



# THE CITY RECORD

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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

*See Also: Procurement; Agency Rules*

### BANKING COMMISSION

#### MEETING

Please take notice a Citywide meeting of the NYC Banking Commission will be held on May 28, 2015 at 4:00 PM EST. The location of the hearing is at Brooklyn Borough Hall, 2nd Floor Courtroom, 209 Joralemon Street, Brooklyn, NY 11201.

m19-27

### BOROUGH PRESIDENT - BROOKLYN

#### PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that, pursuant to Sections 197-c of the New York City Charter, the Brooklyn Borough President will hold a public hearing on the following matters in the Community Room, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, NY 11201, commencing at 6:00 P.M. on Monday, June 1st, 2015.

#### Calendar item 1 - 150319 PJK

An application submitted by the Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 141 Livingston Street for continued use as Housing, Civil and Small Claims Court and expansion of court uses within Community District 2.

#### Calendar Item 2 - 150320 PSK

An application submitted by the Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection of property located at 210 Joralemon Street for use as Housing, Civil and Small Claims Court within Community District 2.

#### Calendar Item 3 - 1150325 PSK and 150327 ZSK

Applications submitted by the New York City Fire Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and special use permit pursuant to Zoning Resolution section 74-67 to allow a Use Group fire station in a Residence zoning district of property located at 1472 Bergen Street and for a 15, 261 sf replacement facility for its Rescue 2 operation within Community District 16.

#### Calendar item 4 - 150318 PJK

An application submitted by the Human Resource Administration and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 10300 Foster Avenue for a 201,477 sf expansion of

its warehouse facility to include its print shop, trades shops, trade shops' warehouse, record storage and management information systems warehouse within Community District 18.

**Calendar item 5 - 150188 PCK**

An application submitted by the New York City Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of 93,000 sf of property located at 4312 Second Avenue for use as a central records and evidence storage facility within Community District 7.

**Calendar item 6 - 150305 PCK**

An application submitted by the New York County District Attorney and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of 95,866 sf of property located at 4312 Second Avenue for use as records storage facility within Community District 7.

Note: To request a sign language interpreter, or to request TTD services, call Mr. Richard Bearak at 718-802-4057 before the hearing.

• m26-j1

**BOROUGH PRESIDENT - QUEENS**

■ NOTICE

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Borough President of Queens, Melinda Katz, on **Thursday, May 28, 2015** at 10:30 A.M., in the Borough President's Conference Room located at 120-55 Queens Boulevard, Kew Gardens, NY 11424, on the following items:

**CD Q07 - BSA # 402-86 BZ**

**IN THE MATTER OF** an application submitted by Carl A. Sulfaro, Esq. on behalf of Urban/College Point Associates, Inc., pursuant to Section 72-01 and 72-22 of the New York City Zoning Resolution, to waive the rules of procedure, to extend the term of variance and amend the previously approved variance to eliminate the term of variance and to legalize the existing building with its primary business entrance, show window or sign within 75 feet of an adjoining residential district without required yards located at **22-12 129th Street**, Block 4204, Lot 34 in an M1-1 district, Zoning Map 10a, College Point, Borough of Queens.

**CD Q06 - BSA # 369-03 BZ**

**IN THE MATTER OF** an application submitted by The Law Office of Fredrick A. Becker on behalf of 99-01 Queens Boulevard, LLC and TSI Rego Park, LLC dba New York Sports Club, pursuant to Section 72-01 of the New York City Zoning Resolution, for an extension of the term of a previously granted variance allowing the operation of a physical culture establishment/health club in portion of an existing building in a C1-2/R7-1 district located at **99-01 Queens Boulevard**, Block 2118, Lot 1, Zoning Map 14a, Rego Park, Borough of Queens.

**CD Q11 - BSA # 268-14 BZ**

**IN THE MATTER OF** an application submitted by Warshaw Burstein, LLP on behalf of Kenfa Madison, LLC and Two Deer Group, LLC, pursuant to Section 72-21 of the New York City Zoning Resolution, for a variance to permit the enlargement of the existing eating and drinking establishment (U.G.6) within an R1-2 district located at **231-06/10 Northern Boulevard**, Block 8164, Lots 22, 122, 30, 130, 43, 15, and 230, Zoning Map 11a, Douglaston, Borough of Queens.

**CD Q01 & Q02 - ULURP# N150141 ZRQ**

**IN THE MATTER OF** an application submitted by Bright Horizons LLC, pursuant to New York City Charter Section 201, to amend Section 117-03, appendix C of the New York City Zoning Resolution affecting the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District to allow community facility uses on the ground floor of buildings located at the **intersection of Queens Plaza South, Jackson Avenue and Queens Boulevard**, Zoning Map 9b, Long Island City, Borough of Queens.

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

m21-28

**CITY PLANNING COMMISSION**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the

following matters to be held at 22 Reade Street, New York, NY, on Wednesday, June 3, 2015 at 10:00 A.M.

**BOROUGH OF THE BRONX**

**Nos. 1 & 2**

**MELROSE COMMONS NORTH SITE B**

**No. 1**

**CD 3**

**C 150303 ZSX**

**IN THE MATTER OF** an application submitted by NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed-use development, on property located at Elton Avenue between E. 162 Street and E. 163 Street (Block 2384, Lots 20, 25, 28, 32, 33, 34, 38, 48, 8900, 8901, ARO Lot 23, and portions of demapped Brook Avenue, Melrose Crescent and E. 162 Street), in R8 and R8/C1-4 Districts, within the Melrose Commons (Urban Renewal Area).

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

**No. 2**

**CD 3**

**C 150306 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at Elton Avenue between East 162<sup>nd</sup> Street and East 163<sup>rd</sup> Street (Block 2384, Lots 20, 23, 25, 28, 32, 33, 34, 38, 48, 8900 and 8901), including the de-mapped street-beds of Brook Avenue between East 163<sup>rd</sup> and Elton Avenue, a portion of East 162<sup>nd</sup> Street at Elton Avenue, and a portion of Melrose Crescent, as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a twelve-story mixed-use building with approximately 277 units of affordable housing, 25,390 square feet of community facility space, and 26,700 square feet of ground-floor retail space.

**BOROUGH OF MANHATTAN**

**No. 3**

**520 WEST 28<sup>TH</sup> STREET PARKING GARAGE**

**CD 4**

**C 150147 ZSM**

**IN THE MATTER OF** an application submitted by 28<sup>th</sup> Highline Associates, L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an accessory off-street automated parking garage with a maximum capacity of 29 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed-use building on property located at 520 West 28<sup>th</sup> Street (Block 699, Lots 22, 24, 37, 42 and 43), in a C6-3 District, within the Special West Chelsea District.

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

**No. 4**

**76 GREENWICH AVENUE**

**CD 2**

**C 150203 MMM**

**IN THE MATTER OF** an application, submitted by West Village Residences LLC and The New York City Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the establishment of a park within the area bounded by Seventh Avenue, Greenwich Avenue and West 12<sup>th</sup> Street;
- the modification of block dimensions and legal grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto in accordance with Map No. 30250 dated March 27, 2015 and signed by the Borough President.

**No. 5**

**ST. VINCENT'S PARK**

**CD 2**

**N 150267 ZRM**

**IN THE MATTER OF** an application, submitted by West Village Residences LLC and The New York City Department of Parks and

Recreation, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York to allow for open space being developed within the West Village Residences Large Scale General Development to be mapped as a park and conveyed to the City of New York, in Community District 2 in the Borough of Manhattan.

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

ARTICLE VII
ADMINISTRATION

CHAPTER 4
Special Permits by the City Planning Commission

\* \* \*

74-741
Requirements for application

An application to the City Planning Commission for the grant of a special permit pursuant to Section 74-74 for a #large-scale general development# shall include a site plan showing the boundaries of the #large-scale general development# and the proposed location and #use# of all #buildings or other structures# on each #zoning lot# comprising the #large-scale general development#.

74-742
Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase.

\* \* \*

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

\* \* \*

(d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:

- (1) tracts of land in State or City ownership; or
(2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the #bulkhead# line; or

(e) within Manhattan Community District 2, where the Commission has approved a special permit under Section 74-74 (Large-Scale General Development) for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then:

- (1) the consent or authorization of any owner or party in interest to such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#, unless the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for such a modification on another owner or party in interest, in which case the consent or authorization of the owner or any party in interest shall be required; and
(2) the consent or authorization of any owner or party in interest to property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#, unless the proposed modification would impose an additional obligation or increase the degree of an

obligation existing as of the date of the application for such a modification on another owner or party in interest, in which case the consent or authorization of the owner or any party in interest shall be required.

74-743
Special provisions for bulk modification

(a) For a #large-scale general development#, the City Planning Commission may permit:

\* \* \*

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

\* \* \*

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal Area, within Manhattan Community District 2, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

In addition, within Manhattan Community District 2, where the Commission has approved a #large-scale general development# located partially within a C2-7 District, if any #open space# approved pursuant to Section 74-743(a)(4) is subsequently mapped as a park and transferred to City ownership, the #open space# requirement approved for such #large-scale general development# pursuant to Section 74-743(a)(4) shall be reduced by the area of such #public park#.

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section 23-92 (General Provisions) is achieved in a #large-scale general development#. The Commission may establish procedures resulting in limiting the amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of Section 23-953.

Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such #large-scale general development#.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

CITYWIDE
No. 6

SPECIAL REGULATIONS FOR NEIGHBORHOOD RECOVERY

CITY WIDE N 150302 ZRY
IN THE MATTER OF an application submitted by the Mayor's Office of Housing Recovery, the Department of Housing Preservation and Development, and 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, concerning Article VI, Chapter 4 and related Sections, to simplify and expedite the process of elevating and reconstructing single- and two-family homes in Hurricane Sandy-impacted areas of Community Districts 10, 13, and 14 of Queens; Community Districts 13, 15, and 18 of Brooklyn, and Community Districts 2 and 3 of Staten Island.

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

ARTICLE I
GENERAL PROVISIONS

\* \* \*

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

\* \* \*

**11-30  
BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF  
AMENDMENT**

\* \* \*

**11-339  
Post-Hurricane Sandy construction**

The provisions of this Section shall apply within the #flood zone#. The provisions of this Section are subject to all provisions of Title 28 of the Administrative Code of the City of New York and Appendix G of the Building Code of the City of New York, or its successors, including those pertaining to expiration, reinstatement, revocation and suspension. Changes in #flood maps# shall be considered an amendment of the Zoning Resolution pursuant to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT).

\* \* \*

- (c) Provisions applying in the event that Flood Resilience Zoning Text Amendment expires

This provision shall become effective only upon the expiration of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), adopted on October 9, 2013. If an application for approval of construction documents has been approved on or before the expiration of Article VI, Chapter 4, a building permit authorizing such construction may be issued pursuant to Article VI, Chapter 4, and such construction may continue until a date six years after the expiration of Article VI, Chapter 4. After such date, the vesting provisions of Section 11-30 shall apply.

- (d) Provisions applying when Appendix A (Special Regulations for Neighborhood Recovery) expires

This provision shall become effective only upon the expiration of Appendix A (Special Regulations for Neighborhood Recovery) of Article VI, Chapter 4, adopted on [effective date of text amendment]. If a building permit authorizing construction pursuant to Appendix A has been approved on or before the expiration of such Appendix, construction may continue up to two years after the expiration. After such date, the provisions of Section 11-30 shall apply.

\* \* \*

**ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

\* \* \*

**Chapter 4  
Special Regulations Applying in Flood Hazard Areas**

**64-00  
GENERAL PURPOSES**

The provisions of this Chapter establish special regulations which are designed to encourage flood-resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the Federal government and the New York City Building Code;
- (b) to enable buildings to be constructed pursuant to flood-resistant standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;
- (c) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity; and
- (d) to expedite the recovery of neighborhoods that experienced a high concentration of damage to single- and two-family residences from Hurricane Sandy within the Neighborhood Recovery Areas specified in Appendix A of this Chapter; and
- (e) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

\* \* \*

**64-12  
Applicability**

The provisions of this Chapter shall apply only within the #flood zone#, as follows:

- (a) Except where otherwise stated, all #buildings#, or portions thereof, shall comply with #flood-resistant construction standards# as a condition of construction pursuant to the following optional provisions, as applicable, inclusive:

- Section 64-10 GENERAL PROVISIONS
- Section 64-20 SPECIAL USE REGULATIONS
- Section 64-30 SPECIAL BULK REGULATIONS
- Section 64-40 SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012
- Section 64-50 SPECIAL PARKING REGULATIONS
- Section 64-70 SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS
- Section 64-80 MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS
- Section 64-90 SPECIAL APPROVALS

- (b) The provisions of Section 64-60 (DESIGN REQUIREMENTS) shall apply to all #developments#, all horizontal #enlargements# with new #street walls#, or alterations that increase the height of #street walls#, except that Section 64-65 (Design Screening Requirements for Parking Within or Areas-Below Buildings) shall apply to all #buildings# as provided therein.
- (c) Where a #zoning lot# is located partially within a #flood zone#, the regulations of this Chapter shall apply where any portion of a #building# on such #zoning lot# is within such #flood zone#.
- (d) In Neighborhood Recovery Areas, shown on Maps 1 through 9 of Section 64-A80 (Neighborhood Recovery Area Maps) of this Chapter, optional provisions to expedite the vertical elevation or reconstruction of #single-# or #two-family residences# shall apply. Such provisions are set forth in Appendix A and shall supplement, supersede or modify the provisions of this Chapter. The regulations and maps contained therein are hereby incorporated and made part of this Resolution.

