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TABLE OF CONTENTS	PROPERTY DISPOSITION	Health and Mental Hygiene1189	AGENCY RULES
	Police1188	Agency Chief Contracting Officer1189	Mayor's Office of Environmental Remediation1189
PUBLIC HEARINGS & MEETINGS	PROCUREMENT	Homeless Services1189	Tax Commission1197
Banking Commission1181	City University1188	Office of Contracts and Procurement . .1189	SPECIAL MATERIALS
City Council1181	Citywide Administrative Services1188	Human Resources Administration1189	Comptroller1198
City Planning Commission1185	Division of Municipal Supply Services 1188	Information Technology and Telecommunications1189	Housing Preservation and Development 1198
Community Boards1186	Vendor Lists1188	Juvenile Justice1189	Mayor's Office of Environmental Coordination1198
Design Commission1186	Design and Construction1188	Parks and Recreation1189	Office of Management and Budget1199
In Rem Foreclosure Release Board1187	Contract Section1188	Revenue and Concessions1189	Transportation1199
Landmarks Preservation Commission . .1187	Board of Elections1188	School Construction Authority1189	LATE NOTICES
Loft Board1187	Environmental Protection1188	Contract Administration1189	Housing Authority1200
	Health and Hospitals Corporation1188	Contract Services1189	
	Materials Management1188		

THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BANKING COMMISSION

MEETING

PLEASE TAKE NOTICE THAT THERE WILL BE A Quarterly Meeting of the Banking Commission on Monday, May 17, 2010 at 10:30 A.M. in the Executive Conference Room at 66 John Street, 12th Floor, Manhattan. **m10-14**

CITY COUNCIL

PUBLIC HEARING

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

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 9:30 A.M. on Monday, May 17, 2010:

LE BARRICOU

BROOKLYN CB - 1 **20105403 TCK**
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Fidel Corp., d/b/a Le Barricou, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 533 Grand Street, Borough of Brooklyn.

18 AVENUE REZONING

BROOKLYN CB - 12 **C 070520 ZMK**
Application submitted by Jom Tob Gluck pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by establishing within an existing R5 District a C1-3 District bounded by 48th Street, 18th Avenue, 49th Street and a line 100 feet northwesterly of 18th Avenue, as shown on a diagram (for illustrative purposes only) dated December 14, 2009.

ASTORIA REZONING

QUEENS CB - 1 **C 100199 ZMQ**
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. 6b, 9a, 9b and 9c:

1. eliminating from an existing R5 District a C1-2 District bounded by:
 - a. 29th Street, a line 150 feet northwesterly of Ditmars Boulevard, 31st Street, 21st

2. eliminating from an existing R6 District a C1-2 District bounded by:
 - a. Crescent Street, a line 150 feet northwesterly of Astoria Boulevard, 29th Street, Hoyt Avenue South, 31st Street, Astoria Boulevard, 32nd Street, a line 150 feet southwesterly of Astoria Boulevard, 28th Street, and Astoria Boulevard;
 - b. Crescent Street, a line 150 feet northwesterly of 30th Avenue, 30th Street, Newtown Avenue, 31st Street, a line 150 feet northwesterly of Newton Avenue, a line 150 feet northwesterly of 30th Avenue, 38th Street, 30th Avenue, a line midway between 38th Street and Steinway Street, a line 250 feet southwesterly of 30th Avenue, 38th Street, a line 150 feet southwesterly of 30th Avenue, 29th Street, and a line midway between 30th Road and 30th Avenue;
 - c. 33rd Street, a line 150 feet northwesterly of 31st Avenue, 35th Street, and a line 150 feet southwesterly of 31st Avenue;
 - d. 37th Street, a line 150 feet northwesterly of 31st Avenue, a line midway between 38th Street and Steinway Street, and a line 150 feet southwesterly of 31st Avenue; and
3. eliminating from an existing R6B District a C1-2 District bounded by 30th Road, 14th Street, 30th Drive, a line 100 feet southeasterly of 14th Street, 31st Avenue, and a line 100 feet northwesterly of 14th Street;
4. eliminating from an existing R5 District a C1-3 District bounded by:
 - a. 21st Street, a line 150 feet northwesterly of 21st Avenue, 24th Street, and a line 100 feet northwesterly of 21st Avenue; and
 - b. 19th Street, a line 100 feet southwesterly of 21st Avenue, a line 100 feet southeasterly of 21st Street, and a line 150 feet southwesterly of 21st Avenue;
5. eliminating from an existing R5 District a C1-4 District bounded by 24th Avenue, 31st Street, a line 100 feet southwesterly of 24th Avenue, and a line 200 feet northwesterly of 31st Street;
6. eliminating from an existing R6B District a C1-4 District bounded by 30th Street, a line 100 feet northwesterly of Broadway, 31st Street, Broadway, 32nd Street, a line 100 feet northwesterly of Broadway, a line midway between 38th Street and Steinway Street, and a line 100 feet southwesterly of Broadway;
7. eliminating from an existing R5 District a C2-2 District bounded by:
 - a. 20th Avenue, a line midway between Steinway Street and 41st Street, 21st Avenue, a line midway between 38th Street and Steinway Street, a line 150 feet southwesterly of 20th Avenue, and a line midway between 37th Street and 38th Street;
 - b. 37th Street, a line 150 feet northwesterly of Ditmars Boulevard, 41st Street, and a line 150 feet southwesterly of Ditmars Boulevard;
 - c. 23rd Avenue, 32nd Street, 23rd Road, a line midway between 29th Street and 31st Street, a line 150 feet southwesterly of 23rd Avenue, and 26th Street;
 - d. 23rd Avenue, Steinway Street, a centerline of the New York Connecting Railroad right-of-way, 41st Street, Astoria Boulevard (northerly portion), and a line midway between 38th Street and Steinway Street; and
 - e. Astoria Boulevard (southerly portion), 41st Street, a line 150 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between Steinway Street and 41st Street, a line 150 feet northwesterly of 28th Street, 41st Street, 28th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and Steinway Street;
8. eliminating from an existing R6 District a C2-2 District bounded by:
 - a. Crescent Street, Astoria Boulevard, 28th Street, a line 150 feet southwesterly of Astoria Boulevard, a line 100 feet northwesterly of 28th Street, and a line 200 feet northwesterly of Newton Avenue;
 - b. 33rd Street, Astoria Boulevard (southerly portion), 35th Street, and a line 150 feet southwesterly of Astoria Boulevard (northerly portion);

- e. 21st Street, 31st Drive, 23rd Street, and Broadway;
3. eliminating from an existing R6B District a C1-2 District bounded by 30th Road, 14th Street, 30th Drive, a line 100 feet southeasterly of 14th Street, 31st Avenue, and a line 100 feet northwesterly of 14th Street;
4. eliminating from an existing R5 District a C1-3 District bounded by:
 - a. 21st Street, a line 150 feet northwesterly of 21st Avenue, 24th Street, and a line 100 feet northwesterly of 21st Avenue; and
 - b. 19th Street, a line 100 feet southwesterly of 21st Avenue, a line 100 feet southeasterly of 21st Street, and a line 150 feet southwesterly of 21st Avenue;
5. eliminating from an existing R5 District a C1-4 District bounded by 24th Avenue, 31st Street, a line 100 feet southwesterly of 24th Avenue, and a line 200 feet northwesterly of 31st Street;
6. eliminating from an existing R6B District a C1-4 District bounded by 30th Street, a line 100 feet northwesterly of Broadway, 31st Street, Broadway, 32nd Street, a line 100 feet northwesterly of Broadway, a line midway between 38th Street and Steinway Street, and a line 100 feet southwesterly of Broadway;
7. eliminating from an existing R5 District a C2-2 District bounded by:
 - a. 20th Avenue, a line midway between Steinway Street and 41st Street, 21st Avenue, a line midway between 38th Street and Steinway Street, a line 150 feet southwesterly of 20th Avenue, and a line midway between 37th Street and 38th Street;
 - b. 37th Street, a line 150 feet northwesterly of Ditmars Boulevard, 41st Street, and a line 150 feet southwesterly of Ditmars Boulevard;
 - c. 23rd Avenue, 32nd Street, 23rd Road, a line midway between 29th Street and 31st Street, a line 150 feet southwesterly of 23rd Avenue, and 26th Street;
 - d. 23rd Avenue, Steinway Street, a centerline of the New York Connecting Railroad right-of-way, 41st Street, Astoria Boulevard (northerly portion), and a line midway between 38th Street and Steinway Street; and
 - e. Astoria Boulevard (southerly portion), 41st Street, a line 150 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between Steinway Street and 41st Street, a line 150 feet northwesterly of 28th Street, 41st Street, 28th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and Steinway Street;
8. eliminating from an existing R6 District a C2-2 District bounded by:
 - a. Crescent Street, Astoria Boulevard, 28th Street, a line 150 feet southwesterly of Astoria Boulevard, a line 100 feet northwesterly of 28th Street, and a line 200 feet northwesterly of Newton Avenue;
 - b. 33rd Street, Astoria Boulevard (southerly portion), 35th Street, and a line 150 feet southwesterly of Astoria Boulevard (northerly portion);

- c. 36th Street, Astoria Boulevard (southerly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 38th Street and Steinway Street, and a line 150 feet southwesterly of Astoria Boulevard (southerly portion);
- d. 38th Street, a line 200 feet northeasterly of 28th Avenue, a line midway between 38th Street and Steinway Street, and 28th Avenue;
- e. 38th Street, a line 150 feet northeasterly of 30th Avenue, a line midway between 38th Street and Steinway Street, and 30th Avenue; and
- f. 31st Street, a line 235 feet northeasterly of Broadway, 32nd Street, and a line 150 feet northeasterly of Broadway;
9. eliminating from an existing R6A District a C2-2 District bounded by a line 150 feet southeasterly of 8th Street, a line 100 feet northeasterly and northerly of Astoria Boulevard, 12th Street, 30th Avenue, Main Avenue, and Astoria Boulevard;
10. eliminating from an existing R6B District a C2-2 District bounded by:
- a. 31st Street, a line 150 feet northeasterly of Broadway, 32nd Street, and Broadway; and
- b. 12th Street, a line 100 feet northerly of Astoria Boulevard, 18th Street, 27th Avenue, 18th Street, 26th Road, line 150 feet northeasterly of 27th Avenue, a line 100 feet northwesterly of 21st Street, 28th Avenue, 14th Street, and 29th Avenue;
11. eliminating from an existing R7A District a C2-2 District bounded by Vernon Boulevard, a line 100 feet northeasterly of Broadway, 21st Street, and Broadway;
12. eliminating from an existing R7B District a C2-2 District bounded by a line midway between 21st Street and 22nd Street, a line 150 feet northeasterly of Astoria Boulevard, 23rd Street, 27th Road, a line 100 feet southeasterly of 21st Street, and Newtown Avenue;
13. eliminating from an existing R7X District a C2-2 District bounded:
- a. by a line 100 feet northwesterly of 21st Street, a line 150 feet northeasterly of 27th Avenue, 21st Street, a line 330 feet northeasterly of Astoria Boulevard, a line midway between 21st Street and 22nd Street, Newtown Avenue, a line 100 feet southeasterly of 21st Street, and 28th Avenue; and
- b. 31st Road, 21st Street, a line 100 feet northeasterly of Broadway, and a line 100 feet northwesterly of 21st Street;
14. eliminating from an existing R6 District a C2-4 District bounded by:
- a. 30th Drive, 31st Street, a line 300 feet northeasterly of 31st Avenue, a line midway between 31st Street and 32nd Street, 31st Avenue, and a line midway between 30th Street and 31st Street; and
- b. a line 150 feet southwesterly of Astoria Boulevard, 31st Street, Newtown Avenue, and a line midway between 30th Street and 31st Street;
15. changing from an R5 District to and R4 District property bounded by 20th Avenue, a line midway between 37th Street and 38th Street, a line 250 feet southwesterly of 20th Avenue, 38th Street, a line 75 feet northeasterly of 20th Road, and 33rd Street;
16. changing from an R4 District to an R4-1 District property bounded by 30th Avenue, a line 100 feet northwesterly of 21st Street, 30th Road, and a line 100 feet southeasterly of 14th Street;
17. changing from an R5 District to an R4-1 District property bounded by 33rd Street, a line 75 feet northeasterly of 20th Road, 38th Street, 20th Road, 37th Street, a line 100 feet northeasterly of 21st Avenue, a line midway between 33rd Street and 35th Street, and 20th Road;
18. changing from an R6 District to an R4B District property bounded by a line 100 feet southwesterly of 30th Avenue, a line midway between 36th Street and 37th Street, a line 400 feet southwesterly of 30th Avenue, and a line midway between 35th Street and 36th Street;
19. changing from an R6B District to an R5 District property bounded by a line 100 feet southwesterly of Astoria Park South, a line midway between 14th Place and 18th Street and its southwesterly prolongation, a line perpendicular to the southeasterly street line of 14th Street distant 80 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 27th Avenue and the southeasterly street line of 14th Street, a line 100 feet southeasterly of 14th Street, 26th Avenue, and a line midway between 14th Street and 14th Place;
20. changing from an R5 District to an R5B District property bounded by:
- a. 20th Avenue, a line of midway between 28th Street and 29th Street, a line 100 feet southwesterly of 20th Avenue, a line 175 feet northwesterly of 31st Street, 21st Avenue, 29th Street, a line 100 feet southwesterly of 21st Avenue, a line 175 feet northwesterly of 31st Street, a line 100 feet northeasterly of Ditmars Boulevard, a line midway between 27th Street and 28th Street, a line 100 feet southwesterly of 21st Avenue, a line midway between 24th Street and Crescent Street, a line 100 feet northeasterly of Ditmars Boulevard, Crescent Street, a line 100 feet southwesterly of Ditmars Boulevard, a line 125 feet northwesterly of 31st Street, a line 100 feet northeasterly of 23rd Avenue, 26th Street, a line 100 feet southwesterly of 23rd Avenue, a line midway between 28th Street and 29th Street, a line 100 feet northeasterly of 24th Avenue, 21st Street, 23rd Terrace, 19th Street, 22nd Road, a line 100 feet southeasterly of 19th Street, Ditmars Boulevard, 21st Street, a line midway between Ditmars Boulevard and 21st Drive, Shore Boulevard, a line midway between 21st Road and 21st Avenue, 21st Street, a line 100 feet northeasterly of 21st Avenue, 23rd Street, 21st Avenue, 28th Street, a line 200 feet northeasterly of 21st Avenue, and a line midway between Crescent Street and 26th Street;
- b. 31st Street, 20th Road, the northeasterly centerline prolongation of 32nd Street, a line 100 feet southwesterly of 20th Avenue, 33rd Street, 20th Road, a line midway between 33rd Street and 35th Street, a line 100 feet northeasterly of 21st Avenue, 37th Street, 20th Road, 38th Street, a line 250 feet southwesterly of 20th Avenue, a line midway between 37th Street and 38th Street, a line 80 feet southwesterly of 20th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of Ditmars Boulevard, 35th Street, 21st Avenue, 33rd Street, a line 100 feet northeasterly of Ditmars Boulevard, 32nd Street, and 21st Avenue;
- c. 33rd Street, a line 100 feet southwesterly of Ditmars Boulevard, a line midway between 38th Street and Steinway Street, and a line 100 feet northeasterly of 23rd Avenue;
- d. a line 100 feet southwesterly of 23rd Avenue, a line midway between 38th Street and Steinway Street, Astoria Boulevard (southerly portion), Hoyt Avenue South, a line 80 feet southeasterly of 31st Street, a line 130 feet southwesterly of 24th Avenue, 32nd Street, 24th Avenue, and a line 90 feet southeasterly of 31st Street;
- e. 24th Avenue, 23rd Street, a line 100 feet southwesterly of 24th Avenue, a line midway between 26th Street and 27th Street and its southwesterly prolongation, Hoyt Avenue South, 21st Street, Hoyt Avenue North, and 19th Street;
- f. a line midway between 21st Street and 22nd Street and its northeasterly prolongation, a line midway between Hoyt Avenue South and 25th Road, 23rd Street, a line 100 feet southwesterly of Hoyt Avenue South, a line 200 feet northwesterly of Crescent Street, a line 100 feet northeasterly of Astoria Boulevard, 23rd Street, a line perpendicular to the northwesterly street line of 23rd Street distant 310 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the northwesterly street line of 23rd Street, 22nd Street, and a line perpendicular to the southeasterly street line of 21st Street distant 330 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the southeasterly street line of 21st Street ;
- g. a line 100 feet southwesterly of 27th Avenue, 14th Street, 27th Avenue, a line 200 feet northeasterly of 14th Street, a line 100 feet northwesterly of Astoria Boulevard, a line midway between 28th Avenue and Astoria Boulevard, and a line 300 feet southeasterly of 8th Street;
- h. 12th Street, a line 150 feet southwesterly of 30th Avenue, a line 100 feet northwesterly of 14th Street, a line 100 feet northeasterly of 31st Avenue, 12th Street, 30th Drive, a line 100 feet easterly of Vernon Boulevard, and 30th Road;
- i. a line 100 feet southwesterly of 31st Avenue, a line 100 feet northwesterly of 14th Street, a line 100 feet northeasterly of Broadway, and a line 100 feet northwesterly of 12th Street;
- j. a line midway between 31st Avenue and 31st Road, a line 100 feet northwesterly of 21st Street, a line 100 feet northeasterly of Broadway, and a line 100 feet southeasterly of 14th Street; and
- k. 27th Road, 23rd Street, a line midway between 28th Avenue and 29th Avenue, a line 100 feet northwesterly of Crescent Street, 29th Avenue, 23rd Street, 30th Avenue, 21st Street, 28th Avenue, and a line 100 feet southeasterly of 21st Street;
21. changing from an R6 District to an R5B District property bounded by:
- a. a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 37th Street and 38th Street, a line 670 feet northeasterly of 28th Avenue, and a line midway between 36th Street and 37th Street;
- b. a line 100 feet southwesterly of 28th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 30th Avenue, and a line midway between 35th Street and 36th Street; and
- c. a line 100 feet southwesterly of 30th Avenue, a line midway between 37th Street and 38th Street, a line 100 feet northeasterly of 31st Avenue, 35th Street, a line 300 feet northeasterly of 31st Avenue, a line midway between 34th Street and 35th Street, a line 100 feet southwesterly of 30th Avenue, a line midway between 35th Street and 36th Street, a line 400 feet southwesterly of 30th Avenue, and a line midway between 36th Street and 37th Street;
22. changing from an R5 District to an R5D District property bounded by:
- a. Shore Boulevard, a line midway between Ditmars Boulevard and 21st Drive, 21st Street, Ditmars Boulevard, a line 100 feet southeasterly of 19th Street, 22nd Road, 19th Street, and Ditmars Boulevard;
- b. a line 100 feet southwesterly of 21st Avenue, a line midway between 27th Street and 28th Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 125 feet northwesterly of 31st Street, a line 100 feet southwesterly of Ditmars Boulevard, Crescent Street, a line 100 feet northeasterly of Ditmars Boulevard, and a line midway between 24th Street and Crescent Street;
- c. a line 100 feet northeasterly of 23rd Avenue, a line 125 feet northwesterly of 31st Street, a line 100 feet northeasterly of 23rd Road, a line 100 feet northwesterly of 31st Street, 24th Avenue, a line midway between 29th Street and 31st Street, a northeasterly, northwesterly, and southwesterly boundary lines of a playground, the southwesterly prolongation of a line midway between 29th Street and 31st Street, Hoyt Avenue South, a line midway between 26th Street and 27th Street and its southwesterly prolongation, a line 100 feet southwesterly of 24th Avenue, 23rd Street, 24th Avenue, 21st Street, a line 100 feet northeasterly of 24th Avenue, a line midway between 28th Street and 29th Street, a line 100 feet southwesterly of 23rd Avenue, and 26th Street;
- d. 20th Avenue, a line midway between Steinway Street and 41st Street, Astoria Boulevard (southerly portion), a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 23rd Avenue, 32nd Street, 23rd Avenue, 33rd Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of Ditmars Boulevard, 33rd Street, Ditmars Boulevard, 35th Street, a line 100 feet northeasterly of Ditmars Boulevard, a line midway between 38th Street and Steinway Street, a line 80 feet southwesterly of 20th Avenue, and a line midway between 37th Street and 38th Street; and
- e. a line 100 feet southwesterly of Hoyt Avenue South, Crescent Street, a line 100 feet northeasterly of Astoria Boulevard, and a line 200 feet northwesterly of Crescent Street;
23. changing from an R6 District to an R5D District property bounded by a line 100 feet southwesterly of Hoyt Avenue South, a line 100 feet northwesterly of 27th Street, a line 100 feet northeasterly of Astoria Boulevard, and Crescent Street;
24. changing from an R5 District to an R6A District property bounded by:
- a. a line 100 feet northeasterly of Astoria Boulevard, Crescent Street, 30th Avenue, 23rd Street, 29th Avenue, a line 100 feet northwesterly of Crescent Street, a line midway between 28th Avenue and 29th Avenue, and 23rd Street;

