Tribunal vacate or reopen the default. The Tribunal has reported that respondents or their representatives often come to the Tribunal and ask for a copy of the default decision in order to expedite reopening of the default. This is usually done because they discover that they can't renew their permits because of an unpaid default penalty, and the Tribunal has been providing copies of default decisions upon request. While §7.09 (d) neither prohibits nor allows this practice, the proposed amendment would authorize and codify this practice in such instances. The Tribunal has drafted a new Notice of Appearance form and added a box to capture a signature to show personal receipt of the default decision. The amendment further provides that the thirty days for a respondent to request that a default be reopened would start to run from the earlier of the date of certified mailing or the date the copy is provided personally to the respondent or respondent's representative. The amendment does not require the Department to serve notices of decision on default personally, and does not extend the thirty days allowing a respondent to reopen or vacate a default. Subdivision (h) of §7.11 is also amended to reflect the change in §7.09 (d), authorizing mailing and personally providing a copy of a default decision to a respondent.

Statement Pursuant to Charter § 1043

This proposal was not included in the Department's regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

The amendment is as follows:
Matter underlined is new
Matter to be deleted is indicated by [] brackets

RESOLVED, that subdivision (d) of §7.09 of Article 47 (Administrative Tribunal) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, adopted by resolution on the eighteenth of June, two thousand eight, be, and the same hereby is, amended, to be printed together with explanatory notes, to read as follows:

§7.09 Appearances.

(d) Failure by the respondent to appear in person, by sending an attorney or other authorized representative, or by mail shall constitute a waiver of the right to a hearing and shall authorize the hearing examiner, without further notice to the respondent, to find that the respondent is in default and that the facts are as alleged in the notice of violation, and to render a default decision sustaining the allegations and imposing a penalty pursuant to Article 3 of this Code or as authorized by other applicable law. If, before issuing a

default decision, the Tribunal finds that the failure of the party to appear was caused by circumstances beyond the party's reasonable control, the Tribunal may choose to not issue a default decision and instead adjourn the matter for a new hearing date. A decision that is adverse to a respondent by reason of the respondent's default shall be issued only after the hearing examiner has determined that the notice of violation was served as required by applicable law, and that the notice of violation alleges sufficient facts to support the violations charged. The Tribunal shall notify a defaulting respondent of the issuance of a default decision by mailing a copy of the decision by certified mail[,] or by providing a copy to a respondent or respondent's representative who appears personally at the Tribunal and requests a copy. A respondent may request in writing that a default decision be reconsidered, if the request to reconsider is postmarked or received by the Tribunal within thirty days of the date of mailing of the default decision to the respondent[,] or the date a copy was provided to the respondent or the respondent's representative at the Tribunal, whichever date is earlier. One such request shall be granted administratively as of right provided that the Tribunal's records show that there have been no other failures to appear in relation to the particular notice of violation. In all other cases a request to reconsider a default decision shall be accompanied by a statement setting forth good cause for the respondent's failure to appear and either a meritorious defense to any violation found in the decision or a jurisdictional defect in the notice of violation. Such statement, and any supporting documentary evidence deemed necessary by a hearing examiner, shall be reviewed by a hearing examiner who shall determine if it establishes a reasonable excuse for the default and a legally sufficient basis to reconsider a default decision. However, under no circumstances shall more than two requests to reconsider default decisions be entertained in relation to a particular notice of violation. Denial of a request to vacate a default decision shall not be subject to review by the Review Board.

* * *
Notes: Subdivision (d) of §7.09 was amended by resolution of the Board of Health on XXX to authorize the Tribunal to alternatively notify a respondent or representative of a default by certified mailing, or by providing a copy of a default decision to a respondent or respondent's representative who personally appears at the Tribunal and requests such a copy. The amendment does not require personal service of any notices of decision issued on default of the respondent. A respondent still has thirty (30) days to request reconsideration of a default and the time is counted from the earlier of the date of mailing or date on which a copy of the default decision is personally provided.

RESOLVED, that subdivision (h) of §7.11 of Article 47 (Administrative Tribunal) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, adopted by resolution on the eighteenth of June, two thousand eight, be, and the same hereby is, amended, to be printed together with explanatory notes, to read as follows:

§7.11 Hearings and mail adjudications.

(h) A written decision sustaining or dismissing each charge in the notice of violation shall be promptly rendered by the hearing examiner who presided over the hearing, or who conducted the adjudication by mail, or who rendered a default decision. Each decision, other than a default decision, shall contain findings of fact and conclusions of law and, where a violation is sustained, shall impose a penalty. A copy of the decision, other than a default decision mailed or otherwise provided in accordance with §7.09(d) hereof, shall be served forthwith on the respondent or on the respondent's counsel, registered representative or other authorized representative, either personally or by certified mail. Any fines imposed shall be paid within thirty days of service of the decision. If full payment of fines is not made within thirty days, an additional penalty may be imposed per NOV in an amount of fifty dollars, if paid between thirty one and sixty days after service of the decision, and one hundred dollars if paid more than sixty days after service of the decision.

Notes: Subdivision (h) of §7.11 was amended by resolution adopted XXX to be consistent with the provisions of subdivision (d) of §7.09 regarding notification of a default decision.

NOTICE OF INTENTION TO AMEND ARTICLE 207 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed amendment of Article 207 of the New York City Health Code.

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THIS PROPOSAL ON JULY 28, 2009 FROM 10:00 A.M. TO 12:00 P.M. IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY JULY 27, 2009. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY JULY 14, 2009.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 10AM. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAILING TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, OR BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV ON OR BEFORE 5:00 P.M. ON JULY 28, 2009.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE

WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>

STATUTORY AUTHORITY

This proposed amendment to the Health Code is made pursuant to §§ 556, 558 and 1043 of the New York City Charter ("Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene ("Department") with jurisdiction to regulate all matters affecting health in the City of New York. Sections 558(b) and (c) of the Charter empower the Board of Health to amend the New York City Health Code ("Health Code") and to include in the Health Code all matters to which the authority of the Department extends. Section 1043 grants the Department rule-making authority.

STATEMENT OF BASIS AND PURPOSE

The Department is proposing that the Board of Health approve revisions to Sections 207.07 and 207.13 of the Health Code to establish fees for certain vital records corrections and permits.

Background

The Department does not currently charge fees for correcting or amending birth and death certificates, or for issuing disposition permits to funeral directors, which are required for burial, cremation or transport outside the City. The Department is proposing to charge fees based on cost analyses to partially recover the Department's costs in performing these functions.

Cost calculations

Fees for each service were calculated through a user cost analysis, conducted by the Department's Division of Finance and Planning in cooperation with the City's Office of Management and Budget. A user cost analysis assesses costs of current operations involved in providing a specific service to the public. A fee, no greater than the cost, is then determined on a per unit basis. The costs that are factored into the calculation include direct costs (PS-personal services, including fringe and OTPS-other than personal services) and indirect costs (executive management overhead, including fringe; administrative services overhead, including fringe; space and utilities; and cost of other agency services).

The proposed disposition permit fee matches the Department's cost. The correction fee will recover roughly two-thirds of the Department's costs and will be comparable to fees charged by other jurisdictions.

Corrections and amendments application fee

The Department's Office of Vital Records receives and processes requests for corrections and amendments to birth and death certificates. Approximately 45,000 corrections applications are processed annually. Currently, Health Code §207.07 requires the Department to issue amended certificates "without further charge" when amendments are approved. In order to avoid confusion and potentially conflicting provisions, the Department is proposing to delete these words from §207.07. The Department is further proposing to charge a \$40.00 fee, to be paid upon application, for about two-thirds of the corrections applications for the following:

- Adding a given name more than 60 days after birth
- Correcting birth and death certificate errors and omissions made by family members and informants
- Correcting hospital birth certificate errors and omissions filed after 12 months
- Correcting funeral home errors
- Correcting funeral home omissions filed after 12 months
- Amending a birth certificate for an adoption
- Amending a new birth certificate for a person who has undergone converive surgery
- Re-submitting an application more than 1 year after rejection

No fee would be charged for the following:

- Acknowledgments of paternity
- Orders of filiation (parentage)
- Medical Examiner amendments
- Recording delayed registrations of births
- Reports of foundlings
- Correcting Department errors
- Birth certificate amendments filed within 12 months of the birth when filed by hospitals or licensed midwives
- Adding missing information within 12 months of filing a death certificate by a medical certifier or funeral director

Disposition permit fee (burial, cremation, transport permits)

Health Code §205.25(a) requires, in part, that, "When a death or termination of pregnancy occurs in the City, the remains shall not be buried, cremated or transported out of the City unless an appropriate permit has been issued by the Department." Furthermore, the Department is considering amending the Code to reflect the issuance of an interim disposition permit. If such a proposal is adopted, the Department will charge a fee for the interim permit, but will not charge when that permit is surrendered in exchange for a final disposition permit. In 2007, there were 54,073 deaths and several hundred terminations over 24-weeks gestation. Each of these requires a disposition permit. The Department is proposing to charge a \$40.00 fee for each disposition permit, to be paid upon application, except for those burials in the City cemetery (about 3,000 per year).

STATEMENT PURSUANT TO SECTION 1042- REGULATORY AGENDA

This proposal was not included in the Department's Fiscal Year 2009 Regulatory Agenda as this action is in response to recent analysis by the Department.

The proposal is as follows:

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

RESOLVED, that §207.07 and §207.13 of Article 207 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, and the same hereby are amended to delete the words "without further charge" from §207.07, to re-title §207.13 as "Fees for vital statistics services" and to add new subdivisions (g) and (h) to §207.13 to reflect the broader range of fees contained in this section, to be printed together with explanatory notes to read as follows:

**ARTICLE 207
GENERAL VITAL STATISTICS PROVISIONS**

§ 207.13 Fees for [searches and transcripts of records] vital statistics services.