**64-13  
Applicability of District Regulations**

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

\* \* \*

**64-40  
SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING  
ON OCTOBER 28, 2012**

The following provisions shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#.

\* \* \*

**64-431  
For existing single- and two-family residences**

#Single-# and #two-family residences# existing on October 28, 2012, may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest floor level containing habitable space, located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#, and in so doing may create a #non-compliance# as to height and setback to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#.

Where the elevation requirements of Appendix G of the New York City Building Code apply to the lowest horizontal structural member, #single-# and #two-family residences# existing on October 28, 2012, may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space, located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#, and in so doing may create a #non-compliance# as to height and setback to the extent that such lowest horizontal structural member is elevated or reconstructed to #flood-resistant construction elevation#.

This Section shall not preclude the construction of complying #enlargements# or other complying structures on the #zoning lot#.

#Buildings# that were complying on October 28, 2012, and vertically elevated or reconstructed to a higher elevation, pursuant to this Section, shall be considered legal #non-complying buildings#.

\* \* \*

**64-70  
SPECIAL REGULATIONS FOR NON-CONFORMING USES AND  
NON-COMPLYING BUILDINGS**

\* \* \*

**64-723****Non-complying single- and two-family residences**

- (a) The provisions of Article V, Chapter 4, shall be modified to permit ~~#single-# and #two-family residences#~~ that are ~~#non-complying#~~ and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation in order to raise the lowest floor level containing habitable space that was located at or above the adjoining grade as of October 28, 2012 to ~~#flood-resistant construction elevation#~~.

Where the elevation requirements of Appendix G of the New York City Building Code apply to the lowest horizontal structural member, the provisions of Article V, Chapter 4, shall be modified to permit ~~#single-# and #two-family residences#~~ that are ~~#non-complying#~~ and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space that was located at or above the adjoining grade as of October 28, 2012, to ~~#flood-resistant construction elevation#~~.

Such vertical elevation or reconstruction may create a new ~~#non-compliance#~~ as to height and setback, or increase any existing ~~#non-compliance#~~ as to height and setback, required ~~#open space# and #yard#~~ regulations to the extent that such lowest floor level is elevated or reconstructed to ~~#flood-resistant construction elevation#~~. However, all other provisions of Article V, Chapter 4, shall apply without modification.

This Section shall not preclude the construction of complying ~~#enlargements#~~ or other complying ~~#buildings or other structures#~~ on the ~~#zoning lot#~~.

\* \* \*

**Appendix A****Special Regulations for Neighborhood Recovery****64-A00****GENERAL PROVISIONS**

The provisions of this Resolution shall apply as modified by this Chapter and by the special regulations set forth in this Appendix A. The provisions of this Appendix are optional, but when utilized, shall be applied in their entirety. This Appendix shall be in effect until five years from effective date of text amendment, at which time it shall automatically expire.

**64-A01****Applicability of Special Regulations for Neighborhood Recovery**

The provisions of this Appendix A shall only be applicable to ~~#buildings#~~ containing ~~#residential use#~~ whose vertical elevation or reconstruction will result in a ~~#single-# or #two-family residence#~~ that complies with ~~#flood-resistant construction standards#~~, where such ~~#building#~~ is located in:

- the Borough of Brooklyn, within the portions of Community Districts 13, 15, and 18, as shown on Maps 1, 2 and 3 in Section 64-A80 (Neighborhood Recovery Areas);
- the Borough of Queens, within the portions of Community Districts 10, 13 and 14, as shown on Maps 4, 5, and 6 in Section 64-A80 (Neighborhood Recovery Areas); or
- the Borough of Staten Island, within the portions of Community Districts 2 and 3, as shown on Maps 7, 8, and 9 in Section 64-A80 (Neighborhood Recovery Areas).

**64-A02****Special Requirements for Application**

Prior to the approval of any application to the Department of Buildings pursuant to this Appendix A, an applicant shall submit the following documents in order to establish that there was a ~~#building#~~ on the subject lot that contained a ~~#residential use#~~ on October 28, 2012:

- an aerial photograph taken up to one year prior to October 28, 2012 establishing that a ~~#building#~~ existed on the subject lot on October 28, 2012; and
- a 2012 tax bill or assessment roll for the subject lot that states such ~~#building#~~ contained a ~~#residential use#~~.

Where the documents specified in this Section are unavailable or inconclusive, the Department of Buildings may accept alternative documentation to satisfy the requirements of paragraphs (a) or (b).

**64-A03****Zoning Lots in Neighborhood Recovery Areas**

The definition of ~~#zoning lot#~~ set forth in Section 12-10 (Definitions) shall apply in this Appendix A. However, as an option, where a tax lot contained one or more ~~#buildings#~~ on October 28, 2012, or where a ~~#building#~~ or ~~#buildings#~~ occupied more than one tax lot on October 28, 2012, such tax lot may be provisionally considered a ~~#zoning lot#~~

for the sole purpose of demonstrating compliance with the bulk requirements of this Resolution, and shall be referred to as a ~~#zoning lot#~~ in this Appendix, provided that the proposed application will not affect compliance with any applicable provisions of the New York City Building Code or Fire Code with respect to ~~#building#~~ access to the same or other ~~#zoning lots#~~ on the same ~~#block#~~, unless a waiver or modification is obtained from the Department of Buildings or the Fire Department, respectively.

**64-A10****SPECIAL REGULATIONS FOR ESTABLISHING NON-CONFORMANCE AND NON-COMPLIANCE****64-A11****Establishing Non-conformance of Residences**

In all ~~#districts#~~, for a ~~#zoning lot#~~ that contained two or more ~~#dwelling units#~~ on October 28, 2012 which does not have lawful documentation indicating that more than one ~~#dwelling unit#~~ existed on the ~~#zoning lot#~~ on such date, the Board of Standards and Appeals may permit the vertical elevation or reconstruction of ~~#buildings#~~ containing such ~~#dwelling units#~~ and may establish ~~#non-compliance#~~ of such ~~#buildings#~~, pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

**64-A12****Special Regulations for Establishing Non-compliance of Existing Buildings**

In all districts, a ~~#building#~~ containing ~~#residences#~~, and any other structure that is attached to such ~~#building#~~, including porches, stairs, terraces, or balconies, that existed both on October 28, 2012 and on the date of application for a building permit, may be considered ~~#non-complying#~~ for the purpose of utilizing the applicable provisions of Article V and Article VI, Chapter 4 related to ~~#non-complying buildings or other structures#~~ provided that:

- a survey, prepared by a licensed land surveyor, specifying the location and height of such ~~#building#~~ and any other structures that are attached to such ~~#building#~~, is submitted as documentation of such ~~#non-compliance#~~; and
- such ~~#building#~~ shall either be vertically elevated in compliance with the ~~#bulk#~~ provisions of Section 64-A20 (SPECIAL BULK REGULATIONS FOR THE VERTICAL ELEVATION OF EXISTING BUILDINGS), or be reconstructed in compliance with the ~~#bulk#~~ provisions of Section 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012).

Upon completion and sign-off of work completed pursuant to the provisions of this Appendix, the ~~#building#~~ shall be considered ~~#non-complying#~~.

**64-A20****SPECIAL BULK REGULATIONS FOR THE VERTICAL ELEVATION OF EXISTING BUILDINGS**

The provisions of this Section shall apply to the vertical elevation of ~~#buildings#~~ containing ~~#residences#~~ that existed on October 28, 2012. Except as specifically modified by the provisions of this Section, inclusive, the applicable ~~#bulk#~~ regulations of this Chapter, the regulations of Article V, and the applicable zoning district shall remain in effect.

**64-A21****Special Regulations for Rebuilt Portions of Vertically Elevated Buildings**

A portion of a ~~#building#~~ that is being vertically elevated pursuant to this Appendix may be rebuilt, provided that:

- such rebuilt portion does not exceed 75 percent of the existing ~~#floor area#~~ of such ~~#building#~~; and
- except as specifically allowed by this Chapter, no new ~~#non-compliance#~~ shall be created, nor shall the degree of any existing ~~#non-compliance#~~ be increased, beyond that established pursuant to Section (Special Regulations for Establishing Non-compliance of Existing Buildings).

If the rebuilt portion of a ~~#building#~~ exceeds 75 percent of the existing ~~#floor area#~~ of the ~~#building#~~, such ~~#building#~~ shall be subject to the regulations of 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012)

**64-A22****Special Regulations for Space Partially Below Grade**

For a ~~#building#~~ where the lowest floor containing habitable space is partially below adjoining grade, and at least one-half of the floor-to-ceiling height of such floor is above adjoining grade, such ~~#building#~~ may be vertically elevated in order to raise the lowest floor containing habitable space to the ~~#flood-resistant construction elevation#~~, provided that:

- (a) the elevated #building# does not exceed two #stories#, except that attic space providing structural headroom of less than eight feet shall not be considered a #story# for the purposes of this Section; and
- (b) the height of such elevated #building#, including the apex of a pitched roof, does not exceed 25 feet, as measured from the #flood-resistant construction elevation#.

Any floor space that becomes #floor area# in excess of the maximum permitted #floor area ratio# for such #zoning lot#, as a result of the vertical elevation, shall be considered #non-complying floor area#. Such vertical elevation may increase any existing #non-compliances# with respect to required #open space# and #yard# regulations to the extent that such #non-compliance# results from the elevation of the lowest floor to the #flood-resistant construction elevation#. All other provisions of Article V, Chapter 4 (Non-complying Buildings), shall apply without modification.

The level of the adjoining grade shall be the average elevation of the grade adjoining the building, before it is elevated, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation.

#### **64-A23 Special Regulations for Existing Buildings Located Over Water**

For a #building# that will be vertically elevated and is located either partially or entirely seaward of the #shoreline#, such #building# may be relocated landward of the #shoreline# on the same #zoning lot#. Such relocation may create a new #non-compliance# or increase the degree of any existing #non-compliance# as to #side yards#, #waterfront yards#, #rear yards# or #rear yard equivalents#, provided that:

- (a) an open area of at least three feet shall be maintained between the exterior wall of the #building# and any #lot line#; and
- (b) except as specifically allowed by this Chapter, no new #non-compliance# shall be created, nor shall the degree of any existing #non-compliance# be increased, beyond that established pursuant to Section 64-A12 (Special Regulations for Establishing Non-compliance of Existing Buildings).

#### **64-A24 Permitted Obstructions in Required Open Space, Yards and Courts**

The provisions of Sections 23-12 (Permitted Obstructions in Open Space), 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 64-421 (Permitted obstructions) shall be modified so that:

- (a) mechanical equipment, including but not limited to #accessory# heating and cooling equipment, fuel oil tanks and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment:
- (1) is located at least three feet from any #lot line#;
  - (2) is screened on all sides by walls consisting of at least 50 percent opaque materials; and
  - (3) is in compliance with the standards of either of the following provisions:
    - i. all structure and screening are located no more than ten feet from the wall of a #building# and limited to a height of no more than 12 feet above #flood-resistant construction elevation#; or
    - ii. is located on the roof of a #building or other structure#, provided that the height of such equipment and screening does not exceed six feet, as measured from the finished level of a flat roof, or for a sloping roof, as measured from the midpoint of such roof. Such equipment shall be located not less than 15 feet from any #street wall# of a #building or other structure#.
- (b) visual mitigation elements, provided pursuant to Section 64-A50 (Special Design Requirements) shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#.

#### **64-A30 SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012**

The #bulk# regulations of this Section shall apply only to the permitted reconstruction of a #building#, that existed on October 28, 2012, that results in a #single-# or #two-family detached residence#. Except as specifically modified by the provisions of this Section, inclusive, the #bulk# regulations of this Chapter and the applicable zoning district shall remain in effect. #Buildings# reconstructed pursuant to this Section, 64-A30, shall not be considered #developments# or #enlargements#.

No #building# that is reconstructed pursuant to this section shall subsequently be #enlarged# pursuant to paragraph (b) of Section 54-313 (Single- or two-family residences with non-complying front yards or side yards) or Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences).

#### **64-A31 Special Regulations for Minimum Required Open Space, Maximum Lot Coverage and Maximum Floor Area**

##### **64-A311 Lot coverage and open space**

In R1-2A, R2A, R3-1, R3-2, and R4 Districts, except R4B, for #zoning lots# that do not meet the required minimum #lot area# or #lot width# of the applicable district, #lot coverage# and #open space# shall be governed by the #yard# requirements set forth in Section 64-A35 (Special Yard Regulations).

##### **64-A312 Floor area**

In R2X, R3, R4, R4A, and R4-1 Districts, the #floor area ratio# set forth in the table in Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts), paragraph (b), may be increased by 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance, for each foot of horizontal distance.