- b. 21st Avenue, 32nd Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 175 feet northwesterly of 31st Street, a line 100 feet southwesterly of 21st Street, and 29th Street; and
- c. 21st Avenue, 35th Street, Ditmars Boulevard, and 33rd Street;
25. changing from an R6 District to an R6A District property bounded by:
- a. a line 100 feet northeasterly of Newtown Avenue, 30th Street, a line 100 feet southwesterly of 30th Avenue, a line midway between 30th Street and 31st Street, 30th Drive, a line midway between 29th Street and 30th Street, a line 150 feet northeasterly of Broadway, a line 100 feet northwesterly of Crescent Street, a line midway between 31st Avenue and 31st Road, a line 100 feet southeasterly of 21st Street, a line 150 feet southwesterly of 30th Drive, a line 100 feet northwesterly of Crescent Street, a line 100 feet southwesterly of 30th Avenue, a line 100 feet southeasterly of 21st Street, 30th Avenue, Crescent Street, 30th Road, a line 200 feet northwesterly of 29th Street, 30th Avenue, Crescent Street, a line 100 feet northeasterly of 30th Avenue, 29th Street, a line 100 feet southwesterly of Newtown Avenue, and Crescent Street;
- b. 32nd Street, a line 100 feet northeasterly of 28th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 28th Avenue, a line midway between 35th Street and 36th Street, a line 100 feet northeasterly of 30th Avenue, 33rd Street, and 28th Avenue;
- c. a line 100 feet southwesterly of 30th Avenue, a line midway between 34th Street and 35th Street, a line 300 feet northeasterly of 31st Avenue, 35th Street, a line 100 feet northeasterly of 31st Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 31st Avenue, a line midway between 31st Street and 32nd Street, a line 100 feet northeasterly of 31st Avenue, 33rd Street, a line 400 feet northeasterly of 31st Avenue, and a line midway between 33rd Street and 34th Street; and
- d. Crescent Street, a line 100 feet northeasterly of Astoria Boulevard, 29th Street, Astoria Boulevard, 29th Street, and a line 100 feet southwesterly of Astoria Boulevard;
26. changing from an R6B District to an R6A District property bounded by 21st Street, Broadway, 23rd Street, a line 150 feet northeasterly of Broadway, a line midway between 29th Street and 30th Street, a line 100 feet northeasterly of Broadway, 30th Street, and a line 100 feet southwesterly of Broadway;
27. changing from an R5 District to an R6B District property bounded by Hoyt Avenue South, Crescent Street, a line 100 feet southwesterly of Hoyt Avenue South, 23rd Street, a line midway between Hoyt Avenue South and 25th Road, a line midway between 21st Street and 22nd Street and its northeasterly prolongation, a line perpendicular to the southeasterly street line of 21st Street distant 330 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the southeasterly street line of 21st Street, and 21st Street;
28. changing from an R6 District to an R6B District property bounded by:
- a. Hoyt Avenue South, 27th Street, a line 100 feet northeasterly of Astoria Boulevard, a line 100 feet northwesterly of 27th Street, a line 100 feet southwesterly of Hoyt Avenue South, and Crescent Street;
- b. Crescent Street, a line 100 feet southwesterly of Astoria Boulevard, a line midway between 30th Street and 31st Street, and a line 100 feet northeasterly of Newtown Avenue;
- c. Crescent Street, a line 100 feet southwesterly of Newtown Avenue, 29th Street, and a line 100 feet northeasterly of 30th Avenue;
- d. a line 100 feet southwesterly of 30th Avenue, a line 100 feet northwesterly of Crescent Street, a line 150 feet southwesterly of 30th Drive, and a line 100 feet southeasterly of 21st Street;
- e. a line midway between 31st Avenue and 31st Road, a line 100 feet northwesterly of Crescent Street, a line 150 feet northeasterly of Broadway, 23rd Street, Broadway, and a line 100 feet southeasterly of 21st Street;
- f. a line 100 feet southwesterly of Astoria Boulevard (southerly portion), 35th Street, Astoria Boulevard (southerly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 28th Avenue, 32nd Street, 28th Avenue, 33rd Street, a line 100 feet northeasterly of Newtown Avenue, a line 75 feet southeasterly of 31st Street, 28th Avenue, and a line midway between 31st Street and 32nd Street, and excluding property bounded by a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 37th Street and 38th Street, a line 670 feet northeasterly of 28th Avenue, and a line midway between 36th Street and 37th Street;
- g. a line 100 feet southwesterly of 30th Avenue, a line midway between 33rd Street and 34th Street, a line 400 feet northeasterly of 31st Avenue, 33rd Street, a line 100 feet northeasterly of 31st Avenue, and a line 90 feet southeasterly of 31st Street;
- h. 30th Drive, a line midway between 30th Street and 31st Street, a line 150 feet northeasterly of Broadway, and a line midway between 29th Street and 30th Street;
- i. a line 100 feet southwesterly of 31st Avenue, a line midway between 38th Street and Steinway Street, a line 150 feet northeasterly of Broadway, 32nd Street, a line 235 feet northeasterly of Broadway, a line 90 feet southeasterly of 31st Street, a line 100 feet southwesterly of 31st Avenue, 32nd Street, a line 250 feet southwesterly of 31st Avenue, a line midway between 32nd Street and 33rd Street, a line 450 feet southwesterly of 31st Avenue, and 33rd Street; and
- j. a line 100 feet southwesterly of 30th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 31st Street, and a line midway between 37th Street and 38th Street;
29. changing from an R5 District to an R7A District property bounded by 28th Avenue, 21st Street, 30th Avenue, and a line 100 feet northwesterly of 21st Street;
30. changing from an R6 District to an R7A District property bounded by:
- a. Vernon Boulevard, the southwesterly centerline prolongation of Welling Court, a line 100 feet easterly of Vernon Boulevard, 30th Drive, a line 100 feet northwesterly of 12th Street, and a line 100 feet northeasterly of Broadway; and
- b. 30th Avenue, a line 100 feet southeasterly of 21st Street, Broadway, 21st Street, 31st Road, and a line 100 feet northwesterly of 21st Street;
31. changing from an R5 District to a C4-2A District property bounded by:
- a. a line 100 feet northeasterly of Ditmars Boulevard, 33rd Street, the centerline of the New York Connecting Railroad right-of-way, and a line 125 feet northwesterly of 31st Street; and
- b. a line 100 feet southeasterly of Astoria Boulevard (southerly portion), Steinway Street, Astoria Boulevard (southerly portion), a line midway between Steinway Street and 41st Street, 28th Avenue, and a line midway between 38th Street and Steinway Street;
32. changing from an R6 District to a C4-2A District property bounded by:
- a. 30th Street, a line 75 feet northeasterly of 30th Avenue, the northeasterly centerline prolongation of 32nd Street, a line 100 feet northeasterly of Newton Avenue, a line 100 feet northeasterly of 30th Avenue, a line midway between 38th Street and Steinway Street, and a line 100 feet southwesterly of 30th Avenue; and
- b. a line midway between 31st Street and 32nd Street, a line 235 feet northeasterly of Broadway, 32nd Street, and a line 150 feet northeasterly of Broadway;
33. changing from an R6B District to a C4-2A District property bounded by a line 90 feet southeasterly of 31st Street, a line 150 feet northeasterly of Broadway, 32nd Street, a line 100 feet northwesterly of Broadway, a line midway between 38th Street and Steinway Street, and a line 100 feet southwesterly of Broadway;
34. changing from an R5 District to a C4-3 District property bounded by the centerline of the New York Connecting Railroad right-of-way, 33rd Street, 23rd Avenue, 32nd Street, a line 100 feet southwesterly of 23rd Avenue, a line 90 feet southeasterly of 31st Street, 24th Avenue, 32nd Street, a line 130 feet southwesterly of 24th Avenue, a line 80 feet southeasterly of 31st Street and its southwesterly prolongation, Hoyt Avenue South, the southwesterly prolongation of a line midway between 29th Street and 31st Street; a southwesterly, southeasterly and northeasterly boundary line of a playground, a line midway between 29th Street and 31st Street, 24th Avenue, a line 100 feet northwesterly of 31st Street, a line 100 feet northeasterly of 23rd Road, and a line 125 feet northwesterly of 31st Street;
35. changing from an R6 District to a C4-3 District property bounded by:
- a. a line 100 feet southwesterly of 30th Avenue, a line 90 feet southeasterly of 31st Street, a line 150 feet northeasterly of Broadway, and a line midway between 30th Street and 31st Street; and
- b. Hoyt Avenue South, Astoria Boulevard (southerly portion), 35th Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 31st Street and 32nd Street, 28th Avenue, a line 75 feet southeasterly of 31st Street, a line 100 feet northeasterly of Newtown Avenue, a line midway between 30th Street and 31st Street, a line 100 feet southwesterly of Astoria Boulevard, and 29th Street;
36. changing from an R6B District to a C4-3 District property bounded by 30th Street, a line 100 feet northeasterly of Broadway, a line midway between 30th Street and 31st Street, a line 150 feet northwesterly of Broadway, a line 90 feet southeasterly of 31st Street, and a line 100 feet southwesterly of Broadway;
37. changing from an R6 District to a C4-4A District property bounded by 30th Street, a line 100 feet northeasterly of Newton Avenue, 32nd Street and its northeasterly centerline prolongation, and a line 75 feet northeasterly of 30th Avenue;
38. establishing within an existing R5 District a C1-3 District bounded by:
- a. 21st Avenue, 21st Street, a line 100 feet southwesterly of 21st Avenue, and 19th Street; and
- b. 23rd Street, a line 100 feet northeasterly of 21st Avenue, 24th Street, and 21st Avenue;
39. establishing within a proposed R5B District a C1-3 District bounded by:
- a. 31st Street, a line 100 feet northeasterly of 21st Avenue, 32nd Street, and 21st Avenue; and
- b. 21st Street, a line 100 feet northeasterly of 21st Avenue, 23rd Street, 21st Avenue, a line 100 feet southeasterly of 21st Street, and a line 100 feet southwesterly of 21st Avenue;
40. establishing within a proposed R5D District a C1-3 District bounded by:
- a. a line 200 feet northwesterly of 21st Street, a line midway between 21st Drive and Ditmars Boulevard, 21st Street, and Ditmars Boulevard;
- b. 19th Street, Ditmars Boulevard, a line 100 feet southeasterly of 19th Street, and a line 100 feet southwesterly of Ditmars Boulevard;
- c. 28th Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 125 feet northwesterly of 31st Street, and a line 100 feet southwesterly of Ditmars Boulevard;
- d. 35th Street, a line 100 feet northeasterly of Ditmars Boulevard, 37th Street, a line 100 feet southwesterly of Ditmars Boulevard, 33rd Street, and Ditmars Boulevard;
- e. 26th Street, a line 100 feet northeasterly of 23rd Avenue, a line 125 feet northwesterly of 31st Street, and a line 100 feet southwesterly of 23rd Avenue;
- f. 21st Street, a line 100 feet northeasterly of 24th Avenue, 24th Street, and 24th Avenue; and
- g. 27th Street, a line 100 feet northeasterly of 24th Avenue, a line 100 feet northwesterly of 31st Street, and 24th Avenue;
41. establishing within an existing R6 District a C1-3 District bounded by 30th Avenue, a line 200 feet northwesterly of 29th Street, a line 100 feet southwesterly of 30th Avenue, and Crescent Street;
42. establishing within an existing R6A District a C1-3 District bounded by a line 100 feet northeasterly of 21st Avenue, 31st Street, 21st Avenue, and a line 175 feet northwesterly of 31st Street;
43. establishing within a proposed R6A District a C1-3 District bounded by:
- a. 23rd Street, a line 100 feet northeasterly of Astoria Boulevard, 29th Street, a line 100 feet southwesterly of Astoria Boulevard, 28th Street, and Astoria Boulevard;

- b. a line 100 feet northeasterly of 31st Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 31st Avenue, 37th Street, 31st Avenue, 35th Street, a line 100 feet southwesterly of 31st Avenue, and a line midway between 31st Street and 32nd Street;
 - c. 21st Avenue, 32nd Street, a line 100 feet northeasterly of Ditmars Boulevard, 31st Street, a line 100 feet southwesterly of 21st Avenue, and a line 100 feet northwesterly of 31st Street;
 - d. 33rd Street, a line 100 feet northeasterly of Ditmars Boulevard, 35th Street, and Ditmars Boulevard;
 - e. 27th Street, a line 100 feet northeasterly of Astoria Boulevard, 29th Street, a line 100 feet southwesterly of Astoria Boulevard, 28th Street, and Astoria Boulevard; and
 - f. Crescent Street, a line 100 feet northeasterly of 30th Avenue, 30th Street, a line 100 feet southwesterly of 30th Avenue, a line 200 feet northwesterly of 29th Street, and 30th Avenue;
44. establishing within an existing R6B District a C1-3 District bounded by:
- a. 18th Street, a line midway between 25th Road and Astoria Park South, a line 100 feet southeasterly of 18th Street, and a line perpendicular to the southeasterly street line of 18th Street distant 100 feet southwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 25th Road and the southeasterly street line of 18th Street;
 - b. a line midway between 14th Place and 18th Street and its southwesterly prolongation, a line 100 feet northeasterly of 26th Avenue, a line 100 feet southeasterly of 18th Street, 26th Avenue, 18th Street, and a line 100 feet southwesterly of 26th Avenue;
 - c. the southwesterly prolongation of a line midway between 14th Place and 18th Street, a line 200 feet north easterly of 27th Avenue, 18th Street, a line perpendicular to the southeasterly street line of 18th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly boundary line of 26th Road and the southeasterly street line of 18th Street, a line 100 feet southeasterly of 18th Street, 26th Road, 18th Street, and a line 100 feet northeasterly of 27th Avenue; and
 - d. 30th Road, 14th Street, 30th Drive, a line 100 feet southeasterly of 14th Street, 31st Avenue, and a line 100 feet northwesterly of 14th Street;
45. establishing within a proposed R6B District a C1-3 District bounded by 31st Drive, 23rd Street, Broadway, and a line 100 feet southeasterly of 21st Street;
46. establishing within a proposed R7A District a C1-3 District bounded by:
- a. Vernon Boulevard, the southwesterly centerline prolongation of Welling Court, a line 100 feet southeasterly of Vernon Boulevard, and a line 100 feet northeasterly of Broadway; and
 - b. 31st Drive, a line 100 feet southeasterly of 21st Street, Broadway, and 21st Street;
47. establishing within a proposed R6A District a C1-4 District bounded by:
- a. a line 100 feet southeasterly of 23rd Street, a line 100 feet northeasterly of Broadway, a line 150 feet northwesterly of Crescent Street, a line 100 feet southwesterly of Broadway, 23rd Street, and Broadway; and
 - b. Broadway, a line 100 feet northwesterly of 23rd Street, a line 100 feet southwesterly of Broadway, and a line 100 feet southeasterly of 21st Street;
48. establishing within an existing R5 District a C2-3 District bounded by:
- a. 20th Avenue, 33rd Street, a line 100 feet southwesterly of 20th Avenue, the northeasterly centerline prolongation of 32nd Street, 20th Road, 31st Street, a line 100 feet southwesterly of 20th Avenue, and a line midway between 28th Street and 29th Street;
 - b. a line midway between Steinway Street and 41st Street, a line 100 feet northeasterly of Ditmars Boulevard, 41st Street, and a line 100 feet southwesterly of Ditmars Boulevard;
 - c. a line midway between Steinway Street

- and 41st Street, the centerline of the New York Connecting Railroad right-of-way, 41st Street, and Astoria Boulevard (northerly portion); and
 - d. a line midway between Steinway Street and 41st Street, Astoria Boulevard (southerly portion), 41st Street, and a line 100 feet southwesterly of Astoria Boulevard (southerly portion);
49. establishing within a proposed R5D District a C2-3 District bounded by:
- a. 20th Avenue, a line midway between Steinway Street and 41st Street, 21st Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 20th Avenue, and a line midway between 37th Street and 38th Street;
 - b. 37th Street, a line 100 feet northeasterly of Ditmars Boulevard, Steinway Street, a line 150 feet northeasterly of Ditmars Boulevard, a line midway between Steinway Street and 41st Street, a northeasterly boundary line of a park and its northwesterly prolongation, Steinway Street, and a line 100 feet southwesterly of Ditmars Boulevard; and
 - c. 23rd Avenue, Steinway Street, the centerline of the New York Connecting Railroad right-of-way, a line midway between Steinway Street and 41st Street, Astoria Boulevard (northerly portion), and a line midway between 38th Street and Steinway Street;
50. establishing within an existing R6A District a C2-3 District bounded by 12th Street, 30th Avenue, Main Avenue, Astoria Boulevard, a line 150 feet southeasterly of 8th Street, a line midway between 28th Avenue and Astoria Boulevard, and a line 100 feet northerly of Astoria Boulevard;
51. establishing within a proposed R6A District a C2-3 District bounded by Crescent Street, Astoria Boulevard, 28th Street, and a line 100 feet southwesterly of Astoria Boulevard;
52. establishing within an existing R6B District a C2-3 District bounded by 12th Street, a line 100 feet northerly of Astoria Boulevard, 18th Street, a line 100 feet northeasterly of 27th Avenue, a line 100 feet northwesterly of 21st Street, 28th Avenue, 14th Street, and 29th Avenue;
53. establishing within a proposed R6B District a C2-3 District bounded by:
- a. Crescent Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet northwesterly of 28th Street, and a line 200 feet northeasterly of Newtown Avenue;
 - b. Astoria Boulevard (southerly portion). Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and 36th Street; and
 - c. 38th Street, a line 100 feet southwesterly of 30th Avenue, a line midway between 38th Street and Steinway Street, and a line 275 feet southwesterly of 30th Avenue;
54. establishing within an existing R7A District a C2-3 District bounded by Vernon Boulevard, a line 100 feet northeasterly of Broadway, 21st Street, and Broadway;
55. establishing within a proposed R7A District a C2-3 District bounded by 28th Avenue, 21st Street, 30th Avenue, a line 100 feet southeasterly of 21st Street, 31st Drive, 21st Street, 31st Road, and a line 100 feet northwesterly of 21st Street;
56. establishing within an existing R7B District a C2-3 District bounded by a line midway between 21st Street and 22nd Street, a line 100 feet northeasterly of Astoria Boulevard, 23rd Street, 27th Road, a line 100 feet southeasterly of 21st Street, and Newtown Avenue;
57. establishing within an existing R7X District a C2-3 District bounded by:
- a. 31st Road, 21st Street, a line 100 feet northeasterly of Broadway, and a line 100 feet northwesterly of 21st Street; and
 - b. a line 100 feet northwesterly of 21st Street, a line 100 feet northeasterly of 27th Avenue, 21st Street, a line perpendicular to the southeasterly street line of 21st Street distant 330 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 21st Street and the northeasterly street line of Astoria Boulevard, Astoria Boulevard, a line midway between 21st Street and 22nd Street, Newtown Avenue, a line 100 feet southeasterly of 21st Street, and 28th Avenue;
- as shown on a diagram (for illustrative purposes only) dated

January 25, 2010 and modified by the City Planning Commission on April 28, 2010, and subject to the conditions of CEQR Declaration 245.

**ASTORIA TEXT AMENDMENT
QUEENS CB - 1 N 100200 ZRQ**

Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk regulations for Residential Buildings in Residence Districts), Section 23-144, and Appendix F (Inclusionary Housing Designated Areas), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts.

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 2
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**

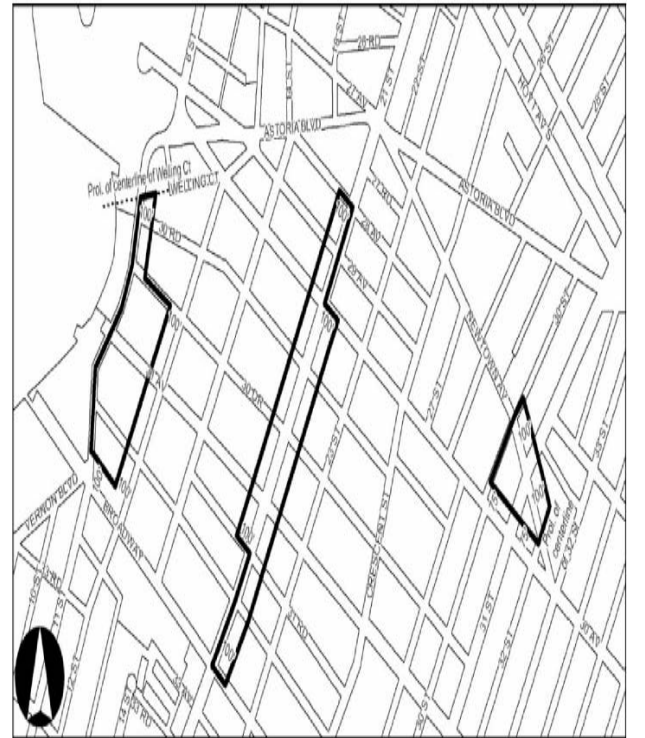
In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District	Zoning District
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 4, Bronx	R8A R9D
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
<u>Community District 1, Queens</u>	<u>R7A</u>
Community District 2, Queens	R7X

**APPENDIX F
Inclusionary Housing Designated Areas**

**Queens
Queens Community District 1
In the R7A Districts within the areas shown on the following**

Map 1 Map 1 – (2/24/10)



Portion of Community District 1, Queens

**RES. NO. 191
MOBILE TELECOMMUNICATIONS SERVICES**

Proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services.

By Council Member Comrie (by request of the Mayor)

WHEREAS, by Executive Order 25, dated August 23, 1995, the Mayor has designated the Department of Information Technology and Telecommunications as the responsible agency for the granting of telecommunications franchises; and

WHEREAS, pursuant to Section 363 of the Charter (“the Charter”) of the City of New York (“the City”), the Commissioner of the Department of Information Technology and Telecommunications has made the initial determination of the need for franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services, and has

prepared a proposed authorizing resolution for the granting of such franchises; and

WHEREAS, the Mayor has submitted to the Council a proposed authorizing resolution for the granting of such franchises pursuant to Section 363 of the Charter; and

WHEREAS, the Council has determined that it is appropriate to authorize the granting of such franchises as described hereinafter;

The Council hereby resolves that:

A. The Council authorizes the Department of Information Technology and Telecommunications to grant non-exclusive franchises for the installation of telecommunications equipment and facilities on, over and under the inalienable property of the City to be used in providing mobile telecommunications services in the City of New York.

B. For purposes of this resolution, "inalienable property of the City" shall mean the property designated as inalienable in Section 383 of the Charter.

C. For purposes of this resolution, "mobile telecommunications services" shall mean any "mobile service", as defined in Section 153 of Title 47 of the United States Code, and other voice and/or data communications or information services employing electromagnetic waves propagated through space to serve portable sending and/or receiving equipment.

D. The public services to be provided under such franchises shall be mobile telecommunications services.

E. The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution is adopted by the Council (the "Expiration Date"). No franchises shall be approved pursuant to this resolution by the Department of Information Technology and Telecommunications, the Franchise and Concession Review Committee, or the Mayor pursuant to this resolution after the Expiration Date.

F. Prior to the grant of any such franchise, a Request For Proposals ("RFP") or other solicitation shall be issued by the Department of Information Technology and Telecommunications. Prior to issuing any such RFP or other solicitation, all necessary environmental and land use review shall be conducted in accordance with City Environmental Quality Review ("CEQR") and Section 197-c of the Charter. The criteria to be used by the Department of Information Technology and Telecommunications to evaluate responses to such RFPs or other solicitations shall include, but not be limited to, the following to the extent permitted by law:

- (1) the adequacy of the proposed compensation (which may include monetary and/or in-kind compensation, as provided in the applicable RFP or other solicitation) to be paid to the City for the use of City property;
- (2) the ability of the respondent(s) to maintain the property of the City in good condition throughout the term of the franchise;
- (3) the consistency of the response(s) to the City's management of local rights-of-way activities, plans and goals.

In no event, however, shall the Department of Information Technology and Telecommunications include any criteria in any such RFP or other solicitation which the City would be preempted, pursuant to federal law, from thus including; and in no event shall the Department of Information Technology and Telecommunications apply any criteria to be included in any such RFP or other solicitation in a manner which the City would be preempted, pursuant to federal law, from thus applying.

G. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, the following terms and conditions to the extent permitted by law (provided, however, that no term or condition, whether or not listed hereafter, shall be included in a written franchise agreement if the City is preempted, by federal law, from including such a term or condition in such agreement, and provided that no term or condition, whether or not listed hereafter, shall be included in a written franchise agreement in a form or manner which the City is preempted by federal law from using with respect to such agreement):

- (1) the term of the franchise, including options to renew if any, shall not exceed fifteen (15) years;
- (2) the compensation to be paid to the City shall be adequate and may include monetary or in-kind compensation or both;
- (3) the franchise may be terminated or cancelled in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;
- (4) a security fund shall be established to ensure the performance of the franchisee's obligations under the agreement;
- (5) the City shall have the right to inspect the facilities of the franchisee located on the inalienable property of the City and to order the relocation of such facilities as appropriate at the direction of the applicable agency;
- (6) there shall be adequate insurance and indemnification requirements to protect the interests of the public and the City;
- (7) there shall be provisions to ensure access by the City to books and records of the franchisee as necessary or appropriate to review and/or enforce compliance with the franchise agreement;
- (8) there shall be provisions to ensure quality workmanship and construction methods in the use of the inalienable property;

(9) there shall be provisions containing the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter relating to collective bargaining and other matters;

(10) there shall be provisions requiring the franchisee to comply with City laws, regulations and policies related to, but not limited to, employment, purchasing and investigations;

(11) there shall be provisions to restrict the assignment or other transfer of the franchise without the prior written consent of the City and provisions to restrict changes in control of the franchisee without the prior written consent of the City;

(12) there shall be remedies to protect the City's interest in the event of the franchisee's failure to comply with the terms and conditions of the agreement;

(13) all franchisees shall be subject to review under the City's Vendor Information Exchange System ("VENDEX");

(14) franchisees shall be required to hold any applicable licenses and permits required by the New York State Public Service Commission and the Federal Communications Commission;

(15) there shall be provisions preserving the right of the City to perform public works or public improvements in and around those areas subject to the franchise;

(16) there shall be provisions requiring the franchisee to protect the property of the City, and the delivery of public services that utilize the property of the City, from damage or interruption of operation resulting from the construction, operation, maintenance, repair or removal of facilities, equipment or other improvements related to the franchise; and

(17) there shall be provisions designed to minimize the extent to which the public use of the streets of the City are disrupted in connection with the construction of improvements relating to the franchise.

K. The Department of Information Technology and Telecommunications shall file with the Council the following documents:

- (1) within fifteen (15) days of issuance, a copy of each RFP or other solicitation issued pursuant to this resolution;
- (2) within fifteen (15) days of approval by the Mayor, a copy of the agreement for each franchise granted pursuant to this resolution; and
- (3) on or before July 1 of each year, a report detailing the revenues received by the City during the preceding calendar year from each franchise granted pursuant to this resolution.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 11:00 A.M. on Monday, May 17, 2010:

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 1:00 P.M. on Monday, May 17, 2010:

RIVERVIEW HOUSE I

BRONX CB-5 20105XXX HAX
Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to a conveyance, for property located at Block 2880/Lot 91, Council District 16, Borough of the Bronx.

RIVERVIEW HOUSE II

BRONX CB-5 20105XXX HAX
Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for consent to modification to a previously approved Plan and Project for property located at 1600 Sedgwick Avenue, Council District 16, Borough of the Bronx.

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

1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law for numbers 1 through 4.

NO.	ADDRESS	BLOCK/ LOT	BORO	COMMUNITY PROGRAM	BOARD
1.	3120 Park Ave.	2418/6	Bronx	Low Income	1, 3
	720-722 E. 161st St.	2647/43, 44		Rental	
	748 Jackson Ave.	2646/41			
	451 E. 159th St.	2381/43			

2.	1434-8 Morris Ave.	2786/12, 13	Bronx	Low Income Rental	04
3.	281 Montauk Ave.	4056/21	Brooklyn	Asset Control Area	05
	664 Georgia Ave. 662 Pine St.	4296/21 4461/120			
4.	312 Hendrix St.	3978/34	Brooklyn	Asset Control Area	05

m11-17

CITY PLANNING COMMISSION

PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, May, 26, 2010, commencing at 10:00 A.M.

**BOROUGH OF THE BRONX
No. 1
LINDENGUILD HALL**

CD 3 C 100259 HUX
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the fourth amendment to the Bathgate Urban Renewal Plan for the Bathgate Renewal Area.

**BOROUGH OF MANHATTAN
Nos. 2, 3, 4, 5 & 6
15 PENN PLAZA
No. 2**

CD 5 C 100047 ZMM
IN THE MATTER OF an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d by changing from a C6-4.5 District to a C6-6 District property bounded by West 33rd Street, a line 150 feet westerly of Avenue of the Americas, West 32nd Street, and a line 200 feet easterly of Seventh Avenue- Fashion Avenue, as shown on a diagram (for illustrative purposes only) dated February 8, 2010.

No. 3

CD 5 N 100048 ZRM
IN THE MATTER OF an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District) relating to the applications for modification of height and setback and mandatory plan elements for the 15 Penn Plaza proposal.

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

* * *
**ARTICLE VIII, Chapter 1
Special Midtown District**
* * *
**81-066
Special permit modifications of Section 81-254, Section 81-40, and certain Sections of Article VII, Chapter 7**

(a) The City Planning Commission, by special permit, for #zoning lots# where the #lot area# is at least 60,000 square feet or that occupy an entire #block#, may permit modification of the mandatory district plan elements of Section 81-40 or the provisions of Article VII, Chapter 7, that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements. However, no exception to the #street wall# or retail continuity requirements shall be permitted on Fifth Avenue or within 50 feet of Fifth Avenue within the #Special Midtown District#.

The modifications shall be subject to the following findings:

- (1) that the modifications of mandatory plan elements, #floor area# allocation; or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#.
- (2) that a substantial majority of the #zoning lot# is either vacant at the time of certification for review, pursuant to Section 197-c of the New York City Charter, or contains #buildings# that will be an integral part of the #development#, both physically and programmatically;
- (3) that the design, scale and location of the new #buildings# or #enlarged buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;
- (4) that such modifications will not unduly obstruct the access of light and air to surrounding properties;
- (5) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #development#;
- (6) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the

purposes of the Mandatory District Plan Elements.