§207.07 Correction of records; copy of amended certificate to be issued.

When a certificate of birth, termination of pregnancy or death is amended, the Department shall issue to the applicant [without further charge] in exchange for the copy submitted with the application pursuant to §207.01 the following:

Notes: The words "without further charge" were deleted from the first sentence of this section in order to avoid confusion or potential conflict with new subdivision (g) of §207.13 which authorizes the charging of fees for some corrections or amendments of birth or death certificates.

§ 207.13 Fees for [searches and transcripts of records] vital statistics services.

- (g) The Department shall charge an application fee of \$40.00 to correct or amend birth or death certificates as follows:
- (1) Adding a given name more than 60 days after birth
 - (2) Correcting birth and death certificate errors and omissions made by family members and informants
 - (3) Correcting hospital birth certificate errors and omissions after 12 months
 - (4) Correcting funeral home errors
 - (5) Correcting funeral home omissions filed after 12 months
 - (6) Amending a birth certificate for an adoption
 - (7) Amending a new birth certificate for a person who has undergone convertive surgery
 - (8) Re-submitting an application more than 1 year after rejection
- (h) The Department shall charge a fee of \$40.00 for disposition permits issued pursuant to this Article, except those for burials in the City cemetery.

Notes: The Department proposes that the Board of Health re-title Health Code §207.13 as "Fees for vital statistics services" and to add new subdivisions (g) and (h) to reflect the broader range of fees contained in this section. The Department is proposing to charge certain fees based on cost analyses to partially recover the Department's costs in performing these functions.

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NOTICE OF INTENTION TO AMEND ARTICLE 205 OF THE NEW YORK CITY HEALTH CODE

In compliance with § 1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by § 558 of the Charter, notice is hereby given of the proposed amendment of Article 205 of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL ON JULY 28, 2009, FROM 10:00 A.M. TO 12:00 P.M., IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY JULY 27, 2009. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL WORKING HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY JULY 14, 2009.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 10:00 A.M. ON THE DATE OF THE HEARING. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, OR BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV ON OR BEFORE JULY 28, 2009. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY.

STATUTORY AUTHORITY

These amendments to the New York City Health Code ("Health Code") are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene ("Department" or "DOHMH") with jurisdiction to regulate all matters affecting health in the City of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters to which the DOHMH's authority extends. Section 1043 of the Charter grants the DOHMH rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

INTRODUCTION

As part of a comprehensive review of the Health Code to assess the efficacy of the articles in protecting the public's health, the Department proposes that current Article 205, Deaths and Disposals of Human Remains, be amended, effective January 1, 2010, to assure that the revised provisions provide adequate legal tools to effectively address public health matters and to reflect modern standards and current programmatic practice while removing outdated provisions.

Pursuant to this review and assessment of the Health Code, the Department proposes that the Board amend Article 205 as provided for below.

Section 205.01

Subdivision (c) was amended to more fully define human remains, including a conceptus, to clarify when a permit for disposition is required. The 24 weeks or more of gestation is consistent with former §205.13, which required a permit for disposition after 24 weeks.

Subdivision (d) was added to define "hospice," which under State Public Health Law includes hospice care programs as well as hospice facilities. Hospice is increasingly utilized as a form of end-of-life care, and consequently hospice providers are preparing a larger proportion of death certificates.

Subdivision (e) was deleted. It had defined "use for anatomical purposes", which was referred to in section 205.13 and has been deleted. New subdivision (e) was added to conform to the provisions of State Public Health Law §4201, which applies in the City and establishes the persons in descending priority who shall have the right to control the disposition of the remains of a decedent. It replaces former subdivision (d), which defined "next of kin" and their order of priority to receive communications and to give instructions regarding the disposal of a decedent's remains.

Section 205.03

Subdivision (a) has been amended to clarify the circumstances when a hospital or hospice must report a death and to broaden the situations in which institutions are required to report deaths to include deaths occurring en route to a hospital or while under the care of a hospice. This subdivision was also amended to permit the designee of a person in charge of a hospital or hospice to report a death to the DOHMH. This will enable the hospital or hospice to delegate the task of filing the report to a lower level employee. Subdivision (a) has also been amended to reflect the correct name of the office of chief medical examiner, and to reflect that a medical examiner within the Office of Chief Medical Examiner is the person responsible for reporting a death. The subdivision was further amended to reflect gender neutrality.

Subdivision (b) was amended to correct legal nomenclature distinguishing between a "subsection" and a "paragraph." The words "office of" were added to chief medical examiner to indicate that it is the office that is required to report.

Subdivision (c) was amended to remove a general description of electronic filing of death certificates, as it is described in greater detail in new subdivision 205.03 (d). This subdivision was also amended to add agents of funeral directors or undertakers and agents or designees of the person in charge of the City mortuary. Funeral directors or undertakers and the person in charge of the City mortuary use agents to file certificates and confidential medical reports with the Department, and now this subdivision will reflect this practice. The subdivision will now require that if funeral directors or undertakers use such agents they must be registered with the Department to ensure compliance with Departmental procedures. Subdivision (c) was also amended to correct legal nomenclature distinguishing between a "subdivision" and a "subsection."

Subdivision (d) was added to require all hospitals and hospices that report 25 or more deaths to the Department per year, and the office of chief medical examiner, to report deaths electronically. When a required reporter files electronically, a funeral director or undertaker authorized to take charge of the remains, or the person in charge of the City mortuary when filing an application for a disposition permit, must also file such application electronically. All persons required or authorized to report a death or to file a death certificate with the Department that are not required to report or file electronically may, at their election and upon approval of the Department, implement an electronic reporting system or continue to report deaths on approved paper forms. This subdivision takes effect on April 1, 2010.

Subdivision (e) was added to require departmental approval of electronic reporting systems, in order to ensure the uniformity and quality of data collection. Toward that end, all individuals utilizing the electronic reporting system must be trained or approved by the Department in the proper use of the system and completion of electronic reporting forms. The subdivision also provides for alternative arrangements, upon the Department's approval or initiative, in particular circumstances.

Subdivision (f) was added to provide for situations in which a reporter receives required information after reporting the death. The reporter must submit such information within 5 business days of receipt.

Subdivision (g) was added to provide for situations in which a reporter receives autopsy results or other information that would change the information in the cause of death section of the certificate or the confidential medical report. The reporter must submit such information within 5 business days of receipt.

Subdivision (h) was added to require reporters to provide, within 5 business days of a request by the Department, additional information necessary to complete, clarify or verify the information required to be reported. Such information may include, for example, updated causes of death.

Section 205.05

The title of section 205.05 was amended to "Preparation and certification of certificate of death and confidential medical report of death" and the paragraph titles "Preparation" and "Certification" were added to subdivision (a). These changes

were made to indicate that separate rules apply to the preparation and certification of certificates.

Paragraph (1) of subdivision (a) was amended to permit the designee of a person in charge of a hospital or hospice to prepare the required certificate and confidential medical report, if any. Such a designee must be trained or approved by the Department. This is particularly useful for electronic reporting and will enable the hospital or hospice to delegate the task of preparing the certificate to a lower level employee. The training and approval requirement should improve data quality. It was further amended to clarify the circumstances when a hospital or hospice must report a death and to broaden the situations in which institutions are required to report deaths to include deaths occurring en route to a hospital or while under the care of a hospice. Paragraph (1) of subdivision (a) was also amended to delete the reference to that portion of the confidential medical report of death pertaining to race and ancestry to be completed by the funeral director or, in the case of city burial, by the physician. The Department is planning to modify the death certificate form so that the race and ancestry items will no longer be contained in the confidential medical report of death.

Paragraph (2) of subdivision (a) is substantially new and was amended to clarify which physicians may certify a death, including the physician in attendance or such physician's duly authorized medical associate. A person certifying a certificate and confidential medical report, if any, shall examine the documents for correctness of the information contained thereon and make necessary changes.

Subdivision (b) was amended by deleting the requirement that the Board of Health approve the electronic form of certificates, because, aside from incidental formatting differences, electronic forms are merely reflective of the paper forms prescribed by the Board pursuant to this subdivision. Subdivision (b) was also amended to reflect changes made to subdivision (a) and to provide for improving the quality of data collection. Any worksheets used by anyone authorized to prepare certificates of death and confidential medical reports must be approved by the Department. Any individual who uses such worksheets shall be trained or approved by the Department. The worksheets shall be retained by the hospital or hospice for a period of three years from the date of event and shall, upon request, be made available to the Department for inspection. The subdivision also clarifies which person preparing the certificate and confidential medical report shall be responsible for completing its various sections.

Section 205.07

Subdivision (a) was amended to provide that disclosure of the confidential medical report of death shall not be compelled, in order to be consistent with the confidentiality provisions of Articles 3 and 11 of this Code. It was further amended to provide for inspection by researchers authorized and approved by the National Death Index of the National Center for Health Statistics of the federal Centers for Disease Control and Prevention, or its successor agency. This is to facilitate scientific research of death data by researchers who apply through the federally established National Death Index. Subdivision (a) was also amended to provide for inspection of confidential medical reports of death occurring on or after January 1, 2010 by the spouse, domestic partner, parent or child of the deceased. This change will make cause of death information available to the above list of surviving family members, which is consistent with the policies of some states.

Subdivision (b) was amended to include epidemiologic surveillance and investigation conducted by governmental public health agencies within the meaning of "scientific purposes".