##### **64-A313 Special open space, lot coverage and floor area regulations for small lots**

R1 R2 R3 R4 R5 R6

In the districts indicated, for #zoning lots# with a #lot area# of less than 1,800 square feet, #open space#, #lot coverage# and #floor area ratio# regulations shall not apply. In lieu thereof, the #yard# requirements set forth in Section 64-A35 (Special Yard Regulations), and the height and setback requirements of Section 64-A36 (Special Height and Setback Regulations) shall govern.

##### **64-A32 Special Regulations for Maximum Number of Dwelling Units and Minimum Size of Dwelling Units**

##### **64-A321 Maximum number of dwelling units**

R1 R2 R3 R4 R5 R6

In the districts indicated, the provisions of Section 23-22 (Maximum Number of Dwelling Units or Rooming Units) shall not apply. In lieu thereof, not more than one #single-family detached residence# or, where permitted in the applicable zoning district pursuant to Section 22-12 (Use Group 2), one #two-family detached residence#, may be reconstructed. However, any #two-family detached residence# may only be reconstructed if such #zoning lot# contained two or more #dwelling units# on October 28, 2012, as indicated on the certificate of occupancy or upon approval by the Board of Standards and Appeals pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

##### **64-A322 Minimum Size of Dwelling Units in R3, R4A and R4-1 Districts**

In R3, R4A, and R4-1 Districts, the minimum size of #dwelling units# as set forth in Section 23-23(b), shall not apply to the permitted reconstruction of a #two-family detached residence#.

##### **64-A33 Special Regulations for Minimum Lot Area or Lot Width for Residences**

In all districts, including #lower density growth management areas#, either one #single-family detached residence# or, where permitted in the applicable zoning district pursuant to Section 22-12 (Use Group 2), one #two-family detached residence# may be reconstructed upon a #zoning lot# that:

- (a) has less than the prescribed minimum #lot area# or #lot width# as required by the applicable district regulations; and
- (b) if reconstructed as a #two-family detached residence#, either:
1. complies with the maximum number of #dwelling units# requirement of the applicable zoning district; or
  2. such #zoning lot# contained two or more #dwelling units# on October 28, 2012, as indicated on the certificate of occupancy or upon approval by the Board of Standards and Appeals pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

##### **64-A34 Permitted Obstructions in Required Open Space, Yards and Courts**

The provisions of Sections 23-12 (Permitted Obstructions in Open Space), 23-44 (Permitted Obstructions in Required Yards or Rear Yard

Equivalents) and 64-421 (Permitted obstructions) shall be modified as follows.

- (a) mechanical equipment, including but not limited to #accessory# heating and cooling equipment, fuel oil tanks and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment:
1. is located at least three feet from any #lot line#;
  2. is screened on all sides by walls consisting of at least 50 percent opaque materials; and
  3. is in compliance with the standards of either of the following provisions:
    - i. all structure and screening are located no more than 10 feet from the wall of a #building# and limited to a height of no more than 12 feet above #flood-resistant construction elevation#; or
    - ii. is located on the roof of a #building# or other structure, provided that the height of such equipment and screening does not exceed six feet, as measured from the finished level of a flat roof, or for a sloping roof, as measured from the midpoint of such roof. Such equipment shall be located not less than 15 feet from any #street wall# of a #building# or other structure#.
- (b) eaves, gutters or downspouts shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#, provided that such eave, gutter or downspout does not project further than 16 inches into such required #open space, yard# or #court#.
- (c) visual mitigation elements, provided pursuant to Section 64-A50 (Special Design Requirements) shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#.

#### **64-A35 Special Yard Regulations**

##### **64-A351 Special provisions for front yards**

R1 R2 R3 R4 R5

- (a) In the districts indicated, the #front yard# provisions of the applicable district shall apply, except that in R4 and R5 Districts, a #front yard# may have a depth of any dimension equal to or exceeding ten feet.
- (b) In R1 through R5 Districts, where an enclosed garage fronts upon a #street#, there shall be an unobstructed area at ground level, between the garage door and the #street line#, which is at least 8 1/2 feet in width by 18 feet in depth, except no such space shall be required in R5D Districts. Where an unenclosed #accessory# off-street parking space is provided in an open area on a #zoning lot#, or provided beneath an elevated #building#, an unobstructed area at ground level which is at least 8 1/2 feet in width by 18 feet in depth shall be provided beneath the #street line# and such space.
- (c) For #buildings# that are reconstructed pursuant to this Section 64-A30, the provisions regulating the depth of #front yards# in relation to adjacent #buildings#, set forth in paragraphs (b) and (c) of Section 23-45, shall not apply.

##### **64-A352 Special provisions for narrow lots**

R1 R2 R3 R4 R5 R6

- (a) In the districts indicated, the #side yard# provisions of the applicable district shall apply, except that the required total width of #side yards# for a #single-# or #two-family detached residence# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences). In no event shall the required width of a #side yard# be less than three feet. For #zoning lots# with less than 21 feet in #lot width#, the required total width of #side yards# shall be six feet.
- (b) In the Special South Richmond Development District, the provisions of Section 107-42 (Minimum Lot Area and Lot Width for Residences) and Section 107-462 (Side yards) shall not apply. In lieu thereof, the regulations of the applicable underlying Residence District shall apply pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences) and Section 23-46 (Minimum Required Side Yards) and may be modified, as applicable, by the regulations of this Appendix.
- (c) For the permitted reconstruction of #detached buildings# the provisions of paragraph (c) of Section 23-461 (Side yards for single- or two-family residences), shall not apply, provided such open area does not serve as access to required #accessory# off-street parking.

##### **64-A353 Special provisions for shallow lots**

R1 R2 R3 R4 R5 R6

In the districts indicated, if at any point the depth of a #zoning lot# is less than 95 feet, the depth of a required #rear yard# or #waterfront yard# may be reduced by six inches for each foot by which the mean lot depth is less than 95 feet. In no event shall the required depth of a rear yard be less than ten feet.

##### **64-A354 Special provisions for corner lots**

- (a) For #corner lots# in an R1-2 District, if one #front yard# has a depth of 20 feet, then the other may have a depth of 15 feet.
- (b) For #corner lots# in R3 Districts, if one #front yard# has a depth of 15 feet, then the other may have a depth of ten feet.
- (c) In all districts, for #corner lots# with less than the minimum #lot area# required pursuant to the applicable district regulations, the following provisions shall apply:
- (1) one #front yard# shall be provided along the full length of either #front lot line#;
  - (2) the remaining #front lot line# shall be treated as a #side lot line#; and
  - (3) any #side lot line# that is parallel to, or within 45 degrees of being parallel to the #front lot line# selected pursuant to paragraph (c)(1) of this Section, shall be treated as a #rear lot line# and a #rear yard# shall be provided along the full length of such #lot line#

The #rear# and #side yards# provided pursuant to this Section may be reduced pursuant to Sections 64-A352 (Special provisions for narrow lots) and 64-A353 (Special provisions for shallow lots).

##### **64-A36 Special Height and Setback Regulations**

R1 R2 R3 R4 R5 R6

In the districts indicated, the height and setback regulations of the applicable district shall not apply. In lieu thereof, all #buildings# shall be subject to the height and setback provisions set forth in paragraph (b) of Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts), except that the maximum height of a perimeter wall before setback shall be 19 feet, the maximum height of a ridge line shall be 25 feet, and all heights shall be measured from the #flood-resistant construction elevation#. In no event shall any #building# exceed two #stories#, except that attic space providing structural headroom of less than eight feet shall not be considered a #story# for the purposes of this Section.

##### **64-A40 SPECIAL PARKING PROVISIONS**

##### **64-A41 Waiver of Requirements for Certain Zoning Lots**

R1 R2 R3 R4 R5 R6

In the districts indicated, the requirements set forth in Section 25-22 (Requirements Where Individual Parking Facilities Are Provided) shall be waived for a #single-# or #two-family residence# on an #interior zoning lot# that has a #lot width# along a #street# of less than 25 feet, and where the #flood-resistant construction elevation# is less than six feet above #curb level#.

##### **64-A42 For Elevated Buildings**

The provisions of Section 64-52 (For Elevated Buildings), shall be modified to allow the #accessory# off-street parking spaces required pursuant to such section, to be located anywhere on the #zoning lot#.

##### **64-A50 SPECIAL DESIGN REQUIREMENTS**

R1 R2 R3 R4 R5 R6

In the districts indicated, the provisions of Section 64-61 (Design Requirements for Single- and Two-Family Residences) shall apply, except as expressly modified by this Section. Visual mitigation elements shall be required unless more than 50 percent of the #street wall# is within 18 inches of the #street line#.

##### **64-A51 Special Regulations for Corner Lots**

The design requirements set forth in Section 64-61 shall apply separately along each #street frontage# of a #corner lot#, except as modified below:

- (a) For #corner lots#, where the level of the #lowest occupiable floor# is nine feet or more above #curb level#, and more than 50 percent of the #street wall# of a #building# is within six feet of a #street

line#, only one visual mitigation element shall be required along such #street# frontage.

- (b) For #corner lots#, where trees or shrubs are provided as visual mitigation elements along both #street frontages# pursuant to paragraph (d) of Section 64-61, the required total length of planted areas shall be reduced to a minimum of 45 percent of the aggregate length of #street walls#, provided that the planting bed is continuous for the minimum required length, measured along such #street walls#, and at least six feet of planting bed is provided facing each #street#.

**64-A52  
Special Regulations for Narrow Lots**

For #interior zoning lots# that have a #lot width# less than 25 feet, the design requirements of paragraph (d) of Section 64-61 shall be modified to require the total length of planted areas to be greater than 40 percent of the #lot width#, and to be planted to screen at least 40 percent of the length of the #street wall#.

**64-A53  
Special Regulations for Zoning Lots with Shallow Yards**

For #zoning lots# where more than 50 percent of the #street wall# of a #building# is located within six feet of a #street line#, one or more of the following visual mitigation elements may be provided in lieu of paragraph (d) of Section 64-61:

- (a) Climbing vines

Where provided as a visual mitigation element, climbing vines shall be planted along 40 percent of the aggregate width of #street walls# in a planting bed that is at least 18 inches in width, measured perpendicular to the #street wall#, and allows a soil depth of at least two feet. A framework for the climbing vines shall be provided for the full length of the planting bed to a height of at least four feet. Such framework may be freestanding or attached to the #building#.

- (b) Green wall

Where provided as a visual mitigation element, a green wall or landscaped fence shall extend along 40 percent of the aggregate width of #street walls# to a height of at least four feet. Hanging plants, potted plants or plant material shall be distributed along the entire length of such green wall or landscaped fence. The supporting structure may be freestanding or attached to the #building# and shall be considered a permitted obstruction in any required #yard#, #court# or #open space#.

- (c) Planter box or raised planting bed

Where provided as a visual mitigation element, planter boxes or raised planting beds may be used in place of planting beds at grade. The top of such planter boxes shall be located between 18 and 36 inches above adjacent grade. Raised planting beds shall be at least 18 inches in height and shall not exceed 36 inches above adjacent grade. For planter boxes and raised planting beds, the minimum soil width shall be at least one foot, measured perpendicular to the street line, and the minimum soil depth shall be 18 inches. The planted area may be comprised of any combination of groundcover, perennials, annuals, shrubs, trees or other living plant material, and must attain a height of at least six inches. Planter boxes may be freestanding or attached to the building.

**64-A60  
NON-CONFORMING AND NON-COMPLYING BUILDINGS**

**64-A61  
Special Regulations for Non-conforming Single- or Two-Family Residences in Manufacturing Districts**

The provisions of Section 64-712 (Single- and Two-family buildings), shall be modified to allow the vertical elevation or reconstruction of a #non-conforming single-# or #two-family residence# in a Manufacturing District.

**64-A70  
SPECIAL APPROVALS**

The special permit and variance provisions of the Zoning Resolution shall apply to properties in the Neighborhood Recovery Areas.

**64-A71  
Special Permit for Establishing Non-conformance**

In all districts, for a #zoning lot# that contained two or more #dwelling units# on October 28, 2012 and does not have a certificate of occupancy, or other lawful documentation, indicating that more than one #dwelling unit# existed on the #zoning lot# on such date, the Board of Standards and Appeals may permit the vertical elevation or reconstruction of up to two #dwelling units# on such #zoning lot# in accordance with this Appendix, provided that the Board of Standards and Appeals determines that:

- (a) more than one #dwelling unit# existed on the site on October 28,

2012 based on evidence submitted including, but not limited to Department of Finance tax records, utility bills or an affidavit from a licensed architect or engineer that documents an on-site inspection of the #zoning lot# performed under the auspices of a governmental agency.