(b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict which have been granted a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541 in accordance with Section 74-634, the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements subject to the following findings:

- (1) that the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;
(2) that the design, scale and location of the new #buildings# or #enlarged buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;
(3) that such modifications will not unduly obstruct the access of light and air to surrounding properties;
(4) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #development#;
(5) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements;
(6) that the improvements to the below-grade pedestrian circulation network provided by the #development# or #enlargement# significantly increase public accessibility to and from subway stations and/or rail mass transit facilities in and around Pennsylvania Station; and
(7) that the modifications of height and setback regulations:
(i) are necessary due to the constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site; and
(ii) will provide an appropriate distribution of #bulk# on the #zoning lot# with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District's height and setback regulations. In considering whether such distribution of #bulk# is appropriate, the Commission shall consider a complete daylight evaluation for the proposed design.

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

81-254 Special permit for height and setback modifications

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

- Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications);
Section 74-79 (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277;
Section 81-066 (Special permit modifications of Section 81-40, Section 81-254 and certain Sections of Article VII, Chapter 7).
Section 81-635 (Transfer of development rights by special permit).

81-50 SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT

8151 General Provisions
In order to establish the Penn Center Subdistrict as a destination and enhance its retail, entertainment and commercial character and expand accessibility to its transportation network, special regulations are set forth governing the location and type of #signs#, urban design and streetscape relationships, and the improvement of pedestrian circulation to and from public transit facilities.

The regulations of Section 81-50 are applicable only in the Penn Center Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, except as set forth for rail mass transit improvements pursuant to Section 81-541. These

regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

81-541 Rail mass transit facility improvement

In addition to the provisions of Section 81-29 (Incentives by Special Permit for Provisions of Public Amenities), the City Planning Commission may grant #floor area# bonuses for subway station and/or rail mass transit facility improvements for non-residential# or #mixed buildings#, in accordance with Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan), and may modify or waive the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) in accordance with the provisions of Section 74-634, provided that such improvement is approved by the entities which own and/or operate the rail mass transit facility. Prior to granting a special permit, the City Planning Commission shall be provided with:

- (a) a letter from each entity that operates the rail mass transit facility confirming that the drawings of the subway and/or rail mass transit improvement are of sufficient scope and detail to describe the layout and character of the improvements and that the proposed implementation of the improvements is physically and operationally feasible, and
(b) a legally enforceable instrument containing:
(1) drawings of the improvements, as approved by the transit operator;
(2) provisions that all easements required for the on-site improvements will be conveyed and recorded against the property;
(3) the obligations of the applicant to construct, maintain and provide capital maintenance for the improvements and
(4) a schedule for completion of the improvements and a requirement that a performance bond or other appropriate security be provided to insure the completion of the improvements.

For the purposes of this Section, improvements to any rail mass transit facility on a #zoning lot# located wholly or partially within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section 74-634, as modified herein. For #zoning lots# located partially within the Subdistrict, such bonus #floor area# may be located anywhere on such #zoning lot#. In addition, if a subway and/or rail mass transit improvement has been constructed in accordance with an approved special permit and has received a Notice of Substantial Completion in accordance with the provisions of Section 74-634, the bonus #floor area# may be retained at the full amount granted by the special permit and may be utilized elsewhere on the #zoning lot# subject to any applicable review and approval process for such #development# or #enlargement#.

in connection with a proposed commercial development on property located at 15 Penn Plaza* (Block 808, Lots 40, 1001 and 1002) in a C6-6 District**, within the Special Midtown District (partially within the Penn Center Subdistrict).

Note: The site is proposed to be granted a special permit pursuant to Sections 81-066(b) and 81-254* of the Zoning Resolution, under a concurrent related application (C 100049 ZSM), to modify:

- 1. the height and setback regulations of Section 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation); and
2. the Mandatory District Plan Elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets), 81-45 (Pedestrian Circulation Space), 81-47 (Major Building Entrances), and the design standards for pedestrian circulation spaces of Section 37-53(f) (Sidewalk Widening);

** Note: A portion of the site is proposed to be rezoned from a C6-4.5 District to a C6-6 District under a concurrent related application (C 100047 ZMM) for a zoning map change.

No. 4 C 100049 ZSM IN THE MATTER OF an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-066(b)* and 81-254* of the Zoning Resolution to modify:

- 1. the height and setback regulations of Section 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation); and
2. the Mandatory District Plan Elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets), 81-45 (Pedestrian Circulation Space), 81-47 (Major Building Entrances), and the design standards for pedestrian circulation spaces of Section 37-53(f) (Sidewalk Widening);

in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District**, within the Special Midtown District (partially within the Penn Center Subdistrict).

* Note: Sections 81-066 and 81-254 are proposed to be amended under a concurrent related application (N 100048 ZRM) for a zoning text change.

** Note: The site is proposed to be rezoned from a C6-4.5 District to a C6-6 District under a concurrent related application (C 100047 ZMM) for a zoning map change.

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

No. 5 C 100050 ZSM IN THE MATTER OF an application submitted by 401 Hotel REIT, LLC and 401 Commercial, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 81-541* and 74-634 of the Zoning Resolution to allow a floor area bonus not to exceed 20 percent of the basic maximum floor area ratio permitted by the underlying district regulations for

subway station and/or rail mass transit facility improvements, in connection with a proposed commercial development on property located at 15 Penn Plaza (Block 808, Lots 40, 1001 and 1002) in a C6-6 District**, within the Special Midtown District (partially within the Penn Center Subdistrict).

* Note: Section 81-541 is proposed to be amended under a concurrent related application (N 100048 ZRM) for a zoning text change.

** Note: The site is proposed to be rezoned from a C6-4.5 District to a C6-6 District under a concurrent related application (C 100047 ZMM) for a zoning map change.

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

No. 6

CD 5 C 100237 PQM IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of easements bounded by Sixth and Seventh avenues, West 32nd and West 33rd streets (Block 808, Lots 40, 1001 and 1002), Borough of Manhattan, Community District 5, to facilitate the construction of transit entrances, a below-ground pedestrian passageway, and other mass transit improvements.

NOTICE

On Wednesday, May 26, 2010, at 10:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to the 15 Penn Plaza Draft Environmental Impact Statement (DEIS) concerning Amendments to the Zoning Map and the text of the Zoning Resolution (ZR); easement acquisitions; various special permits modifying mandatory District Plan elements as well as height and setback regulations within the Special Midtown District, a floor area bonus in exchange for Subway Station and Rail Mass Transit Facility Improvements, and other related actions, to facilitate the construction of a new commercial office building (known as "15 Penn Plaza") on the block bounded by Seventh Avenue on the west, Avenue of the Americas on the east, West 33rd Street on the north, and West 32nd and Street on the south (Block 808, Lots 1001 and 1002), located in Manhattan Community District 5.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 09DCP019M

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

m13-26

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 18 - Monday, May 17, 2010 at 8:00 P.M., Kings Plaza Community Room, Flatbush Avenue and Avenue V, Brooklyn, NY

BSA# 42-10-BZ

Premises - 2170 Mill Avenue
A Public Hearing on an application filed pursuant to Section 72-21 of the Zoning Resolution to waive Sections 23-141, 23-22, 23-631, 23-45, 23-711 and 22-10 to permit the construction of a multi-family residential development that exceeds the applicable R3-1 zoning district bulk regulations. This application also seeks to permit commercial use in a small portion of the development which is not permitted in the R3-1 zoning district.

BSA# 56-10-BZ

Premises - 3424 Quentin Road
A Public Hearing on a special permit application filed by T-Mobile, Northeast LLC, pursuant to Sections 72-20, 32-15 (D), 33-431, of the Zoning Resolution to permit the rooftop installation of a "communications equipment structure" for public wireless communications. The 25-foot tall unipole along with related equipment will be screened by stealth paneling painting to match the existing building.

m11-17

DESIGN COMMISSION

MEETING

Design Commission Meeting Agenda
Monday, May 17, 2010

Public Meeting

11:05 a.m. Consent Items

- 23894: Installation of security bollards, Penn Station Central Control Building, 400 West 31st Street, Manhattan. (Preliminary and Final) (CC 3, CB 5) DOT
23895: Reconstruction of the landscape, Dyckman Marina, Inwood Hill Park, Hudson River at Dyckman Street, Manhattan. (Preliminary) (CC 7, CB 12) DPR
23896: Construction of a children's garden and adjacent site work as Phase I of the reconstruction of a plaza, La Guardia Place between Bleecker Street and West Third Street, Manhattan. (Final) (CC 1, CB 2) DPR/DOT

- 23897: Installation of a louver and adjacent site work, Jackson Pond Playground comfort station, Forest Park, 108th Street and Park Lane South, Queens. (Preliminary and Final) (CC 30, CB 9) DPR
- 23898: Construction of Andrew Haswell Green Park, Phase II, East 60th Street to East 63rd Street between the FDR Drive and the East River, Manhattan. (Preliminary) (CC 5, CB 8) DPR
- 23899: Conservation of the James Jackson headstone (ca. 1799), southwest corner of Washington Square Park, Washington Square Park South at Sullivan Street, Manhattan. (Preliminary) (CC 1, CB 2) DPR
- 23900: Installation of a dedication plaque, Linden Terrace, Fort Tryon Park, Manhattan. (Preliminary and Final) (CC 7, CB 12) DPR
- 23901: Construction of a parking lot, perimeter wall and fencing and adjacent site work as Phase I of the of the construction of an NYPD vehicle impound facility, Rockaway Boulevard, Guy Brewer Boulevard, Farmers Boulevard, JFK International Airport, Queens. (Final) (CC 31, CB 13) EDC/DCAS
- 23902: Construction of an administration building and guard booth as Phase II of the construction of an NYPD vehicle impound facility, Rockaway Boulevard, Guy Brewer Boulevard, Farmers Boulevard, JFK International Airport, Queens. (Preliminary and Final) (CC 31, CB 13) EDC/DCAS

Public Hearing

- 11:10 a.m.
23903: Reconstruction of Sperandeo Brothers Playground, Atlantic Avenue, Linwood Street and Elton Street, Brooklyn. (Preliminary) (CC 37, CB 5) DPR
- 11:30 a.m.
23904: Construction of an outdoor Amur Leopard exhibition, including the installation of interpretive signage, as part of Phase IIA of the master plan, Staten Island Zoo, Clarence T. Barrett Park, 614 Broadway, Staten Island. (Final) (CC 49, CB 1) DDC/DCulA/DPR
- 11:50 p.m.
23905: Construction of a pedestrian bridge over West 65th Street, Lincoln Center, Manhattan. (Preliminary) (CC 6, CB 7) DCulA/DPR/DOT

Design Commission meetings are held in the conference room on the third floor of City Hall, unless otherwise indicated. Please note that all times are approximate and subject to change without notice.

Members of the public are encouraged to arrive at least 45 minutes in advance of the estimated time; those who also plan to testify are encouraged to submit their testimony in writing at least three (3) business days in advance of the meeting date.

Any person requiring reasonable accommodation in order to participate should contact the Design Commission at least three (3) business days in advance of the meeting date.

Design Commission
City Hall, Third Floor
New York, NY 10007
Phone: (212) 788-3071
Fax: (212) 788-3086

☛ m13

IN REM FORECLOSURE RELEASE BOARD**MEETING**

PUBLIC NOTICE IS HEREBY GIVEN that the In Rem Foreclosure Release Board will meet on Tuesday, May 18, 2010 at 10:00 A.M. at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

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

m11-18

LANDMARKS PRESERVATION COMMISSION**PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **May 18, 2010 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 10-4546 - Block 5817, lot 1766-4686 Waldo Avenue - Fieldston Historic District
A Medieval Revival style freestanding house designed by Julius Gregory and built in 1924. Application is to construct an addition. Zoned R1-2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 10-7117 - Block 8057, lot 14-22 West Drive, aka 37-22 West Drive - Douglaston Historic District
An English Cottage style freestanding house designed by Frank J. Forster and built in 1936. Application is to construct an addition and dormer and modify masonry openings. Zoned R1-1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 10-4750 - Block 148, lot 63-39-54 48th Street - Sunnyside Gardens Historic District
A rowhouse with Colonial Revival style details designed by Clarence Stein, Henry Wright and Frederick Ackerman and built in 1925. Application is to legalize alterations at the rear facade completed without Landmarks Preservation Commission permits, and to install steps.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-7785 - Block 2569, lot 17-108-110 Noble Street - Greenpoint Historic District
A synagogue building built c.1863. Application is to demolish a portion of the building.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-7055 - Block 195, lot 39-150 Bond Street - Boerum Hill Historic District
An Italianate style residence built in 1866-67. Application is to install mechanical equipment at the roof, repaint the facades of the house, and reconstruct the facade of the garage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-7105 - Block 2089, lot 66-266 Carlton Avenue, aka 185-187 Dekalb Avenue - Fort Greene Historic District
An Italianate style house built circa 1860, and altered in the 20th century. Application is to legalize sidewalk and window replacement without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-3866 - Block 301, lot 29-274 Clinton Street - Cobble Hill Historic District
An Italianate style rowhouse built in 1864-1867. Application is to construct a rear deck, modify window openings, and alter the areaway.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-5701 - Block 1206, lot 50-1185 Dean Street - Crown Heights North Historic District
A Renaissance Revival style rowhouse designed by Jeremiah D. McAuliffe, and built c. 1892. Application is to legalize facade work, areaway alterations, and window replacement completed without Landmarks Preservation Commission permits.

ADVISORY REPORT
BOROUGH OF BROOKLYN 10-7889 - Block 1117, lot 1-Prospect Park, maintenance yard, near Prospect Park West and 8th Street - Prospect Park - Scenic Landmark
A maintenance yard, within a naturalistic style park designed in 1865 by Frederick Law Olmsted and Calvert Vaux. Application is to construct two one-story maintenance buildings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7183 - Block 72, lot 27-85 South Street - South Street Seaport Historic District
A Romanesque Revival style warehouse built in 1902 by G. Curtis Gillespie. Application is to install a sign.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7515 - Block 483, lot 1-488-490 Broadway - E.V. Houghwout Building-Individual Landmark, SoHo-Cast Iron Historic District
An Anglo-Italianate style store and loft building designed by J.P. Gaynor and built in 1857. Application is to install signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7816 - Block 475, lot 59-76 Grand Street - SoHo-Cast Iron Historic District
A one story brick building, built in 1955. Application is to alter the facade, install windows and a new entrance.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7083 - Block 483, lot 29-54 Crosby Street - SoHo- Cast Iron Historic District
A two-story building altered in 1980. Application is to enlarge the ground floor opening and install new infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7545 - Block 574, lot 39-40 Fifth Avenue - Greenwich Village Historic District
A neo-Georgian style apartment house designed by Van Wart & Wein, and built in 1929. Application is to reconstruct a greenhouse, install railings, and replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-2456 - Block 610, lot 53-128 West 10th Street, aka 21 Greenwich Avenue - Greenwich Village Historic District
A structure at the rear of the lot of 21 Greenwich Avenue. Application is to legalize the installation of mechanical equipment at the roof and install new mechanical equipment and a fence at the roof.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6656 - Block 615, lot 50-29 Bank Street - Greenwich Village Historic District
A Greek Revival style house built in 1840. Application is to alter window openings, install windows and doors, construct a one-story penthouse, reconstruct the rear facade, and excavate the rear yard. Zoned R6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-1707 - Block 530, lot 54-28 Bond Street - NoHo Historic District Extension
An Italianate style residence and store built in 1857-58. Application is to legalize the installation of a flagpole and banner without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6296 - Block 531, lot 51-40 Great Jones Street - NoHo Historic District Extension
A Classical Revival style store and loft building designed by E.G. Gollner and built in 1895-96. Application is to install a stair bulkhead and roof railing.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7544 - Block 844, lot 11-15-17 East 16th Street - Ladies' Mile Historic District
A neo-Renaissance style store and loft building designed by Schwartz & Gross and built in 1908-1909. Application is to establish a master plan governing the future installation of windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7188 - Block 875, lot 58-23 Gramercy Park South - Gramercy Park Historic District
A late Greek Revival style rowhouse built in 1847. Application is to excavate the cellar and rear yard, construct a rear yard addition, alter the front facade and to install a chimney flue. Zoned R7B-LH1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7623 - Block 1021, lot 19-

1619 Broadway - The Brill Building - Individual Landmark
An Art Deco style office building designed by Victor A. Bark, Jr., and built in 1930-31. Application is to install signage.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6943 - Block 1274, lot 25-768-770 Fifth Avenue - Plaza Hotel- Individual and Interior Landmark
A French Renaissance style hotel designed by Henry J. Hardenberg and built in 1905-07, with an addition designed by Warren and Wetmore and built in 1921. Application is to alter stairs and replace railings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7276 - Block 1302, lot 64-12 East 78th Street - Metropolitan Museum Historic District
A neo-Italian Renaissance style rowhouse built in 1886-87. Application is to construct a rooftop and rear yard additions. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-3999 - Block 1381, lot 7504-21 East 66th Street - Upper East Side Historic District
A neo-Gothic style apartment building designed by Fred F. French Company and built in 1921. Application is to construct a rooftop addition. Zoned C5-1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-5916 - Block 1385, lot 37-730 Park Avenue - Upper East Side Historic District
A neo-Renaissance/neo-Jacobean style apartment building designed by Lafayette A. Goldstone and built in 1929. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7099 - Block 1387, lot 1-910 Fifth Avenue - Upper East Side Historic District
An apartment building designed by Fred F. French, built in 1919, and altered by Sylvan Bien in 1958-59. Application is to install new windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6726 - Block 1390, lot 132-57 East 75th Street - Upper East Side Historic District
A Brutalist style apartment building designed by William B. Gleckman and built in 1973-1979. Application is to modify window openings.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7619 - Block 1498, lot 69-1056 Fifth Avenue - Carnegie Hill Historic District
A modern style apartment building designed by George F. Pelham and built in 1948. Application is to enclose a terrace. Zoned R10/R8-B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6344 - Block 1121, lot 39-14 West 69th Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse designed by Gilbert A. Schellenger and built in 1896. Application is to alter the areaway and entrance.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7395 - Block 1127, lot 25-11 West 74th Street - Upper West Side/Central Park West Historic District
A Queen Anne style rowhouse with neo-Grec style elements designed by Daniel Burgess and built in 1889-90. Application is to stucco the side wall and install a trellis.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-5379 - Block 1141, lot 44-130-132 West 70th Street - Upper West Side/Central Park West Historic District
Two neo-Grec/Queen Anne style rowhouses designed by Charles H. Lindsley and built in 1881-83. Application is to construct rooftop and rear yard additions, reconstruct a stoop and alter the front areaways. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-6585 - Block 1211, lot 29-101 West 80th Street, aka 418-422 Columbus Avenue - Upper West Side/Central Park West Historic District
A Beaux Arts style apartment building designed by Henry F. Cook and built in 1898. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-2827 - Block 1228, lot 33-428 Amsterdam Avenue - Upper West Side/Central Park West Historic District
A Renaissance Revival style building designed by Henry F. Cook and built in 1896-97. Application is to legalize storefront alterations, and the installation of light fixtures, conduit, and signage, all without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7536 - Block 1218, lot 26-119 West 87th Street - Upper West Side/Central Park West Historic District
A neo-Grec style rowhouse designed by Increase M. Grenell and built in 1884. Application is to install ironwork at the areaway.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-8012 - Block 1219, lot 124-113 West 88th Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse designed by Alonzo B. Knight and built in 1889. Application is to legalize alterations to the areaway completed in non-compliance with Certificate of No Effect 00-3158.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-4721 - Block 1906, lot 32-229 Lenox Avenue - Mount Morris Park Historic District
A Beaux-Arts style house designed by Clarence True and built in 1899. Application is to construct a rear addition and reconstruct the rear facade. Zoned R7-2 & C1-4.

m5-18

LOFT BOARD**PUBLIC MEETING**

NOTICE IS HEREBY GIVEN PURSUANT TO ARTICLE 7 OF THE PUBLIC OFFICERS LAW that the New York City Loft Board will have its monthly Board meeting on **Thursday, May 20, 2010**. The meeting will be held at 2:00 P.M. at Spector Hall, 22 Reade Street, 1st Floor. The proposed agenda will include cases and general business.

The general public is invited to attend and observe the proceedings.

m11-13

PROPERTY DISPOSITION

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.”

CITY UNIVERSITY

■ INTENT TO AWARD

Goods

PURCHASE OF INTERACTIVE SOFTWARE – Sole Source – Available only from a single source - PIN# 069050410 – DUE 05-17-10 AT 11:00 A.M. – LaGuardia Community College is entering into a purchase order contract with Kognito Interactive for the purchase of end user licenses of the “At Risk for University Students” online course software. This software is a human interaction simulation platform, where users engage in practice conversations with virtual, fully animated characters that possess emotions and memory. This notice is not intended to invite competition. Rather, this notice is intended to fulfill the requirement for giving Public notice of a Sole Source purchase per New York State Finance Law, Section 163.

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.
 City University, 31-10 Thomson Avenue, Room E405 Long Island City, NY 11101. Tawanikka Smith (718) 482-5590, purchasing@lagcc.cuny.edu

m10-14

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A

6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION –

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

DESIGN & CONSTRUCTION

CONTRACT SECTION

■ INTENT TO AWARD

Construction / Construction Services

HWEARC02, ENGINEERING AND CONSTRUCTION SERVICES FOR ENVIRONMENTAL ASSESSMENT, TRAFFIC-STUDY REPORT AND PREPARATION OF SCHEMATIC ROADWAY IMPROVEMENT PLAN – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 8502010VP0002P – DUE 05-14-10 AT 4:00 P.M. – In accordance with Section 3-04(b)(2)(i)(D) of the Procurement Policy Board rules, DDC intends to use the Negotiated Acquisition process to extend the subject contract term to ensure continuity of construction-related services, for Engineering and Construction Services for Environmental Assessment, Traffic Study Report and Preparation of Schematic Roadway Improvement Plan. The term of the contract will be 365 consecutive calendar days from the date of registration.

It is the intention of the agency to enter into negotiations with the firm, Hazen and Sawyer, PC, the holder of the expired contract. This firm will provide all services required for the five intersection improvement projects listed:

- (1) South Avenue and Forest Avenue
- (2) Victory Boulevard and Manor Road
- (3) Amboy Road and Page Avenue
- (4) Amboy Road and Huguenot Avenue
- (5) Victory Boulevard and Clove Road

Firms may express interest in future procurements by contacting Veronica Nnabugwu, Deputy Agency Chief Contracting Officer, at 30-30 Thomson Avenue, Long Island City, NY 11101 or by calling 718-391-1535 between the hours of 10:00 A.M. and 4:00 P.M. on business days. The firms are advised to register with the New York City Vendor Enrollment Center to be placed on the citywide bidders mailing list for future contracting opportunities.

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 Design and Construction
 30-30 Thomson Avenue, Long Island City, NY 11101.
 Carol Phoenix (718) 391-1530, fax: (718) 391-1885
 phoenixca@ddc.nyc.gov

m7-13

BOARD OF ELECTIONS

■ SOLICITATIONS

Services (Other Than Human Services)

TRANSPORTING OF VOTING MACHINES AND EQUIPMENT – Competitive Sealed Bids – PIN# 003201070131 – DUE 06-02-10 AT 10:00 A.M. – Minimum of three years experience in the trucking business. Two year contract renewal option.

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.
 Board of Elections, 42 Broadway, 7th Floor, New York, NY 10004. Gwendolyn Youngblood (212) 487-7213, fax: (212) 487-5343, gyoungblood@boe.nyc.ny.us

m13

ENVIRONMENTAL PROTECTION

■ SOLICITATIONS

Services (Other Than Human Services)

INCORPORATION OF VENTURI WATER METERS INTO AN AUTOMATIC METER READING SYSTEM – Request for Information – PIN# 82610BCSVWM1 – DUE 06-25-10 AT 4:00 P.M. – The New York City Department of Environmental Protection (“DEP”) supplies water on a wholesale basis to several dozen customers north of the city, mostly municipal and private water utilities, all of which lie along the route of the city’s Delaware or Catskill Aqueducts. The customers with the largest supply requirements have connections 12” or greater and their consumption is measured with venturi type metering devices. The venturi meters are equipped with differential pressure transmitters (DPT’s) with 4-20 milliamp (ma) output to chart recorders. This Request for Expressions of Interest (“RFEI”) is not a procurement of goods or services. It is a request for information about technologies/products and associated services that may be available to assist DEP in meeting specific programmatic goals. A response to this RFEI will not result in any of the following results:

- Prequalification of a company’s product, service or the company itself for any subsequent procurement action
- Approval of the company’s product or service in any way
- Waiver of any procurement requirements

A relevant response to this RFEI will allow the responder to inform DEP about its products and/or services that are related to the subject addressed by the RFEI. DEP will not consider nor meet with responders whose product and/or services are unrelated to the subject of this RFEI.

See attached document “Request for Expressions of Interest” at nyc.gov/cityrecord

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Environmental Protection
 59-17 Junction Blvd., 1st Floor-Low Rise, Flushing, NY 11373. Warren Liebold (718) 595-4657, wliebold@dep.nyc.gov

m13

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

■ SOLICITATIONS

Goods & Services

MEDICAL SUPPLIES AND SERVICES – Competitive Sealed Bids – PIN# 21-10-034 – DUE 07-08-10 AT 10:30 A.M. – New York City Health and Homecare, Division of the NYC Health and Hospitals Corp. is soliciting sealed bids for Medical Supplies for Homecare Services.

Voluntary pre-bid meeting is scheduled for June 8, 2010 from 10:00 A.M. to 12:00 P.M. at HHC Health and Homecare, 160 Water Street, 9th Floor Conference Room, New York, NY 10038.