Section 205.09

This section was essentially reenacted and renumbered from the former Section 205.06, which was deleted.

Subdivision (a) was amended to provide discretion to the Department in the issuance of certifications of deaths, which are abstracts of death certificates. The Department does not currently have the systems to prepare or issue such certifications.

Subdivision (b) was amended to update the minimum amount of information that would be useful on a certification of death by adding the date that the certificate was accepted for filing by the Department and the manner of death (accident, suicide, homicide or natural).

Section 205.11

This section was amended to reflect gender neutrality. Subdivision (b) was deleted and replaced with Section 205.03 (g), which provides for situations in which a reporter receives autopsy results or other information that would change the information in the cause of death section of the certificate or the confidential medical report.

Section 205.13

Former section 205.13, concerning disposal of certain human remains after use for anatomical purposes, was deleted as an unnecessary requirement for public health purposes. Section 205.01, defining "human remains", and Section 205.21, concerning the issuance of disposition permits, now specify the circumstances when such a permit is required or authorized.

New section 205.13 is derived from the former section 205.17. Subdivision (a) was amended to add a reference to remains, as defined in section 205.01(c), resulting from a termination of pregnancy occurring in the City in order to be consistent with the rest of the section. This subdivision was also amended to correct legal nomenclature distinguishing between a "subdivision" and a "section."

Subdivision (b) was added to provide for the holding of human remains for more than the time periods specified in subdivision (a) of this section without being buried, cremated or transported out of the City if an appropriate interim

disposition permit has been issued. This was to accommodate, among other circumstances, the interim holding of body parts (as occurred during the World Trade Center disaster), or the holding of human remains during mass mortality events or while being used for anatomical purposes.

Section 205.15

This section is derived from former section 205.19. This section was amended to clarify that it applies to deaths or terminations of pregnancy that occur in hospice or other health care facilities, in addition to hospitals. The reference to "a permit issued pursuant to §205.25" was deleted because, in practice, disposition permits are not issued until after death certificates are prepared, certified and registered. The references to "next of kin" and the "Public Administrator" were deleted and replaced with the "person in control of disposition" as now defined in section 205.01. The section was further amended to clarify that the performance of an autopsy pursuant to §4214(1) of the State Public Health Law refers to unclaimed remains. The section was also amended to reflect gender neutrality.

Section 205.17

This section is derived from former section 205.21. This section was amended by replacing "next of kin, legal representative or, in the absence of arrangements by such next of kin or legal representative, by a friend of the deceased" with the "person in control of disposition". This is consistent with amendments to Section 205.01. The section was also amended to reflect gender neutrality.

Section 205.19

This section, relating to the removal of human remains, is derived from former section 205.23. Subdivision (a) was amended by separating it into paragraphs (1) and (2). Paragraph (1) was amended to update, clarify and conform to current practice the circumstances under which human remains may be removed from the place of death or termination of pregnancy. The paragraph now provides for electronic filing prior to removal. The paragraph was further amended to clarify that the filing must be made by the person required to report a death or termination of pregnancy pursuant to subdivision (a) of §205.03 or subdivision (a) of §203.03, and was amended to reference interim disposition permits in accordance with changes to sections 205.13 and 205.21. Paragraph (1) was amended to delete the requirement that a licensed funeral director or undertaker must have in his or her possession a "completed" certificate of death or termination of pregnancy, as the personal particulars section may not yet have been completed by the funeral director or undertaker. The paragraph was further amended to clarify throughout that it applies to terminations of pregnancy as well as deaths.

Paragraph (2) of subdivision (a) is new. It provides for the removal of human remains from the place of death or termination of pregnancy in the case of a death from natural causes occurring elsewhere than in a hospital or hospice if the funeral director, undertaker or person in charge of the mortuary has obtained authorization from the office of chief medical examiner to remove the remains, or has obtained authorization to remove the remains and assurance from the physician attending the death, or from his or her duly authorized medical associate, that the death is from natural causes and that said physician or medical associate assumes responsibility for certifying to the cause of death. This is consistent with current practice.

Subdivision (b) was amended to correct legal nomenclature distinguishing between a "subdivision" and a "subsection" and to correct the title of the office of chief medical examiner.

Subdivision (c) was amended to correct the title of the office of chief medical examiner, reflect gender neutrality and correct legal nomenclature distinguishing between a "subdivision" and a "subsection."

Subdivision (d) was amended to clarify that the police department is of the City, and to correct the title of the office of chief medical examiner.

Section 205.21

This section, regarding disposition permits, is derived from former section 205.25. Permits to bury, cremate or to transport human remains have long been required in New York City. In circumstances such as during mass mortality events or when human remains are used for anatomical purposes, it may be necessary to temporarily hold human remains beyond the periods specified in section 205.13 without burial, cremation or transportation. Subdivision (b) of section 205.13 requires the issuance of an interim disposition permit by the Department to temporarily hold human remains for such periods. Accordingly, subdivision (a) of this section 205.21 has been amended to include reference to interim temporary holding permits, in addition to burial, cremation and transportation permits.

Subdivision (b) has been divided into three paragraphs. New paragraph (3) of subdivision (b) specifies the information required to be kept by a person to whom an interim holding permit has been issued. It also requires the surrender of the interim permit when a final disposition permit to bury, cremate or transport the human remains is issued.

Subdivision (d) has been revised to utilize the newly defined term "person in control of disposition".

Section 205.23

This section is derived from former section 205.27. It has been amended to clarify that when human remains are being transported into the City from a jurisdiction that does not issue disposition permits, the Department may accept certified copies of certificates of death or termination of pregnancy in lieu of a permit.

Section 205.25

This section is derived from former section 205.31.

Subdivision (a) has been repealed as the regulation of new cemeteries and cemetery name changes is wholly within the jurisdiction of the New York State Department of Health and Department of State pursuant to the Public Health Law and Not-for-Profit Corporation Law and related regulations. The remaining subdivisions have been re-lettered accordingly.

Section 205.27

This section, regarding disinterment permits, is derived from former section 205.33 and remains essentially unchanged. Modifications were made to reflect renumbering of sections, the use of the new term "person in control of disposition" and gender neutrality.

Section 205.29

Former section 205.29, regarding when and where permits are obtained, has been deleted as unnecessary.

This new section 205.29 is derived from former section 205.35.

Subdivision (a) now requires that agents of funeral directors or undertakers who seek to file certificates with the Department must, in addition to the funeral directors or undertakers, register with the Department.

Subdivision (b) was amended to require presentation of a government issued picture identification, in addition to the State-issued certificate, in order for a funeral director or undertaker to register with the Department.

Subdivision (c) was added to specify the documentation that an agent must present in order to be registered with the Department. Such measures provide a greater level of security to the registration process.

Section 205.31

This section, regarding the authority of funeral directors or undertakers to apply for departmental permits, is derived from former section 205.37. Subdivision (a) now uses the term "person in control of disposition" as it is newly defined in section 205.01. Paragraphs (1) and (2) were also amended to reflect gender neutrality.

Section 205.33

This section replaced former section 205.39 and provides authority for the Department to withhold registration of funeral directors, undertakers or their agents, to refuse to issue permits or to accept certificates for filing such when serious or repeated violations of the Code are found to have been committed. When City registration is denied, suspended or revoked an opportunity to be heard will be provided. Such a strict enforcement mechanism will prevent abuses of the registration process.

The Proposal is as follows:

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

RESOLVED, that, effective January 1, 2010, Article 205 of the New York City Health Code be and the same hereby is revised, to be printed together with explanatory notes to read as follows:

ARTICLE 205 Deaths and Disposals of Human Remains

Introductory Notes

This Article contains provisions for the reporting of deaths occurring in the City, for the maintenance of registries of deaths, [for the reporting of autopsies of infants,] and for the disposal of human remains. In following the traditional and administratively convenient pattern of incorporating both the requirements for reporting of deaths and sepulture, this Article serves two aims-to assure statistical accuracy as well as sound disposal of the dead. As part of a comprehensive review and revision of the Code, the amendments to this Article seek, in particular, to reflect modern standards and current programmatic practice while removing outdated provisions.

§205.01 Definitions.

When used in this title:

"Burial" means interment of human remains in the ground or in a tomb, vault, crypt, cell or mausoleum, and includes any other usual means of final disposal of human remains other than cremation.

"Cremation" means the burning of human remains in a crematory.

"Human remains" or "remains" means a [dead fetus] conceptus which has completed 24 weeks or more of gestation or all or any part of the dead body of a human being but does not include human ashes recovered after cremation. For purposes of this Article a conceptus of less than 24 weeks gestation for which the issuance of a disposition permit pursuant to §205.21 has been requested shall be treated as human remains.

(d) "Hospice" means a program issued a certificate of approval pursuant to Article 40 of the Public Health Law and defined as such in §4002 of said law.

[(d)](e) "Person in control of disposition" [Next of kin] means, in accordance with all of the provisions of §4201 of the Public Health Law, the [person or] following persons who are eighteen years of age or older in [the following] descending order of priority: [who are available within the applicable limits of time as provided in this article to receive communications and to give instructions regarding the disposal of a decedent's remains either personally, by telephone, telegraph, mail or other usual means:

- (1) The spouse or the domestic partner who has registered a domestic partnership in accordance with applicable law with the City Clerk, or has registered such a partnership with the former City Department of Personnel pursuant to Executive Order 123 (dated August 7, 1989) during the period August 7, 1989 through January 7, 1993. (The records of domestic partnerships registered at the former City Department of Personnel are to be transferred to the City Clerk.); or,
- (2) The children who are 18 years of age or over; or

- (3) The grandchildren and other descendants who are 18 years of age or over; or,
- (4) The parents or surviving parent; or,
- (5) The brothers and sisters and their descendants who are 18 years of age or over; or,
- (6) The grandparents; or,
- (7) The great grandparents and uncles and aunts who are 18 years of age or over; or,
- (8) Such other persons who are 18 years of age or over and would be entitled to share in the estate of the decedent as specified in §4-1.1 of the Estates, Powers and Trusts Law.]

