



# THE CITY RECORD

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## THE CITY RECORD

**BILL DE BLASIO**

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**LISETTE CAMILO**

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Administrative Services

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOROUGH PRESIDENT - MANHATTAN

#### MEETING

The Manhattan Borough Board will meet Thursday, February 18, 2016, at 8:30 A.M., in the Office of Manhattan Borough President, 1 Centre Street, 19th Floor South, New York, NY.

f11-18

### CITY PLANNING COMMISSION

#### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY on Wednesday, February 24, 2016 at 10:00 A.M.

#### BOROUGH OF THE BRONX

No. 1

#### WOODLAWN REZONING

CD 12

C 160065 ZMX

IN THE MATTER OF an application submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 2a, changing an R7A District to an R4A District property bounded by a line midway between Vireo Avenue and Webster Avenue, a line perpendicular to the northerly street line of East 236<sup>th</sup> Street distant 115 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 236<sup>th</sup> Street and the northwesterly street line of Webster Avenue, East 236<sup>th</sup> Street, a line perpendicular to the southerly street line of East 236<sup>th</sup> Street distant 140 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of East 236<sup>th</sup> Street and the northwesterly street line of Webster Avenue, a line midway between East 236<sup>th</sup> Street and East 235<sup>th</sup> Street, a line perpendicular to the northerly street line of East 235<sup>th</sup> Street distant 100 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 235<sup>th</sup> Street and the northwesterly street line of Webster Avenue, East 235<sup>th</sup> Street, a line perpendicular to the southerly street line of East 235<sup>th</sup> Street distant 155 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of East 235<sup>th</sup> Street and the northwesterly street line of Webster Avenue, a line midway between East 235<sup>th</sup> Street and East 234<sup>th</sup> Street, a line perpendicular to the northerly street line of East 234<sup>th</sup> Street distant 130 feet westerly (as measured along the

street line) from the point of intersection of the northerly street line of East 234<sup>th</sup> Street and the northwesterly street line of Webster Avenue, and East 234<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated November 2, 2015.

**BOROUGH OF QUEENS**

**No. 2**

**TWA FLIGHT CENTER HOTEL**

**CD 10, 12 & 13** **C160097 PPQ**  
**IN THE MATTER OF** an application submitted by the Department of Small Business Services (SBS), pursuant to Section 197-c of New York City Charter, for the disposition of a lease to Flight Center Hotel, LLC located at Building 60 at JFK International Airport, Block 14260, p/o Lot 1, pursuant to zoning.

**No. 3**

**33 WHITEHALL STREET OFFICE SPACE**

**CD 1** **N 160173 PXM**  
**IN THE MATTER OF** a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 33 Whitehall Street (Block 10, Lot 14) (NYC Department of Sanitation offices).

**No. 4**

**233 BROADWAY**

**CD 1** **N 160172 PXM**  
**IN THE MATTER OF** a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 233 Broadway (Block 123, Lot 7501) (NYC Law Department offices).

YVETTE V. GRUEL, Calendar Officer  
City Planning Commission  
120 Broadway, 30<sup>th</sup> Floor, New York, NY 10271  
Telephone (212) 720-3370

**f9-24**

**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, February 23, 2016 at 7:00 P.M., Brownsville Multi Service Center, 444 Thomas S. Boyland Street, Brooklyn, NY.

Public Hearing: regarding agency responses to Community Board 16's FY 2017 Capital and Expense Budget priorities.

**f17-23**

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

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 15 - Tuesday, February 23, 2016 at 7:00 P.M., Kingsborough Community College, 2001 Oriental Boulevard, Brooklyn, NY.

FY 2017 Community Board 15's Budget hearing.

**f17-23**

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

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 18 - Wednesday, February 17, 2016 at 7:00 P.M., 1097 Bergen Avenue, Brooklyn, NY.

Public comment on agency responses to the Community Board's FY 2017 register of Capital and Expense priorities.

**f10-17**

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

**BOROUGH OF MANHATTAN**

COMMUNITY BOARD NO. 1 - Tuesday, February 23, 2016 at 6:00 P.M., Borough of Manhattan Community College, Richard Harris Terrace, 199 Chambers Street, New York, NY.

Mayor Bill de Blasio has released the proposed Preliminary Budget for Fiscal Year 2017 beginning July 1, 2016. This hearing is your

opportunity to let the Community Board know what your budget priorities are for our Lower Manhattan district. To view the City's response to CB1's budget requests, please see link to our web site: <http://www.nyc.gov/html/mancb1/downloads/pdf/Home%20Page/FY2017%20PrelimRegister%20MANHATTAN%201.pdf>

**f17-23**

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

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 10 - Monday, February 22, 2016 at 7:15 P.M., Norwegian Christian Home, 1250 67th Street, Brooklyn, NY.