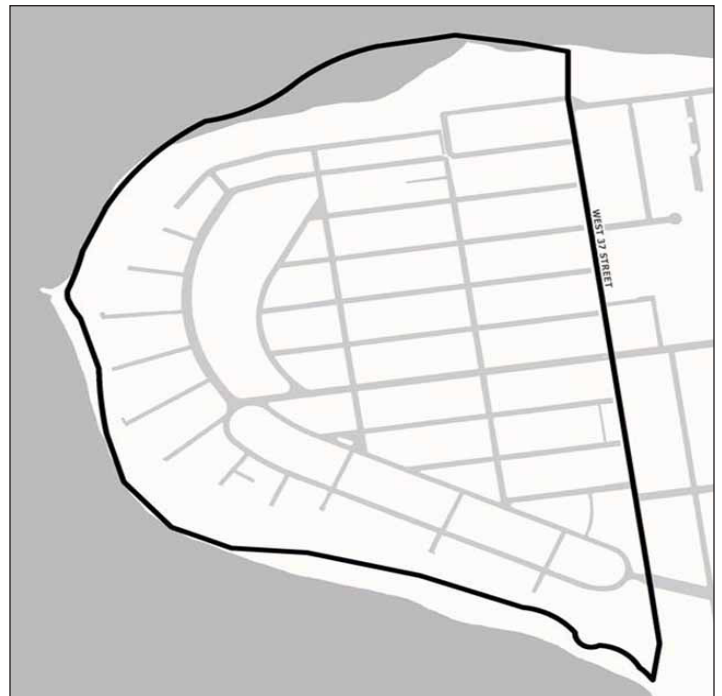
- (b) such #dwelling units# will meet all applicable requirements of the New York City Construction Codes upon completion of the proposed work; and
- (c) such #buildings# that are vertically elevated comply with the #bulk# provisions of Section 64-A20 (SPECIAL BULK REGULATIONS FOR THE VERTICAL ELEVATION OF EXISTING BUILDINGS), and such #buildings# that are reconstructed comply with the #bulk# provisions of Section 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012).

Upon completion and sign-off of work completed under the provisions of this Appendix, such #building# shall be considered #non-conforming#.

**64-A80  
NEIGHBORHOOD RECOVERY AREA MAPS**

[Text map to be added]

**Map 1  
Neighborhood Recovery Areas in Brooklyn Community District 13**



[Text map to be added]

**Map 2  
Neighborhood Recovery Areas in Brooklyn Community Districts 13 and 15**







[Text map to be added]

Map 9  
Neighborhood Recovery Areas in Staten Island Community District 3  
(2 of 2)



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

m20-j3

**CITY UNIVERSITY**

■ PUBLIC HEARINGS

The Annual Bronx Borough Hearing will take place on Monday, June 22, 2015 at 5:00 P.M., Hostos Community College, 3rd Floor, at 450 Grand Concourse, Bronx, NY 10451.

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**COMMUNITY BOARDS**

■ PUBLIC HEARINGS

**PUBLIC NOTICE IS HEREBY GIVEN** that the following matters have been scheduled for public hearing by Community Board:

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 16 -Tuesday, May 26, 2015 at 7:00 P.M.,  
Brownsville Multi Service Center, 444 Thomas S. Boyland Street,  
Brooklyn, NY

#C 150326PSK

**IN THE MATTER OF** an application submitted by the NYC Fire Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at Sterling Place between Howard and Saratoga avenues (Block 1467, p/o lot 22) for use as a rescue facility.

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**CONSUMER AFFAIRS**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN, PURSUANT TO LAW,** that the New York City Department of Consumer Affairs will hold a Public Hearing on Wednesday, June 03, 2015, at 2:00 P.M., at 66 John Street, 11<sup>th</sup> Floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

- 1) 1754 Rest Inc.  
1754 2nd Avenue in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

- 2) ABV New York LLC  
1504 Lexington Avenue in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 3) Culinary Concepts Hospitality Group LLC  
29 9th Avenue in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 4) Don Pablo, Inc.  
1725 2nd Avenue in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 5) FLK, Inc.  
431 West 202nd Street in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 6) G-13 Project Inc.  
2817 Coney Island Avenue in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 7) Les Cyclistes LLC  
292 Bedford Avenue in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 8) Manta LLC  
809 9th Avenue in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 9) Margherita Corporation  
197 Grand Street in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 10) Melouta Corp.  
2702 Astoria Boulevard in the Borough of Queens  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 11) Mermaid 88 LLC  
570 Amsterdam Avenue in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 12) R&G 86 LLC  
68 Bergen Street in the Borough of Brooklyn  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
- 13) Sushi Shop Pas LLC  
323 Park Avenue South in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

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**HOUSING AUTHORITY**

■ MEETING

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, May 27, 2015 at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, NY (unless otherwise noted). Copies of the Calendar are available on NYCHA's Website or can be picked up at the Office of the Corporate Secretary at 250 Broadway, 12th Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes are also available on NYCHA's Website or can be picked up at the Office of the Corporate Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's Website at [http://www.nyc.gov/html/nycha/html/about/boardmeeting\\_schedule.shtml](http://www.nyc.gov/html/nycha/html/about/boardmeeting_schedule.shtml) to the extent practicable at a reasonable time before the meeting.

The meeting is open to the public. Pre-registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary at (212) 306-6088 no later than five business days before the Board Meeting.

For additional information, please visit NYCHA's Website or contact (212) 306-6088.

m13-27

## LANDMARKS PRESERVATION COMMISSION

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, **June 2, 2015** at **9:30 A.M.**, a public hearing will be held at 1 Centre Street, 9<sup>th</sup> Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing; please note that the order and estimated times are subject to change. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

#### **168 Bergen Street - Boerum Hill Historic District**

16-7205 – Block 386, Lot 23, Zoned R6

Community District 2, Brooklyn

#### **CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse designed by William Alexander and James Hughes and built between 1856-61. Application is to modify the entrance surround and replace doors.

#### **272 Lafayette Avenue-Clinton Hill Historic District**

16-1445 – Block 1946, Lot 23, Zoned R6B

Community District 2, Brooklyn

#### **CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse built in 1868. Application is to construct a rooftop addition.

#### **16 Court Street, aka 206-212 Montague Street - Borough Hall Skyscraper Historic District**

17-1029 – Block 250, Lot 14, Zoned C5-2A

Community District 2, Brooklyn

#### **CERTIFICATE OF APPROPRIATENESS**

A neo-Romanesque style office building designed by H. Craig Severence and built in 1925-27. Application is to replace storefront and entrance infill and install a canopy.

#### **105 Willow Street - Brooklyn Heights Historic District**

17-1121 – Block 235, Lot 37, Zoned R6, LH-1

Community District 2, Brooklyn

#### **CERTIFICATE OF APPROPRIATENESS**

An Eclectic-Diverse style rowhouse built between 1861-1879. Application is to replace windows.

#### **69 Greene Avenue - Fort Greene Historic District**

17-0815 – Block 2121, Lot 45, Zoned R6B

Community District 2, Brooklyn

#### **CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse built circa 1860. Application is to reconstruct the front and rear facades, construct a rooftop addition, and excavate at the rear yard.

#### **196-200 Prospect Park West - Park Slope Historic District Extension**

16-9253 – Block 1105, Lot 36, Zoned C2-4

Community District 7, Brooklyn

#### **CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style apartment building, designed by Thomas Bennett, and built circa 1905. Application is to create a new entrance and construct a stoop with a barrier-free access lift.

#### **240 Prospect Place, aka 647 Vanderbilt Avenue - Prospect Heights Historic District**

15-7325 – Block 1159, Lot 7501, Zoned R7A

Community District 8, Brooklyn

#### **CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style flats building with a commercial ground floor designed by Angell & Higginson and built circa 1898. Application is to construct a rooftop pergola.

#### **Governors Island - Building 555 - Governors Island Historic District**

17-0235 – Block 1, Lot 10, Zoned R3-2

Community District 1, Manhattan

#### **ADVISORY REPORT**

A neo-Georgian style Officers' Quarters designed by the Construction Division of the Office of the Quartermaster General, and built in 1938-40. Application is to modify masonry openings and construct new entrances, replace windows, and install louvers and mechanical equipment.

#### **453 Broome Street - SoHo Cast Iron Historic District**

17-0352 – Block 474, Lot 12, Zoned M1-5B

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

A cast iron store building designed by Griffith Thomas and built in 1872-73. Application is to replace vault lights and granite sidewalk.

#### **131-135 Prince Street - SoHo-Cast Iron Historic District**

16-8726 – Block 515, Lot 39, Zoned R8B R6B

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

A warehouse building designed by Franklin Baylies and built in 1891-1893. Application is to install signage.

#### **400 West Broadway - SoHo-Cast Iron Historic District Extension**

17-0121 – Block 488, Lot 22, Zoned M1-5A

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

An Italianate style store building designed by William Jose and built in 1870-71, and altered in the late 20th century. Application is to install a new storefront infill and signage.

#### **35 Crosby Street - SoHo-Cast Iron Historic District Extension**

16-4366 – Block 473, Lot 30, Zoned M1-5B

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

A Greek Revival/Italianate style store and tenement building built in 1849-50. Application is to reconstruct the front facade.

#### **170 Sullivan Street - Macdougall Sullivan Gardens Historic District**

17-0150 – Block 526, Lot 74, Zoned R7-2

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

A rowhouse built in 1844 and redesigned in the neo-Federal style by Hyde and Joannes in the 1920's. Application is to paint the building.

#### **30 Jane Street - Greenwich Village Historic District**

16-9427 – Block 615, Lot 62, Zoned R6

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

A stable building built in 1870. Application is to install a marquee.

#### **475 6th Avenue, aka 475-485 6th Avenue and 100-114 West 12th Street - Greenwich Village Historic District**

16-7516 – Block 607, Lot 38, Zoned C1-7, R6

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

An apartment building designed by Horace Ginsbern & Associates and built in 1956. Application is to establish a Master Plan governing the future installation of storefront signage and lighting.

#### **355 Bleecker Street - Greenwich Village Historic District**

17-0185 – Block 620, Lot 44, Zoned C1-6

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

A rowhouse built in 1829-1830. Application is to legalize window replacement and storefront alterations performed without Landmarks Preservation Commission permits.

#### **289 Bleecker Street - Greenwich Village Historic District**

17-0606 – Block 590, Lot 53, Zoned C2-6

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

A vernacular building built c. 1870-80. Application is to modify the storefront.

#### **9 Vandam Street - Charlton-King-Vandam Historic District**

14-9769 – Block 469, Lot 9, Zoned R7-2

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

A Federal style rowhouse built in 1829-30. Application is to construct a rear yard addition, modify a dormer, and excavate the cellar and rear yard.

#### **28 Little West 12th Street - Gansevoort Market Historic District**

16-1015 – Block 644, Lot 43, Zoned M1-5

Community District 2, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

A neo-Georgian style stable building designed by John M. Baker and built in 1911. Application is to install a roof deck enclosure.

#### **126 West 18th Street - 126 West 18th Street - Individual Landmark**

17-1182 – Block 793, Lot 55, Zoned C6-2A

Community District 4, Manhattan

#### **CERTIFICATE OF APPROPRIATENESS**

A round-arch utilitarian style stable built in 1864. Application is to install new storefront infill.

**128 West 18<sup>th</sup> Street - 128 West 18<sup>th</sup> Street – Individual Landmark**  
 17-1183 – Block 793, Lot 54, Zoned C6-2A  
 Community District 4, Manhattan  
**CERTIFICATE OF APPROPRIATENESS**  
 A round-arch utilitarian style stable built in 1864. Application is to install new storefront infill.

**354 West 20<sup>th</sup> Street - Chelsea Historic District**  
 16-6412 – Block 743, Lot 76, Zoned R7B  
 Community District 4, Manhattan  
**CERTIFICATE OF APPROPRIATENESS**  
 An Italianate style rowhouse built in 1853-54. Application is to construct a rooftop addition, alter the rear facade and rear yard, and excavate a sub-cellar.

**703 Fifth Avenue - St. Regis Hotel - Individual Landmark**  
 16-9579 – Block 1290, Lot 69, Zoned C5-3, C5-2.5  
 Community District 5, Manhattan  
**CERTIFICATE OF APPROPRIATENESS**  
 A Beaux-Arts style hotel building designed by Trowbridge & Livingston and built in 1901-04. Application is to install awnings, illuminated signage, and a dark film at the storefront display windows.

**16 East 18th Street - Ladies' Mile Historic District**  
 15-6594 – Block 846, Lot 65, Zoned M1-5M  
 Community District 5, Manhattan  
**CERTIFICATE OF APPROPRIATENESS**  
 A neo-Renaissance style store and loft building designed by Buchman & Fox and built in 1902. Application is to construct a rooftop addition and install new storefront infill.

**121 East 78th Street - Upper East Side Historic District**  
 17-0095 – Block 1413, Lot 111, Zoned R8B  
 Community District 8, Manhattan  
**CERTIFICATE OF APPROPRIATENESS**  
 An Italianate style rowhouse built c. 1871. Application is to replace the sidewalk.

**341 Columbus Avenue - Upper West Side/Central Park West**  
 16-9462 – Block 1129, Lot 1, Zoned C1-8A  
 Community District 7, Manhattan  
**CERTIFICATE OF APPROPRIATENESS**  
 A Renaissance Revival style flats building designed by Edward L. Angell and built in 1889-90. Application is to alter the storefront.