● **SUPPLEMENTAL PROFESSIONAL SERVICES** – Competitive Sealed Bids – PIN# 21-10-035 – DUE 07-08-10 AT 2:00 P.M. – New York City Health and Homecare, Division of the NYC Health and Hospitals Corp. is soliciting sealed bids for Supplemental Professional Services for Homecare Services.

Voluntary pre-bid meeting is scheduled for June 8, 2010 from 2:00 P.M. to 4:00 P.M. at HHC Health and Homecare, 160 Water Street, 9th Floor Conference Room, New York, NY 10038.

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.
 Jacobi Medical Center, Purchasing Department
 Nurses Residence Building #4, 7 South, 1400 Pelham Parkway, Bronx, NY 10461.
 Christine Hauptner (718) 918-3984, fax: (718) 918-7823, christine.hauptner@nbhn.net

m13

MATERIALS MANAGEMENT

■ SOLICITATIONS

Human / Client Service

AMERICAN SIGN LANGUAGE VIDEO REMOTE INTERPRETING SERVICE – Other – PIN# 030-0020 – DUE 05-25-10 AT 10:00 A.M. – Provides: ASL VRI (American Sign Language, Video Interpreting).

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Health and Hospitals Corporation, 346 Broadway, 5th Floor Room 516, New York, NY 10013-3990.
 Sherry Lloyd (212) 442-3863, fax: (212) 442-3867
 sherry.lloyd@nychhc.org

m13

HEALTH AND MENTAL HYGIENE**AGENCY CHIEF CONTRACTING OFFICER****AWARDS***Construction Related Services*

STD PREVENTION AND INTERVENTION TO NY LESBIAN, GAY, BISEXUAL AND TRANSGENDER COMMUNITIES LIVING W/HIV/AIDS – BP/City Council Discretionary – PIN# 10CO043601R0X00 – AMT: \$350,000.00 – TO: Community Health Project, Inc. D/B/A Callen-Lorde Comm. HC, 356 West 18th Street, New York, NY 10011.

m13

HOMELESS SERVICES**OFFICE OF CONTRACTS AND PROCUREMENT****SOLICITATIONS***Human/Client Service*

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

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

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

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

j6-20

HUMAN RESOURCES ADMINISTRATION**AWARDS***Services (Other Than Human Services)*

CONSULTANT SERVICES – Intergovernmental Purchase – Judgment required in evaluating proposals - PIN# 069102103043 – AMT: \$266,070.00 – TO: Infopeople Corporation, 99 Wall Street, 17th Floor, New York, NY 10005.

m13

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**INTENT TO AWARD***Goods & Services*

SOFTWARE LICENSES AND MAINTENANCE – Sole Source – Available only from a single source - PIN# 85810SS00029 – DUE 05-14-10 AT 3:00 P.M. – The City intends to enter into Sole Source negotiations with Accenture, LLP for Proprietary Software Licenses and Maintenance. Any vendor that wishes to provide such services in the future should send notice to DoITT by Friday, May 14, 2010.

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

Department of Information Technology and Telecommunications, 75 Park Place, 9th Floor, New York, NY 10007. Dorothy Duncan (212) 788-6274, fax: (212) 788-6489, dduncan@doitt.nyc.gov

m7-13

JUVENILE JUSTICE**SOLICITATIONS***Human/Client Service*

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

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

Department of Juvenile Justice, 110 William Street
14th Floor, New York, NY 10038.

Chuma Uwechia (212) 442-7716, cuwechia@djj.

jy1-d16

PARKS AND RECREATION**REVENUE AND CONCESSIONS****SOLICITATIONS***Services (Other Than Human Services)*

THE SALE OF SPECIALTY FOOD FROM MOBILE FOOD UNITS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# CWP-2010-A – DUE 06-15-10 AT 3:00 P.M. – At various locations, Citywide.

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

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

Parks and Recreation, The Arsenal-Central Park
830 Fifth Avenue, Room 407, New York, NY 10021.

Joel Metlen (212) 360-1397, fax: (212) 360-3434
joel.metlen@parks.nyc.gov

m4-17

SCHOOL CONSTRUCTION AUTHORITY**CONTRACT ADMINISTRATION****SOLICITATIONS***Construction/Construction Services*

STUDENT TOILET AND ELEVATOR REPAIRS – Competitive Sealed Bids – PIN# SCA10-13169D-1 – DUE 05-26-10 AT 1:30 P.M. – Project Range: \$3,190,000.00 to \$3,360,000.00. Pre-bid Meeting held on May 17, 2010 at 10:00 A.M. at PS 142 (Manhattan). NYC School Construction Authority, Plans Room Window, Room #1046, 30-30 Thomson Avenue, 1st Floor, Long Island City, New York 11101. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority.

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

School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Anthony Largie (718) 752-5842
alargie@nycsca.org

m7-13

NEW BUILDING – Competitive Sealed Bids/Pre-Qualified List – PIN# SCA10-006621-1 – DUE 06-11-10 AT 3:00 P.M. – IS/HS 404 (Queens). Range: \$69,800,000.00 to \$74,000,000.00. Price of documents: \$250.00. Limited List, Bids will only be accepted from the following Construction Managers/Prime General Contractors (See Attached List): Leon D. DeMatteis Construction Co.; Plaza Construction Corporation; Silverite Construction Co., Inc.; Skanska USA Building, Inc.; Turner Construction.

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

School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Kevantae Idlett (718) 472-8360
kidlett@nycsca.org

m10-14

EXTERIOR MASONRY/GUTTERS/FLOOD ELIMINATION

Competitive Sealed Bids – PIN# SCA10-006622-1 – DUE 06-01-10 AT 2:00 P.M. – Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

School Construction Authority, Plans Room Window
Room #1046, 30-30 Thomson Avenue, Long Island City, NY 11101. Stacia Edwards (718) 752-5849, sedwards@nycsca.org

m12-18

STUDENT TOILET UPGRADE – Competitive Sealed Bids – PIN# SCA10-12338D-2 – DUE 06-01-10 AT 2:30 P.M. – PS 226 (Brooklyn). Documents Price \$100.00. Project Range: \$1,190,000.00 to \$1,260,000.00.

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

School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Kevantae Idlett (718) 472-8360
kidlett@nycsca.org

m11-17

HEATING/EXT MAS/CLIMATE CONTR/PARAPETS/WIND – Competitive Sealed Bids – PIN# SCA10-13137D-1 – DUE 06-02-10 AT 11:00 A.M. – JHS 157 (Queens). Project Range: \$15,330,000.00 to \$16,140,000.00. Non-refundable bid documents charge: \$250.00, certified check or money order only. Make checks payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Limited list bids will only be accepted from the following Construction Managers/Prime General Managers: Minelli Construction Co., Inc.; Kafka Construction, Inc.; National Environmental Safety Co.; Rockmore Contracting Corp.; Stalco Construction, Inc.; Adam's European Contracting, Inc.; WDF, Inc.

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

School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Rookmin Singh (718) 752-5843
rsingh@nycsca.org

m12-18

Construction Related Services

ACCESSIBILITY – Competitive Sealed Bids – PIN# SCA10-13189D-1 – DUE 06-02-10 AT 10:30 A.M. – PS 83 (Bronx). Project Range: \$2,920,000.00 to \$3,075,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Stephanie Lyle (718) 752-5854
slyle@nycsca.org

m12-18

CONTRACT SERVICES**SOLICITATIONS***Construction/Construction Services*

MODIFY EXISTING STORM WATER SEWER AND RETENTION SYSTEM – Competitive Sealed Bids – PIN# SCA10-13195D-1 – DUE 05-26-10 AT 2:00 P.M. P.S. 239 (Queens). Project Range: \$1,030,000.00 - \$1,084,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

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

School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Lily Persaud (718) 752-5852
lpersaud@nycsca.org

m10-14

AGENCY RULES**MAYOR'S OFFICE OF ENVIRONMENTAL REMEDIATION****NOTICE**

OFFICE OF ENVIRONMENTAL REMEDIATION

NOTICE OF ADOPTION OF RULES RELATING TO A LOCAL BROWNFIELD CLEANUP PROGRAM

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Director of Environmental Remediation by subdivision e of section 15 of the New York City Charter and section 24-903 of the Administrative Code of the City of New York, that the Office of Environmental Remediation promulgates and adopts rules relating to a local brownfield cleanup program.

The rules were proposed and published on September 17, 2009. A public hearing was held on October 19, 2009.

Section 1. Title 43 of the Rules of the City of New York is amended by adding a new Chapter 14 to read as follows:

CHAPTER 14
Environmental Remediation
SUBCHAPTER 1

Local Brownfield Cleanup Program Requirements**§ 43-1401 Purpose**

The purpose of this subchapter is to provide for the orderly and efficient administration of chapter nine of title twenty-four of the administrative code of the city of New York, the New York city local brownfield cleanup program.

§ 43-1402 Definitions

For the purposes of this subchapter, the following terms shall have the following meanings:

a. "Affordable housing development" means a development that will be built by a developer on a qualified local brownfield site where at least twenty percent of the housing units are affordable to families that earn no more than eighty percent of the average median income of an area, as determined by the United States department of housing and urban development, and that has been issued a letter of interest from a federal, state or local housing subsidy program.

b. "Alternatives analysis" means a study undertaken to develop and evaluate options for remedial action in accordance with section 43-1407(i).

c. "Applicant" means a person who has submitted a request to participate in the local brownfield cleanup program but is not yet an enrollee.

d. "Change of use" means the transfer of title to all or part of a qualified local brownfield site that results in a change in the party or parties implementing a site management plan; the erection of any structure on the site; the creation of a park or other public or private recreational facility on the site, or any activity that is likely to disrupt or expose contamination or to increase direct human exposure to contamination; or any other conduct that will or may tend to significantly interfere with an ongoing or completed remedial program at such site and the continued ability to implement the engineering and institutional controls associated with such site, including such condition as may be included in a property's site management plan.

e. "Citizen participation plan" is a site-specific plan for citizen involvement in a remedial program, as provided in section 24-905 of the administrative code of the city of New York, section 27-1417(2) of the New York state environmental conservation law, and 6 New York codes, rules, and regulations ("NYCRR") part 375-1.10(c).

f. "Community facility development" means a development that will be built by a developer on a qualified local

brownfield site where the development provides specific benefits to the local community, including but not limited to, a community facility use pursuant to the zoning resolution.

g. “Community protection statement” means a statement contained in the remedial action work plan that provides a summary description of specific efforts to be taken during the remedial action to provide for protection of the health and safety of residents and others in the vicinity of the site. The community protection statement is intended to be written in concise, non-technical language to assist community members in understanding the full range of protective actions to be taken during the remedial program.

h. “Concentrated solid or semi-solid hazardous wastes” means solid or semi-solid hazardous wastes present in surface or subsurface soil, surface water, sediment or groundwater in a concentrated form, such as precipitated metallic salts, metal oxides, or chemical sludges.

i. “Contaminant” means hazardous waste or, as provided for in an agreement between the office and a state agency, petroleum.

j. “Contamination” or “contaminated” means the presence of hazardous waste or, as provided for in an agreement between the office and a state agency, petroleum in any environmental media, including soil, historic fill, surface water, groundwater, soil vapor, air, or indoor air.

k. “Coordinated brownfield site” means any real property, for which an agreement between the office and a state agency authorizes participation in the program according to a mutually agreed-upon form of oversight or for which federal law requires a portion of an investigation or remediation to be supervised and/or approved by a federal agency, where such federal agency has expressly authorized in writing that such real property may be investigated and/or remediated according to a mutually agreed-upon form of oversight. Pursuant to such mutually agreed-upon form of oversight, the state and/or federal agency shall supervise and/or approve a portion of such investigation and/or remediation, and the city shall supervise and/or approve the remainder of such investigation and/or remediation. The city shall coordinate investigation and remediation of a coordinated brownfield site through communications with such state and/or federal agency. Such mutually agreed-upon form of oversight shall be subject to any and all appropriate restrictions as may be required by law, rule, or regulation or agreed to by the parties. The office shall not prevent or interfere significantly with any proposed, ongoing, or completed remedial program of such state or federal agency at a coordinated brownfield site.

l. “Day” means a calendar day.

m. “Declaration of covenants and restrictions” means controls on the use of a site that are listed on the deed and that seek to prevent potential exposure to any residual contamination remaining at the site.

n. “Director” means the director of the office of environmental remediation or such individual’s designee.

o. “Disposal” means the abandonment, discharge, deposit, injection, dumping, spilling, leaking or placing of any contaminant so that such contaminant or any related constituent thereof may enter the environment. Disposal also means the thermal destruction of a contaminant and the burning of a contaminant as fuel for the purpose of recovering usable energy.

p. “Document repository” means a repository of documents from a site’s remedial program that is established in a publicly accessible building near the location of such site or on a publicly accessible website administered by the office.

q. “Ecological resources” means all flora and fauna and the habitats that support them, excluding such biota as pets, livestock, and agricultural and horticultural crops.

r. “Emergency” means a spill, or other event or condition, whether natural or human-made, as a result of which a release or threatened release of contamination presents an immediate threat to life, health, property, or natural resources.

s. “Engineering control” means any physical barrier or method employed to actively or passively contain, stabilize, or monitor contamination, restrict the movement of contamination to ensure the long-term effectiveness of a remedial program, or eliminate potential exposure pathways to contamination. Engineering controls include, but are not limited to, pavement, caps, covers, subsurface barriers, soil vapor barriers, soil vapor extraction systems, slurry walls, building ventilation systems, monitoring devices, fences, access controls, provision of alternative water supplies via connection to an existing public water supply, adding treatment technologies to such water supplies, and installing filtration devices on private water supplies.

t. “Enrollee” means an applicant who has been accepted into the local brownfield cleanup program and has signed a local brownfield cleanup agreement.

u. “Environment” means any water including surface or groundwater, sediment, water vapor, any land including land surface or subsurface, air including soil vapor, fish, wildlife, other biota, all other natural resources and humans.

v. “Feasible” means suitable to site conditions, capable of being successfully carried out with available technology, implementable and cost effective.

w. “Financial assurance” means a financial mechanism or multiple financial mechanisms, including, but not limited to, surety bonds, trust funds, letters of credit, and insurance, as determined to be adequate by the office, to ensure the long term implementation, maintenance, monitoring and enforcement of the engineering and institutional controls at a qualified local brownfield site.

x “Grossly contaminated media” means soil, sediment, surface water or groundwater that contains sources or

substantial quantities of mobile contamination in the form of non-aqueous phase liquid that is identifiable either visually, through strong odor, by elevated contaminant vapor levels or is otherwise readily detectable without laboratory analysis.

y. “Groundwater” means water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of groundwater by an unsaturated zone.

z. “Hazardous waste” means a hazardous waste as defined in section 27-1301 of the New York state environmental conservation law.

aa. “Historic fill material” means non-indigenous material, deposited or disposed of to raise the topographic elevation of real property, which material may have been contaminated prior to emplacement, and is in no way connected with the subsequent operations at the location of the emplacement and which includes, without limitation, construction and demolition debris including uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures, land clearing and roads. It may also include solid waste resulting from dredge spoils, incinerator residue, demolition debris, coal ash, fly ash, and non-hazardous waste. “Historic fill material” does not include any material which is chemical production waste or waste from processing of metal or mineral ores, residues, slag or tailings. In addition, historic fill material does not include a municipal solid waste site built after nineteen hundred sixty two.

bb. “Institutional control” means any non-physical means of enforcing a restriction on the use of real property, including a declaration of covenants and restrictions, that limits human or environmental exposure, restricts the use of groundwater, provides notice to potential owners, operators, or members of the public, or prevents actions that would interfere with the effectiveness of a remedial program or with the effectiveness and/or integrity of operation, maintenance, or monitoring activities at or pertaining to a qualified local brownfield site.

cc. “Interim remedial measure” means activities to address both emergency and non-emergency site conditions, which can be undertaken without extensive investigation and evaluation, to prevent, mitigate or remedy environmental damage or the consequences of environmental damage attributable to a site, including, but not limited to, the following activities: construction of diversion ditches; collection systems; tank removal; leachate collection systems; construction of fences or other barriers; installation of water filters; provision of alternative water systems; removal of source areas; or plume control.

dd. “Local brownfield cleanup agreement” means an agreement executed by an applicant and the office that sets forth the parties’ responsibilities in the remediation of a site in the local brownfield cleanup program.

ee. “Non-aqueous phase liquid” means a contaminant that is a liquid which may be denser or lighter than water and does not mix easily or dissolve in water, but remains as a separate phase.

ff. “Notice holder” means the enrollee named in the notice of completion issued by the office, as well as such enrollee’s successors and assigns who have received a transfer of such notice in accordance with section 43-1408(g).

gg. “Notice of completion” means a written notice that is issued by the office to an enrollee who has successfully investigated and remediated a qualified local brownfield site to the satisfaction of the office. Notice of completion shall have the same meaning as certificate of completion, as defined in section 24-902 of the administrative code of the city of New York.

hh. “Office” means the office of environmental remediation.

ii. “Off-site contamination” means any contamination that has emanated from a remedial site beyond the real property boundaries of such site, via movement through air, indoor air, soil, surface water or groundwater.

jj. “On-site contamination” means any contamination that is within the real property boundaries of a qualified local brownfield site, the source of which is located within or beyond the boundaries of such site.

kk. “Operable unit” means a portion of the remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination. Operable units may address geographical portions of a site, media specific action, specific site problems, or an initial phase of a remedial action, or may consist of any set of remedial actions performed over time or any actions that are concurrent but located in different parts of a site. An operable unit may be proposed by the office or an enrollee; however, only the office can approve the use of operable units.

ll. “Ownership” means the possession of equity in the capital, the stock or the profits of an entity or, in the case of real property, fee title to such property.

mm. “Participant” means an enrollee who either:

1. was the owner of the qualified local brownfield site at the time of disposal or discharge of contaminants, or

2. is otherwise a person responsible according to applicable principles of statutory or common law liability, unless such person’s liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants.

nn. “Permanent cleanup” means a cleanup or remedy that would allow a site to be used for any purpose without restriction and without reliance on the long-term employment of institutional or engineering controls.

oo. “Person” means an individual, trust, firm, joint stock company, limited liability company, corporation, joint

venture, partnership, association, state, municipality, commission, political subdivision of a state, public benefit corporation or any interstate body.

pp. “Petroleum” means petroleum as defined in section 172 of the New York state navigation law and section 17-1003 of the New York state environmental conservation law.

qq. “Professional engineer” means an individual or firm licensed or otherwise authorized under article one hundred forty-five of the New York state education law to practice engineering.

rr. “Program” means the local brownfield cleanup program pursuant to chapter nine of title twenty-four of the administrative code of the city of New York.

ss. “Qualified environmental professional” means a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding the presence of releases or threatened releases to the surface or subsurface of a property or off-site areas, sufficient to meet the objectives and performance factors for the areas of practice identified by this chapter. Such a person must:

1. hold a current professional engineer’s or a professional geologist’s license or registration issued by the state or another state, or hold a baccalaureate degree or higher in engineering or geology and have the equivalent of three years of full-time relevant experience in site investigation and remediation of the type detailed in this subchapter; or

2. be a site remediation professional licensed or certified by the federal government, a state, or a recognized accrediting agency, to perform investigation or remediation tasks and have the equivalent of three years of full-time relevant experience.

tt. “Qualified local brownfield site” or “site.” 1. Except as provided in paragraph 3 of this subdivision, “qualified local brownfield site” or “site” means:

A. any real property within the city, the redevelopment or reuse of which may be complicated by the presence or potential presence of detectable levels of contamination, as defined in section 24-902 of the administrative code of the city of New York as light to moderate levels of contamination, including real property containing historic fill material and real property rejected from or ineligible for the state brownfield cleanup program pursuant to title 14 of article 27 of the New York state environmental conservation law and excluding any real property that meets the definition of a coordinated brownfield site; or

B. any real property that meets the definition of a coordinated brownfield site.

2. “Qualified local brownfield site” or “site” may include a site designated as an E-designation hazardous material site that otherwise meets the requirements of this subdivision.

3. “Qualified local brownfield site” or “site” does not include real property:

A. containing discharges of petroleum, except coordinated brownfield sites;

B. listed or proposed for listing in the state registry of inactive hazardous waste disposal sites pursuant to section 27-1305 of the New York state environmental conservation law and classified as either (i) causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment—immediate action required, (ii) significant threat to the public health or environment—action required, (iii) does not present a significant threat to the public health or environment—action may be deferred, or (iv) site properly closed—requires continued management;

C. a site which the office determines is a suspected inactive hazardous waste site pursuant to section 27-1303 of the New York state environmental conservation law;

D. listed or proposed to be listed on the national priorities list pursuant to 42 U.S.C. section 9605;

E. subject to an order, agreement, stipulation, or permit providing for cleanup pursuant to the New York state navigation law or the New York state environmental conservation law, except as authorized by the New York state department of environmental conservation upon agreement with the office; or

F. subject to any on-going city, state, or federal environmental enforcement action, including ongoing investigations, related to the contamination which is at or emanating from the real property.

uu. “Release” means any pumping, pouring, emitting, emptying, or leaching, directly or indirectly, of a contaminant so that the contaminant or any related constituent thereof, or any degradation product of such a contaminant or of a related constituent thereof, may enter the environment, or the disposal of any contaminant.

vv. “Remedial action work plan” means a written document providing for the development and implementation of a remedial program for contamination within the boundaries of the qualified local brownfield site; provided, however, that a participant shall also be required to provide in the remedial action work plan for the development and implementation of a remedial program for contamination that has emanated from the qualified local brownfield site.

ww. “Remedial investigation” means a process undertaken to determine the nature and extent of contamination at a site or operable unit of a site. The remedial investigation emphasizes data collection and site characterization, and generally is performed in support of the selection of a remedy.

xx. “Remedial investigation work plan” means a written document establishing a schedule of field activities to

determine the nature and extent of contamination at and/or emanating from a qualified local brownfield site.

yy. "Remedial investigation report" means a report that fully characterizes the nature and extent of contamination at and/or emanating from a qualified local brownfield site.

zz. "Remedial program" means all activities undertaken to investigate, design, eliminate, remove, abate, control, or monitor existing health hazards, existing environmental hazards, potential health hazards, and potential environmental hazards in connection with a site, and all activities undertaken to manage waste and contamination from a site including, but not limited to, the following:

1. Site characterization and remedial investigation activities needed to develop and evaluate remedial alternatives;

2. Interim remedial measures;

3. Design activities;

4. Remedial actions, including, but not limited to, construction related activities and the implementation of remedial treatment technologies, including without limitation grading, contouring, trenching, grouting, capping, excavation, transporting, incineration and other thermal treatment, chemical treatment, biological treatment, or construction of groundwater and/or leachate collection and treatment facilities;

5. Post-remedial site management including, but not limited to, the operation, maintenance, and monitoring of remedial treatment technologies, reporting, and the certification of institutional and engineering controls;

6. Restoration of the environment;

7. Appropriate involvement by government and by the public; and

8. Oversight by the office.

aaa. "Sediment" means unconsolidated particulate material found at the bottom of lakes, rivers, streams and other water bodies at bed elevations equal to or lower than the mean high water level.

bbb. "Significant threat" shall have the meaning set forth at 6 NYCRR part 375-2.7(a).

ccc. "Site contact list" shall mean a list of persons, government agencies, groups, or organizations, including, but not limited to the borough president and council member representing the area in which the qualified local brownfield site is located; the community board for the district in which the qualified local brownfield site is located; any residents living on the site, including tenants and renters; adjacent property owners and residents; the administrator or operator of any school or day care facility located on or near the site; brownfield opportunity area community based organizations and other community based organizations or representatives, including local media, that request to be placed on the list or that are identified by the office based on the office's best efforts, including through consultation with community boards; the New York state department of environmental conservation, and any person who has requested to be placed on the list. If the site is within two blocks of another community board district(s) or brownfield opportunity area, the additional community board(s) or brownfield opportunity area community based organizations shall be added to the site contact list.

ddd. "Site management" means the management of physical barriers and methods and non-physical means to limit human and environmental exposure to contamination at and/or emanating from a site, as well as the implementation of any necessary monitoring, reporting, certification and/or operation and maintenance of a remedy, after the issuance of a notice of completion.

eee. "Source area" or "source" means a portion of a site or area of concern at a site where the investigation has identified a discrete area of soil, soil vapor, sediment, surface water or groundwater containing contaminants in sufficient concentrations to migrate in that medium, or to release significant levels of contaminants to another environmental medium, which could result in a threat to public health or the environment. A source area typically includes, but is not limited to, a portion of a site where a substantial quantity of any of the following are present:

1. Concentrated solid or semi-solid hazardous substances;

2. Non-aqueous phase liquids; or

3. Grossly contaminated media.

fff. "Sustainability statement" means a written summary to be included in the executive summary of a remedial action work plan that describes proposed actions to be taken by an enrollee, including the enrollee in conjunction with the office, during the course of a remedial program to increase sustainability of a remediation. Examples of sustainable actions include those designed to reduce carbon emissions, reduce storm water discharges, reduce use of virgin resources and attain specific sustainability goals reported by the city in PlaNYC 2030, the report issued by the office of long-term planning and sustainability in April 2007 that provides a blueprint for sustainable long-term growth for the city.

ggg. "Volunteer" means an enrollee other than a participant, including without limitation a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the qualified local brownfield site subsequent to the disposal or discharge of contaminants, provided, however, that such person exercises appropriate care with respect to contamination found at the site by taking reasonable steps to:

1. stop any continuing release;

2. prevent any threatened future release; and

3. prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

hhh. "Waste" means (1) any garbage, refuse, or sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility, (2) any other discarded material, whether or not such material may eventually be used for some other purpose, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations or from community activities, and (3) source, special nuclear or by-product material as defined in the atomic energy act of 1954, as amended, except as may be provided by existing agreements between the state of New York and the government of the United States. Waste does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under New York state environmental conservation law article 17 of the New York state environmental conservation law.