(1) the person designated in a written instrument executed pursuant to the provisions of §4201 of the Public Health Law; (2) the decedent's surviving spouse;

(2-a) the decedent's surviving domestic partner;

(3) any of the decedent's surviving children [eighteen years of age or older];

(4) either of the decedent's surviving parents;

(5) any of the decedent's surviving siblings eighteen years of age or older;

(6) a guardian appointed pursuant to article seventeen or seventeen-a of the State Surrogate's Court Procedure Act or article eighty-one of the Mental Hygiene Law;

(7) any person eighteen years of age or older who would be entitled to share in the estate of the decedent as specified in §4-1.1 of the Estates, Powers and Trusts Law, with the person in closest relationship having the highest priority;

(8) a duly appointed fiduciary of the estate of the decedent;

(9) a close friend or relative who is reasonably familiar with the decedent's wishes, including the decedent's religious or moral beliefs, when no one higher on this list is reasonably available, willing, or competent to act, provided that such person has executed a written statement pursuant to subdivision seven of §4201 of the Public Health Law; or

(10) a chief fiscal officer of a county or a public administrator appointed pursuant to article twelve or thirteen of the surrogate's court procedure act, or any other person acting on behalf of the decedent, provided that such person has executed a written statement pursuant to subdivision seven of §4201 of the Public Health Law.

[(e) Use for anatomical purposes means the performance of an autopsy or dissection, or the preservation in an anatomical library.]

§205.03 **Reporting deaths.**
(a) When a death occurs in the City, it shall be reported to the Department as follows:

(1) If the death is from natural causes and occurs in a hospital, or en route thereto, or while under the care of a hospice, by the person in charge of the hospital or hospice, or his or her designee; or,

(2) If the death is from natural causes and occurs elsewhere than in a hospital, or en route thereto, or while not under the care of a hospice, by the licensed physician in attendance or by [his] such physician's duly authorized medical associate, provided such associate reviews the medical records of the decedent and certifies that he or she has found no evidence of suspicious or unusual circumstances; or,

(3) If the death is investigated by the [office of the chief medical examiner] Office of Chief Medical Examiner pursuant to Title 17, Chapter 2 of the Administrative Code, and jurisdiction over the remains is assumed by that office, by a medical examiner within the [office of the chief medical examiner] Office of Chief Medical Examiner.

(b) The person required to report a death pursuant to paragraphs (1) or (2) of subdivision (a) [subsection (a)(1) or (2)] of this section shall file a certificate of death and a confidential medical report, and the [chief medical examiner] Office of Chief Medical Examiner, when required to report pursuant to paragraph (3) of subdivision (a) [subsection (a)(3)] of this section, shall file a certificate of death only. Reports shall be filed within 24 hours after the death or the finding of the remains with any office maintained and designated by the Department for such purposes.

(c) In circumstances where the person required to report a death pursuant to subdivision (a) of this section does not file a report thereof electronically, [The] the requirement of filing the certificate of death and the confidential medical report, if any, may be fulfilled by delivering the same immediately upon demand and within the time prescribed by subdivision [subsection] (b) of this section, to a funeral director or undertaker authorized to take charge of the remains, or to the person in charge of the [city] City mortuary if the remains are to be buried in the [city] City cemetery. Such funeral director, undertaker or person in charge of the [city] City mortuary, or an agent of such funeral director or undertaker registered with the department pursuant to this Article or a designee of the person in charge of the mortuary, shall file the certificate and confidential medical report with the Department within 72 hours following death or the finding of the remains. Funeral directors, undertakers, [and] the person in charge of the City mortuary, and their agents or designees, shall not divulge information contained in the confidential medical report of death except to authorized personnel of the Department. [Certificates of death and confidential medical reports may be filed with the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department.]

(d) All hospitals and hospices that report 25 or more deaths to the Department per year, and the office of chief medical examiner, shall electronically prepare any death certificates and confidential medical reports, and shall, within 24 hours after the death or finding of the remains, file such documents electronically with the Department by means of computer programs specified and provided or otherwise authorized for use by the Department. In circumstances where a person required to report a death pursuant subdivision (a) of this section files a report thereof electronically with the Department, and an authorized funeral director or undertaker has taken charge of the remains, such funeral director or undertaker shall, within 72 hours after the death or the finding of the remains, file such document with the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. If the remains are to be buried in the City cemetery, the person required to report a death pursuant to subdivision (a) of this section shall complete the process of electronically filing the entire certificate of death and confidential medical report, if any, within 72 hours after the death or finding of the remains. All persons required or authorized to report a death or to file a death certificate with

the Department that are not required to report or file electronically pursuant to this subdivision may, at their election and upon approval by the Department, implement an electronic reporting system or continue to report deaths on approved paper forms. This subdivision shall take effect on April 1, 2010.

(e) All facilities, organizations or individuals required or electing to report electronically pursuant to subdivision (d) of this section shall apply to the Department prior to implementing any system and, upon approval by the Department, shall make electronic reports only in such manner and on computer programs prescribed and provided or otherwise authorized by the Department. All individuals utilizing the Department's electronic reporting system to prepare, certify, enter information onto or file death certificates or confidential medical reports, pursuant to §205.05, shall be trained or approved by the Department in the proper use of the system and completion of the electronic reporting forms. Written paper reports may be submitted for a limited period of time only in the case of extenuating circumstances, temporary equipment failure, or prolonged inability to access the electronic reporting system, and only with the specific approval of the Department. In addition, the Department may on its own initiative allow written, paper reports to be submitted if electronic reporting is not possible in a particular circumstance. The Department may, in addition, require summary, cumulative or periodic reports on such reporting schedule as it may deem necessary.

(f) The person required to report a death or to file a death certificate shall provide to the Department information that was required to be reported, but that was not so reported, within five business days of that person receiving the information.

(g) Within five business days of receipt of any autopsy results or other information that would change the information in the cause of death section of the certificate or the confidential medical report, the person required to report the death shall file a supplemental report of the cause of death to amend the certificate or confidential medical report, if any. Said supplemental report shall be certified by a person specified in paragraph (2) of subdivision (a) of §205.05 of this Article.

(h) Upon a request by the Department for additional information that may be necessary to complete, clarify or verify the information required to be reported, the person required to report a death or to file a death certificate shall provide such information to the Department within five business days of the request.

§205.05 Preparation and certification of certificate of death and confidential medical report of death.

(a) (1) *Preparation.* Except with regard to personal particulars as specified in subdivision (b) of this section, [The] certificate of death and confidential medical report, if any, shall be prepared by the person required to [file] report the same pursuant to subdivision (a) of §205.03, but when a death occurs in a hospital or en route thereto, or while under the care of a hospice, the certificate and confidential medical report shall be prepared by the physician in attendance or assisting, by the chief medical officer of the hospital or hospice, [or] by the physician in charge of the service on which the death occurs, or by a designee of the person in charge of the hospital or hospice who is trained or approved by the Department. [That portion of the confidential medical report of death pertaining to race and ancestry shall be completed by the funeral director or, in the case of city burial, by the physician.]

(2) *Certification.* A certificate of death and the confidential medical report, if any, shall be certified by a physician in attendance or such physician's duly authorized medical associate, by the chief medical officer of the hospital or hospice reporting the death, or by the physician in charge of the service on which the death occurred. When a death certificate is filed by the office of chief medical examiner, the certificate shall be certified by a medical examiner within that office. A person certifying a certificate and confidential medical report, if any, shall examine said documents for correctness of the information contained thereon and make necessary changes.

(b) The certificate of death and confidential medical report, if any, shall, except when such are filed electronically pursuant to §205.03(d), be prepared on forms prescribed by the Board and furnished by the Department. [Certificates of death and confidential medical reports may be filed with the Department electronically by means of computer] Computer programs specified and provided or otherwise authorized for use by the Department for electronic filing shall be reflective of the forms prescribed by the Board except to the extent that differences may be necessary or warranted in order to accommodate electronic formatting. The [physician] person preparing the certificate and confidential medical report, if any, pursuant to paragraph (1) of subdivision (a) of this section shall enter the name of the deceased and all other information required by the form, but the [personal] information concerning the deceased, characterized as "personal particulars", shall be entered by the funeral director or undertaker authorized to take charge of the remains except when the remains are to be buried in the [city] City cemetery, in which case such personal particulars shall be entered by the person preparing the certificate pursuant to paragraph (1) of subdivision (a) of this section. The confidential medical report shall contain a statement of the cause of death which shall represent the physician's best opinion on the basis of all the evidence available to him or her. When the death is reported by [occurs in] a hospital or hospice, the information required by the forms shall be taken from the hospital or hospice records of the case. If, in a hospital or a hospice, worksheets are used in the preparation of certificates of death and confidential medical reports, they shall be provided or approved by the Department, and individuals using such worksheets shall be trained or approved by the Department. Worksheets shall be retained by the hospital or hospice for a period of three years from the date of the event, and shall, upon request, be made available to the Department for inspection.

§205.06 Certifications of Death.

(a) A party entitled to obtain a transcript of a record of death, or a certified copy of a certificate of death, may request a certification of death, and the Department shall thereupon issue such a certificate.

(b) A certification of death shall contain only the name, sex, date of death and the place of death of the person to whom it relates, as well as the death record number from which said information is derived.]