**118 West 76<sup>th</sup> Street - Upper West Side/Central Park West Historic District**  
 17-0584 – Block 1147, Lot 41, Zoned R8B  
 Community District 7, Manhattan  
**CERTIFICATE OF APPROPRIATENESS**  
 A Renaissance Revival style rowhouse designed by Thom & Wilson and built in 1890-1891. The application is to construct rooftop and rear yard additions.

m19-j2

**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 25-303, 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, June 2, 2015 at 9:30 A.M., a public hearing will be held at 1 Centre Street, 9<sup>th</sup> Floor North, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Preservation Commission no later than five (5) business days before the hearing or meeting.

Public Hearing Item No. 1  
 Henry and Susan McDonald House, 128 Clinton Avenue, Brooklyn LP-2543  
*Landmark Site:* Borough of Brooklyn Tax Map Block 1887, Lot 82 Community District 2

Public Hearing Item No. 2  
 M. H. Renken Dairy Company Office Building and Engine Room Building, 582-584 Myrtle Avenue (aka 192 Classon Avenue) and 580 Myrtle Avenue, Brooklyn LP-2519  
*Landmark Site:* Borough of Brooklyn Tax Map Block 1909, Lot 32, in its entirety and Lots 1001 and 1002 in part, consisting of that portion of Lots 1001 and 1002 lying north of a line beginning at a point on the eastern boundary line of Lots 1001 and 1002 that is 61.21 feet south of the northern boundary line of Lots 1001 and 1002, thence running westerly, parallel with the northern boundary line of Lots 1001 and 1002, to a point on the western boundary line of Lots 1001 and 1002. Community District 2

m18-j1

**MAYOR'S OFFICE OF CONTRACT SERVICES**

■ NOTICE

**NOTICE OF FRANCHISE AND CONCESSION REVIEW COMMITTEE PUBLIC HEARING ON AGENCY ANNUAL CONCESSION PLANS**

Notice of a Franchise and Concession Review Committee (FCRC) Public Hearing on Agency Annual Concession Plans for Fiscal Year 2016 pursuant to Section 1-10 of the Concession Rules of the City of New York (Concession Rules), to be held on Monday, June 8, 2015, commencing at 2:30 P.M., and located at 253 Broadway, 14th Floor Conference Room, Manhattan. At this hearing, the FCRC will further solicit comments about the provisions of the Concession Rules from the vendor community, civic groups and the public at large. The FCRC shall consider the issues raised at the Public Hearing in accordance with the procedures set forth in the Charter under the City Administrative Procedure Act.

The following agencies submitted an Annual Concession Plan for Fiscal Year 2016: the Department of Parks and Recreation; the Department of Citywide Administration Services; the Department of Environmental Protection; the Department of Health and Mental Hygiene; the Department of Homeless Services; the Department of Corrections; the Department of Transportation; the Department of Sanitation; the New York City Fire Department; the Department of Housing Preservation and Development; the NYC & Company on behalf of the Department of Small Business Services; the New York City Economic Development Corporation on behalf of the Department of Small Business Services; and the New York City Police Department.

The portfolio of Agency Annual Concession Plans covers significant and non-significant concessions expiring, continuing and anticipated for solicitation or initiation in Fiscal Year 2016. Furthermore, the portfolio covers, *inter alia*:

- Department of Parks and Recreation: mobile food units, food service facilities, golf courses, driving ranges, marinas, tennis professionals, athletic facilities, Christmas trees, parking lots, markets, fairs, restaurants, concerts, newsstands, stables, gas stations, amusement venues, ice skating rinks, carousels, ferry services, bike rentals, circus, sailboat rentals, souvenirs and gifts, beach equipment, and event programming.
- Department of Citywide Administrative Services: maritime/non-maritime occupancy permits, and vending machines.
- Department of Environmental Protection: gas purification.
- Department of Health and Mental Hygiene: drug discount card program.
- Department of Homeless Services: athletic facilities.
- Department of Corrections: food services, mobile food units, vending machines and cell tower.
- Department of Transportation: vending machines, pedestrian plazas, food courts and dispatch booth/pick-up area for car service.
- Department of Sanitation: advertising.
- New York City Fire Department: fire museum and collections.
- Department of Housing Preservation and Development: vending machines, and café.
- NYC & Company on behalf of the Department of Small Business Services: marketing, advertising, intellectual property and trademark merchandising.
- New York City Economic Development Corporation on behalf of the Department of Small Business Service: parking lots, maritime and non-maritime occupancy permits.
- New York City Police Department: vending machines and cafeteria.

Interested parties may obtain a copy of the Agency Annual Concession Plans by contacting Stephanie Ruiz by phone at (212) 676-3069. Hard copies will be provided at a cost of \$.25 per page by check or money order made payable to the New York City Department of Finance. Upon request, a PDF version of the Agency Annual Concession Plans is available free of cost.

m21-j8

# PROPERTY DISPOSITION

## CITYWIDE ADMINISTRATIVE SERVICES

### ■ SALE

The City of New York, in partnership with PropertyRoom.com, posts vehicle and heavy machinery auctions online every week at: <http://www.propertyroom.com/s/dcas>

All auctions are open to the general public, and registration is free.

Vehicles can be viewed in person by appointment at: KenBen Industries, 364 Maspeth Avenue, Brooklyn, NY 11211. Phone: (718) 802-0022

a28-o6

## OFFICE OF CITYWIDE PROCUREMENT

### ■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>.

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j2-d31

## LAW DEPARTMENT

### ■ SALE

**SALE/ASSIGNMENT OF MORTGAGE AND NOTE- C.S.B - Due 5-29-15.**

Held by the City on property in Brooklyn, New York, designated on the Tax Map of the City of New York, Kings County, as Block 4303, Lots 6, 7, 8, 9, and 108, and known by street address as 504-512 New Lots Avenue, Brooklyn, New York. The current outstanding debt under the City mortgage is approximately \$775,421.92. The mortgage is subject to tax liens on the property. The City requests sealed competitive bids. Any sale is subject to City approval. All bids must be submitted by 5/29/15 to the New York City Law Department, 100 Church Street, Room 3-106, Attention: Karen Ross. Phone inquiries are welcome at 212-356-2523.

No bid documents submitted. Information will be provided as appropriate upon request

m22-29

## POLICE

### ■ NOTICE

### 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, 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):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

#### FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- 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

j2-d31

# PROCUREMENT

### *“Compete To Win” More Contracts!*

*Thanks to a new City initiative - “Compete To Win” - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.*

- *Win More Contracts at [nyc.gov/competetowin](http://nyc.gov/competetowin)*

*“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.”*

### HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic prequalification application using the City’s Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement

Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

**Participating NYC Agencies**

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children's Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit [www.nyc.gov/hhsaccelerator](http://www.nyc.gov/hhsaccelerator)

**CITY PLANNING**

■ INTENT TO AWARD

*Goods*

**PURCHASE OF USED FURNITURE** - Sole Source - Available only from a single source - PIN# 03015S0003 - Due 6-2-15 at 12:00 P.M.

The Department of City Planning intends to enter into a Sole Source negotiation with Tower Insurance Company of New York to purchase used furniture (Boardroom tables with credenzas, conference room tables, conference room chairs, desk with returns, overhead glass cabinets and other office furniture)

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 Planning, 22 Reade Street, 1W, New York, NY 10007. Luis Falcon (212) 720-3379; Fax: (212) 720-3218; lfalcon@planning.nyc.gov*

☛ m26-j1

**CITYWIDE ADMINISTRATIVE SERVICES**

■ AWARD

*Goods*

**EMERGENCY RESPONSE SUPPLIES (FDNY-EMS)** - Competitive Sealed Bids - PIN# 8571400405 - AMT: \$324,010.00 - TO: SZY Holdings LLC DBA Ever Ready First Aid and Medical Supply Co., 101-01 Foster Avenue, Brooklyn, NY 11236.

☛ m26

**OFFICE OF CITYWIDE PROCUREMENT**

■ VENDOR LIST

*Goods*

**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: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509

j2-d31

■ SOLICITATION

*Goods*

**EQUIPMENT, AUTOMOTIVE SERVICES** - Competitive Sealed Bids - PIN# 8571500427 - Due 6-11-15 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online site at <http://a856-internet.nyc.gov/nycvendoronline/home.asp>. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov), by telephone at (212) 386-0044 or by fax at 212-669-7603.

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.

*Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007-1602. Rashad Le Monier (212) 386-0412; rlemonier@dcas.nyc.gov*

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**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.**

j2-d31

**FACILITIES DEVELOPMENT-CONTRACT SERVICES**

■ SOLICITATION

*Construction/Construction Services*

**INSTALLATION OF TWO (2) NEW INDEPENDENT OPERATING ROOM ROOF MOUNTED AIR COOLED CHILLERS**

- Competitive Sealed Bids - PIN# 11201502 - Due 6-10-15 at 1:30 P.M.

The project involves two trades, Mechanical (HVAC) and Electrical. Two separate contracts will be issued for each one. Mechanical (HVAC) work, estimate range \$2.00M - \$2.45M and goals are: 20 percent MBE and 10 percent WBE. Electrical work, estimate range: \$761K - \$930K, goals are: 20 percent MBE and 10 percent WBE. Bid documents are available at a non-refundable fee of \$25.00/set, payable with either company's check or money order. Mandatory pre-bid meetings and/or site visits are scheduled for Wednesday, June 3, 2015 at 10:00 A.M. and 2:00 P.M. on the same date (day), at Bellevue Hospital Center, Facilities Management Conference Room, A-Building, 9th Floor, Room A936. Each pre-bid conference will be followed by a site visit. All interested bidders MUST attend at least one of these meetings in order to submit a bid.

For bid documents pickup: You may either come to our office at New York City Health and Hospitals Corporation, Facilities Development, 55 Water Street, 25th Floor, New York, NY 10041. Alternatively, you may purchase bid document at the pre-bid meeting.

All interested bidders are strongly encouraged and/or advised to make all possible effort to get their bid documents in advance for review and for any technical questions and/or concerns to be presented and addressed at the meeting because we are very tight with time. Therefore, the RFI time deadline may not accommodate your last minute questions.

Technical questions must be submitted in writing, via email latest by 12:00 NOON on 6/05/2015

Requires Trade Licenses (where applicable) under Article AAA of the State of New York. Please see above for the M/WBE Goals that applies to each contract. These goals apply to any bid submitted of \$100,000 or more. Bidders not complying with these terms may have their bids declared non-responsive.

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

*Health and Hospitals Corporation, 55 Water Street, Concourse Level, 25th Floor, New York, NY 10041 Emmanuel Obadina (212) 442-3680; emmanuel.obadina@nychhc.org*

☛ m26

**HUMAN RESOURCES ADMINISTRATION**

**AGENCY CHIEF CONTRACTING OFFICER**

■ **AWARD**

*Human Services/Client Services*

**LEGAL SERVICES FOR THE WORKING POOR IN THE BOROUGH OF MANHATTAN** - BP/City Council Discretionary - PIN# 09615L0073001 - AMT: \$305,000.00 - TO: MFY Legal Services, 299 Broadway, New York, NY 10007.

● **BACK TO WORK SERVICES- MANHATTAN** - Other - PIN# 15OHEOC03401 - AMT: \$9,457,922.00 - TO: D.B. Grant Associates Inc., 1250 Broadway, Room 810, New York, NY 10001. Term: 3/15/2015 - 12/31/2015

● **NON-EMERGENCY SCATTER SITE I HOUSING AND SUPPORT SERVICES UNDER NY/NYIII FOR PLWA** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# 09611P0059003 - AMT: \$1,255,992.00 - TO: To Harlem United Community AIDS Center, 306 Lenox Avenue, New York, NY 10027.

◀ m26

**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

**AGENCY CHIEF CONTRACTING OFFICER**

■ **INTENT TO AWARD**

*Goods*

**THE PURCHASE OF VARIOUS PROPRIETARY SOFTWARE LICENSE MAINTENANCE** - Sole Source - Available only from a single source - PIN#85815S0003-17 - Due 7-1-15 at 2:00 P.M.

Any vendor that wishes to provide such goods in the future should send notice to DoITT on or before 7/1/2015 to, 255 Park Place, 9th Floor, New York, NY 10007, Attn: Dorothy Duncan or email to dduncan@doitt.nyc.gov

VENDOR	E-PIN	AMOUNT
Compuware	85815S0014	\$4,990,000.00
GT Software	85815S0008	\$723,759.54
Informatica	85815S0015	\$639,120.27
Information Builders	85815S0003	\$1,415,595.00
Innovation Data Processing	85815S0007	\$280,795.00
Levi, Ray and Shoup	85815S0006	\$1,221,994.00
MacKinney Systems	85812S0011	\$128,770.00
Pitney Bowes	85815S0009	\$979,748.07
PK Ware	85815S0005	\$327,046.60
Rocket Software	85815S0010	\$262,607.95
SAS Institute	85815S0013	\$8,138,583.68
Candescant Softbase	85815S0012	\$3,629,334.74
Chicago Soft	85815S0017	\$240,974.00
Accenture	85815S0016	\$395,160.25

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.