§ 43-1403 Eligibility

a. Ineligible sites. Any real property that does not meet the definition of a qualified local brownfield site shall be ineligible for the local brownfield cleanup program.

b. Ineligible parties. A person is ineligible for participation in the local brownfield cleanup program if the person is subject to:

1. A pending action or proceeding relating to the qualified local brownfield site in any civil or criminal court in any jurisdiction, or before any city, state or federal administrative agency or body, wherein the city, state or federal government seeks penalties, including those for natural resource damage claims, or the investigation, removal, or remediation of contamination;

2. An order providing for the investigation, removal, or remediation of contamination relating to the proposed qualified local brownfield site; or

3. An agreement or stipulation providing for the investigation, removal, or remediation of contamination relating to the proposed qualified local brownfield site, except where the proposed qualified local brownfield site is a coordinated brownfield site.

c. Public interest consideration. The office may reject an application to participate in the local brownfield cleanup program upon a determination that the public interest would not be served by granting such application. In making this determination, the office shall consider, but is not limited to, the complexity of the remedial work, the degree of on-site and off-site contamination, and, for sites that would require significant office staff resources to oversee, the availability of staff resources to oversee the project.

§ 43-1404 Applications

a. Pre-application. A person interested in applying to the local brownfield cleanup program shall request a pre-application meeting with the office. At the pre-application meeting, the person and representatives of the office shall discuss the suitability of the property for participation in the program. Following the meeting, the office may issue a pre-enrollment letter stating its intent to work with the applicant on the development of a complete application and to consider its eligibility for acceptance of the site into the program. Following the meeting and prior to the applicant submitting an application, the office shall assist the applicant in the applicant's performance of all activities necessary to develop a complete application. Such activities shall include, but not be limited to, scoping of the remedial investigation work plan, review of the results of the remedial investigation and development of the remedial investigation report, scoping of the remedial action work plan, and development of a citizen participation plan.

b. Timing of application. The applicant shall submit an application after a remedial investigation report and remedial action work plan have been prepared, provided that at the office's discretion, an applicant may apply to the program with only a remedial investigation work plan. However, the office may not accept a site into the program until the applicant submits a completed remedial investigation report that demonstrates eligibility for the program.

c. Application contents. 1. Applications to participate in the local brownfield cleanup program shall be submitted to the office in such form and manner and containing such information as the office may require.

2. Applications, including attachments, shall be submitted electronically.

3. Applications shall include (A) a completed application form, (B) a completed local brownfield cleanup agreement, pursuant to section 43-1405, executed by the applicant, and (C) a remedial investigation report and a remedial action work plan or, when permitted or otherwise required by the office, a remedial investigation work plan.

4. Applications shall also include a citizen participation plan, a proposed document repository, a notice of the application and a draft fact sheet describing all work plans or reports submitted with the application. The notice of application and fact sheet must be approved by the office prior to release to the site contact list.

5. Applications shall state the basis for which the property meets the definition of a qualified local brownfield site.

A. An application that states that a property meets the definition of a qualified local brownfield site based on section 43-1402(tt)(1)(A) shall include a confirmation of such statement from a qualified environmental professional, made after the completion of the remedial investigation report. The office shall not execute a final local brownfield cleanup agreement for entry into the program without receipt of this confirmation. The office shall independently evaluate whether the property meets the definition of a qualified local

brownfield site based on section 43-1402(tt)(1)(A).

B. An application that states that a property meets the definition of a qualified local brownfield site based on its meeting the definition of a coordinated brownfield site shall include a detailed statement setting forth the environmental conditions that are the basis for the site being a coordinated brownfield site. In addition to technical information regarding the environmental conditions, such statement shall specify whether the environmental conditions have already been reported to the state and/or federal government and whether the state and/or federal government has issued any approval or disapproval of any work plan at the site. The applicant shall include with the application copies of any and all documents concerning the federal and state involvement in the cleanup.

d. General review and approval of application. The office shall review the application and notify the applicant whether the application is accepted or rejected.

1. Upon receipt of an application, the office shall determine whether the application contains sufficient information for the office to determine eligibility for the program. The office shall make this determination during the initial public comment period and shall use its best efforts to render a determination within fourteen days of receipt of the application. If the application contains sufficient information, the office shall deem the application complete.

2. If the application is deemed to be incomplete, the office shall advise the applicant, specifying the information that must be submitted or supplemented to make the application complete.

e. Admission into the local program. The office shall evaluate complete applications for eligibility and, if the applicant is eligible, shall admit the applicant into the program.

1. Qualified local brownfield sites that are not coordinated brownfield sites. If the office determines that a property meets the definition of a qualified local brownfield site based on section 43-1402(tt)(1)(A) and the applicant meets all other conditions of eligibility pursuant to section 43-1403, the office shall admit the applicant into the program.

2. Qualified local brownfield sites that are coordinated brownfield sites. When an applicant proposes a property as a coordinated brownfield site for entry into the local brownfield cleanup program, the following process shall apply:

A. if the office determines that such property is a coordinated brownfield site, and if the applicant meets all other conditions of eligibility pursuant to section 43-1403, the office shall admit the applicant into the program. For a coordinated brownfield site:

i. the office shall coordinate investigation and remediation with the appropriate state or federal agency; and

ii. the office shall not issue a notice of completion for such property until a notice is received from the applicable state and/or federal agency that the cleanup has been completed.

B. If the office determines that such property is not a coordinated brownfield site because the state and/or federal agency has not provided express written authorization, and the office determines that a portion of such property may meet the definition of a qualified local brownfield site based on section 43-1402(tt)(1)(A), the office may allow the applicant to amend its application to (i) describe the site boundaries, pursuant to section 43-1405(a)(1), that meet the definition of a qualified local brownfield site based on section 43-1402(tt)(1)(A), and (ii) comply with subparagraph A of paragraph five of subdivision c of this section. The office shall evaluate the modified application pursuant to paragraph one of this subdivision.

i. If the applicant does not so modify the application, the office shall reject the application.

ii. If the applicant does modify the application and the applicant is admitted into the program, the office subsequently may, upon request of the applicant or enrollee, amend the description of site boundaries in the local brownfield cleanup agreement to expand the boundaries of such qualified local brownfield site to include the remainder of such property or another portion of such property, provided that all investigation and remediation required by state or federal law to be supervised and/or approved by a state and/or federal agency have been completed on such property or such other portion of such property and appropriately documented in a remedial action report.

C. if neither the provisions of subparagraphs A or B apply, the office shall reject the application.

f. Citizen participation upon entering the local program. 1. Simultaneously with the submission of an application to participate in the local brownfield cleanup program, the applicant shall ensure that the document repository contains all relevant site documents and shall distribute an office-approved notice of application and an office-approved fact sheet describing any associated work plans or reports to the site contact list. Prior to submission of an application, applicants shall work with the office to obtain approval of the notice of application and fact sheet. The initial public comment period shall not begin until the applicant certifies that the office-approved notice of application and fact sheet have been distributed to the site contact list.

2. The office shall publish the notice of application in the city record.

3. The office may require, based on the size or scale of a project or the number of people who may be impacted by a project, that an enrollee publish the notice of application in a community newspaper.

4. The office reserves the right to require a second initial public comment period if a substantial change to an application occurs after the initial notice of the application is made to the site contact list according to paragraph 1 of this subdivision.

§ 43-1405 Local Brownfield Cleanup Agreements

a. The following terms and conditions apply to local brownfield cleanup agreements required for eligibility in the program.

1. Description of site boundaries. The local brownfield cleanup agreement shall contain a description of the site's boundaries.

2. The enrollee shall provide access to the site and all relevant information regarding activities at the site, including all environmental studies and testing, in accordance with section 24-903(f) of the administrative code of the city of New York.

3. Enrollment fee. A. The enrollee shall pay an enrollment fee of one thousand dollars. An enrollment fee shall not be required unless an application is accepted and a local brownfield cleanup agreement is executed.

B. The enrollment fee is payable upon execution of the local brownfield cleanup agreement by the office. The office shall not execute a local brownfield cleanup agreement without receipt of any applicable fee.

C. Each payment shall be in the form of a certified check or money order made payable to the New York city office of management and budget and shall be sent to:

New York City Mayor's Office of Environmental Remediation
Attn.: Budget Manager
253 Broadway, 14th Fl.
New York, NY 10007

The enrollee shall include the project name and project number on its check.

D. The enrollee shall provide written notification within 90 days of any change in its address.

E. The office may waive all or part of the enrollment fee where:

i. a qualified local brownfield site is within a New York state brownfield opportunity area pursuant to section 970-r of the New York state general municipal law and its proposed development and reuse is consistent with the strategic brownfield goals established in a brownfield opportunity area plan and/or as stated in a letter to the office from a brownfield opportunity area grantee who has an executed brownfield opportunity area contract with the state;

ii. the proposed development on the qualified local brownfield site is an affordable housing development;

iii. the proposed development on the qualified local brownfield site is a community facility development; or

iv. a contiguous property is subdivided into two or more qualified local brownfield sites for the purpose of facilitating the administration of the local brownfield cleanup program. In such case, the office may waive the enrollment fee for any of the second and/or subsequent qualified local brownfield sites.

4. Emergencies. The enrollee shall promptly take all appropriate action, in accordance with all applicable laws, rules and regulations, to prevent, abate, minimize and/or report any emergency, including reporting to the New York state department of environmental conservation actual or potential environmental releases. The enrollee shall immediately notify the office's project manager upon becoming aware of any emergency. Nothing in this paragraph shall be deemed to limit the authority of the office or the city to take, direct, or order all appropriate action to protect public health and the environment or to prevent, abate, respond to, or minimize an actual or threatened release from the site in accordance with applicable law. Nothing herein shall limit the enrollee's responsibility to report such conditions and to take such other action as required by city, state or federal law, rule or regulation.

5. Force majeure. No enrollee shall suffer any penalty or be subject to any proceeding or action if it cannot comply with any requirement of a local brownfield cleanup agreement to implement all or part of a remedial program as a result of a force majeure event.

6. Dispute resolution. A. The enrollee shall submit any dispute relating to the local brownfield cleanup agreement to the designated individual under the local brownfield cleanup agreement in writing no more than fifteen days after the enrollee knew or should have known of the facts that are the basis of the dispute. Such dispute shall be decided by the designated individual solely on the basis of papers submitted by the parties. The designated individual shall render a written decision and furnish a copy thereof to the enrollee. The written decision shall be the final determination of the office, unless the enrollee files a written appeal of that decision with the designated appeal individual within twenty days of receipt of that decision.

B. Upon receipt of the written appeal pursuant to subparagraph A of this paragraph, the designated appeal individual shall review the record and decision. The designated appeal individual shall take one of the following actions, with written notice to the enrollee:

i. remand the matter to the office's project manager for further negotiation or information, if it is determined that the matter is not ripe for review;

ii. on the basis of the record as it exists before the designated appeal individual, affirm or reverse the determination of the designated individual.

C. The decision of the designated appeal individual shall be the final determination of the office.

D. The designated individual shall be the person designated to decide disputes, and shall be a chief of a bureau of the office.

E. The designated appeal individual shall be the person designated to review dispute decisions, and shall be the

director of the office or such other individual as designated by the director of the office.

F. The invocation of dispute resolution shall not extend, postpone, or modify obligations with respect to any item not in dispute unless the office agrees in writing to an extension, postponement or modification.

G. The office shall keep an administrative record of dispute resolution proceedings.

7. Indemnification. The enrollee shall indemnify the city, its representatives and employees from any claim, suit, action, and cost arising out of or resulting from the fulfillment or attempted fulfillment of the local brownfield cleanup agreement.

8. Notice of agreement. The enrollee shall provide written notice of a local brownfield cleanup agreement to any prospective purchaser, lessee, tenant or occupant of any interest in a qualified local brownfield site.

9. Reporting to state and federal agencies. A. If a condition that requires reporting and/or notice to a state and/or federal agency, including a release of petroleum, is found to exist on a site during the course of the remedial program, then the enrollee shall immediately notify the appropriate state and/or federal agency in accordance with applicable law and regulation and provide copies of such notification to the office. In such event the office reserves the right to modify the local brownfield cleanup agreement or terminate it in accordance with paragraph ten of this subdivision.

B. If such condition renders the site a property for which state or federal law requires the investigation or remediation, or a portion of an investigation or remediation, to be supervised and/or approved by a state and/or federal agency, then the office shall review the site pursuant to section 43-1404(e). If the office determines that the site is no longer eligible for the local brownfield cleanup program, then the office shall terminate the local brownfield cleanup agreement, in accordance with paragraph ten of this subdivision.

10. Termination of the local brownfield cleanup agreement. A. Termination of the agreement by the enrollee. The enrollee may terminate a local brownfield cleanup agreement at any time and for any reason, provided that:

i. The enrollee provides written notice to the office and site contact list at least fifteen days in advance of the termination; and

ii. At the time of termination, as determined by the office, the site is in no worse condition, from an environmental and public health perspective, than before the applicant entered into the local brownfield cleanup agreement. The enrollee may seek dispute resolution within fifteen days of the effective date of the notice of determination by the office, as provided in section 43-1410(d).

B. Termination of the agreement by the office. The office may terminate the local brownfield cleanup agreement for cause, including, but not limited to, if the enrollee or the site is no longer eligible for the local brownfield cleanup program, the enrollee provided information or made statements that are materially inaccurate or incomplete, or the enrollee failed to substantially comply with the local brownfield cleanup agreement's terms and conditions, including, without limitation, the failure to initiate, proceed with, or complete the remedial program in accordance with its schedule.

i. Prior to termination of a local brownfield cleanup agreement by the office, the office shall:

(a) notify the enrollee in writing of its intention to terminate the local brownfield cleanup agreement and the reasons for the intended termination; and

(b) provide the enrollee with a reasonable opportunity of thirty days to correct deficiencies.

ii. The local brownfield cleanup agreement shall be terminated thirty-one days after the effective date of the office's notice, as provided in section 43-1410(d), unless the enrollee:

(a) seeks dispute resolution within fifteen days of the effective date of the notice; or

(b) cures the deficiency within the thirty day period after the effective date of the notice.

iii. If the office determines that the deficiency has been cured, the proposed termination of the local brownfield cleanup agreement shall be withdrawn.

iv. If the office determines that the recipient has not proven that the deficiency has been cured, the office shall provide notice to the recipient. The recipient shall have fifteen days after the effective date of the notice, as provided in section 43-1410(d), to seek dispute resolution. If the recipient does not seek dispute resolution within such fifteen day period, the local brownfield cleanup agreement shall be terminated on the sixteenth day.

v. Nothing herein shall preclude the office from terminating a local brownfield cleanup agreement with less than thirty days notice if the New York state department of environmental conservation determines that the site constitutes a significant threat. Prior to terminating a local brownfield cleanup agreement pursuant to this clause, the office shall provide the enrollee with written notice, indicating the reason for the termination, and shall provide the enrollee with an opportunity to challenge in writing the finding of the office that the New York state department of environmental conservation had determined that the site constitutes a significant threat. The enrollee shall submit papers supporting such challenge to the office no later than fifteen days from the effective date of the written notice of termination, as provided in section 43-1410(d). Such challenge shall be decided by the director solely on the basis of papers submitted by the enrollee. The director shall render a written decision and furnish a copy thereof to the enrollee.

The director's written decision shall be the final determination of the office.

C. Termination by either the enrollee or the office does not affect the enrollee's obligations to pay fees pursuant to paragraph three of this subdivision and to indemnify the city pursuant to paragraph seven of this subdivision, until and including the date of termination.

11. Additional terms and conditions. The office may require that a local brownfield cleanup agreement include additional terms and/or conditions.

b. The local brownfield cleanup agreement shall be binding while in effect on each party, its successors and assignees. No change in the ownership or corporate or business status of any party or of the site shall alter any signatory's responsibilities under the local brownfield cleanup agreement.

§ 43-1406 Work plans and reports

a. Work plans. All work undertaken as part of a remedial program under a local brownfield cleanup agreement shall be detailed in a work plan, unless determined otherwise by the office.

1. All work plans shall:

A. be prepared and implemented in accordance with the requirements of all applicable laws, rules and regulations;

B. be submitted to the office for review and approval, pursuant to subdivision d of this section; and

C. include, at a minimum, a schedule for performance of anticipated activities with sufficient detail to allow the office to evaluate the work plan.

2. All field activities conducted pursuant to an approved work plan shall be overseen by a qualified environmental professional. Such qualified environmental professional may be an employee or a consultant retained by the enrollee to supervise the field activities.

3. The enrollee shall notify the office at least seven days in advance of any field activities to be conducted under an office-approved work plan, as well as any pre-construction meetings, job progress meetings, substantial completion meeting and inspection, and final meeting and inspection. The office may attend such activities, meetings and inspections, provided, however, that the enrollee may exclude the office from portions of activities, meetings and inspections in which privileged matters are discussed.

4. The office shall use its best efforts to approve, modify, or reject a proposed work plan within forty-five days of receipt by the office or within fourteen days of the close of the public comment period for such work plan, whichever is later.

b. Reports. 1. All reports including, but not limited to, all reports, design documents, plans or site management plans, that are submitted to the office in draft or final form pursuant to a local brownfield cleanup agreement for any phase of the remedial program shall be submitted in accordance with the schedule contained in an approved work plan, report or design document or any subsequent schedule agreed to and approved by the office.

2. Reports shall include, but not be limited to, all:

A. environmental or health data generated relative to the site;

B. information, other than in subparagraph A of this paragraph, obtained as part of the implementation of the work plan; and

C. assessments and evaluations required by the work plan.

3. Each final report, shall contain a certification by the individuals with primary responsibility for the day to day performance of the activities under the work plan. The certification shall:

A. be on such form as provided by the office;

B. include the certification of a professional engineer; and

C. certify that all activities were performed in full accordance with the approved work plan and any modifications approved by the office.

4. The office shall use its best efforts to approve, modify, or reject a report within thirty days of receipt by the office.

c. Remedial action report. 1. In accordance with the schedule contained in an approved remedial action work plan or an addendum to such remedial action work plan for detailed remedial design, a remedial action report shall be submitted that includes but is not limited to:

A. site boundaries;

B. a description of activities completed pursuant to the approved remedial action work plan or an addendum to such remedial action work plan for detailed remedial design;

C. a description of any engineering or institutional controls that will be used, including mechanisms to implement, maintain, monitor, and enforce such controls; and

D. a site management plan.

2. The remedial action report shall be prepared in accordance with all relevant statutes, rules and regulations and upon consideration of applicable state written guidance as made available on the website of the New York state department of environmental conservation.

3. The remedial action report shall be prepared and certified as provided in paragraph three of subdivision b of this section.

4. The remedial action report certification shall contain a

certification by the individuals with primary responsibility for the day to day performance of the activities under the work plan. The certification shall include the certification of a professional engineer and state that:

A. such individuals had primary direct responsibility for the implementation of the subject remedial program;

B. all requirements of the remedial program have been complied with;

C. the data demonstrates that remediation requirements have been or will be achieved in accordance with time frames contained in the approved remedial program;

D. all activities described in the report have been performed in accordance with the remedial program and any subsequent changes as agreed to and approved by the office;

E. any use restrictions, any other institutional controls, any engineering controls and/or any site management plan requirements are contained in a duly recorded declaration of covenants and restrictions; and

F. any required financial assurance mechanisms required pursuant to section 43-1410(c) have been executed.

5. The office shall review the remedial action report, the submissions made in the course of the remedial program, and any other relevant information regarding the site and make a determination as to whether the goals of the remedial program have been or will be achieved in accordance with established time frames and whether all investigation and remediation required by state or federal law to be supervised and/or approved by a state and/or federal agency have been completed.

6. Upon the office's approval of the remedial action report, the office shall issue a written notice of completion and a green property certification, pursuant to subchapter three of this chapter.

d. Review of work plans and reports. 1. The office shall approve, propose modifications to or reject a proposed work plan or report submitted pursuant to a local brownfield cleanup agreement.

2. Approval. Upon the office's written approval of a work plan or report, such work plan or report shall:

A. be incorporated into and become an enforceable part of the local brownfield cleanup agreement pertaining to the site's remedial program;

B. in the case of a:

i. work plan, be implemented in accordance with the schedule contained therein; or

ii. report, the approval shall initiate the next phase of the remedial program in accordance with the local brownfield cleanup agreement; and

C. such work plan or report shall be placed by the enrollee in the site document repository.

3. Proposed modification. If the office requests that the enrollee modify a work plan or report or the office provides the enrollee with a modified work plan, the office shall provide the enrollee with the reasons for such requested modification in writing. Within fifteen days of such notice, the enrollee shall elect in writing to:

A. modify the work plan or report as requested by the office, or accept an office modified work plan or report, within thirty days of receipt of the notice;

B. invoke dispute resolution, pursuant to section 43-1405(a)(6); or

C. terminate the local brownfield cleanup agreement, pursuant to section 43-1405(a)(10).

4. Rejection. If the office rejects a work plan or report, the office shall provide the enrollee with the reasons for such rejection in writing. Within fifteen days of that written notice, the enrollee shall elect in writing to:

A. modify the rejected work plan or report, within thirty days of receipt of the written notice;

B. invoke dispute resolution, pursuant to section 43-1405(a)(6); or

C. terminate the local brownfield cleanup agreement, pursuant to section 43-1405(a)(10).

§ 43-1407 Remedial program

a. The remedial program shall be fully protective of public health and the environment including, but not limited to, soil, groundwater according to its classification pursuant to section 17-0301 of the New York state environmental conservation law, drinking water, surface water, air (including indoor air), sensitive populations (including children), and ecological resources (including fish and wildlife).

1. Remedial actions shall be selected and the remedial action work plan shall be approved based upon consideration of the following:

A. A remedial program that achieves a permanent cleanup of a contaminated site is preferred over a remedial program that does not do so.

B. The selection of remedial actions shall not interfere with, be inconsistent with, or otherwise impair remedial actions that may be developed or implemented by a state or federal agency.

C. Consistent with federal or state statute, rule or regulation or state guidance document DER-10, issued by the division of

environmental remediation of the New York state department of environmental conservation, the selection of remedial actions may take into account the current, intended, and reasonably anticipated future land uses of the site and its surroundings.

D. The selection of remedial actions for soil cleanup shall be pursuant to the cleanup tracks defined in 6 NYCRR part 375-3(e) and state guidance document DER-10, issued by the division of environmental remediation of the New York state department of environmental conservation. For cleanups performed pursuant to track four of that part, the enrollee shall demonstrate that the remedial action would be protective of public health and the environment. This demonstration shall be included in the alternatives analysis developed pursuant to subdivision i of this section.

E. All remedial action work plans, shall be approved by the office in consultation with the New York city department of health and mental hygiene.

2. To achieve stated goals, the remedial program may include, but is not limited to, the actions set forth in this paragraph.

A. A site may be divided into operable units.

B. Multiple work plans and reports may be approved for a site, pursuant to section 43-1406.

C. The remedial program shall address bulk storage tanks or containment vessels, source removal and control, and groundwater protection and control measures, pursuant to subdivisions b through d of this section.

D. Remedial actions selected for a site shall consider the use of remedial actions that the office has determined to have been demonstrated to be feasible and to meet the remediation requirements.

E. Remedial actions selected for a site may consider the use of innovative technologies that are demonstrated to be feasible to meet the remediation requirements.

F. Where the remedial program for a site requires ongoing site management, the enrollee shall develop a site management plan for the site that shall include, as applicable for the remedial program, the following plans:

i. institutional and engineering control plan;

ii. monitoring plan;

iii. operation and maintenance plan; and

iv. reporting plan.

G. The remedial program at a site shall analyze the impact of contamination at a site on the following environmental media:

i. soil;

ii. groundwater;

iii. surface water and sediments;

iv. soil vapor; and

v. ambient air.

H. Where an interim remedial measure is proposed at a site, such measure shall be conducted pursuant to a work plan approved by the office. Such work plan shall require the submission of a final report upon conclusion of the interim remedial measure.

b. Bulk storage tanks and containment vessels. 1. If any storage tank(s) subject to regulation pursuant to 6 NYCRR parts 596, 597, 598, 599, 610, 612, 613, or 614 is discovered and found not to be registered or not to be operated in accordance with the applicable regulatory requirements, such tank(s) shall be registered and either closed in accordance with regulatory requirements or brought into compliance with the applicable regulatory requirements.

2. Where petroleum storage tanks or chemical storage tanks are discovered on site during the course of the remedial program, such tanks shall be addressed pursuant to state and federal law and in programs designed for that purpose.

3. Where any contaminant is found to be stored on the site in containment vessels, such as storage tanks, drums, or transformers, such contaminants shall be addressed pursuant to state and federal law and in programs designed for that purpose.

c. Source removal and control measures. The following is the hierarchy of source removal and control measures that are to be used to remediate a site, ranked from most preferable to least preferable:

1. Removal and/or treatment. All sources, concentrated solid or semi-solid hazardous substances, dense non-aqueous phase liquid, light non-aqueous phase liquid and/or grossly contaminated media shall be removed and/or treated; provided however, that if the removal and/or treatment of all such contamination is not feasible, such contamination shall be removed or treated to the greatest extent feasible.

2. Containment. Any source remaining following removal and/or treatment pursuant to this subdivision shall be contained; provided however, that if full containment is not feasible, such source shall be contained to the greatest extent feasible.