§205.07 Confidential medical report of death; not subject to [subpoena] compelled disclosure or inspection.

(a) The confidential medical report of death shall [not] be confidential and not subject to [subpoena] compelled disclosure or to inspection by persons other than the Commissioner or authorized personnel of the Department, except in a criminal action or criminal proceeding, or for official purposes by a Federal, State, county or municipal agency charged by law with the duty of detecting or prosecuting crime, or by researchers authorized and approved by the National Death Index of the National Center for Health Statistics of the federal Centers for Disease Control and Prevention, or successor agency. The Commissioner may, however, approve the inspection of such confidential medical reports for scientific purposes, and, for confidential medical reports of deaths occurring on or after January 1, 2010, by the spouse, domestic partner, parent or child of the deceased.

(b) Within the context of this section, scientific purposes shall mean epidemiologic surveillance and investigation by a governmental public health agency, research, and/or the compilation of statistics relating factors bearing on disease incidence, prevalence, mortality or treatment.

(c) Notwithstanding subsection (a), upon application of an individual licensed to practice medicine, the Commissioner may release a certified copy of the confidential medical report of death, or, in his or her sole discretion, provide abstracts of such information, when, and to the extent that:

(1) a need for the family medical history has been demonstrated, to the satisfaction of the Commissioner, in order to counsel or to diagnose and/or treat an illness or condition in an individual; and

(2) the information contained in the confidential medical report of death has been demonstrated, to the satisfaction of the commissioner, to be otherwise unavailable.

(d) The information released pursuant to subsection (c) may be issued only to the licensed practitioner making the request.

§205.09 Certifications of Death.

(a) A party entitled to obtain a transcript of a record of death, or a certified copy of a certificate of death, may request a certification of death, and the Department may, at its discretion, thereupon issue such a certificate.

(b) A certification of death shall contain only the name, sex, date of death, date that the certificate was accepted for filing by the Department, manner of death and the place of death of the person to whom it relates, as well as the death record number from which said information is derived.

§205.11 Performance and reports of autopsies.

(a) When, in the opinion of the Commissioner, the prevention of spread of disease or other public health consideration requires that an autopsy be performed, he or she may request the [office of the chief medical examiner] Office of Chief Medical Examiner of the City or arrange for a pathologist to perform the same and to file an autopsy report with and in the manner specified by the Department.

(b) Except when such autopsy is performed by the office of the chief medical examiner, the person in charge of a hospital shall file a report of every autopsy performed in the hospital on the remains of an infant under one year of age. The report shall be submitted on a form furnished by the Department and shall be filed within one month of death with any office maintained and designated by the Department for such purposes. The autopsy report shall contain the findings of the pathologist and such additional facts concerning the causes of death as do not appear in the confidential medical report of death as originally filed. It shall be subject to the provisions governing confidentiality of medical reports of death pursuant to §205.07.]

§205.13 Disposal of certain human remains after use for anatomical purposes.

When the death of an infant under one year of age or a spontaneous termination of pregnancy in which the conceptus has completed 24 weeks of gestation occurs in a hospital, the hospital may use the human remains for anatomical purposes if it obtains the written consent of the next of kin and a permit from the Department. After such use and without further authorization or permit, the hospital may itself dispose of the remains by incineration if it has the necessary facilities, or it may request the person in charge of the City mortuary to undertake the disposal.]

§205.17] §205.13 Disposal of human remains; time limit.

(a) Except as set forth in subdivision (b) of this section, [Remains] remains of persons dying in the City, or remains resulting from a termination of pregnancy occurring in the City, shall be buried, cremated or transported out of the City within four days following death or termination of pregnancy. Such remains may, however, within the four-day period, be placed in the general reception vault of a cemetery for a period not exceeding ten days from the placement therein. The Department may extend the time limitations contained in this subdivision [section] and may, in granting an extension, specify conditions to be observed to prevent seepage or escape of offensive odors.

(b) Human remains may be temporarily held for more than the time periods specified in subdivision (a) of this section without being buried, cremated or transported out of the City only if an appropriate interim disposition permit has been issued pursuant to §205.21 of this Article.

§205.19] §205.15 Delivery of remains to funeral director or undertaker; unclaimed remains.

When a death or termination of pregnancy occurs in a hospital, hospice or other health care facility, the person in charge shall deliver the remains immediately upon demand and within the time for filing reports prescribed in §203.03(c) and 205.03(b) to a funeral director or undertaker who presents [a permit issued pursuant to §205.25 or] a certification that he or she has been authorized to take charge of the remains by the person in control of disposition [next of kin] as defined in §205.01 [or by the Public Administrator]. If the remains are not claimed within 24 hours following death or termination of pregnancy, the person in charge of the hospital, hospice or other health care facility shall immediately notify the person in charge of the City mortuary. If, however, an autopsy is to be performed on unclaimed remains pursuant to §4214(1) of the Public Health Law, [he] the person in charge of the hospital, hospice or other health care facility shall notify the person in charge of the City mortuary within 48 hours of death and prior to the autopsy. Under such circumstances the filing of the certificate of death and confidential medical report may be postponed until 72 hours after death. The requirement of filing may be fulfilled by delivery of the certificate and confidential medical report to the person in charge of the City mortuary when the remains are removed from the hospital or other health care facility.

§205.21] §205.17 Claiming of human remains removed to the City mortuary.

When human remains which have been removed to the City

mortuary are subsequently claimed, the person in charge of the City mortuary shall deliver the remains, on demand, to a funeral director or undertaker who submits a written statement that he or she or the funeral establishment with which he or she is associated has been employed by the person in control of disposition [next of kin, legal representative or, in the absence of arrangements by such next of kin or legal representative, by a friend of the deceased]. Together with the remains, the person in charge of the [city] City mortuary shall deliver the certificate of death or termination of pregnancy and confidential medical report, if any, or, if such documents have been filed with the Department, any permit issued by the Department authorizing burial in the City cemetery. When the funeral director or undertaker is required to notify the [Public Administrator] public administrator of a county in the City pursuant to §1113 of the Surrogate's Court Procedure Act, the statement of such funeral director's or undertaker's employment shall first be approved by the [Public Administrator] public administrator.

§205.23] §205.19 Removal of human remains from place of death or termination of pregnancy.

(a) (1) Except as specified in this section, [No] no person shall remove human remains from the place of death or termination of pregnancy unless a certificate of death or termination of pregnancy and a confidential medical report, if any, have been filed electronically with the Department by the person required to report a death or termination of pregnancy pursuant to subdivision (a) of §205.03 or subdivision (a) of §203.03, or unless such documents have been delivered to a funeral director, undertaker or to the person in charge of the City mortuary pursuant to §205.03 or §203.03, or unless a burial, cremation, interim or transportation permit has been issued pursuant to [§205.25] §205.21. Prior authorization of the Department shall not be required to remove human remains to a county in the State contiguous to the City. However, an appropriate permit shall be obtained prior to burial or cremation of human remains, temporary holding of remains pursuant to subdivision (b) of §205.13, or transportation to any other area [prior to burial or cremation], as required pursuant to this Article. When a death or termination of pregnancy occurs under circumstances which do not require notification to the [office of the chief medical examiner] Office of Chief Medical Examiner, the remains may be removed from the place of death, termination of pregnancy or autopsy to another place within the City or to a county within the State contiguous to the City by a licensed funeral director or undertaker [who] if such person has in his or her possession a [completed] certificate of death or termination of pregnancy including any confidential medical report, or if such certificate and confidential medical report, if any, have been filed electronically with the Department by the person required to report the death or termination of pregnancy pursuant to subdivision (a) of §205.03 or subdivision (a) of §203.03. If, however, the death or termination of pregnancy is required to be reported to the Department by the [office of the chief medical examiner] Office of Chief Medical Examiner pursuant to §205.03(a)(3) or §203.03(a)(4), respectively, the remains may be removed from the place of death, termination of pregnancy or autopsy by the funeral director or undertaker who has received a completed death or termination of pregnancy certificate from the medical examiner who had taken charge of the remains, or if a death or termination of pregnancy certificate has been electronically filed by the office of chief medical examiner.

(2) Notwithstanding the requirements of paragraph (1) of this subdivision, in the case of a death from natural causes occurring elsewhere than in a hospital or hospice, such remains may be removed only to a funeral establishment within the City or within a county of the State contiguous to the City if the funeral director, undertaker or person in charge of the mortuary has obtained authorization from the office of chief medical examiner to remove the remains, or has obtained authorization to remove the remains and assurance from the physician attending the death, or from his or her duly authorized medical associate pursuant to paragraph (2) of subdivision (a) of §205.03, that the death is from natural causes and that said physician or medical associate assumes responsibility for certifying to the cause of death.

(b) When a death occurs in a hospital, under circumstances which do not require notification to the office of [the] chief medical examiner, the person in charge of the hospital may remove the remains to another hospital for purposes of autopsy, but such remains shall not be removed from the hospital in which the autopsy is performed unless the applicable provisions of subdivision [subsection] (a) of this section have been complied with.

(c) When a death occurs under circumstances which do not require notification to the [office of the chief medical examiner] Office of Chief Medical Examiner and while the deceased was under the continued medical supervision of a staff physician of a voluntary or municipal hospital as part of the general care offered by such hospital to a patient who has been transferred from the hospital to his or her home, the person in charge of such hospital may remove the remains to the hospital for purposes of autopsy, but such remains shall not be removed from the hospital unless the applicable provisions of subdivision [subsection] (a) of this section have been complied with.