*Information Technology and Telecommunications, 255 Greenwich Street, 9th Floor, New York, NY 10007. Dorothy Duncan (212) 788-6274; Fax: (212) 676-2787; dduncan@doitt.nyc.gov*

m19-26

**LAW DEPARTMENT**

**COMMERCIAL AND REAL ESTATE**

■ **SOLICITATION**

*Human Services/Client Services*

**SALE OF CITY MORTGAGE AND NOTE ONPROPERTY LOCATED IN BROOKLYN.** - Competitive Sealed Bids - PIN# LEANNA - Due 6-1-15

Sale/assignment of mortgage and note held by the City on property in Brooklyn, NY, designated on the Tax Map of the City of New York, Kings County, as Block 4303, Lots 6, 7, 8, 9, and 108, and known by street address as 504-512 New Lots Avenue, Brooklyn, NY. The current outstanding debt under the City mortgage is approximately \$775,421.92. The mortgage is subject to tax liens on the property. The City requests sealed competitive bids. Any sale is subject to City approval. All bids must be submitted by 5/29/15 to the New York City Law Department,

100 Church Street, Room 3-106, Attention: Karen Ross. Phone inquiries are welcome at 212-356-2523.

No bid documents submitted. Information will be provided as appropriate upon 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.

*Law Department, 100 Church Street, Room 3-106, New York, NY 10007. Karen Ross (212) 356-2523; Fax: (212) 356-2088; kross@law.nyc.gov*

m22-29

**PARKS AND RECREATION**

■ **VENDOR LIST**

*Construction/Construction Services*

**PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION - NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS**

DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)\*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE\*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

\*Firms that are in the process of becoming a New York City-certified M/WBE may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has began the Certification process.

Application documents may also be obtained on-line at: <http://a856-internet.nyc.gov/nycvendoronline/home.aspx> or <http://www.nycgovparks.org/opportunities/business>

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

*Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Charlette Hamamgian (718) 760-6789; Fax: (718) 760-6781; charlette.hamamgian@parks.nyc.gov*

j2-d31

**AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS**

**NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, PUBLIC HEARINGS UNIT, 253 BROADWAY, 9TH FLOOR, NEW YORK, N.Y. 10007, (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICES.**

**PROBATION**

■ NOTICE

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held at the Department of Probation, 33 Beaver Street, 21<sup>st</sup> Floor, Borough of Manhattan, Friday June 5, 2015 commencing at 10:00 A.M. on the following item:

**IN THE MATTER OF** the proposed contract between the Department of Probation and the contractor listed below to provide a Justice Plus Program. The term of the contract shall be from April 1, 2015 to June 30, 2015 and shall contain no option to renew.

Contractor	PIN #	Amount
Rockaway Development and Revitalization Corporation 1920 Mott Avenue, 2 <sup>nd</sup> Floor Far Rockaway, NY 11691	78115L0012001	\$129,400

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

Draft copies of the proposed contract will be available for public inspection at the Department of Probation, 33 Beaver Street, 21<sup>st</sup> Floor, New York, NY 10004, between the hours of 9:00 A.M. and 5:00 P.M. except holidays.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Ms. Eileen Parfrey-Smith, Agency Chief Contracting Officer, 33 Beaver Street, 21<sup>st</sup> Floor, New York, NY 10004, [acco@probation.nyc.gov](mailto:acco@probation.nyc.gov). If the Department of Probation receives no written requests to speak within the prescribed time, the Department reserves the right not to conduct the public hearing.

☛ m26

**AGENCY RULES**

**CITYWIDE ADMINISTRATIVE SERVICES**

■ PUBLIC HEARINGS

DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES  
DIVISION OF CITYWIDE PERSONNEL SERVICES  
PROPOSED AMENDMENT TO CLASSIFICATION

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

A public hearing will be held by the Commissioner of Citywide Administrative Services in accordance with Rule 2.6 of the Personnel Rules and Regulations of the City of New York at 1 Centre Street, North Mezzanine, New York, NY 10007 on **FRIDAY, JUNE 5, 2015 AT 10:00 A.M.**

For more information go to the DCAS website at <http://www.nyc.gov/html/dcas/html/work/PublicHearing.shtml>

**RESOLVED**, That the Classification of the Classified Service of the City of New York is hereby amended under the heading Landmarks Preservation Commission [136] as follows:

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

Title Code Number	No. of Authorized Positions	Class of Positions
M XXXXX XXXXX	1 1	Executive Program Specialist (LPC) Chauffeur-Attendant (LPC)

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

Title Code Number	No. of Authorized Positions	Class of Positions	Annual Salary
M XXXXX 1	1	Director of Urban Archaeology (LPC)	These are management classes of positions paid in accordance with the Pay Plan for Management Employees. Salaries for these positions are set at a rate in accordance with duties and responsibilities.
M XXXXX 1	1	Director of Public Relations (LPC)	

Part I positions are excluded from Civil Service Law Section 75 disciplinary procedures, pursuant to Rule 3.2.3 (b) of the Personnel Rules and Regulations of the City of New York.

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

Title Code Number	No. of Authorized Positions	Class of Positions	New Hire# Minimum	Incumbent Minimum	Salary Range Effective 9.01.14 Maximum
M XXXXX 1	1	Secretary to the Executive Director (LPC)	\$36,733	\$39,613	\$79,091

Part I positions are excluded from Civil Service Law Section 75 disciplinary procedures, pursuant to Rule 3.2.3 (b) of the Personnel Rules and Regulations of the City of New York.

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

m21-26

**SPECIAL MATERIALS**

**CHANGES IN PERSONNEL**

ADMIN TRIALS AND HEARINGS  
FOR PERIOD ENDING 05/08/15

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
ALAGAN	SABRINA	52406	\$14,2300	INCREASE	YES	04/26/15
BIBBY	SHANTE N	52406	\$14,2300	APPOINTED	YES	04/26/15
GLASS	BARRY H	95937	\$39,4700	RETIRED	YES	03/29/15
MCSWENEY	LAUREN	95937	\$39,4700	RESIGNED	YES	03/09/15
POGODA	SUSAN J	30181	\$130000.0000	APPOINTED	YES	04/19/15
RASSO	LOUIS J	95937	\$36,6000	RESIGNED	YES	04/28/15
SILBERSTEIN	DEBRA	95937	\$39,4700	RETIRED	YES	03/20/15

DEPT OF ENVIRONMENT PROTECTION  
FOR PERIOD ENDING 05/08/15

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE
ADGATE	MIKELLE C	12626	\$61968.0000	INCREASE	YES	04/26/15
ALLEN	CHRISTIN D	56058	\$58863.0000	INCREASE	YES	04/26/15
ALLEN	CHRISTIN D	10251	\$53799.0000	APPOINTED	NO	04/26/15
ARCHIBALD	MEREDIE	34620	\$73761.0000	RETIRED	NO	04/29/15
AUSTIN	NANCY	10251	\$17,5621	INCREASE	NO	04/19/15
BHALLA	ASHEESH S	1002A	\$75000.0000	RESIGNED	YES	04/26/15
BREWTON	TOYYA M	56057	\$47703.0000	APPOINTED	YES	04/27/15
BUB	REBECCA L	22121	\$50069.0000	RESIGNED	YES	03/15/15
BURNS	DAVID J	22427	\$91376.0000	INCREASE	YES	04/26/15
CABRERA	RICHARD F	70811	\$34908.0000	RESIGNED	NO	05/20/05
CHEE	SOLOMON	92611	\$236,9600	APPOINTED	NO	03/29/15



Table with columns: NAME, LAST, F, M, I, SALARY, ACTION, YES/NO, EFF DATE. Lists employees and their status changes.

Table with columns: NAME, LAST, F, M, I, SALARY, ACTION, YES/NO, EFF DATE. Lists employees and their status changes.

DEPARTMENT OF SANITATION FOR PERIOD ENDING 05/08/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employees and their status changes.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employees and their status changes.

DEPARTMENT OF FINANCE FOR PERIOD ENDING 05/08/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employees and their status changes.

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 05/08/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employees and their status changes.

DEPARTMENT OF SANITATION FOR PERIOD ENDING 05/08/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employees and their status changes.

DEPARTMENT OF TRANSPORTATION  
FOR PERIOD ENDING 05/08/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employees of the Department of Transportation and their status changes.

DEPT OF PARKS & RECREATION  
FOR PERIOD ENDING 05/08/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employees of the Department of Parks & Recreation and their status changes.

DEPT OF PARKS & RECREATION  
FOR PERIOD ENDING 05/08/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employees of the Department of Parks & Recreation and their status changes.

Table with columns: GITTENS, TERRENCE, 06664, \$15.5700, APPOINTED, YES, 04/15/15. Lists employees and their status changes.

DEPT OF PARKS & RECREATION  
FOR PERIOD ENDING 05/08/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employees of the Department of Parks & Recreation and their status changes.

DEPT OF PARKS & RECREATION  
FOR PERIOD ENDING 05/08/15

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE. Lists employees of the Department of Parks & Recreation and their status changes.

## LATE NOTICE

### INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

#### ■ NOTICE

#### NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT ON PROPOSED RULES

**What are we proposing?** The New York City Department of Information Technology and Telecommunications (DoITT) is proposing three changes to its rules:

- Revisions to DoITT's rules governing microtrenching, specifically to require telecommunications franchisees to file documents with DoITT before obtaining microtrenching permits from the Department of Transportation rather than after.
- Revisions to DoITT's rules governing microtrenching to allow microtrenching to bring fiber-optic connections to telecommunications structures within city streets, such as fixtures on streetlight poles and sidewalk communications structures.
- Revisions to DoITT's rules governing public pay telephones to repeal outdated provisions of those rules.

**Where and when is the Hearing?** DoITT will hold a public hearing on the proposed rule. The public hearing will take place at 9:00 A.M. on June 26, 2015. The hearing will be in the Nostrand Room at 2 Metrotech Center, 4<sup>th</sup> Floor, Brooklyn, NY, 11201.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DoITT through the NYC rules website: <http://rules.cityofnewyork.us>
- **Email.** You can email written comments to [rules@doitt.nyc.gov](mailto:rules@doitt.nyc.gov).
- **Mail.** You can mail written comments to Tanessa Cabe, DoITT, 255 Greenwich Street, New York, NY 10007.
- **Fax.** You can fax written comments to DoITT at 212-788-8113
- **Hearing.** You can speak at the public hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing [rules@doitt.nyc.gov](mailto:rules@doitt.nyc.gov), or you can sign up in the hearing room before the hearing begins on June 26, 2015. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** The deadline to submit written comments is June 25, 2015.

**What if I need assistance to participate in the Hearing?** You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by email at [rules@doitt.nyc.gov](mailto:rules@doitt.nyc.gov). You must tell us by June 12, 2015.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at [nyc.gov/doitt](http://nyc.gov/doitt).

**What authorizes DoITT to make these rules?** These rules are promulgated pursuant to DoITT's rulemaking authority under section 1043 of the Charter of the City of New York and Chapter 4 of Title 23 of the New York City Administrative Code. These rules were not included in a regulatory agenda because the need for these rules was not anticipated at the time that regulatory agendas were published.

#### STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULES

These rules amend the rules of the Department of Information Technology and Telecommunications (DoITT) in three respects.

First, these rules change the procedure for obtaining City approval to perform microtrenching. The existing rules require a telecommunications franchisee to file certain documents with DoITT after obtaining a microtrenching permit from the Department of Transportation. The process of obtaining a permit from DOT before DoITT has completed its review has prevented DoITT from sufficiently reviewing certain documents prior to commencement of construction. To address this problem, these rules as revised require the telecommunications franchisee to file those documents with DoITT before obtaining a microtrenching permit.

Second, these rules expand the permissible use of microtrenching. The existing rules permit microtrenching in enumerated zoning districts. These rules also allow microtrenching, regardless of zoning district, to provide fiber-optic service to telecommunications structures within the City streets, such as, for example, fixtures on street light poles and sidewalk public communications structures.

Third, these rules repeal outdated portions of DoITT's current rules governing public pay telephones. The former public pay telephone franchises were replaced by a new franchise for public communications structures that can include both public pay telephone and mobile telecommunications functionality. These rules revise the existing public pay telephone rules to accommodate the new franchise.

These rules are promulgated pursuant to DoITT's rulemaking authority under section 1043 of the Charter of the City of New York and Chapter 4 of Title 23 of the New York City Administrative Code.