3. Elimination of exposure. Exposure to any source remaining following removal, treatment and/or containment pursuant to this subdivision shall be eliminated through additional measures, including but not limited to, as applicable, the timely and sustained provision of alternative water supplies and the elimination of volatilization into buildings; provided however, that if such elimination is not feasible such exposure shall be eliminated to the greatest extent feasible.

4. Treatment of source at the point of exposure. Treatment of

the exposure resulting from a source of environmental contamination at the point of exposure, including but not limited to, as applicable, wellhead treatment or the management of volatile contamination within buildings, shall be considered as a measure of last resort.

d. Groundwater protection and control measures. The remedial program shall satisfy the requirements for groundwater contamination of 6 NYCRR part 375 and shall be consistent with any agreement between the office and a state and/or federal agency.

e. Scope of the investigation. 1. The goals of a remedial investigation include, but are not limited to, the following:

A. delineation of the areal and vertical extent of the contamination at, and emanating from, all media at the site and the nature of that contamination;

B. characterization of the surface and subsurface characteristics of the site, including topography, surface drainage, stratigraphy, depth to groundwater, and any aquifers that have been impacted or have the potential to be impacted;

C. identification of the sources of contamination, the migration pathways and actual or potential receptors of contaminants;

D. evaluation of actual and potential threats to public health and the environment; and

E. production of data of sufficient quantity and quality to support the necessity for, and the proposed extent of, remediation and to support the evaluation of proposed remedial alternatives.

2. Such investigation shall emphasize data collection, sampling and monitoring, as necessary, and shall include but not be limited to:

A. characterization of site geologic and hydrogeologic conditions, including groundwater flow, contaminant movement, and the characteristics of the groundwater system;

B. assessment of the existing and potential impact of groundwater contamination on water supply wells in New York city, including those for drinking water supply, surface water quality, air quality, and indoor air quality;

C. sampling and analysis necessary to gather sufficient information to evaluate human and environmental exposure pathways, as well as any actual or potential adverse effects due to site contamination; and

D. delineation of the nature and extent of contamination sufficient to determine the necessity for and the proposed extent of remediation, in order to support the development and evaluation of proposed alternatives in the remedy selection process.

3. Historical data may be submitted in lieu of collecting new data or to supplement new data, provided that the appropriate quality assurance requirements are met and that the data were collected in a manner consistent with appropriate sampling protocols. All information relevant to the ongoing work must be referenced in the investigation reports, including sampling protocols employed.

4. On-site contamination. Enrollees must fully investigate and characterize the nature and extent of contamination on the qualified local brownfield site.

5. Off-site contamination. Responsibility for off-site contamination is determined by the enrollee's status as follows:

A. A volunteer shall perform a qualitative exposure assessment of the contamination that has migrated from the site consistent with section 27-1415(2)(b) of the New York state environmental conservation law and state guidance document DER-10, issued by the division of environmental remediation of the New York state department of environmental conservation. For sites being addressed by a volunteer, the volunteer has no obligation to implement a remedy to address an off-site exposure identified by this assessment.

B. A participant shall fully investigate and characterize the nature and extent of contamination that has migrated or emanated from the site to off-site locations.

6. The remedial investigation report must demonstrate whether conditions at the site without remediation meet the applicable unrestricted use soil cleanup objectives set forth in the table in 6 NYCRR section 375-6.8(a).

7. Where the applicable unrestricted use soil cleanup objectives set forth in the table in 6 NYCRR section 375-6.8(a) will not be achieved, any determination that the requirements of the brownfield cleanup program have been met without the need for remediation shall be supported by a remedial alternatives analysis.

f. Remedial action selection. 1. Remedial actions shall be selected upon consideration of the following ten factors:

A. Overall protectiveness of the public health and the environment.

B. Standards and criteria. The remedial actions shall:

i. conform to standards and criteria that are generally applicable, consistently applied, and officially promulgated; that are directly applicable; or that are not directly applicable but are relevant and appropriate, unless good cause exists to dispense with conformity. Good cause exists if any of the following is present:

(a) the proposed action is only part of a complete program or project that will conform to such standard or criterion upon completion;

(b) conformity to such standard or criterion will result in

greater risk to the public health or to the environment than alternatives;

(c) conformity to such standard or criterion is technically impracticable from an engineering or scientific perspective; or

(d) the program or project will attain a level of performance that is equivalent to that required by the standard or criterion through the use of another method or approach.

C. Long-term effectiveness and permanence: a program or project that achieves a complete and permanent cleanup of the site is preferred over a program or project that does not do so.

D. Reduction in toxicity, mobility or volume of contamination through treatment: a program or project that permanently and significantly reduces the toxicity, mobility or volume of contamination is to be preferred over a program or project that does not do so. The following is the hierarchy of technologies and factors to be considered in selecting a remedial action, ranked from the most preferable to the least preferable:

i. destruction of contamination, on-site or off-site;

ii. separation or treatment of contamination, on-site or off-site;

iii. solidification or chemical fixation of contamination, on-site or off-site; and

iv. control and isolation of contamination, on-site or off-site.

E. Short-term impacts and effectiveness.

F. Ability to be implemented.

G. Cost-effectiveness, including capital costs and annual site maintenance plan costs.

H. Community acceptance.

I. Land uses, provided that the office determines that there is reasonable certainty associated with such uses. In assessing reasonable certainty, the office shall consider:

i. the current, intended, and reasonably anticipated future land uses of the site and its surroundings in the selection of the remedy for soil remediation;

ii. the office's determination on the use of the site shall be in accordance with subdivision k of this section; and

iii. the reasonably anticipated future use of the site and its surroundings, which shall be documented in the analysis of alternatives, taking into consideration factors including, but not limited to, the following:

(a) current use and historical and/or recent development patterns;

(b) applicable zoning laws and maps;

(c) brownfield opportunity areas pursuant to section 970-r of the New York state general municipal law;

(d) applicable comprehensive community master plans, local waterfront revitalization plans as provided for in article forty-two of the New York state executive law, or any other applicable land use plan formally adopted by the city of New York;

(e) proximity to real property currently used for residential use, schools and childcare facilities, and to commercial, industrial, agricultural, and/or recreational areas;

(f) any written or oral comments on the proposed use that are submitted by members of the public through activities performed under the citizen participation plan pursuant to section 43-1409(c);

(g) environmental justice impacts, which for purposes of this section include the extent to which the proposed use may reasonably be expected to cause or increase a disproportionate burden on the community in which the site is located, including low-income minority communities, or to result in a disproportionate concentration of commercial or industrial uses in what has historically been a mixed use or residential community;

(h) federal or state land use designations;

(i) population growth patterns and projections;

(j) accessibility to existing infrastructure;

(k) proximity of the site to important cultural resources, including federal or state historic or heritage sites or Native American religious sites;

(l) natural resources, including proximity of the site to important federal, state, or city natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species;

(m) potential vulnerability of groundwater to contamination that might emanate from the site, including proximity to wellhead protection and groundwater recharge areas and other areas identified by the state's comprehensive groundwater remediation and protection program established in title thirty-one of article fifteen of the New York state environmental conservation law;

(n) proximity to flood plains;

(o) geography and geology; and

(p) current institutional controls applicable to the site.

J. sustainability of the remedy.

2. Enrollees shall, based upon the characterization of the

nature and extent of contamination on-site and qualitative exposure assessment, propose a remedy for the contamination present on the site and address further contaminant migration from the site.

3. Participants shall also, based upon the characterization of the nature and extent of contamination that has migrated from the site, propose a remedy which addresses the off-site contamination.

4. The office shall approve, a remedy for a site after consideration of an alternatives analysis, including an evaluation consistent with subdivision i of this section presented in a site specific remedial action work plan.

5. Selection of a remedial action. The enrollee may select the remedial action from an office-approved alternatives analysis.

g. Application of soil cleanup objectives. 1. General. The office may approve a remedial program that utilizes different tracks and soil cleanup objectives for different uses between different areas of a site, provided that such areas can be defined and described in the declaration of covenants and restrictions and that the necessary institutional and engineering controls can be effectively imposed, implemented, operated, monitored, and maintained in accordance with the office-approved site management plan.

2. Cleanup objectives for other media. The enrollee shall evaluate exposure to public health and the environment resulting from contamination in all other environmental media and shall propose cleanup objectives to eliminate or mitigate the exposure. The enrollee shall include any cleanup objectives approved by the office for other media in the alternatives analysis to ensure that the remedial program meets the requirements of this subdivision and subdivision i of this section.

h. Cleanup tracks. For sites or portions of sites where the office has determined that remediation is needed to meet the remedial program requirements, each remedial alternative that is developed and evaluated shall, in addition to all other requirements in this subdivision and subdivision i of this section, conform to the requirements of one of the following cleanup tracks defined below:

1. Track one: unrestricted use. The following provisions apply to a site, or portion thereof, being remediated pursuant to track one:

A. The remedial program shall achieve a cleanup level that will allow the site to be used for any purpose without any restrictions on the use of the site as described in paragraph one of subdivision k of this section.

B. The soil component of the remedial program shall achieve the unrestricted soil cleanup objectives pursuant to the table in 6 NYCRR section 375-6.8(a) for all soils above bedrock.

C. The remedial program shall not include the use of long-term institutional or engineering controls; provided, however, that a restriction on groundwater use may be included as a component of the remedial program if the enrollee:

i. is a volunteer; and

ii. has demonstrated to the office's satisfaction that there has been a bulk reduction in groundwater contamination to asymptotic levels.

D. The remedial program may include the short-term employment of institutional or engineering controls provided that:

i. the remedial program includes an active treatment system, either ex-situ or in-situ, that will operate for, or require, no more than five years to meet the applicable contaminant-specific soil cleanup objectives or remedial goals established for contaminated media other than soils;

ii. the remedial program requires the institutional control to assure the operation and integrity of the remedy, as well as to address potential human health exposures during this period; and

iii. the remedial program includes a provision for the enrollee to implement an alternative remedy to meet the soil cleanup objectives in the event that the short-term institutional period is exceeded.

2. Track two: Restricted use with generic soil cleanup objectives. The following provisions apply to a site, or portion thereof, being remediated pursuant to track two:

A. The remedial program may provide for the restriction of the use of the site as described in paragraph two of subdivision k of this section.

B. The soil component of the remedial program shall achieve the lowest of the three applicable contaminant-specific soil cleanup objectives for all soils above bedrock, as set forth in 6 NYCRR sections 375-6.4, 375-6.5 and 375-6.6, except as provided in subparagraph C below.

C. The requirement to achieve contaminant-specific soil cleanup objectives pursuant to the table in 6 NYCRR section 375-6.8(b) for all soils above bedrock shall not apply to soils at a depth greater than fifteen feet below ground surface, provided that:

i. the soils below fifteen feet do not represent a source of contamination;

ii. the declaration of covenants and restrictions for the site requires that any contaminated soils remaining at depth will be managed along with other site soils, pursuant to a site management plan;

iii. off-site groundwater affected by on-site contamination does not exceed standards; and

iv. on-site groundwater use is restricted.

D. The remedial program shall not use long-term institutional or engineering controls to achieve the restricted soil cleanup objectives. The use of short-term institutional or engineering controls is permitted, provided that:

i. the remedial program includes an active treatment system, either ex-situ or in-situ, that will operate for, or require, no more than five years to meet the applicable contaminant-specific soil cleanup objectives or remedial goals established;

ii. the remedial program requires the institutional control to assure the operation and integrity of the remedy, as well as to address potential human health exposures during this period; and

iii. the remedial program includes a provision for the enrollee to implement an alternative remedy to meet the soil cleanup objectives in the event that the short-term institutional period is exceeded.

E. The remedial program may include the use of long-term institutional or engineering controls to address contamination related to other media including, but not limited to, groundwater and soil vapor.

3. Track three: Restricted use with modified soil cleanup objectives. The remedial program for a site being remediated pursuant to track three shall satisfy the provisions for a track two remedial program; provided, however, that the office may approve the modification of one or more of the contaminant-specific soil cleanup objectives set forth in the table in 6 NYCRR section 375-6.8(b) based upon site-specific data. Any such modification shall be performed in accordance with 6 NYCRR section 375-6.9 and in consultation with the New York state department of environmental conservation and/or the New York state department of health.

4. Track four: Restricted use with site-specific soil cleanup objectives. The following provisions apply to a site, or portion thereof, being remediated pursuant to track four:

A. In developing the site-specific soil cleanup objectives, the enrollee may, solely or in combination:

i. use the soil cleanup objectives, as set forth in 6 NYCRR subpart 375-6;

ii. develop or modify site specific soil cleanup objectives, as set forth at 6 NYCRR section 375-6.9; or

iii. propose site-specific soil cleanup objectives that are protective of public health and the environment.

B. The remedial program may include the use of long-term institutional or engineering controls to remediate all media.

C. Exposed surface soils in a track four remedy shall be remediated as follows:

i. for residential use:

(a) the top two feet of all exposed surface soils that are not otherwise covered by the components of the development of the site (such as buildings or pavement) shall not exceed the applicable contaminant-specific soil cleanup objectives pursuant to subparagraph B of paragraph two of this subdivision; and

(b) where it is necessary to utilize off-site soil to achieve this requirement, the soil brought to the site shall satisfy the requirements of 6 NYCRR section 375-6.7(d).

ii. for commercial use:

(a) the top one foot of all exposed surface soils that are not otherwise covered by the components of the development of the site (such as buildings or pavement) shall not exceed the applicable contaminant-specific soil cleanup objectives pursuant to subparagraph B of paragraph two of this subdivision; and

(b) where it is necessary to utilize off-site soil to achieve this requirement, the soil brought to the site shall satisfy the requirements of 6 NYCRR section 375-6.7(d).

iii. for industrial use:

(a) the top one foot of all exposed surface soils that are not otherwise covered by the components of the development of the site (such as buildings or pavement) shall not exceed the applicable contaminant-specific soil cleanup objectives pursuant to subparagraph B of paragraph two of this subdivision; and

(b) where it is necessary to utilize off-site soil to achieve this requirement, the soil brought to the site shall satisfy the requirements of 6 NYCRR section 375-6.7(d).

5. All tracks. For remedial programs under all tracks, the threat to public health and the environment resulting from contamination in environmental media other than soil shall be evaluated in the development of remedial alternatives and addressed in the alternatives analysis to ensure that the remedial program meets the requirements of this subchapter.

i. Alternatives analysis. 1. An alternatives analysis evaluates each remedial alternative developed for a qualified local brownfield site, using the selection factors set forth in subdivision f of this section.

2. The enrollee shall prepare an alternatives analysis for each site, or operable unit of a site, unless the remedy proposed meets the requirements of track one.

3. Contents of an alternatives analysis. Each alternatives analysis shall include, but is not limited to, the following:

A. A description of each alternative evaluated in the analysis. The enrollee shall develop and evaluate alternatives that address:

i. on-site contamination if the enrollee is a volunteer; or

ii. on-site and off-site contamination if the enrollee is a participant.

B. A discussion of how each alternative would achieve the requirements of the remedial program, including the track-specific requirements.

C. An analysis of each alternative against the remedy selection factors set forth in subdivision f of this section, followed by a comparison of this analysis to any other alternatives under consideration.

D. An evaluation of the reliability and viability of the long-term implementation, maintenance, monitoring, and enforcement of any proposed institutional or engineering controls set forth in subdivision l of this section.

E. If applicable, an evaluation of feasible remedial alternatives that can achieve groundwater plume stabilization in accordance with subdivision d of this section.

F. An identification of the alternative preferred by the enrollee.

G. A summary of the proposed remedy and basis for concluding that the proposed remedy represents the best alternative among those considered.

H. Any other information as required by the office.

4. Alternatives to be evaluated. The enrollee shall develop the alternatives analysis in consultation with the office. The alternatives analysis shall consider at least one unrestricted alternative that meets the requirements of track one. The office may request that the alternatives analysis also shall consider at least one alternative that meets the requirements of track two.

5. Plume stabilization. In developing remedies for a site where plume stabilization is a necessary component of the remedy, in accordance with subparagraph C of paragraph one of subdivision d of this section, and where such plume is emanating from an on-site source:

A. A participant shall address, to the extent feasible, the on-site and off-site plume. This requirement includes such actions to maintain and monitor any stabilization of the plume.

B. A volunteer shall address, to the extent feasible, the on-site plume and prevent or mitigate the further migration of any plume off-site at the site boundary. This requirement includes actions to maintain and monitor any stabilization of the plume.

j. Remedial action work plan. 1. The office shall issue a decision document establishing the remedy for a site. The remedial action work plan shall implement the decision document.

2. The remedial action work plan shall provide for the development and implementation of the remedial program for:

A. on-site contamination if the enrollee is a volunteer; or

B. on-site and off-site contamination if the enrollee is a participant.

3. A remedial action work plan shall include at a minimum:

A. a summary of the site history and the nature and extent of contamination;

B. remedial action objectives;

C. a summary of the current, intended, and reasonably anticipated future uses of the site;

D. identification of the cleanup track to be used for remediation of the site as provided in subdivision h of this section;

E. identification and evaluation of any and all institutional or engineering controls to be employed as part of the site remedy as required pursuant to subdivision l of this section, if applicable, and subparagraph D of paragraph three of subdivision i of this section;

F. an alternatives analysis as set forth in subdivision i of this section; and

G. any other information as required by the office.

4. A remedial action work plan shall serve as the remedial design document for a site and shall:

A. be certified by a professional engineer for all engineering design and construction components;

B. include, but not be limited to, the following:

i. plans and specifications sufficient to construct the remedy;

ii. a site health and safety plan;

iii. a community air monitoring plan and community protection statement;

iv. quality assurance and quality control plans for sampling, analysis, and construction; and

v. where required by the office, a sustainability statement.

C. include a program design for site management, if the remedy includes any institutional or engineering controls.

k. Use of a site. A site or a portion of a site may be used for either unrestricted or restricted use.

1. "Unrestricted use" means a use without imposed restrictions, such as a declaration of covenants and restrictions or other land use controls.

2. "Restricted use" means a use with imposed restrictions, such as a declaration of covenants and restrictions. The imposed restrictions are part of the remedy selected for the

site and are stipulated in a site management plan. The imposed restrictions rely on institutional controls or engineering controls to manage remaining exposure to contamination at a site. Restricted uses include:

A. "Residential use" is the land use category that allows a site to be used for any use other than raising livestock or producing animal products for human consumption. Restrictions on the use of groundwater are allowed, but no other institutional or engineering controls are allowed with respect to the residential use soil cleanup objectives. When considering the applicability of this land use category, the office shall consider the ability to implement the proposed site management plan and its implementation program, including the need for common ownership of the site in order to implement the site management plan.

B. "Restricted-residential use" is the land use category that shall only be considered when there is common ownership or a single owner/managing entity of the site. When considering the applicability of this land use category, the office shall consider the ability to implement the proposed site management plan and its implementation program. Restricted-residential use:

i. shall, at a minimum, include restrictions that prohibit:

(a) any vegetable gardens on a site; and

(b) single family housing.

ii. includes active recreational uses, which are public uses with a reasonable potential for soil contact.

C. "Commercial use" is the land use category that shall only be considered for the primary purpose of buying, selling or trading of merchandise or services at street grade or below street grade. Commercial use includes passive recreational uses, which are public uses with limited potential for soil contact.

D. "Industrial use," also known as manufacturing use, is the land use category that shall only be considered for the primary purpose of manufacturing, production, fabrication or assembly processes and ancillary services. Industrial use does not include any recreational component.

3. The office may approve a remedial program that relies upon no restrictions on use (unrestricted use) or on a range of restrictions on use (restricted uses). The following hierarchy represents the range from a less restrictive to a more restrictive land use:

A. residential;

B. restricted-residential;

C. commercial; and

D. industrial.

4. The office's determination of the allowable use of a site as part of a remedial program:

A. is not a determination by the office relative to a specific future use;

B. shall be the least restrictive use of the site, as set forth in paragraph three of this subdivision, allowed by such remedial program and permits more restrictive uses to occur on the site (for example, a site cleanup to a commercial use would also be protective of industrial use); and

C. may disregard the enrollee's proposed use and approve a remedy upon a use that is consistent with existing zoning laws or maps.

5. The office shall not approve a proposed remedial program when the proposed use of the site does not conform with applicable zoning laws or maps or the reasonably anticipated future use of the site as determined by the office, unless:

A. the proposed use is based on a cleanup level that would allow a less restrictive use of the site than would be allowed based upon current zoning laws or maps (for example, the office may approve a cleanup to residential levels for a property which is zoned for commercial use); or

B. it can be shown to the office's satisfaction that zoning changes are or will be sought, in which event the office shall conditionally approve the remedy but shall not issue a notice of completion for such use until such use is consistent with existing zoning laws or maps. In this instance, a notice of completion may be issued for a more restrictive use consistent with the zoning, and reissued by the office for the less restrictive use once it is consistent with the zoning.

6. For purposes of determining the appropriate land use category, the office shall consider the nature of the uses and the activities that are occurring, or may occur, at the site:

A. on the ground level and below ground level of any structure. The office may also consider uses above ground level; or

B. on the surrounding land.

1. Institutional controls, engineering controls, and restrictive declarations.

1. Institutional and engineering controls. Institutional and/or engineering controls may be included in a remedial action work plan provided that they are evaluated in the alternatives analysis. A remedy that includes institutional controls and/or engineering controls shall include the following:

A. a complete description of any use restrictions and/or any other institutional controls, their role in achieving the remedial objectives of the remedy, and the mechanisms that will be used to implement, maintain, monitor, report, and enforce such restrictions and controls;

B. a complete description of any engineering controls and any

site management plan requirements, including the mechanisms that will be used to continually implement, maintain, monitor, report, and enforce such controls and requirements;

C. an evaluation of the reliability and viability of the long-term implementation, maintenance, monitoring, reporting, and enforcement of any proposed institutional or engineering controls and an analysis of the costs of implementing, maintaining, monitoring, reporting, and enforcing such controls, including costs that may be borne by the state or city;

D. an analysis sufficient to support a conclusion that effective implementation, maintenance, monitoring, reporting, funding and enforcement of institutional and/or engineering controls can be reasonably expected;

E. where required by the office, financial assurance, in accordance with section 43-1410(b), to ensure the long term implementation, maintenance, monitoring, reporting, and enforcement of any such controls; and

F. any engineering control must be used in conjunction with institutional controls to ensure the continued integrity of such engineering control.

2. Declaration of covenants and restrictions. A. Any use restrictions, any other institutional controls, any engineering controls and/or any site management requirements applicable to the qualified local brownfield site shall be contained in a declaration of covenants and restrictions, which shall be:

i. created and recorded, prior to the issuance of the notice of completion, in the recording office for the borough(s) where any portion of the site is located; and

ii. in a form and manner as prescribed by the director.

B. The office shall notify the department of buildings and other relevant agencies of the declaration of covenants and restrictions.

C. Agents, employees, or other representatives of the city may enter and inspect the property restricted by a declaration of covenants and restrictions with reasonable prior notice to the property owner, to assure compliance with the restrictions identified by the declaration of covenants and restrictions.

3. Institutional control/engineering control certification. A. The enrollee or owner at a site at which institutional or engineering controls are employed as part of a remedy, shall annually submit, unless an alternate certification period is provided in writing by the office, a written certification:

i. by a professional engineer for all active remedial systems;

ii. by a professional engineer or a qualified environmental professional for all passive remedial systems; or

iii. where the only control is an institutional control on the use of the property, the written certification may be made by the property owner.

B. The certification shall be included in a report summarizing the site management effort for the certification period, in such form and manner as the office may require, and shall certify that:

i. the inspection of the site to confirm the effectiveness of the institutional and engineering controls required by the remedial program was performed under the direction of the party making the certification;

ii. the institutional controls and/or engineering controls employed at such site:

(a) are in-place; and

(b) are in the office-approved format.

iii. nothing has occurred that would impair the ability of such controls to protect the public health and environment;

iv. the enrollee or owner will continue to allow access to such real property to representatives of the office to evaluate the continued maintenance of such controls;

v. nothing has occurred that would constitute a violation or failure to comply with any site management plan for such controls;

vi. the report and all attachments were prepared under the direction of, and reviewed by, the party making the certification;

vii. to the best of his/her knowledge and belief, the work and conclusions described in the certification are in accordance with the requirements of the site remedial program and generally accepted science and engineering practices; and

viii. the information presented is accurate and complete.

C. Where contaminants in groundwater at the site boundary contravene drinking water standards, the institutional and engineering control certification shall:

i. certify that no new information has come to the enrollee's or owner's attention, including groundwater monitoring data from wells located at the site boundary, if any, to indicate that the assumptions made in the qualitative exposure assessment of off-site contamination are no longer valid; and

ii. certify every five years that the assumptions made in the qualitative exposure assessment remain valid.

D. Only one institutional control/engineering control certification shall be filed per site. If a site is comprised of multiple properties or parcels, the enrollee or owner shall arrange to file one consolidated certification.

E. In the event that the certification cannot be provided due

to a failure of one or more of the institutional or engineering controls, the enrollee or owner shall provide the office:

- i. timely notification explaining the cause for such failure;
- ii. a work plan to implement the corrective measures necessary in order to be able to provide the certification; and
- iii. a schedule for those corrective measures.

F. In addition to the periodic reporting requirement, the enrollee or owner shall timely notify the office of any failure of one or more of the institutional or engineering controls and shall provide a work plan to remedy any failure of the institutional or engineering control.

G. The office shall review the work plan referenced in subparagraphs E and F of this paragraph as provided in section 43-1406(c)(5) and the enrollee or owner shall implement the corrective measures in accordance with the approved work plan. The enrollee or owner shall submit a certification, meeting the requirements of clause ii of subparagraph E of this paragraph upon completion of the corrective measures.

H. The report provided in subparagraph B of this paragraph shall be placed by the enrollee in the site document repository.