(d) This section shall not prevent the transportation of human tissues for diagnostic purposes or pathological study, the removal of human remains by the person in charge of the City mortuary for burial in the City cemetery or the removal of human remains when ordered by an officer of the City [Police Department] police department or the Office of [the] Chief Medical Examiner pending completion of an investigation by either agency or by both.

§205.25] §205.21 Burial, cremation, holding and transportation of human remains; disposition permit.

(a) When a death or termination of pregnancy occurs in the City, the remains shall not be buried, cremated, temporarily held as an interim disposition pursuant to subdivision (b) of §205.13 or transported out of the City unless an appropriate disposition permit has been issued by the Department. However, remains may be transported out of the city to a contiguous county in the State without obtaining prior authorization to transport from the Department. In such cases, an appropriate disposition permit must still be issued by the Department prior to burial, [or] cremation, interim disposition or transportation to any other area. Such burial, [or] cremation, interim disposition or transportation permit shall not be issued until a certificate of death or termination of pregnancy and, if required, a confidential medical report have been filed with the Department. A permit to bury, temporarily hold or cremate human remains or to transport them out of the City includes authorization to remove the remains from the place of death or termination of pregnancy pursuant to [§205.23(a)] §205.19(a). If remains are to be transported out of the City by common carrier, they shall be prepared in such manner as to comply with the State Sanitary Code.

(b) (1) No person in charge of a cemetery or crematory in the City shall allow human remains to be buried or cremated in the cemetery or crematory until a permit issued pursuant to subsection (a) of this section is surrendered to him or her, and he or she shall not accept any permit which has been

UNTIL 10A.M. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> OR BEFORE 5:00 P.M., THURSDAY, JULY 30, 2009. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED.

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

STATUTORY AUTHORITY

The amendments to Article 143 and the repeal of Article 145 of the New York City Health Code ("Health Code") are promulgated pursuant to §§556, 558 and 1043 of the Charter. Section 556 of the Charter provides the Department of Health and Mental Hygiene ("DOHMH" or "Department") with jurisdiction to regulate all matters affecting health in the city of New York. Section 558(b) and (c) of the Charter empowers the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants the DOHMH rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

1. Amend Article 143.

As part of a comprehensive review of the Health Code to assess its efficacy in protecting the public health, the DOHMH proposes that the Board of Health amend Article 143, covering the disposal of sewage, repealing provisions for construction of private sewage disposal systems, and the issuance of permits for site and sub-soil evaluation related to such construction, in order to better reflect practice and the current regulatory environment. In addition, for the reasons stated below, the Department proposes that the Board repeal Article 145 (Water Pollution Control).

Article 143 broadly addresses disposal of wastes within the City, in particular, the disposal of human, household, and commercial liquid wastes which are not directly discharged into City waters. Article 145 compliments Article 143 by regulating wastes directly entering City waters.

Under Health Code §§143.03 and 143.05, the Department regulates private sewage disposal systems, such as septic tanks and privies that are not connected to the City's sewage disposal system and that discharge into a local site and underlying sub-soil.

Health Code §143.07 requires proof of proper maintenance of private sewage disposal systems. Health Code §143.09 regulates private sewage disposal systems for one and two family dwellings. Health Code §143.13 provides that private sewage disposal systems are subject to Department inspection and be operated so as not to create a nuisance.

When Local Law 50/1991 was enacted, amending Charter §1403, the New York City Department of Environmental Protection was granted jurisdiction over the "location, construction, alteration, repair, maintenance and operation of all sewers" including the "authority to supervise and adopt rules regarding private sewage disposal systems...and to prescribe civil penalties for the violation of such rules...and to issue permits pursuant to such rules for the construction and maintenance of such private sewage disposal systems..."

Local Law 65/1996 amended New York City Building Code §27-157(4) to remove a reference requiring that a site and sub-soil evaluation be obtained from the Department prior to the construction of a private sewage disposal system. Also, under Charter §643(5), the Buildings "[C]ommissioner may approve the installation of and issue a permit for the construction of an individual on site private sewage disposal system for premises. Such permit shall be issued in accordance with the commissioner of environmental protection, for the installation of an individual on site private sewage disposal system."

Therefore, based on the above, Health Code §§ 143.03, 143.05, 143.07, 143.09 and 143.13 are no longer necessary as the Department is no longer responsible for regulating private sewage disposal facilities regulated by the Department of Buildings and Department of Environmental Protection.

It is proposed that the current definitions in §143.01 be kept and that subdivision (c) be amended to make clear that the Health Department does not regulate portable toilets such as those found on street locations or at construction sites; and that a new subdivision (e) defining "community private sewage disposal systems" be added to §143.01 as this term is not defined in the Health Code, although the Health Department currently regulates such sewage disposal systems under §143.11.

2. Repeal Article 145

Article 145 ("Water Pollution Control") requires a permit from the Department for discharge of sewage into City waters. The Department requests that the Board repeal Article 145 as no longer necessary. The discharge of waste into City waters is comprehensively regulated by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, 22 U.S.C.A. §1251 et seq., and by the New York State Department of Environmental Conservation under 6 NYCRR Part 750 (State Pollutant Discharge Elimination System).

The resolution is as follows.

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

RESOLVED, that subdivision (c) of §143.01 (Definitions) of Article 143 (Disposal of Sewage) of the New York City Health Code found in Title 24 of the Rules of the City of New York, be, and the same is, amended, and a new subdivision (e) is

added, to be printed with explanatory notes to read as follows.

§143.01 Definitions.

* * *
(c) Privy means a permanent facility for urinating or defecating embedded in the subsurface which is not waterflushed and which does not connect, directly or otherwise, to a private sewage disposal system or the municipal sewage disposal system, and includes a chemical toilet[.] but does not include portable toilets such as those found in transportation facilities or at construction or other street locations.

* * *
(e) Community private sewage disposal system means a private sewage disposal system which services fifteen or more dwellings.

Notes:

Subdivision (c) was amended and a new subdivision (e) was added by resolution adopted by the Board of Health on XXX to redefine "privy" and to add a definition of "community private sewage disposal system."

RESOLVED, that §143.03 (Disposal of sewage generally; use of private sewage disposal system and privies) of Article 143 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, amended by resolution adopted on the seventh of November nineteen hundred sixty, be and the same hereby is, repealed.

RESOLVED, that §143.05 (Private sewage disposal systems; permit for site and sub-soil evaluation; standards, exception) of Article 143 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, amended by resolution adopted on the fifteenth of January nineteen hundred seventy-six, be and the same hereby is, repealed.

RESOLVED, that §143.07 (Private sewage disposal systems; proof of proper maintenance) of Article 143 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be and the same hereby is, repealed.

RESOLVED, that §143.09 (Private sewage disposal systems; requirements for one and two family dwellings) of Article 143 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, amended by resolution adopted on the twenty-third of September nineteen hundred seventy-one, be and the same hereby is, repealed.

RESOLVED, that §143.13 (Private sewage disposal systems; inspection; operation) of Article 143 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, amended by resolution adopted on the eighteenth of December nineteen hundred sixty-nine, be and the same hereby is, repealed.

RESOLVED, that the list of section headings of Article 143 (Disposal of sewage) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be and the same hereby is, amended, to be printed together with Introductory Notes, to read as follows.

ARTICLE 143 DISPOSAL OF SEWAGE

§143.01 Definitions.
§143.03 Disposal of sewage generally; use of private sewage disposal system and privies.
§143.05 Private sewage disposal systems; permit for site and sub-soil evaluation; standards, exception.
§143.07 Private sewage disposal systems; proof of proper maintenance.
§143.09 Private sewage disposal systems; requirements for one and two family dwellings.]
§143.11 Community private sewage disposal system.
§143.13 Private sewage disposal systems; inspection; operation.]
§143.15 Privies.
§143.17 Modification by Commissioner.

Introductory Notes:

As part of a comprehensive review of the Code, Article 143 was amended by resolution of the Board on XXX to better reflect practice and the regulatory environment, and to harmonize its provisions with related provisions of local law, §143.01 was amended, and §§143.03, 143.05, 143.07, 143.09 and 143.13 were repealed as no longer necessary. In accordance with Local Law 50/1991 and Local Law 65/1996, the New York City Department of Buildings and the New York City Department of Environmental Protection have jurisdiction over the activities formerly regulated by the Department.

RESOLVED, that Article 145 (Water Pollution Control) of the New York City Health Code found in Title 24 of the Rules of the City of New York, as amended by resolution on the twentieth day of December nineteen hundred and seventy-three be and the same hereby is repealed.

Notes:

Article 145 was repealed by resolution adopted on XXX as part of a Health Code revision process intended to modernize and update the Health Code as this provision is no longer necessary. The discharge of waste into City waters is comprehensively regulated by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, 22 U.S.C.A. §1251 et seq., and by the New York State Department of Environmental Conservation under 6 NYCRR Part 750 (State Pollutant Discharge Elimination System).

BY 5:00 P.M. WEDNESDAY, JULY 29, 2009. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL WORKING HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY THURSDAY, JULY 16, 2009. REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 2PM. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> OR BEFORE 5:00 P.M., THURSDAY, JULY 30, 2009. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED.

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

STATUTORY AUTHORITY

This proposed amendment to the Health Code is pursuant to §§558 and 1043 of the New York City Charter (the "Charter"). Sections 558(b) and (c) of the Charter empower the Board of Health to amend the New York City Health Code (the "Health Code") and to include in the Health Code all matters to which the authority of the Department of Health and Mental Hygiene (the "Department" or "DOHMH") extends. Section 1043 grants the Department rule-making authority.