#### New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

**Section 1.** Section 1-02 of title 67 of the Rules of the City of New York is amended to read as follows:

Section 1-02 Microtrenching permitted: notifications to the Department

- (a) An owner may perform microtrenching to the extent allowed by a permit issued by the Department of Transportation. New microtrenching will not be permitted where sufficient excess capacity is available in existing microtrenching. Before applying to the Department of Transportation for such a permit, the owner must obtain a certification from the Department that no excess capacity is available in the location the owner proposes for microtrenching. The owner must submit that certification to the Department of Transportation as part of the owner's application for a permit.
- (b) An owner must install conduit in a way that will readily permit another owner to add length to the microtrenching by connecting its own conduit to the first owner's conduit. Where an owner connects its own conduit to another owner's previously installed conduit, the owner must install conduit that has the same number of pathways or pipes as the previous owner's conduit.
- (c) Microtrenching will be permitted only for:
  - a. fiber-optic service to properties within the following zoning districts as defined pursuant to the New York City Zoning Resolution: R1, R2, R2A, R2X, R3, R3-1, R3-2, R3-A, R3-X, R4, R4-1, R4A, R4B, R5, R5-A, R5-B, R5-D, C1-1, C1-2, C1-4, C1-5, C2-1, C2-2, C2-3, C2-4, C2-5, C-3, C4 (but only to premises with a commercial floor area ratio of 2.0 or less), M-1 (but only to premises with a manufacturing floor area ratio of 2.0 or less), M-2, M-3, and special purpose districts (but only to premises with a floor area ratio of 2.0 or less); and
  - b. fiber-optic service to telecommunications structures or equipment within the boundaries of streets regardless of zoning.
- (d) [After obtaining] Before applying for a permit for microtrenching from the Department of Transportation, [but before beginning microtrenching construction, an owner must notify the Department of the intended dates of the start and completion of microtrenching construction. Notification must be made on a form and in a format prescribed by the Department. The] the owner must submit the following documents [with the notification] to the Department:
  - a. *Proof of security.* "Proof of security" means proof that the issuer of any bond, insurance, letter of credit or other security issued in connection with the owner's telecommunications franchise agreements has agreed to extend the coverage of such security to the owner's microtrenching, without change to any other terms and conditions of such security that are for the benefit of the Department or the City. The Department will have the right to draw on the security to cover any unpaid fines assessed pursuant to section 1-07(c) of this chapter, or to

cover any unmet obligation to remove conduit pursuant to section 1-06 of this chapter.

- b. *Indemnification.* The owner shall execute an indemnification agreement prepared by the Department.
- (e) After obtaining a permit for microtrenching from the Department of Transportation, but before beginning microtrenching construction, the owner must notify the Department of the intended dates of the start and completion of microtrenching construction. Notification must be made on a form and in a format prescribed by the Department.
- (f) Promptly after completion of microtrenching construction, and at most within 40 calendar days after the Department of Transportation issued the permit for microtrenching, the owner must file a document with the Department, in a format to be prescribed by the Department, containing the following information:
- An "as-built" drawing of the conduit installed. The "as-built" drawing will be treated as proprietary and confidential, to the extent permitted by law.
  - A map showing the street location of the conduit including the side of the street the conduit is on, the beginning and ending points of the conduit, the number of ducts in the conduit, and the number of ducts of excess capacity in the conduit. The map must accurately reflect the addresses of buildings that are passed by the conduit. The map may be made public, by itself or in aggregation with other maps, at the discretion of the Department.

**Section 2.** Subparagraphs (iii) and (iv) of paragraph c of subdivision (c) of section 1-07 of title 67 of the Rules of the City of New York is amended to read as follows:

- Section 1-02([d]e): Failure to notify the Department, or to timely notify the Department, of the intended dates of microtrenching construction.
- Section 1-02([e]f): Failure to file, or to timely file, drawings as required after conclusion of microtrenching construction.

**Section 3.** Section 6-01 of title 67 of the Rules of the City of New York is amended by deleting the definitions of "Interim Eligible Public Pay Telephone" and "Registry."

**Section 4.** Subdivisions (a), (b) and (c) of section 6-02 of title 67 of the Rules of the City of New York is amended to read as follows:

**§6-02 Penalties.**

- In addition to the civil penalties provided in subdivisions (c) and (d) of this section, an owner who maintains or operates a public pay telephone without a permit issued pursuant to this chapter[, except for an owner all of whose public pay telephones are eligible for, and are in the process of, conversion to permit status under §6-38.1 of this chapter] shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars (\$10,000) and imprisonment of not more than thirty days, or both such fine and imprisonment.
- Notwithstanding any other provision of this section:
  - an owner who fails on two occasions within any three month period to provide phone service from a public pay telephone for any period of time exceeding twenty-four continuous hours or who fails to provide coinless twenty-four hour 911 service from such public pay telephone in compliance with the provisions of subdivision (a) or subdivision (b) of §6-05 of this chapter, as the case may be, shall be in violation of such subdivision(s) and shall be liable for a civil penalty of not more than two thousand five hundred dollars (\$2,500) for each violation which may be recovered in a civil action or in a proceeding before the Environmental Control Board. In the case of a violation exceeding twenty-four hours, each day's continuance shall be a separate and distinct occasion in which an offense has occurred. An owner of a public pay telephone shall not be considered to have failed to provide the service required in this subdivision where such owner has posted and maintained a written notification on the public pay telephone within seventy-two hours of the occurrence and provided written notification to the Department, within twenty-four hours, of the occurrence of an event or a condition beyond his or her control, such as a power failure or an inability of the telephone company to provide access to the switched telephone network, that has rendered such telephone unable to provide such service. [However, in the event that service is not restored to the public pay telephone within ninety (90) days of the date the loss of service began, the owner of the public pay telephone

shall again be considered to have failed to provide the service required in this subchapter unless the owner temporarily removes the public pay telephone installation and informs the Department of such temporary removal, which may not exceed six (6) months. If the temporary removal exceeds 6 months, the permit or other authorization for the public pay telephone shall be revoked and the public pay telephone must be removed. Notwithstanding the above, if the temporary removal exceeds six (6) months and either: (i) the public pay telephone site is inaccessible to the public; or, (ii) there is litigation pending concerning the failure of the provider to provide service to the subject public pay telephone, the six (6) month period may be extended in three (3) month intervals, subject to approval by the Department, for each three (3) month extension.]

- an owner who fails on at least two occasions, each such occasion lasting for a duration of forty-eight (48) hours, or on one occasion that lasts for a duration of seventy-two (72) hours to maintain a public pay telephone in compliance with the provisions of subdivision (c) of §6-05 of this chapter shall be in violation of such subdivision and shall be liable for a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
- Notwithstanding any other provision of §6-02, violation of any provision of this chapter [, including failure to comply with the requirements of subchapter B of this chapter with regard to an interim eligible public pay telephone,] shall be punishable by a civil penalty of not more than one thousand dollars (\$1,000) for each such violation, recoverable in a civil action or in a proceeding before the Environmental Control Board. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense.

**Section 5.** Subdivision (b) of section 6-05 of title 67 of the Rules of the City of New York is amended by adding a new paragraph (4), to read as follows:

- A public pay telephone that is incorporated into a structure that provides free wifi service must provide free domestic telephone service pursuant to the provider's franchise contract and remain in working order.

**Section 6.** Section 6-06 of title 67 of the Rules of the City of New York is amended as follows:

**§6-06 Advertisements.**

- (a) A public pay telephone shall not display advertising material, unless in accordance with the provisions of a franchise. [In no event shall advertising material be displayed on a newly erected public pay telephone installation until dial tone service from all public pay telephones installed within such installation has commenced. However, if:
- dial tone has not been established by a provider of same within thirty (30) days after the erection of the installation and the emplacement of all public pay telephones to be installed within such installation, and the request of the franchisee to the provider to establish such service; and
  - said franchisee has provided the Department with (i) proof in a form acceptable to the Commissioner that said franchisee has installed the necessary conduit or duct and completed all necessary steps for ordering dial tone service, (ii) a copy of the Department of Transportation street opening permit for the installation, and (iii) proof in a form acceptable to the Commissioner that the conduit or duct has been properly installed; and
  - said franchisee has placed and maintained a clear, legible and visible sign, placard or other form of announcement on the enclosure explaining the cause(s) of the failure after thirty (30) days to provide dial tone on any and all pay telephone(s) without dial tone; then
  - said franchisee may display advertising at such installation unless the Department determines that the franchisee has acted in bad faith regarding establishing dial tone at the pay telephones in such installation.
- (b) Except as otherwise provided in subdivision (a) of this §6-06, in no event shall advertising material be displayed on any public pay telephone installation during any period in excess of the longer of either forty-eight (48) hours or two (2) business days, that a telephone has been removed from within such installation and not replaced by a functioning telephone, or any or all of the telephones with such installation are unable to provide dial tone, unless the franchisee has provided notice to the Department with respect to the circumstances underlying the loss of dial tone such as power failure or the inability of the dial tone provider

to provide access to the public switched telephone network. The Department may require advertising material to be removed from said installation if the Commissioner determines that said franchisee could have avoided interruption of dial tone or re-established service within forty-eight (48) hours or two (2) business days.

- (c) The display of advertising on any enclosure installed pursuant to a notice to proceed issued after December 4, 2004 shall be prohibited in the following Community Districts of Manhattan: 1, 2, 3, 4, 5, 6, 7, and 8.
- (d) In locations where these Rules prohibit the display of advertising, the public pay telephone installation shall be the smallest design currently approved by the Art Commission.]

**Section 7.** Subchapter B of chapter 6 of title 6 of the Rules of the City of New York, consisting of sections 6-21 through 6-27, relating to the interim registry of pay telephones, is repealed.

**Section 8.** Subdivision (a) of section 6-30 of title 67 of the Rules of the City of New York is amended to read as follows:

§6-30 Permit Required.

- (a) [Except as provided in subchapter B of this chapter in regard to interim eligible public pay telephones and subdivision (a) of §5 of Local Law No. 68 for the Year 1995 in regard to telephones licensed pursuant to former §§19-131 or 19-128 of the Code, no] No public pay telephone shall be installed, operated or maintained on, over or under any street or other inalienable property of the City, or installed such that a user of such public pay telephone can only use such telephone while [standing] occupying, in whole or in part, [on] the inalienable property of the City, unless the owner of the public pay telephone has received a permit for [such] the public pay telephone from the Commissioner pursuant to the provisions of this subchapter. [Pursuant to §7 of Local Law No. 68 for the Year 1995, the period of three years following the effective date of Local Law No. 68 for the Year 1995, provided for in subdivision (a) of §5 of such local law regarding the continuation in effect of the licenses previously issued to the telephone company, and the period of three years provided for in subdivision (c) of such section regarding the obligation of the telephone company to pay commissions, are extended until September 4, 1999, or until ninety days following such date as the telephone company may be granted a franchise to install, operate and maintain public pay telephones, whichever is earlier.]

**Section 9.** Subdivision (c) of section 6-31 of title 67 of the Rules of the City of New York, relating to the non-issuance of permits to owners of public pay telephones listed in the interim registry, is repealed, and subdivision (d) is relettered as subdivision (c).

**Section 10.** Section 6-32 of title 67 of the Rules of the City of New York is amended to read as follows:

§6-32 Application and Fee for Permit.

- (a) [An application for a permit to install, operate and maintain a public pay telephone shall be in a form prescribed by the Commissioner and shall be accompanied by] Prior to the issuance of a permit for a new installation, franchisee must submit the permit fee of three hundred ninety-five dollars (\$395).
- (b) [An application for a permit shall be denied if the fee required by subdivision (a) of this section is not included with the application.
- (c) An application for an Extension to a Notice to Proceed shall be accompanied by a processing fee of thirty-five dollars (\$35). Applications for an Extension to a Notice to Proceed received after the effective date of this §6-32 shall be denied unless accompanied by the fee required pursuant to this §6-32.
- (d) Notwithstanding anything to the contrary in this §6-32, no permit application fee shall be required in connection with the installation of a public pay telephone at a particular location if the installing owner has been directed by the Commissioner to install such public pay telephone at such location after a determination by the Commissioner that (i) no application for such an installation at such location has been received by DoITT, and (ii) lack of a public pay telephone at such location may pose a risk to public health, safety or welfare] The Department will accept and review applications for proposed locations of installations other than those recommended by the Department.

**Section 11.** Section 6-33 of title 67 of the Rules of the City of New York is amended to read as follows:

§6-33 Term of Permit; Termination of Permit.