§ 43-1408 Notice of completion

a. The office shall issue a notice of completion upon approval of the remedial action report.

1. Prior to issuance of a notice of completion for a coordinated brownfield site, the office shall obtain a notice from the state or federal agency that the cleanup has been completed.

2. The date of the approval of the remedial action report by the office shall be the issuance date for the notice of completion.

b. The office shall issue the notice of completion to the enrollee.

c. A notice of completion shall include all of the following:

1. An acknowledgment that the requirements of the remedial program were satisfied or are expected to be satisfied in accordance with the time-frames contained in the approved remedial program;

2. A description of the site by borough, block and lot, by adequate legal description, by reference to a plate showing the boundaries, or by other means sufficient to identify the site location with particularity;

3. A prohibition against the use of the site in a manner inconsistent with any land use limitation imposed as a result of the remediation efforts without additional appropriate remedial activities;

4. A statement as to no further action by the city, pursuant to subdivision e of this section.

5. A recommendation that no other governmental entity take or require any investigatory or remedial action against the site and the enrollee, his or her successors, and his or her assigns, regarding the contamination addressed at the site.

6. A description of any engineering and institutional controls or site management activities required by the approved work plan and a notification that failure to manage the controls or complete site management activities in compliance with the terms of the remedial program and the covenants and restrictions for the site, may result in the office requiring additional investigation and/or remediation and the city department of buildings withholding any permits for the site for activities that would interfere with the engineering and institutional controls or the site management plan.

d. Recording of the notice of completion. 1. Within sixty days of issuance, the enrollee shall record the notice of completion in the recording office for the borough(s) where any portion of the site is located.

2. The notice of completion shall be deemed recorded when it is delivered to the recording officer.

3. The enrollee shall submit to the office proof of such recording within thirty days after recording, or within thirty days after the enrollee's receipt of such proof of filing from the recording office, whichever is later.

e. No further action by the city. 1. Subsequent to the issuance of a notice of completion, subject to the provisions of section 24-906 of the administrative code of the city of New York and except as provided in the local brownfield cleanup agreement, the remedial action work plan, site management plan, declaration of covenants and restrictions, or notice of completion, the city shall not take or require any further investigatory or remedial action against the site and the enrollee, his or her successors, and his or her assigns, regarding matters addressed at the site. If the office seeks to exercise its rights reserved pursuant to section 24-906(b) of the administrative code of the city of New York, it shall provide notice to the holder of the notice of completion, as provided in paragraph two of subdivision f of this section.

2. "Matters addressed" at the site shall mean all response actions taken by the enrollee to implement the local brownfield cleanup agreement for the site and all response costs incurred and to be incurred by any person or party in connection with the work performed under such agreement, which costs have been paid by the enrollee, including fees for costs incurred by the city pursuant to the local brownfield cleanup agreement.

f. Modification or revocation of a notice of completion. 1. The office may modify or revoke a notice of completion upon a finding that:

A. the enrollee has failed to manage the controls or monitoring in full compliance with the terms of the remedial

program pursuant to paragraph six of subdivision c of this section;

B. the enrollee has failed to comply with the terms and conditions of the local brownfield cleanup agreement executed by the office;

C. the enrollee misrepresented a material fact tending to demonstrate that the cleanup levels were reached;

D. the enrollee violated the terms and conditions of the declaration of covenants and restrictions; or

E. good cause exists.

2. If the office seeks to modify or revoke a notice of completion, it shall provide notice to the holder of the notice of completion by certified mail specifying the basis for the office's proposed action and facts in support of that action.

3. The holder of the notice of completion shall have thirty days after the effective date of the notice to cure the deficiency and submit proof of cure to the office or to seek a review of the determination of the office.

4. If the recipient does not submit proof of cure to the office or seek a review of the determination within such thirty day period, the notice of completion shall be modified or revoked on the thirty-first day.

5. If the office determines that the deficiency has been cured, the proposed modification or revocation shall be withdrawn.

6. If the office determines that the recipient has not proven that the deficiency has been cured, the office shall provide notice to the recipient by certified mail. The recipient shall have thirty days after the effective date of the notice to seek a review of such determination. If the recipient does not seek a review within such thirty day period, the notice of completion shall be modified or revoked on the thirty-first day.

7. Review of the office determination. A. A review of a determination by the office pursuant to paragraph three or six of this subdivision shall be conducted by the designated individual, or in the director's discretion, by the office of administrative trials and hearings, solely on the basis of papers submitted by the parties. If the matter is referred to the office of administrative trials and hearings, the reviewing officer shall submit findings of fact and a recommended decision to the designated individual. The designated individual shall render a written decision and furnish a copy thereof to the enrollee. The written decision shall be the final determination of the office, unless the enrollee files a written appeal of that decision with the designated appeal individual within twenty days of receipt of that decision.

B. Upon receipt of the written appeal pursuant to subparagraph A of this paragraph, the designated appeal individual shall review the record and decision. The designated appeal individual shall take one of the following actions, with written notice to the enrollee:

i. remand the matter to the office's project manager for further negotiation or information, if it is determined that the matter is not ripe for review; or

ii. on the basis of the record as it exists before the designated appeal individual, affirm or reverse the determination of the designated individual.

C. The designated individual shall be the person designated to review office determinations, and shall be a chief of a bureau of the office.

D. The designated appeal individual shall be the person designated to review decisions, and shall be the director of the office or such other individual as designated by the director of the office.

8. For purposes of this subdivision, the effective date of notice shall be two business days after the office mails such notice by certified mail.

g. Transfer of a notice of completion. A notice of completion may be transferred to successors and assigns of the parties named in the notice.

1. The office shall be provided:

A. Advance notice of the transfer of a notice of completion, pursuant to section 43-1410(d); and

B. A written notice of transfer, filed within thirty days of the transfer on an office-approved form, in accordance with the filing requirements of the original notice set forth in subdivision d of this section.

2. Upon filing of the notice of transfer, the notice of completion shall be deemed issued to the successor or assign. Any party to whom a notice of completion is transferred shall be responsible for the operation and maintenance of any required engineering controls and compliance with all required institutional controls, in accordance with the approved site management plan and declaration of covenants and restrictions.

§ 43-1409 Citizen Participation

a. To facilitate the remedial process and enable citizens to participate more fully in decisions that affect their health, the office shall require applicants and enrollees to provide opportunities for citizen involvement in the development and implementation of a remedial program and shall encourage applicants and enrollees to consult with the public prior to the office adopting final determinations. The primary goal of the citizen participation program is to facilitate communication between the office and enrollees and the individuals, groups, and organizations that have expressed interest in or are affected by a site, its remedial program, or the decision-making process associated with the remediation of a site.

b. All remedial programs shall include a citizen participation program that, at a minimum, shall include, the preparation

of a citizen participation plan, establishment of a document repository and a site contact list, and public notice with a prescribed public comment period at select milestones.

c. The design of any citizen participation plan, including the level of citizen involvement and the tools utilized, shall take into account the scope and scale of the proposed remedial program, local interest and history, and other relevant factors. Citizen participation plans shall embody the following principles of meaningful citizen participation:

1. Opportunities for citizen involvement shall be provided as early as possible in the decision-making process prior to the selection of a preferred course of action by the office and/or the enrollee;

2. Activities proposed in such plan shall be as reflective as possible of the diversity of interests and perspectives found within the community and shall allow members of the public the opportunity to have their views heard and considered, including, where possible, opportunities for dialogue; and

3. The office and the enrollee shall provide full, timely, and accessible disclosure and sharing of reports, including technical data and the assumptions upon which any analyses are based.

d. Upon application to the local brownfield cleanup program, an applicant shall submit a citizen participation plan to the office that shall include at a minimum the following elements:

1. A site contact list;

2. The name and address of a document repository and evidence that the repository has agreed to serve as a repository for the remedial project;

3. Overview of the site's history and contamination issues;

4. Identification of major issues of potential concern to the public related to the site and a description of any mitigation planned to address the issues, if appropriate;

5. A description and schedule of the major elements of the site's remedial program;

6. A description and schedule of citizen participation activities conducted or planned relating to the site; and

7. A description of any additional citizen participation activities needed to address public concerns.

e. All citizen participation plans shall be subject to office review and approval. The citizen participation plan shall be updated, as required by the office, during the implementation of the remedial program.

f. Document repository. The enrollee shall establish a document repository at a location accessible to citizens where they can review the remedial program documents.

1. Documents shall be placed in the repository that are:

A. set forth in section 43-1406(d) or 43-1407(1)(3); or

B. otherwise designated by the office for inclusion.

2. An enrollee shall ensure that the repository contains all appropriate documents and shall inspect the repository at each citizen participation milestone listed in subdivision g of this section to ensure that the repository contains complete and current project information.

3. The office may allow for a digital document repository to serve as the primary document repository subject to feedback from the community.

g. Public notice and public comment. 1. In addition to distributing a notice of application as required by section 43-1404(f), public notice, in the form of a fact sheet, and public comment activities are required for each site in the local brownfield cleanup program at the following milestones:

A. Upon the availability of a remedial investigation work plan, if such plan is submitted as part of the application. The applicant shall distribute to the site contact list public notice, in the form of a fact sheet summarizing the contents of the work plan, noting the initiation of a thirty-day public comment period, and identifying the location of the repository where the document can be reviewed. The office shall not approve the remedial investigation work plan until the public comment period has ended.

B. Upon the availability of a remedial investigation report and remedial action work plan. The enrollee shall distribute to the site contact list public notice, in the form of a fact sheet, summarizing the contents of the remedial investigation report and remedial action work plan, noting the initiation of a thirty-day public comment period for the remedial action work plan, and identifying the location of the repository where the documents can be reviewed. The office shall extend the public comment period to forty-five days upon public request and conduct a public meeting upon public request. The office shall not approve the remedial action work plan until the public comment period has ended.

C. At the start of remediation. The enrollee shall distribute to the site contact list a public notice announcing the start of remediation.

D. Upon the issuance of a notice of completion. The enrollee shall distribute to the site contact list a fact sheet announcing the completion of remediation and identifying all institutional and/or engineering controls.

2. Public notices and fact sheets. A. Unless otherwise determined by the office, all notices and fact sheets for the required milestones and any additional notices and fact sheets required by the office shall be prepared by the enrollee and approved by the office prior to issuance.

B. Office-approved notices and fact sheets shall be distributed by the enrollee to all parties on the site contact list. No other

information may be distributed with the notices and fact sheets.

C. Within five days of distributing such notices and fact sheets, the enrollee shall provide proof of compliance with the notice requirements on a form approved by the office.

D. All notices, fact sheets, and project documents shall be included in the document repository.

3. Where the site or adjacent real property contains multiple dwelling units, the enrollee may propose an alternative method, consistent with the citizen participation goals set forth in subdivision a of this section, for providing notice in lieu of mailing to each individual.

h. Public comment period extensions. 1. The office shall consider a request to extend a public comment period provided such request is received at least five days prior to the end of the public comment period.

2. Extensions shall not be greater than thirty days. One automatic extension of fifteen days shall be provided for remedial action work plans upon request.

3. Additional notice is not required upon granting an extension.

i. Interim remedial measures. For interim remedial measures, the office shall not require citizen participation activities unless the scope of the interim remedial measure is likely to represent the remedy or a significant portion of the remedy, in which case the office shall require a thirty-day public comment period.

§ 43-1410 Miscellaneous

a. Submissions to the office. Applicants and enrollees shall submit all work plans and reports, including all attachments, appendices, and certifications, in an electronic format acceptable to the office. The office may request a printed copy. The office reserves the right to require submission of large figures and drawings on paper.

b. Financial assurance.

1. Applicability. The office may require, as a condition of accepting any institutional or engineering controls, that the enrollee post financial assurance to ensure the long term implementation, maintenance, monitoring, reporting, and enforcement of any such controls. In considering whether to require financial assurance, the office shall consider factors including, but not limited to:

A. whether one or more innovative technologies have been employed at the site;

B. the length of time to implement the remedial program;

C. the cost of the remedial program;

D. the complexity of the remedial program; and

E. the financial resources available to the enrollee.

2. Financial assurance required under this subdivision shall be in effect and on file with the office before any notice of completion is issued. Allowable financial assurance mechanisms include:

A. trust funds;

B. surety bond guaranteeing payments;

C. letters of credit;

D. insurance; or

E. documentation of a financial capability test, as set forth in of 6 NYCRR section 373-2.8(d)(5).

3. Preparation of estimated amount of financial assurance. If the office requires posting of financial assurance as a condition of accepting institutional or engineering controls, the enrollee shall provide an estimated amount of financial assurance for the office's consideration. The enrollee shall be responsible for having a professional engineer or other qualified environmental professional prepare the estimate, and, in the event the financial assurance is being provided through environmental insurance, for having an independent insurance professional provide a certification that such policy meets the requirements of this subdivision. The estimate shall include an itemized listing of each cost and how the cost was calculated, including the cost of contracting with a third party.

4. Office review of estimated amount of financial assurance. Upon receipt of the financial assurance estimate, the office shall review the estimate and shall assess the basis for the type and extent of impacts used in calculations, and whether the estimated amount is sufficient. The office may accept, modify, or reject the financial assurance estimate.

5. Submittal of financial assurance. After approval of the financial assurance amount and prior to the office's issuance of a notice of completion, the enrollee shall submit an originally-signed financial assurance mechanism to the office. The mechanism shall be in effect when submitted. An enrollee may satisfy this requirement by establishing one or more financial assurance mechanisms. If multiple financial assurance mechanisms are used, the enrollee shall specify at least one such mechanism as "primary" coverage and shall specify the other mechanisms as "excess." An enrollee with obligations for providing financial assurance for multiple sites may combine the required financial assurances for all sites into one or more financial assurance mechanisms.

6. Adjustment of amount of financial assurance. The office shall review the dollar amount of financial assurance at least once every five years. During the review, the office may adjust the amount for inflation based on the United States consumer price index. In addition, the enrollee may request at any time that the amount of financial assurance be adjusted based on factors occurring since the posting of the

existing financial assurance. The enrollee shall describe in writing the basis for the adjustment request.

7. Release of financial assurance. The office may release the financial assurance or a portion of the financial assurance, and in doing so shall:

A. notify the enrollee in writing of any release or modification;

B. modify the financial assurance requirement to reflect the release or modification of the financial assurance required; and

C. return to the enrollee such released financial assurance, if applicable, with the notice.

8. Substitution of financial assurance. If the enrollee requests substitution of one type of financial assurance for another, the enrollee shall submit to the office a proposal for alternate financial assurance. The alternate financial assurance must be as secure or more secure than the existing financial assurance as determined by the office. Upon approval and receipt of the alternate financial assurance by the office, the office shall release the existing financial assurance and the office shall notify the enrollee in writing.

c. Change of use. 1. A person or entity proposing to make a change of use, except for a transfer of title to a qualified local brownfield site that results in a change in the party implementing a site management plan, shall provide written notification to the office at least sixty days before the proposed change of use.

2. The notice shall advise the office of the proposed change, including, but not limited to, explaining how such change may affect the site's proposed, ongoing, or completed remedial program.

3. Where a change in use arises from a transfer of title to a qualified local brownfield site that results in a new party implementing a site management plan, such notice shall be included in the next annual certification and site management report to the office, pursuant to section 43-1407(l)(3). The notice shall include:

A. The name of the new owner and the new owner's contact information, including a contact representative and the contact information for such representative; and

B. A certification that the new owner has been provided a copy of the local brownfield cleanup agreement and a copy of all approved remedial work plans and reports.

4. The office reserves the right to prohibit a change in use for cause.

d. Effective date of submissions and notices. 1. Unless otherwise provided, the effective date of submissions and notices required under this subchapter shall be the date of receipt.

2. The date of receipt of any writing or notice by the office to the enrollee shall be:

A. If served by hand, the date delivered to the enrollee or its designated representative.

B. If mailed, five days after the mailing.

3. The date of receipt of any submission to the office by the enrollee shall be:

A. If served by hand, the date delivered to the office at 253 Broadway, 14th Floor, New York, New York, 10007.

B. If mailed, five days after the mailing.

e. Participation in the local brownfield cleanup program shall not relieve an enrollee of the obligation to pay any hazardous waste fee or assessment required by state or federal law, rule or regulation for any action undertaken by such enrollee in the course of implementing a remedial program.

f. Participation in the local brownfield cleanup program shall not relieve an enrollee of the obligation to obtain any permit required by state or federal law, rule, or regulation for any action undertaken by such enrollee in the course of implementing a remedial program.

g. In accordance with section 27-1303 of the New York state environmental conservation law, the office shall report suspected inactive hazardous waste sites within the city of New York to the New York state department of environmental conservation.

§ 2. If any provision of this rule or its application to any particular person or circumstance is held invalid, the remainder of this rule and its application to other persons and circumstances shall not be affected thereby.

STATEMENT OF BASIS AND PURPOSE

Local Law No. 27 of 2009 amended the New York City Charter to create an Office of Environmental Remediation, led by a director. The office oversees all aspects of the city's brownfield policies and administers the E-designation program, as defined in the zoning resolution.

Local Law No. 27 also amended the Administrative Code of the City of New York to add Chapter 9 of Title 24, the Local Brownfield Cleanup Program. Sections 15(e) of the New York City Charter and 24-903 of the Administrative Code require the director to develop and administer the Local Brownfield Cleanup Program and to promulgate rules to effectuate the program. Accordingly, the Office of Environmental Remediation promulgates the following rules to implement the Local Brownfield Cleanup Program.

The rules are modeled on the rules governing the New York State Brownfield Cleanup Program, in order to ensure effective procedures, strong protections for the public health and the environment, and appropriate citizen participation.

Properties that meet the definition of a qualified local brownfield sites are eligible for the local program. Certain

properties are eligible if a state or federal agency expressly authorizes their participation. Significant threat sites, Classes 1, 2, 3 and 4 state inactive hazardous waste sites, and National Priority List sites are excluded from the city program.

The rules set forth the application requirements. The Office of Environmental Remediation encourages applicants to enter the local program after a site has been thoroughly characterized with a remedial investigation report and remedial action work plan. To be admitted into the local program, applicants must execute a local brownfield cleanup agreement.

The rules require appropriate engagement with the public beginning in the application phase. For example, each enrollee must develop a citizen participation plan, establish a document repository, and provide public notice and an opportunity for public comment at select project milestones.

Enrollees must meet requirements for all work plans and reports submitted to the office for review and approval, including certification of each remedial action report by a professional engineer.

The rules detail the requirements of the office's remedial program. All remedies must be fully protective of public health and the environment and be approved by the office in consultation with the New York City Department of Health and Mental Hygiene. All remedies must demonstrate compliance with the New York State Department of Environmental Conservation's soil cleanup objectives and track-based approach to remedies.

The office will issue a notice of completion to an enrollee upon the office's determination that a site's remedy, documented in a remedial action report, has been successfully implemented.

Statement of Substantial Need for Earlier Implementation

I hereby find, pursuant to Section 104(e)(1)(c) of the New York City Charter, and hereby represent to the Mayor, that there is a substantial need for the implementation, immediately upon its final publication in the *City Record*, of a rule implementing the city's Local Brownfield Cleanup Program.

Local Law 27 of 2009 amends the New York City Charter, Section 15, to establish an office of environmental remediation and its powers, which include authorization for the OER director to develop and administer a local brownfield cleanup program. Local Law 27 of 2009 also amends Title 24 of the administrative code to create a local brownfield cleanup program and requires the OER director to promulgate rules to establish the local cleanup program.

Immediate implementation of these rules will allow OER to open the local brownfield cleanup program at the earliest possible date. This new regulatory program will launch the redevelopment of contaminated sites across the city. Currently, in the midst of a difficult economic climate, there are approximately twelve parties ready to enroll brownfield sites into the local cleanup program if the program were open. The rules set forth a detailed process of site investigation and construction of remedies that are protective of public health and the environment. It is important that these dozen parties, and developers of other projects across the city, be allowed to proceed as soon as possible with their projects to spur economic development of communities across the city and achieve the goals of the law through its earliest implementation.

/s/

Jeffrey A. Kay, Director
Mayor's Office of Operations

/s/

Approved: Michael R. Bloomberg
Mayor

Date: 9-16-09

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TAX COMMISSION

NOTICE

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULES RELATING TO FEES

Notice is hereby given pursuant to the authority vested in the President of the Tax Commission by Chapter 7 of the New York City Charter that the Tax Commission intends to propose rules pertaining to fees for the review of applications to correct assessments.

Written comment regarding these rules may be sent to Mary E. Gallagher, Esq., New York City Tax Commission, One Centre Street, Room 2400, New York, N.Y. 10007 on or before June 15, 2010. Comments may be submitted electronically to the Tax Commission at the NYC Rules Website at www.nyc.gov/nycrules. A public hearing shall be held at The Manhattan Municipal Building, One Centre Street, Room 2405, New York, N.Y. 10007 on June 15, 2010. Persons seeking to testify are requested to notify Nilda Mendez at (212) 669-2070 or nmendez@oata.nyc.gov or at the foregoing address prior to the date of the hearing. 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 Nilda Mendez at (212) 669-2070 or nmendez@oata.nyc.gov or at the foregoing address by June 7, 2010. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 A.M. and 5:00 P.M. at The Manhattan Municipal Building, One Centre Street, Room 2400, New York, N.Y. 10007. Telephone number (212) 669-2070.

This rulemaking proposal was not listed on the Tax Commission regulatory agenda for fiscal year 2010 because the need for the amendment was not anticipated as of the

date of the publication of the agenda.

Section 1. Title 21 of the rules of the city of New York is amended by adding a new Chapter 5, to read as follows:

CHAPTER 5

FEE FOR APPLICATIONS TO CORRECT ASSESSMENTS

§5-01. The Tax Commission shall charge and collect the fee set forth in this chapter.

§5-02. Fee. For purposes of this chapter "Fee" shall mean the amount charged to an applicant for reviewing applications as provided in this chapter.

§5-03. Imposition of Fee. (a) The Fee shall be imposed on applications for properties having an assessed value of \$2 million or more when the application is scheduled for review. An application shall be deemed to be "scheduled for review":

(i) for applications filed by group representatives, when the application first appears on a calendar page,

(ii) for applications filed by self-represented applicants and non-group representatives, when a notice that the application has been scheduled for review has been mailed,

(b) For purposes of this chapter "assessed value" shall mean the assessed value or actual assessed value shown on the notice of property value issued by the Department of Finance or, where a notice of revised property value has been issued by the Department of Finance, the assessed value shown on that revised notice. Where a single application covers multiple condominium units, the assessed value for purposes of this chapter shall mean the aggregate assessed value shown on such notice for all units covered by the application.

§5-04. Amount of Fee. The amount of the Fee shall be one hundred seventy-five dollars.

§5-05. Exemption. An application for which review has been waived prior to being scheduled for review shall be exempt from the Fee.

§5-06. Payment and collection of Fee. Unless the Tax Commission provides otherwise, the Fee shall be included on a Statement of Account or real property tax bill issued after the application has been scheduled for review. The Department of Finance shall administer the billing and collection of the Fee on behalf of the Tax Commission.

§5-07. Non-payment of Fee. Notwithstanding any other provision of these rules to the contrary, if any Fee remains outstanding, the Tax Commission may revoke an offer and restore the matter to its prior status, or decline to schedule an application for review.

STATEMENT OF BASIS AND PURPOSE

Pursuant to Chapter 7 of the New York City Charter, the Tax Commission is empowered to perform a range of functions in connection with reviewing applications to correct assessments of thousands of properties throughout New York City. The Tax Commission is authorized by Sections 164 and 1043 of the New York City Charter to adopt by rulemaking fees to cover the cost of services provided to taxpayers. The purpose of the fee is to provide a stream of revenue to permit the Tax Commission to cover the cost of providing hearings to taxpayers challenging their assessments and to improve the process by enhancing the technology and modernizing the hearing process.

m13



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 May 25, 2010 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
18	15961	p/o 76
19	15961	p/o 74
20	15961	p/o 72
21	15961	p/o 70
22	15961	p/o 69
23	15961	p/o 68
26	15960	p/o 57

Acquired in the proceeding, entitled; Beach 43, 44 and 45 and Conch Drive, et al subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

m11-25

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 May 20, 2010, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	15961	p/o 104
2	15961	p/o 103

3	15961	p/o 102
8	15961	p/o 94
9	15961	p/o 92
10	15961	p/o 88
14	15961	p/o 81
15	15961	p/o 80
16	15961	p/o 79

Acquired in the proceeding, entitled: Beach 43, 44, and 45 and Conch Drive, et.al. subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

John C. Liu
Comptroller

m6-20

HOUSING PRESERVATION AND DEVELOPMENT

NOTICE

OFFICE OF ENFORCEMENT & NEIGHBORHOOD 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: May 10, 2010

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
221 West 113th Street, Manhattan	33/10	April 1, 2007 to Present
228 West 75th Street, Manhattan	34/10	April 1, 2007 to Present
337 West 55th Street, Manhattan	36/10	April 1, 2007 to Present
335 West 55th Street, Manhattan	37/10	April 1, 2007 to Present
2350 Broadway, Manhattan	38/10	April 2, 2007 to Present
a/k/a 271 West 85th Street		
106 West 83rd Street, Manhattan	39/10	April 8, 2007 to Present
527 Manhattan Avenue, Manhattan	43/10	April 14, 2007 to Present
108 West 118th Street, Manhattan	45/10	April 20, 2007 to Present
164 West 123rd Street, Manhattan	46/10	April 22, 2007 to Present
338 West 22nd Street, Manhattan	47/10	April 22, 2007 to Present
141 Convent Avenue, Manhattan	49/10	April 27, 2007 to Present
1084 Dean Street, Brooklyn	35/10	April 1, 2007 to Present
1250 Bergen Street, Brooklyn	40/10	April 12, 2007 to Present
101 Halsey Street, Brooklyn	41/10	April 12, 2007 to Present
158 Beach 114th Street, Queens	42/10	April 12, 2007 to Present
189 Beach 96th Street, Queens	44/10	April 20, 2007 to Present

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement please call (212) 863-5277, (212) 863-8211 or (212) 863-8298.

m12-20

OFFICE OF ENFORCEMENT & NEIGHBORHOOD SERVICES CERTIFICATION OF NO HARASSMENT UNIT

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

DATE OF NOTICE: May 10, 2010

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
337 West 55th Street, Manhattan	36/10	April 1, 1995 to Present
335 West 55th Street, Manhattan	37/10	April 1, 1995 to Present

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

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

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement please call (212) 863-5277, (212) 863-8211 or (212) 863-8298.

m12-20

OFFICE OF ENFORCEMENT & NEIGHBORHOOD 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: May 10, 2010

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
92 Roebling Street, Brooklyn	48/10	October 4, 2004 to Present

Prior to the issuance of a permit by the Department of Buildings for the alteration or demolition of residential buildings in certain areas of the **Special 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. For your information HPD considers harassment to include, but not be limited to, the threatened or actual use of physical force, deprivation of essential services such as heat, water, gas or electric, or any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy.