STATEMENT OF BASIS AND PURPOSE

I. Background

Reducing the burden of tobacco use is a core function of DOHMH. In 2002, the Department launched a comprehensive tobacco control program to reduce and prevent smoking in New York City. By implementing multiple, intensive interventions – taxation, legislation, public education, and cessation strategies – and rigorously evaluating these efforts, the Department has taken a pioneering approach to tobacco control that has yielded unprecedented results.

Despite the Department's tobacco control successes, more than 950,000 adults and 20,000 public high school students still smoke in New York City.^{1,2} Continued tobacco use among these smokers may reflect a lack of awareness and comprehension of the negative health outcomes associated with tobacco use, as well as a lack of knowledge about the availability of smoking cessation assistance.

The Department proposes that the Board of Health enact the proposed amendment to require that locations that sell tobacco products post signs describing the health harms associated with tobacco use and the smoking cessation resources available to New Yorkers. This amendment will promote further reductions in smoking prevalence in New York City.

¹ Unpublished data. New York City Department of Health and Mental Hygiene, Bureau of Epidemiology Services: New York City Community Health Survey 2008; April 2009.

² Unpublished data. New York City Department of Health and Mental Hygiene, Bureau of Epidemiology Services: New York City Youth Risk Behavior Survey 2007; April 2009.

II. Tobacco use is the leading cause of preventable death.

Smoking is the leading cause of preventable death in the United States and in New York City. Up to one half of life-long smokers, depending on age, are expected to die of tobacco-related diseases.³ Smokers who die of tobacco-related diseases lose an average of 14 years of life.⁴ In New York City, nearly one in seven deaths are smoking-related; smoking kills about 7,400 people a year, a third of them before age 65.⁵ Despite a 27% reduction in adult smoking prevalence since 2002, nearly one million New Yorkers still smoke.

There are numerous health risks associated with smoking. Research has linked tobacco use with chronic diseases including lung cancer, heart disease, stroke, blindness, asthma, chronic obstructive pulmonary disorder and emphysema. Bladder, larynx, esophagus, cervix, kidney, lung, pancreas, and stomach cancers have also been shown to be associated with tobacco. Smoking also has numerous reproductive effects including infertility, pre-term delivery and low birth weight.⁶

³ U.S. Department of Health and Human Services. *The Health Consequences of Smoking: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2004.

⁴ Centers for Disease Control and Prevention (CDC). Annual Smoking-Attributable Mortality, Years of Potential Life Lost, and Economic Costs—United States, 1995-1999. *MMWR* 2002;51(14):300-303.

⁵ New York City Department of Health and Mental Hygiene (NYC DOHMH), Bureau of Vital Statistics.

⁶ U.S. Department of Health and Human Services. *The Health Consequences of Smoking: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2004.

III. Tobacco users' behaviors are influenced by their awareness and understanding of the health risks associated with tobacco use

Since the first Surgeon General's report was published in 1964, much information has been made public about the health risks associated with smoking. Despite this, there remain significant gaps in smokers' understanding of these risks.^{7,8,9} These gaps in risk awareness are widest among

lower socioeconomic groups.¹⁰

Smokers' health behaviors are strongly influenced by their understanding of the health risks of smoking. Smokers who perceive greater smoking-related health hazards are more likely to consider quitting and to quit smoking successfully. Health warnings are strongly associated with health knowledge.^{11,12} Research has shown that health warnings which communicate the adverse health effects of tobacco use are among the most effective at prompting smokers to quit.¹³ In addition, research has shown that smokers find pictorial warnings more effective and engaging than text-only warnings.^{14,15} Pictorial warnings appear to be especially effective among youth: 78% of Canadian youth agree that pictorial warnings on Canadian packages have been effective in informing them about the effects of cigarette smoking, and 46% report that the pictorial warnings have been effective in getting them to try to quit smoking.¹⁶

7 Oncken, C et al. (2005). Knowledge and perceived risk of smoking-related conditions: a survey of cigarette smokers. *Prev Med* 40 (6): 779-784.
8 Weinstein, ND et al. (2005). Smokers' unrealistic optimism about this risk. *Tob Ctrl* 14: 55-59.
9 Hammond D et al. (2006). Effectiveness of cigarette warning labels in informing smokers about the risks of smoking: findings from the International Tobacco Control (ITC) Four Country Survey. *Tob Ctrl* 15(Suppl 3): iii19 - iii25.
10 Siahpush M et al. (2006). Socioeconomic and country variations in knowledge of health risks of tobacco smoking and toxic constituents of smoke: results from the 2002 International Tobacco Control (ITC) Four Country Survey. *Tob Ctrl* 15 (Suppl 3): iii65-iii70.
11 Hammond D et al. (2006). Effectiveness of cigarette warning labels in informing smokers about the risks of smoking: findings from the International Tobacco Control (ITC) Four Country Survey. *Tob Ctrl* 15(Suppl 3): iii19 - iii25.
12 O'Hegarty M et al. (2006). Reactions of young smokers to warning labels on cigarette packages. *Am J Prev Med* 30(6): 467-473.
13 Biener, L et al. (2000). Adults' response to Massachusetts anti-tobacco television advertisements: impact of viewer and advertisement characteristics. *Tob Control* 9 (4): 401-407.
14 O'Hegarty M et al. (2006). Reactions of young smokers to warning labels on cigarette packages. *Am J Prev Med* 30(6):467-73.
15 Hammond, D. "Tobacco Packaging and Labeling: A Review of the Evidence." *FCTC Letter* 11, November 2007.
16 Health Canada. The health effects of tobacco and health warning messages on cigarette packages - Survey of youth: Wave 9 surveys. Prepared by Environics Research Group, Jan 2005, available at <http://www.smoke-free.ca/warnings/WarningsResearch/POR-04-19%20Final%20Report%20-%2055%20Youth%20Wave%209-final.pdf>.

IV. Smoking cessation information will increase the likelihood that smoking cessation aids are utilized and contribute to reductions in smoking prevalence.

In 2007, nearly 70% of all adult smokers in New York City tried to quit smoking at least once.¹⁷ But without assistance, fewer than 10% of smokers who try to quit achieve permanent abstinence.¹⁸ Studies have consistently shown that smokers can double their chances of quitting smoking successfully by getting counseling and using nicotine replacement therapy or other appropriate drug treatments.¹⁹ Free cessation counseling and nicotine replacement therapy are available to New York residents who call the New York State Smokers' Quitline, but New Yorkers must first be made aware of the availability of that service.

Research has shown that utilization of cessation services increases when smokers are made aware of their availability.^{20,21,22} Displaying this information where cigarettes are sold will ensure that smokers are informed about resources that are available to help them quit smoking for good, and increase utilization of these resources to further decrease smoking prevalence in New York City.

17 Community Health Survey, 2008. NYC DOHMH, Division of Epidemiology. Unpublished data.
18 Fiore MC et al. *Treating Tobacco Use and Dependence: 2008 Update*. Clinical Practice Guideline. Rockville, MD: U.S. Department of Health and Human Services. Public Health Service. May 2008.
19 Fiore MC et al. *Treating Tobacco Use and Dependence: 2008 Update*. Clinical Practice Guideline. Rockville, MD: U.S. Department of Health and Human Services. Public Health Service. May 2008.
20 Farrelly, MC et al (2007). Effectiveness and cost effectiveness of television, radio and print advertisements in promoting the New York smokers' quitline. *Tob Control* 16 (Suppl.1): i21-i23.
21 Campbell SL et al (2008). Tobacco quitline use: enhancing benefit and increasing abstinence. *Am J Prev Med* 35(4): 386-388.
22 Burns, ME et al. (2005). Use of a new comprehensive insurance benefit for smoking-cessation treatment. *Preventing Chronic Disease: Public Health Research, Practice, and Policy* 2 (4): 1 - 12.

V. Point-of-sale tobacco information will contribute to reductions in youth tobacco sales.

The majority of adult smokers begin smoking during adolescence; two-thirds of them are daily smokers by the age of 19.²³ Despite existing New York State and New York City laws prohibiting tobacco sales to people under the age of 18, minors are able to purchase cigarettes illegally at some licensed retail establishments.²⁴

Requiring health warning signs at the point-of-sale in places where cigarettes are sold will reinforce compliance with existing laws prohibiting tobacco sales to minors. By highlighting the undesirability and unacceptability of tobacco use, health warning signs will be consistent with other Department efforts to prevent youth smoking initiation and will further de-normalize smoking.

23 Campaign for Tobacco-Free Kids. (2008). Smoking and kids. Available at <http://www.tobaccofreekids.org/research/factsheets/pdf/0001.pdf>.
24 Tobacco Product Regulation Act (TPRA) and Adolescent Tobacco Use Prevention Act (ATUPA) 2008 Annual Report. Prepared by DOHMH and DCA.

VI. Proposed changes to Health Code to require that health warnings and smoking cessation information be posted at all tobacco retail locations.

Accordingly, the Department requests that the Board amend Article 181 of the Health Code to add a provision that would require the posting of tobacco health warnings and smoking cessation information in all places where tobacco is sold in New York City.

The proposal is as follows:

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

RESOLVED, that Article 181 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York be, and the same hereby is, amended to add a new §181.19 concerning mandatory posting of point-of-sale tobacco health warnings and smoking cessation information in places where tobacco is sold, to read as follows:

**ARTICLE 181
PROTECTION OF PUBLIC HEALTH GENERALLY
.....**

§181.19 Required Point-of-Sale Tobacco Health

Warnings and Smoking Cessation Information.

§181.19 Required Point-of-Sale Tobacco Health Warnings and Smoking Cessation Information.