- (a) *Term of permit.* A permit for a public pay telephone shall continue in effect, unless earlier revoked or suspended by the Commissioner pursuant to §6-37 of this subchapter or

§23-404 of the Administrative Code, for the term of the franchise held by the owner of such telephone except:

- (1) as provided in subdivision (b) of this section; or
  - (2) [as provided in subdivision (b) of §6-38 of this chapter in regard to a public pay telephone the owner of which has not been awarded a franchise;] Reserved.
  - (3) [as provided in §6-46 of this chapter;] Reserved.
  - (4) [as provided in subdivision (c) of §6-31 of this chapter in regard to an owner of public pay telephones that has persistently failed to maintain such telephones free of graffiti or has otherwise failed to repair such telephones or maintain such telephones in a safe and clean condition; or] Reserved.
  - (5) if the Commissioner determines after grant of the permit that the permitted public pay telephone was located or installed in violation of any applicable provision of subchapter D of this chapter.
  - (6) Provided however that permits issued to an owner prior to the expiration of a franchise may be transferred or reallocated after such expiration to another owner whose franchise has not terminated.
- (b) *Termination of permit.*
- (1) The Commissioner may terminate a permit and require the removal of a public pay phone upon a determination that (i) the public pay telephone unreasonably interferes with or, as a result of changed conditions, will unreasonably interfere with the use of a street by the public or constitutes a public nuisance; or (ii) that removal of the public pay telephone is required in connection with a street widening or other capital project.
  - (2) The Commissioner shall notify the permittee of his or her intention to terminate the permit and the reason for such proposed action. No later than five business days following such notification, the permittee may submit a letter to the Commissioner setting forth any reasons why such permit should not be terminated and such telephone removed. The Commissioner shall review the reasons set forth in such letter and shall determine whether to terminate the permit and require the removal of the telephone. The Commissioner shall notify the permittee of his or her final determination and the reasons therefor and shall, where applicable, specify in such notice the date by which the telephone shall be removed. In the event that the permittee fails to remove the public pay telephone by the date specified by the Commissioner, the Commissioner may remove or cause the removal of the public pay telephones and have repair and restoration work performed at the expense of the permittee, who shall be liable in a civil action for the amount expended by the City.
  - (3) (i) In the event that a public pay telephone is removed in connection with a street widening or capital project as provided in subparagraph (b)(1)(ii) or at the request of the Commissioner, the permittee may apply to the Commissioner for permission to reinstall the public pay telephone at another location (provided however that such installation shall be compliant with §6-41 of this chapter, unless such compliance is waived in writing by the Commissioner) or, following the completion of such street widening or capital project, at or near its original location. A fee will not be required.
  - (ii) Where such permission is granted, the permittee shall not be required to obtain a new permit for the public pay telephone and the permit previously issued for such public pay telephone shall continue in effect. In the event that the permittee elects not to install such public pay telephone at another location, the fee for such a permit shall be kept in reserve and may be applied to the next permit requested by the permittee.
  - (iii) If such public pay telephone is reinstalled at another location the permittee may apply to the Commissioner for a new permit to install another public pay telephone following the completion of such street widening or capital improvement at the same address as the original public pay telephone previously removed in connection therewith. The Commissioner, acting at his or her discretion, may award or deny such application based upon a determination that such action is in the best interests of the City.
  - (iv) If a pending application pursuant to paragraph (b) (2) of §6-35 would, if granted, render the location

requested in the application under this subdivision (b) inconsistent with §6-41 of this chapter, then the application under this subdivision shall not be granted unless the pending application pursuant to paragraph (b)(2) of §6-35 shall be rejected. If the pending application pursuant to paragraph (b)(2) of §6-35 shall be granted, the application for relocation under this subdivision shall be denied.]

**Section 11.** Paragraph (iii) of subdivision (b) of section 6-34 of title 67 of the Rules of the City of New York, relating to an exception from the requirements of that subdivision, is repealed.

**Section 12.** Section 6-35 of title 67 of the Rules of the City of New York is amended to read as follows:

§6-35 Notification by Department to Agencies and Review of Application for Permits.

(a) Notification.

- (1) The Department shall notify the Department of Transportation or any successor of such agency, on a periodic basis of the location of public pay telephones for which permits are being sought[, except for the telephones identified in the application described in subdivision (a) of §6-38.1 of this subchapter]. The Department of Transportation may review such locations and, within thirty (30) business days of such notification, submit comments to the Commissioner in regard to any such telephone or telephones.
- (2) The Department shall also, on a periodic basis, notify the pertinent Borough Presidents, Council Members and Community Boards of the opportunity to review [permit applications that have been received from franchisees for public pay telephones] proposed locations. A Borough President, Council Member, or Community Board may review any such application and, within thirty business days of such notification, submit comments in writing to the Commissioner in regard to such application. The Commissioner may extend such review period by an additional ninety days upon determining that an additional period is necessary for a full and complete review of such [permit applications] proposed locations.
- (3) If the Department determines that a proposed public pay telephone is located in an historic district, approval of such application will be contingent upon compliance with the rules of the Landmarks Preservation Commission concerning public pay telephone installations.

(b) Review of comments and application.

(1) [Review and conditions.

- (i) The Commissioner shall review [the application for permits and] any comments received from agencies, Borough Presidents, Council Members, Community Boards, and other members of the public prior to making a determination regarding such permits. The Commissioner shall notify the owner of any requirement that shall be a condition of the issuance of a permit. The owner may, within five (5) business days of such notice from the Commissioner, object in writing to the Commissioner to any such condition. The Commissioner shall review such objection and notify the owner of his or her determination and the reasons therefor.

(ii) Applications are not transferable by the owner who submits such applications. ] (2) Upon approval of [an application] a location, a [permit shall be granted only to the entity that submitted the application. If the entity that submitted the application is not eligible to receive a permit, the application will be denied] notice to proceed shall be granted to the franchisee.

[(2) A "qualifying" application for a permit is defined as an application that would be granted under the provisions of this chapter if there were no competing application for permit.]

**Section 13.** Subdivision (b) of section 6-36 of title 67 of the Rules of the City of New York is amended to read as follows:

(b) *Actions by the Commissioner.* In addition to any civil or criminal penalties provided by law, the Commissioner may take one or more of the following actions upon the occurrence of an event described in subdivision (a) of this section.

- (1) *Revocation of permit and removal of telephone.* The Commissioner may revoke a permit, and upon such revocation, may further order the removal of the public pay telephone for which such permit has been issued. In the event the permittee fails to remove the public pay

telephone and to perform related repair and restoration work within the time period specified by such order, the Commissioner may remove or cause the removal of the public pay telephone and have repair and restoration work performed at the expense of the former permittee, who shall be liable for the amount expended by the City.

- (2) [*Rendering a telephone inoperable.* The Commissioner may render a public pay telephone inoperable except for the purpose of emergency telephone service through the 911 system or an operator. Such action may continue until the permittee has corrected the condition to the satisfaction of the Commissioner and payment has been made of all civil penalties imposed for the violation and any fees for any administrative expense or expense of additional inspections incurred by the City as a result of such condition. The Commissioner shall affix to any public pay telephone rendered inoperable pursuant to this paragraph a notice advising the public that the phone may be used only for emergency telephone service through the 911 system or an operator and setting forth the provisions of §23-408(i)(1)(cc) of the Code. Any device utilized by the Commissioner for the purpose of rendering a public pay telephone inoperable shall be designed so as to permit the unimpaired use of the public pay telephone upon the removal of the device.] Reserved.
- (3) [*Suspension of review of applications.* The Commissioner may suspend review of all applications for the issuance or renewal of permits filed by such owner pursuant to this chapter. Such suspension may continue until the condition has been corrected to the satisfaction of the Commissioner and payment has been made of all fines or civil penalties imposed for the violation, any costs incurred by the City for removal and related repair or restoration work, and any fees for any administrative expense or expense of additional inspections incurred by the City as a result of such condition.] Reserved.
- (4) *City authority to operate.* The Commissioner may invoke the Department's authority pursuant to §6-47 of this chapter.

**Section 14.** Sections 6-35.1, relating to new applications for public pay telephone permits, 6-38.1, relating to conversion of interim registry public pay telephones to permanent status, and 6-38.2, relating to moves to the curb, of title 67 of the Rules of the City of New York are repealed.

**Section 15.** Section 6-40 of title 67 of the Rules of the City of New York is amended to read as follows:

§6-40 Applicability.

(a) A public pay telephone shall comply with the requirements set forth in this subchapter provided, however, that the provisions of subdivision (d), subparagraphs (i), (ii), (vii), (viii) and (x) through (xxiv) of paragraph (e)(2), and subdivisions (f) through (n) of §6-41 of subchapter D shall not apply to [the following:

- (1) a public pay telephone permitted pursuant to this chapter that was previously licensed pursuant to former §19-131 or 19-128 of the Code; or
  - (2) a public pay telephone permitted pursuant to this chapter installed prior to March 1, 1996 that was listed on an interim registry pursuant to the provisions of subchapter B of this chapter and that has not been objected to by the Commissioner pursuant to §6-24 of this chapter.
- (b) A public pay telephone for which an interim permit has been issued pursuant to subchapter C of this chapter shall comply with the requirements set forth in this subchapter provided, however, that the provisions of paragraph (j)(2) of §6-41 shall not apply to public pay telephones issued interim permits prior to June 26, 1998.
- (c) A public pay telephone that is not in compliance with the provisions of this subchapter shall be in violation thereof and the owner of such telephone shall be subject to the penalties set forth in §6-02 of this chapter (and the grant by the Commissioner of a permit for a public pay telephone, whether under §6-38.1, §6-31 or otherwise, shall not be deemed to be a waiver of such required compliance or to immunize an owner from such penalties)].

**Section 16.** Paragraph (4) of subdivision (c) of section 6-41 of title 67 of the Rules of the City of New York, prohibiting certain public pay telephones from restricting access to building entrances or cellar doors, is repealed, and subdivisions (f), (j) and (k) are amended to read as follows:

- (f) *Required distance from other public pay telephone.* A pedestal or other structure that holds a public pay telephone shall be

located at least fifty (50) feet from any other such pedestal or structure on any one block face. For purposes of this subdivision "block face" shall mean that portion of the sidewalk on one side of a street which is between the building line and the curb and which is between the boundaries of the corner area at either end of the block. For purposes of this subdivision, "corner area" shall mean the area bounded by extending the intersecting building lines to the curb and the lines to the curb between the two extended building lines. [Nothing in this section shall be construed to prohibit the placement of a public pay telephone at the building line within ten (10) feet of a corner, provided however that the placement of such public pay telephone on such building line leaves an adequate unobstructed passage for pedestrians.]

(j) *Number of public pay telephones at any location.*

- (1) There shall be no more than three (3) public pay telephones installed on a single pedestal or in an in-line configuration on a sidewalk between two street corners in the City. There shall be no more than one wall-mounted public pay telephone in any one location. There shall be a distance of fifty (50) feet between any two installations of public pay telephones. An in-line configuration shall not exceed a footprint of 35" x 120".
- (2) There shall be no more than the following number of public pay telephones on any sidewalk between two street corners in the City;
  - (i) on any such sidewalk that is one hundred (100) feet or less, a maximum of: one public pay telephone installation that includes no more than one public pay telephone;
  - (ii) on any such sidewalk that is more than one hundred (100) feet and less than three hundred (300) feet, a maximum of: two public pay telephone installations [that contain in the aggregate no more than four public pay telephones];
  - (iii) [on any such sidewalk that is at least three hundred (300) feet but less than six hundred (600) feet, a maximum of: two public pay telephone installations that contain in the aggregate no more than six public pay telephones;] Reserved.
  - (iv) [on any such sidewalk that is six hundred (600) feet or more, a maximum of: three public pay telephone installations that contain in the aggregate no more than nine public pay telephones] After March 21, 2015 new public pay telephone installations may not be installed closer than 170 feet to an existing public pay telephone installation.
- (3) There shall be no more than one public pay telephone installation within fifty (50) feet of any corner area of any street corner. "Corner area" shall have the same meaning as set forth thereof in paragraph (f) of this section. Notwithstanding any other provision of this paragraph, in no event shall a public pay telephone be installed where such installation would result in more than four public pay telephone installations within fifty feet of the corner area at any intersection with any number of corner areas. This paragraph shall not apply to public pay telephones installed or issued a notice to proceed by the Department prior to June 26, 1998.
- (4) Nothing in this subdivision shall be construed to require the removal of a public pay telephone that [has been registered with the Department pursuant to §6-21 of this chapter; or] has been issued a permit by the Department prior to the effective date of these rules[;] or was operational pursuant to a license issued pursuant to the provisions of former §19-128 or 19-131 of the Administrative Code of the City of New York[;]
- (5) No permit or request for relocation is to be granted under this chapter if a permit or Request for Move to Curb, notice to proceed or conditional permit has previously been granted which would result in the installation of a public pay telephone that would render the installation sought impermissible under this subdivision (j) or subdivision (f) of this §6-41, unless a waiver is granted by the Commissioner under subdivision (n) of this §6-41 or unless such previously granted permit or Request for Move to Curb, notice to proceed or conditional permit has been terminated or revoked].

(k) *[Dimensions of telephones with enclosures.*

- (1) If mounted in an enclosure, such enclosure should, in the case of a telephone installed and activated prior to March 1, 1996, be no greater than 35" x 44", and for a

public pay telephone installed and activated after March 1, 1996, such enclosure shall be no greater than 35" x 44" for one (1) telephone, no greater than 35" x 88" for an in-line installation of two (2) telephones, and no greater than 35" x 120" for an in-line installation of three (3) telephones.

- (2) Except as otherwise waived in writing by the Commissioner, such enclosures shall not exceed 90" in height excluding a mast which shall not exceed 90" in height. (Unless waived in writing by the Commissioner, the total height of the combined public pay telephone and service mast shall not exceed 180"). At no time shall the overhead communications service wiring with a drip loop be less than ten (10) feet above the ground.]. Reserved.

**Section 17.** Section 6-48 of title 67 of the Rules of the City of New York is amended to read as follows:

§6-48 Fee Nonrefundable.

[The] A three hundred ninety five dollars (\$395) fee will be required prior to [accompany any permit application or Request for Move to Curb under this chapter and the thirty-five dollar (\$35) fee required to accompany any application for an Extension to a Notice to Proceed] the issuance of a new permit and shall be nonrefundable.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION/ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Amendment of Microtrenching Rules

**REFERENCE NUMBER:** 2015 RG 032

**RULEMAKING AGENCY:** Department of Information Technology and Telecommunications

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Michael Adame  
Mayor's Office of Operations

May 18, 2015  
Date

**NEW YORK CITY LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Amendment of Microtrenching Rules

**REFERENCE NUMBER:** 2015 RG 032

**RULEMAKING AGENCY:** Department of Information Technology and Telecommunications

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: May 12, 2015

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