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement please call (212) 863-5277, (212) 863-8211 or (212) 863-8298.

m12-20

MAYOR'S OFFICE OF ENVIRONMENTAL COORDINATION

NOTICE

NOTICE OF CEQR COMMENCEMENT

CEQR NO.	Project Name	Borough	CD
07BSA092Q	1101 Irving Avenue, 1501-1509 Cooper Avenue	Queens	QN05
08BSA082M	13 Crosby Street	Manhattan	MN02
08BSA085K	583 Franklin Avenue	Brooklyn	BK03
09BSA066K	3065 Atlantic Avenue	Brooklyn	BK05
09BSA071Q	Meadow Park Rehabilitation & Health Care Center Expansion	Queens	QN08
09BSA074K	133 Taffe Place	Brooklyn	BK03
09BSA098Q	117-04 Sutphin Boulevard	Queens	QN12
09BSA107Q	30-33 Steinway Street	Queens	QN01
09BSA111K	Variance Request for 839-847 Broadway	Brooklyn	BK04
09BSA115M	612 West 180th Street	Manhattan	MN12
09BSA117K	94 Amherst Street	Brooklyn	BK15
09BSA119K	912 Broadway	Brooklyn	BK03
09BSA144R	1735 Richmond Avenue	Staten Island	SI02
10BSA003Q	Planet Fitness	Queens	QN09
10BSA006X	808 East 147 Street	Bronx	BX01
10BSA018K	927 Flatbush Avenue	Brooklyn	BK14
10BSA021K	LRHC Flatbush NY LLC	Brooklyn	BK14
10BSA022Q	32-62 Steinway Street PCE	Queens	QN01
10BSA023M	246 Spring Street Physical Culture Establishment	Manhattan	MN02
10BSA024Q	Richie's Gym	Queens	QN05
10BSA027M	180 Ludlow Street	Manhattan	MN03
10BSA033K	1364 & 1366 52nd Street	Brooklyn	BK12
10BSA034K	255 Bulter Avenue	Brooklyn	BK06
10BSA036M	141 East 45th Street	Manhattan	MN06
10BSA038M	The New York Eye and Ear Infirmary	Manhattan	MN02
10BSA039K	2147 Mill Aveune	Brooklyn	BK18
10BSA040Q	58-147 Beach Channel Drive	Queens	QN14
10BSA041Q	231-10 Northern Boulevard	Queens	QN11
10BSA042K	Court Street CKO Kickboxing	Brooklyn	BK06
10BSA043M	Grace Church School High School	Manhattan	MN02
10BSA044M	Lucille Roberts 50 East 42nd Street	Manhattan	MN05
10BSA046M	Soul Cycle East 83rd Street LLC	Manhattan	MN08
10BSA047X	2801 Roebling Avenue	Bronx	BX10
10BSA048K	Sunshine Childrens Day Care	Brooklyn	BK18
10BSA050Q	85-15 Queens Boulevard	Queens	QN04
10BSA051Q	30-30 Northern Boulevard	Queens	QN01
10BSA052M	692 Broadway Fitness Club	Manhattan	MN02
10BSA053M	New York Spa Beauty Care Inc.	Manhattan	MN02
10BSA054K	150 Kenilworth Place	Brooklyn	BK14
10BSA055M	NYU Langone Medical Center	Manhattan	MN06

10BSA056K	95 Taaffe Place	Brooklyn	BK03	09BSA051M	Evergreen Spa	Manhattan	MN06	06DME010Q	Flushing Commons	Queens	QN07
10BSA057Q	144-77th Avenue	Queens	QN08	09BSA058Q	New York Sports Club	Queens	QN02	Final EIS and NOC			
10BSA059K	1401 Sheepshead Bay Road	Brooklyn	BK15	09BSA059X	Special Permit for a School in an MI-1 District	Bronx	BX01	CEQR NO.	Project Name	Borough	CD
10BSA060X	895 Zerega Avenue	Bronx	BX09	09BSA062M	125 Fulton Street	Manhattan	MN01	09HPD019K	Broadway Triangle	Brooklyn	BK01
10BSA061R	Retro Fitness South Shore Commons	Staten Island	SI03	09BSA064M	Astor Place David Barton Gym	Manhattan	MN02	09HPD022M	West 44th Street and Eleventh Avenue Rezoning (PS 51)	Manhattan	MN04
10BSA123X	802,804,806,808 and 810 East 147th Street	Bronx	BX01	09BSA065M	Yogaworks Soho	Manhattan	MN02	MISCELLANEOUS			
10BSA124X	802,804,806,808 and 810 East 147th Street	Bronx	BX01	09BSA072M	Champion Fitness LLC	Manhattan	MN02	Technical Memorandum			
10BSA125X	802,804,806,808 and 810 East 147th Street	Bronx	BX01	09BSA110M	325 Fifth Avenue	Manhattan	MN05	07DCP004M	27 Wooster Street	Manhattan	MN02
10BSA126X	802,804,806,808 and 810 East 147th Street	Bronx	BX01	09BSA113Q	40-22 College Point Boulevard	Queens	QN07	10DCP900X	Delafield Estate Technical Memorandum (80_044X)	Bronx	BX08
10BSA127X	802,804,806,808 and 810 East 147th Street	Bronx	BX01	09BSA117K	94 Amherst Street	Brooklyn	BK15	10DCP901X	Sea Breeze Estates, City Island (also see 89-040X)	Bronx	BX10
10BSA130Q	110-14 Roosevelt Avenue	Queens	QN04	10BSA021K	LRHC Flatbush NY LLC	Brooklyn	BK14	00DME006M	Stuyvesant Cove Park and Environmental Learning Center	Manhattan	MN06
10BSA132Q	Calvary Baptist	Queens	QN12	10BSA023M	246 Spring Street Physical Culture Establishment	Manhattan	MN02	01DME004M	East River Science Park	Manhattan	MN06
10CHA002X	Highbridge Terrane and the Overlook (Highbridge Gardens)	Bronx	BX04	10BSA038M	The New York Eye and Ear Infirmary	Manhattan	MN02	m10-14			
07DCP080R	Victory Boulevard/Residential Development	Staten Island	SI01	10CLA002K	Brooklyn Botanic Garden Visitor Center Project	Brooklyn	BK09	<hr/> OFFICE OF MANAGEMENT AND BUDGET <hr/>			
10DPR002M	High Line Acquisition Between 30th and 34th Streets	Manhattan	MN04	08DCP039M	102 Greene Street	Manhattan	MN02	NOTICE			
10DCP011M	401 Washington Street	Manhattan	MN01	08DCP067X	625 East Fordham Road	Bronx	BX06	<hr/>			
10DCP017X	Crotona Park East/West Farms Rezoning and Related Actions	Bronx	BX03 BX06	09DCP043M	Columbus House West Side Large Scale Residential	Manhattan	MN07	<hr/>			
10DCP022M	Hudson Yards Garment Center Street Wall Text Amendment	Manhattan	MN04	10DCP009R	Sunnyside/Grymes Hill Rezoning	Staten Island	SI01 SI01	<hr/>			
10DCP031M	Sugar Hill Rezoning	Manhattan	MN09	10DPR002M	High Line Acquisition Between 30th and 34th Streets	Manhattan	MN04	<hr/>			
10DCP032Y	Car Share Text Amendment	Citywide		10DCP011M	401 Washington Street	Manhattan	MN01	<hr/>			
10DCP035X	Webster Avenue Rezoning	Bronx	BX07	10DCP019Q	Astoria Rezoning	Queens	QN01	<hr/>			
10DCP901X	Sea Breeze Estates, City Island (also see 89-040X)	Bronx	BX10	10DHS001X	St. Peter's Family Residence	Bronx	BX10	<hr/>			
07DEP059Q	Springfield Gardens Sewer Project Phase D	Queens	QN13	09DME010M	Preferred Floors Land Disposition	Manhattan	MN11	<hr/>			
07DEP063R	Mid-Island Bluebelt Drainage Plans	Staten Island	SI03 SI02	10DOT001M	Designation fo Extra Place as a Restricted Use Street	Manhattan	MN03	<hr/>			
10DEP046U	Extended New York City Watershed Land Acquisition	Upstate		10DOT003M	Designation as Restricted Use Streets Two Locations in Lower	Manhattan	MN01	<hr/>			
10DEP061U	South Rondout Forest Management Project	Upstate		09HPD008K	Round III Division/Java	Brooklyn	BK01	<hr/>			
10DEP062U	Ol' McCune Forest Improvement Project	Upstate		10HPD013Q	Council Towers VI Senior Housing	Queens	QN08	<hr/>			
10DEP065U	Shaft 4 Interconnection Project	Upstate		10HPD022K	St. John's Place	Brooklyn	BK16	<hr/>			
10DHS001X	St. Peter's Family Residence	Bronx	BX10	10SBS005K	MetroTech Area Business Improvement District Expansion	Brooklyn	BK02	<hr/>			
10DME006K	Stillwell Avenue Development Site	Brooklyn	BK13	10TLC014X	Azteca Cars Service Inc	Bronx	BX01	<hr/>			
10DOT002K	Reconfiguration of Albee Square and DeKalb Avenue Restricted	Brooklyn	BK02	10TLC016X	D & J Car Service Inc d/b/a Citicar Private Car Service	Bronx	BX09	<hr/>			
10DOT003M	Designation as Restricted Use Streets Two Locations in Lower	Manhattan	MN01	10TLC017Q	New Shacks Car Service Inc	Queens	QN12	<hr/>			
10DOT004Q	Somerville Area Street Improvements	Queens	QN14	Modified Negative Declaration							
10HPD011K	Providence House	Brooklyn	BK09	09DCP012M	57-63 Greene Street	Manhattan	MN02	<hr/>			
10HPD016M	535-537 East 11th Street	Manhattan	MN03	08DPR002X	Shakespeare Ave/West Bronx Recreation Center Ball Field	Bronx	BX04	<hr/>			
10HPD018M	125th Street Firehouse Rehabilitation and Expansion	Manhattan	MN11	08HPD009K	Brownsville North/CB Emmanuel Cornerstone Site 19	Brooklyn	BK16	<hr/>			
10HPD019X	3565 Ropes Avenue	Bronx	BX12	Conditional Negative Declaration							
10HPD020X	East Clarke Place	Bronx	BX04	06DCP083Q	118-02 Queens Boulevard Rezoning	Queens	QN06	<hr/>			
10HPD021M	Harlen Park	Manhattan	MN10	08DCP056K	Rose Plaza on the River	Brooklyn	BK01	<hr/>			
10HPD022K	St. John's Place	Brooklyn	BK16	09DCP022R	4523 Amboy Road	Staten Island	SI03	<hr/>			
10HPD023K	Northside Town Hall Community & Cultural Center (Wythe Avenue)	Brooklyn	BK01	09DCP028X	Webster Avenue Residential Development	Bronx	BX12	<hr/>			
10HPD024X	Sedgwick and Undercliff Development	Bronx	BX05	09DCP074R	NYCWiN-645 Rossville Avenue (Site SI-013B)	Staten Island	SI03	<hr/>			
10SBS003K	Bush Terminal Master Lease Renewal	Brooklyn	BK07	Positive Declaration							
10SBS005K	MetroTech Area Business Improvement District Expansion	Brooklyn	BK02	10DCP017X	Crotona Park East/West Farms Rezoning and Related Actions	Bronx	BX03 BX06	<hr/>			
10TLC014X	Azteca Cars Service Inc	Bronx	BX01	10DCP031M	Sugar Hill Rezoning	Manhattan	MN09	<hr/>			
10TLC016X	D & J Car Service Inc d/b/a Citicar Private Car Service	Bronx	BX09	10DCP035X	Webster Avenue Rezoning	Bronx	BX07	<hr/>			
10TLC017Q	New Shacks Car Service Inc	Queens	QN12	07DEP063R	Mid-Island Bluebelt Drainage Plans	Staten Island	SI03 SI02	<hr/>			
DETERMINATION OF SIGNIFICANCE											
Negative Declaration											
08BSA011M	8-12 Bond Street	Manhattan	MN02	SCOPING							
08BSA014Q	137-35 Elder Avenue aka 43-49 Main Street	Queens	QN07	Draft Scope of Work							
08BSA093K	Central UTA	Brooklyn	BK03	10DCP017X	Crotona Park East/West Farms Rezoning and Related Actions	Bronx	BX03 BX06	<hr/>			
08BSA086X	1601 Bronxdale Avenue	Bronx	BX11	10DCP031M	Sugar Hill Rezoning	Manhattan	MN09	<hr/>			
09BSA001Q	Royal One Real Estate LLC	Queens	QN02	10DCP035X	Webster Avenue Rezoning	Bronx	BX07	<hr/>			
09BSA006K	1247 38th Street	Brooklyn	BK12	07DEP063R	Mid-Island Bluebelt Drainage Plans	Staten Island	SI03 SI02	<hr/>			
09BSA015Q	Yeshiva B'nei Torah Expansion	Queens	QN14	10DEP046U	Extended New York City Watershed Land Acquisition	Upstate		<hr/>			
09BSA018X	1778-1800 Southern Boulevard	Bronx	BX03	09SBS004R	New York Container Terminal Expansion Project	Staten Island	SI01	<hr/>			
09BSA022K	Sephardic Mikvah Israel	Brooklyn	BK15	Final Scope of Work							
09BSA026K	Crown Heights Mikvah Expansion	Brooklyn	BK09	CEQR NO.	Project Name	Borough	CD	<hr/>			
09BSA031X	St Barnabas Hosptial	Bronx	BX06	09DCP019M	15 Penn Plaza	Manhattan	MN05	<hr/>			
09BSA039Q	Douglaston Plaza Shop ping Center	Queens	QN11	06DME010Q	Flushing Commons	Queens	QN07	<hr/>			
09BSA040K	70 Wyckoff Avenue	Brooklyn	BK04	ENVIRONMENTAL IMPACT STATEMENT							
09BSA044M	Kesy	Manhattan	MN06	Draft EIS and NOC							
09BSA045R	Costanzo's Martial Arts	Staten Island	SI03	09DCP019M	15 Penn Plaza	Manhattan	MN05	<hr/>			
09BSA049X	3857-3867 Third Avenue	Bronx	BX03	<hr/>							
09BSA050M	Trevor Day School Expansion	Manhattan	MN08	<hr/>							

OFFICE OF MANAGEMENT AND BUDGET

NOTICE

**DEPARTMENT OF CITY PLANNING
OFFICE OF MANAGEMENT AND BUDGET
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
NOTICE OF PROPOSED PROGRAM CHANGES TO
THE 2010 CONSOLIDATED PLAN
NOTICE OF AVAILABILITY OF THE PROPOSED CITY
FISCAL YEAR 2011
COMMUNITY DEVELOPMENT PROGRAM
DESCRIPTIONS & BUDGET**

TO ALL AGENCIES, COMMUNITY BOARDS, GROUPS AND PERSONS:

Modification to the Community Development Block Grant Program (CD)
Pursuant to Section 91.105(c) of the Department of Housing and Urban Development's (HUD) Consolidated Plan Regulations, the City proposes changes in the 2010 Consolidated Plan/Thirty-Sixth Community Development Program Year (CD 36), effective July 1, 2010. The proposed changes are identified in the "Proposed City Fiscal Year 2011 Community Development Program". This document contains the Proposed City Fiscal Year 2011 budget, the Proposed Revised CD Year 36 budget (which will be incorporated into the Amended 2010 Consolidated Plan) and the Proposed CD 37 budget.

On Friday, May 7th, the "Proposed City Fiscal Year 2011 Community Development Program" document will be available, one copy per person or organization, at the following locations:

The Department of City Planning
The Book Store
22 Reade Street, 1st Floor
New York, New York 10007
Monday: 12:00 P.M. to 4:00 P.M.
Tuesday - Friday: 10:00 A.M. to 1:00 P.M.

The Office of Management and Budget
75 Park Place, 8th Floor Reception Area
New York, New York 10007
Monday - Friday: 10:00 A.M. to 5:00 P.M.

If you would like the document emailed to you in PDF format, please email John Leonard at leonardj@omb.nyc.gov or call (212) 788-6177 with any questions you may have.

Written comments on the proposed changes should be directed to Charles V. Sorrentino, Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street, 4th Floor, New York, New York 10007 by June 7, 2010.

City of New York:
Amanda M. Burden, Director, Department of City Planning
Mark Page, Budget Director, Office of Management and Budget

Date: May 7, 2010.

m7-13

TRANSPORTATION

NOTICE

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON DEKALB AVENUE, BETWEEN FULTON STREET, BOND STREET AND ALBEE SQUARE, BOROUGH OF BROOKLYN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on DeKalb Avenue between Fulton Street, Bond Street and Albee Square in Brooklyn ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Fulton Mall Improvement Association

as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 7, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON BROAD STREET, BETWEEN WALL STREET AND BEAVER STREET, BOROUGH OF MANHATTAN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on Broad Street between Wall Street and Beaver Street in Manhattan ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Alliance for Downtown New York as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 7, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

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PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON EAST FORDHAM ROAD, EAST KINGSBRIDGE ROAD AND CELIA CRUZ BOULEVARD, BOROUGH OF THE BRONX

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on East Fordham Road, East Kingsbridge Road and Celia Cruz Boulevard in the Bronx ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Fordham Road Business Improvement District as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 7, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF A PEDESTRIAN PLAZA LOCATED ON WILLOUGHBY STREET BETWEEN PEARL STREET AND ADAMS STREET, BOROUGH OF BROOKLYN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of a pedestrian plaza located on Willoughby Street between Pearl Street and Adams Street in Brooklyn ("Licensed Plaza"), including through DOT-approved events, sponsorships, and subconcessions including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or the concessionaire, and other similar merchandise within the Licensed Plaza.

The concessionaire shall issue solicitations in the basic form of a Request for Proposals or a Request for Bids to select entities that will operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's prior written approval.

The concession agreement will provide for one (1) five-year term, with four (4) one-year renewal options. The renewal options shall be exercisable at DOT's sole discretion.

DOT has identified the Fulton Mall Improvement Association as a potential concessionaire, but DOT will consider additional expressions of interest from other potential not for profit concessionaires for the operation, management, and maintenance of the Licensed Plaza. In order to qualify, interested organizations should be active in the neighborhood of the Licensed Plaza and have demonstrated experience in the management, operation and maintenance of publicly accessible facilities, including but not limited to programming/events management and concession or retail operation/management.

Not for profit organizations may express interest in the proposed concession by contacting Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, by email at awileyschwartz@dot.nyc.gov or in writing at 55 Water Street, 9th Floor, New York, NY 10041 by June 7, 2010. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession by email or by telephone at (212) 839-6678.

Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

LATE NOTICES

HOUSING AUTHORITY

SOLICITATIONS

Goods & Services

BULK GARBAGE CARTING SERVICES – Competitive

Sealed Bids – DUE 05-28-10 –

PIN# 26753 - Various Staten Island Developments Due at 10:00 A.M.

PIN# 26759 - Various Queens Developments Due at 10:05 A.M.

PIN# 26760 - Various Bronx North Developments Due at 10:10 A.M.

PIN# 26761 - Various Bronx South Developments Due at 10:15 A.M.

PIN# 26762 - Various Brooklyn East Developments Due at 10:20 A.M.

PIN# 26763 - Various Brooklyn West Developments Due at 10:25 A.M.

PIN# 26764 - Various Brooklyn South Developments Due at 10:30 A.M.

PIN# 26765 - Various Manhattan North Developments Due at 10:35 A.M.

PIN# 26766 - Various Manhattan South Developments Due at 10:40 A.M.

Interested firms may obtain a copy and submit it on NYCHA's website: [Doing Business with NYCHA](http://www.nyc.gov/html/nycha/html/business/business.shtml). [Http://www.nyc.gov/html/nycha/html/business/business.shtml](http://www.nyc.gov/html/nycha/html/business/business.shtml); Vendors are instructed to access the "Register Here" link for "New Vendors"; if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Vendor." If you do not have your log-in credentials, click the "Request a Log-in ID" using the link under "Existing Vendor." Upon access, reference applicable RFQ number per solicitation.

Vendors electing to submit a non-electronic bid (paper document) will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS - Money order/Certified check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to 12th Floor - General Services Procurement Group. A bid package will be generated at time of request.

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

Housing Authority, 90 Church Street, 12th Fl., New York, NY 10007. Sabrina Steverson (212) 306-6771, sabrina.steverson@nycha.nyc.gov

BULK GARBAGE CARTING SERVICES – Competitive

Sealed Bids – DUE 06-11-10 –

PIN# 26767 - Various Staten Island Developments Due at 10:00 A.M.

PIN# 26768 - Various Bronx North Developments Due at 10:05 A.M.

PIN# 26769 - Various Bronx South Developments Due at 10:10 A.M.

PIN# 26770 - Various Queens Developments Due at 10:15 A.M.

PIN# 26771 - Various Manhattan North Developments Due at 10:20 A.M.

PIN# 26772 - Various Manhattan South Developments Due at 10:25 A.M.

PIN# 26773 - Various Brooklyn South Developments Due at 10:30 A.M.

PIN# 26774 - Various Brooklyn East Developments Due at 10:35 A.M.

PIN# 26775 - Various Brooklyn West Developments Due at 10:40 A.M.

This is a two (2) Year Requirement Contract with a one (1) Year renewal option; bid security required in the amount of five (5) percent.

Interested firms may obtain a copy and submit it on NYCHA's website: [Doing Business with NYCHA](http://www.nyc.gov/html/nycha/html/business/business.shtml). [Http://www.nyc.gov/html/nycha/html/business/business.shtml](http://www.nyc.gov/html/nycha/html/business/business.shtml); Vendors are instructed to access the "Register Here" link for "New Vendors"; if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Vendor." If you do not have your log-in credentials, click the "Request a Log-in ID" using the link under "Existing Vendor." Upon access, reference applicable RFQ number per solicitation.

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Housing Authority, 90 Church Street, 12th Fl., New York, NY 10007. Sabrina Steverson (212) 306-6771, sabrina.steverson@nycha.nyc.gov

Human/Client Service

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED REDEVELOPMENT - PROSPECT PLAZA, BROOKLYN – Request for Information – PIN# 26779 – DUE 05-28-10 AT 4:00 P.M. – Qualified Environmental Consultant to undertake a comprehensive Environmental Assessment for the proposed Prospect Plaza Redevelopment, conducted in accordance with the protocols and procedures of the National Environmental Act ("NEPA") and the New York State Environmental Quality Review Act ("SEQRA"). The analyses are to be carried out in accordance with the guidelines set forth in the City Environmental Quality Review ("CEQR") Technical Manual.

The purpose of this environmental review is to facilitate the demolition, disposition, financing and redevelopment of the site(s).

Interested firms may obtain a copy and submit it on NYCHA's website: [Doing Business with NYCHA](http://www.nyc.gov/html/nycha/html/business/business.shtml). [Http://www.nyc.gov/html/nycha/html/business/business.shtml](http://www.nyc.gov/html/nycha/html/business/business.shtml); Vendors are instructed to access the "Register Here" link for "New Vendors"; if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Vendor." If you do not have your log-in credentials, click the "Request a Log-in ID" using the link under "Existing Vendor." Upon access, reference applicable RFQ number per solicitation.

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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.

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PROVIDE 360 DEGREE ASSESSMENT SERVICES - NYCHA HUMAN RESOURCE DEPARTMENT – Request for Information – PIN# 26780 – DUE 05-28-10 AT 4:00 P.M. – Requesting vendor services to develop, customize (on a limited scale) and implement an on-line 360 degree assessment for NYCHA's staff. The selected vendor will work with NYCHA's Human Resources Department to develop the assessment.

Interested firms may obtain a copy and submit it on NYCHA's website: [Doing Business with NYCHA](http://www.nyc.gov/html/nycha/html/business/business.shtml). [Http://www.nyc.gov/html/nycha/html/business/business.shtml](http://www.nyc.gov/html/nycha/html/business/business.shtml); Vendors are instructed to access the "Register Here" link for "New Vendors"; if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Vendor." If you do not have your log-in credentials, click the "Request a Log-in ID" using the link under "Existing Vendor." Upon access, reference applicable RFQ number per solicitation.

Vendors electing to submit a non-electronic bid (paper document) will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS - Money order/Certified check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to 12th Floor - General Services Procurement Group. A bid package will be generated at time of request.

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Housing Authority, 90 Church Street, 12th Fl., New York, NY 10007. Sabrina Steverson (212) 306-6771, sabrina.steverson@nycha.nyc.gov