- (a) Any person in the business of selling tobacco products to consumers located in New York City shall prominently display signs provided by the Department, which signs may include:
1. information about tobacco products and the adverse health effects of tobacco use;
2. a pictorial image of the health effects of tobacco use; and
3. information about how to get help to quit using tobacco.
(b) The signs produced by the Department pursuant to subdivision (a) of this section shall be no smaller than 324 square inches and no larger than 1296 square inches.
(c) Persons who engage in face-to-face sales of tobacco products to consumers in New York City shall prominently display the signs required by subdivision (a) of this section:
1. at each cash register or place of payment so that the sign(s) can be read easily by each consumer making a purchase;
2. at each location where tobacco products are displayed so the sign(s) can be read

- 3. easily by each person considering a tobacco product purchase; and
in such a way that the distance between the bottom of the sign(s) and the floor shall be no less than four feet, and the distance between the top of such sign and the floor shall be no more than seven feet.
(d) The Commissioner shall have the authority to modify the text, images and other signage content requirements listed in subdivision (a) of this section based on the Commissioner's determination that such modifications may contribute to the prevention or reduction of tobacco use and its harms, the prevention of tobacco sales to minors, or the prevention of misinformation among consumers about the health effects of tobacco use.
(e) Notices of violation for failure to comply with this section may be issued by any authorized employee, officer or agent of the Department.
(f) If any provision of this section, or its application to any person or circumstance, is held invalid by any court of competent jurisdiction, the remaining provisions or the application of the section to other persons or circumstances shall not be affected.

Notes: The Department proposes that the Board of Health amend Article 181 of the Health Code to add a new §181.19 that would require the posting of tobacco health warnings and smoking cessation information in all places where tobacco is sold in New York City.

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SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

■ NOTICE

**OFFICIAL FUEL PRICE SCHEDULE NO. 6281
FUEL OIL AND KEROSENE**

Table with columns: CONTRACT NO., ITEM NO., FUEL/OIL TYPE, VENDOR, CHANGE, PRICE EFF. 6/22/2009. Rows list various fuel contracts and prices, including items like #1DULS, #2DLS, #2DULS, etc.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6282
FUEL OIL, PRIME AND START**

Table with columns: CONTRACT NO., ITEM NO., FUEL/OIL TYPE, VENDOR, CHANGE, PRICE EFF. 6/22/2009. Rows list fuel contracts like #2, #4, #6, #8.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6283
FUEL OIL AND REPAIRS**

Table with columns: CONTRACT NO., ITEM NO., FUEL/OIL TYPE, VENDOR, CHANGE, PRICE EFF. 6/22/2009. Rows list fuel contracts like #2, #4.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6284
GASOLINE**

Table with columns: CONTRACT NO., ITEM NO., FUEL/OIL TYPE, VENDOR, CHANGE, PRICE EFF. 6/22/2009. Rows list fuel contracts like E85, PREM, U.L., etc.

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COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on July 8, 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 3 columns: Damage Parcel No., Block, Lot. Rows include parcels 13, 15,15A, 16, 18, 19,19A, 20,20A.

Acquired in the proceeding, entitled: NEW CREEK BLUEBELT, PHASE 3, 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

j24-jy8

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO LOCAL LAW 19 OF 1983

DATE OF NOTICE: June 23, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Table with 3 columns: Address, Application #, Inquiry Period. Lists addresses in Manhattan.

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that no

harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy.

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

j23-jy1

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: June 23, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Table with 3 columns: Address, Application #, Inquiry Period. Lists address in Manhattan.

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.

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.

j23-jy1

OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

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

DATE OF NOTICE: June 23, 2009

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Table with 3 columns: Address, Application #, Inquiry Period. Lists address in Brooklyn.

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 Greenpoint-Williamsburg 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.

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.

j23-jy1

CHANGES IN PERSONNEL

POLICE DEPARTMENT FOR PERIOD ENDING 06/12/09

Table with 6 columns: NAME, TITLE, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Police Department.

FIRE DEPARTMENT FOR PERIOD ENDING 06/12/09

Table with 6 columns: NAME, TITLE, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Fire Department.

Table with 6 columns: NAME, TITLE, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for various other departments.

ADMIN FOR CHILDREN'S SVCS FOR PERIOD ENDING 06/12/09

Table with 6 columns: NAME, TITLE, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for Admin for Children's Svcs.

Table with columns: NAME, LAST NAME, ID, SALARY, ACTION, PROV, EFF DATE. Includes names like ROOKS, ROZUL, SCOTT-ROBINSON, SHAW, SIMON, SMITH, SMITH, SPOHN-GELLERT, STEVENS, THOMPSON, TORRES, VASSALO, WISE, YELLIN.

HRA/DEPT OF SOCIAL SERVICES FOR PERIOD ENDING 06/12/09

Main table listing employee names, titles, salaries, and actions. Includes names like AASSIDDA, ADINKWU, ADKINSON, AGRANOVICH, AHMED, AHMED, ANTOINE, BAILEY, BALDWIN, BARKAN, BERKSTEINER, BERLIN, BOLAND, BOLAND, BOLDEN, BOLDEN, BONILLA, BOWLES, BOYD, BRAGGS, BRAGGS, BREWSTER, BRYANT, BUNCH, BURGESS, BURGOS, CAROSONE, CHAPMAN, CHAPMAN, CHEN, CHENG, CIENSI, COACHMAN, COACHMAN, COLE, CORDOVA, CREEGAN, DAVALOS, DAVALOS, DEVI, DIRISU, EDWARDS, ENCALADA, EPPELBOYM, EVANS, FANFAIR, FERNANDEZ, FERNANDEZ, FISHSTEIN, FORD, FREEMAN, GARLAND, GIBSON, GIBSON, GILLIAM, GITTIS, GITTENS, GITTENS, GONZALEZ, GONZALEZ, GORDON, HABINSKI, HAMM, HAYNESWORTH, HEMMASIRI, HEMMASIRI, HENRY, HICKMAN, HICKMAN, HIHLIYUK, IANCU, IBOYITIE, JENKINS, JOHNSON, JOSEPH, JOYNER, KAUR, KAUR, KEMP, KENZO, KENZO, KIMBLE - MCCORD, LAMRHARI, LAMRHARI, LEGGETT, LEVATT, LHERISON, LLOYD, LLOYD, LOCKETT, LOPEZ, LOPEZ, LOUISSAINT, MAHTANI, MATTHEWS, MC DOUGALE, MC DOUGALE, MCGILL, MCLAURIN, MCLEAN, MCLEAN, MEDINA, MILLER, MONCRIEF, MONROE, MOORE, MORELL, NELSON, OCASIO, OHMEN, OHMEN, OKPO, ONANUGA, OSBOURNE, OSBOURNE, OTTEY, OVODENKO, PACHE, PADRO, PAUL, PERDJA, PEREL, PETERSON, PIERSANTO, PRIHOGENCO, QUAILEY, RAKHMAN, RAMOS, RELPH, ROBINSON-LAUROR, RODRIGUEZ.

Table with columns: NAME, LAST NAME, ID, SALARY, ACTION, PROV, EFF DATE. Includes names like RODRIGUEZ, RODRIGUEZ, RODRIGUEZ, SALOMONSSON, SHOSHINA, SILAS, SIMMONS, SOLANO, SOROKINA, SOROKINA, SUERO, SUH, SUH, TAYLOR, TETTEH, THOMAS, THOMAS, THOMPSON, TILLERY, TRIBBLE, UNDERWOOD, VASILYEV, VASSELL, VASSELL, WALDMAN, WALKER, WALKER, WALSH, WARE, WHEELER, WHITE, WHITE, WILLIAMS, WILLIAMS, WILLIAMS, WONG, YATSENKO, YENTIS.

DEPT. OF HOMELESS SERVICES FOR PERIOD ENDING 06/12/09

Table with columns: NAME, LAST NAME, ID, SALARY, ACTION, PROV, EFF DATE. Includes names like AGBONWANETEN, AGOSTO, CASTRO, EDWARDS, GRAVES, GRAVES, MARQUEZ, ROBINSON, WALDRON.

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LATE NOTICES

AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

These Hearings may be broadcast 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.

CRIMINAL JUSTICE COORDINATOR

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Special Contract Public Hearing will be held on Monday, June 29, 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 Criminal Justice Coordinator's Office and the Legal Aid Society, 199 Water Street, New York, NY 10038, for the provision of indigent defense services, Citywide. The contract shall be in an amount not to exceed \$79,085,500. The contract term shall be from July 1, 2009 to June 30, 2010 with no option to renew. PIN#: 00210DMPS262.

The proposed contract was selected via Negotiated Acquisition Extension, in accordance with Section 3-04 (b) (2) (iii) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of the Criminal Justice Coordinator, One Centre Street, 10th Floor North, New York, NY 10007, from June 26, 2009 to June 29, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 12:00 P.M. and from 2:00 P.M. to 4:00 P.M.

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HUMAN RESOURCES ADMINISTRATION

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, July 9, 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 Human Resources Administration of the City of New York and the Contractor listed below, for the provision of janitorial services at 210 Livingston Street, Borough of Brooklyn. The contract term shall be from July 1, 2009 to June 30, 2012.

Table with columns: Contractor/Address, PIN #, Amount. Includes New York State Industries for the Disabled, Inc. at 11 Columbia Circle Drive, Albany, NY 12203.

The proposed contractor has been selected by means of a Required Method of Source Selection (Preferred Source), pursuant to Section 1-02 (d) (1) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Human Resources Administration of the City of New York, Office of Purchasing and Materials Management, 180 Water Street, 7th Floor, New York, NY 10038, on business days, from June 26, 2009 to July 9, 2009, from 10:00 A.M. to 4:00 P.M.

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

NUMBERED NOTES

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