Agency responses to FY 2017 Capital and Expense Budget requests.

**f16-22**

**COMPTROLLER**

**■ MEETING**

The City of New York's Audit Committee meeting is scheduled for Wednesday, February 24, 2016 from 9:30 A.M. to 12:00 P.M., NOON at 1 Centre Street, Room 530 South, Board Room. Meeting is open to the general public.

**f17-24**

**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, February 24, 2016, at 2:00 P.M., at 42 Broadway, 11<sup>th</sup> Floor, in the Borough of Manhattan, on the following petitions for sidewalk café revocable consent:

1. Cafe 52 Restaurant Corp.  
5129 43rd Avenue in the Borough of Queens  
(To establish, maintain, and operate a small unenclosed sidewalk café for a term of two years.)
2. Mamericana 92 LLC  
27 East 92nd Street in the Borough of Manhattan  
(To establish, maintain, and operate a small unenclosed sidewalk café for a term of two years.)
3. Tor Restaurant LLC  
607 10th Avenue in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
4. Gg33 Corp.  
3302 Ditmars Boulevard in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
5. Dylan's Candybar LLC  
33 Union Square West in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)
6. R. Harris Enterprises Inc.  
2665 Broadway in the Borough of Manhattan  
(To establish, maintain, and operate an unenclosed sidewalk café for a term of two years.)

**f17**

**HOUSING AUTHORITY**

**■ MEETING**

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, February 24, 2016 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://www1.nyc.gov/site/nycha/about/board-calendar.page> 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.

f10-24

## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### ■ PUBLIC HEARINGS

**NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING** to be held on Monday, March 7, 2016 commencing at 2:30 P.M. at 2 Lafayette Street, 14<sup>th</sup> Floor Auditorium, Borough of Manhattan, relating to: 1) a proposed change of control of five cable television franchises held by Time Warner Cable New York City LLC ("TWC") in Staten Island, Northern and Southern Manhattan, Brooklyn and Queens whereby NewCo, LLC, will become the parent company of TWC. By that transaction, TWC will be ultimately controlled by New Charter Inc.; and 2) a proposed change of control of two cable television franchises held by Cablevision Systems New York City Corporation (Cablevision) in Brooklyn and the Bronx whereby Cablevision will be ultimately controlled in majority part by Altice N.V and its parent entities.

A copy of the ownership organization charts reflecting the proposed changes of control ("proposed organizational charts") may be viewed at DoITT, 2 Metrotech Center, 4<sup>th</sup> Floor, Brooklyn, NY 11201, commencing February 11, 2016, through March 7, 2016, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Paper copies of the proposed organizational charts may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The proposed organizational charts may also be obtained in PDF form at no cost, by email request. Interested parties should contact Brett Sikoff at 718-403-6722 or by email at [franchiseopportunities@doitt.nyc.gov](mailto:franchiseopportunities@doitt.nyc.gov).

NOTE: Individuals requesting sign language interpreters or any other accommodation of disability at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9<sup>th</sup> Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYCMedia channels.

f9-m7

## PARKS AND RECREATION

### ■ MEETING

Please join NYC Parks for a contractor information session on the Community Parks Initiative (CPI) Architecture Projects. CPI is an investment in neighborhood parks with the greatest needs. Through this initiative, we are working with communities to create thriving public places. We are redesigning and reconstructing dozens of smaller, local parks through capital projects.

Parks will be releasing over \$30 million in comfort station and playground procurement opportunities in the upcoming months. We want to make sure that you are informed of the contracting opportunities and have an opportunity to participate in this Mayoral initiative that is a top priority of the agency. Parks will be providing an overview of the CPI program and contract initiative being released in the next few months. The CPI contractor information session will be held:

Wednesday, February 24, 2016

10:00 A.M. – 11:30 A.M.

Olmsted Center Annex, Bid Room  
Flushing Meadows-Corona Park  
Flushing, NY 11368

This meeting will be a great opportunity for prime contractors, sub-contractors, and MWBE certified contractors to network. To RSVP please email [CapitalContract.OL@parks.nyc.gov](mailto:CapitalContract.OL@parks.nyc.gov).

Thank you and we look forward to seeing you at the information session.

f11-24

## BOARD OF STANDARDS AND APPEALS

### ■ PUBLIC HEARINGS

MARCH 8, 2016, 10:00 A.M.

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, March 8, 2016, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, NY 10007, on the following matters:

### SPECIAL ORDER CALENDAR

#### 732-41-BZ

APPLICANT – Eric Palatnik, P.C., for Leemilts Petroleum, owner; BP Products North America, Inc., lessee.  
SUBJECT – Application April 17, 2015 – Amendment (§11-411) seek to reopen and amend a previously granted variance for residence Use Group 16 gasoline service station with accessory uses, located within a R4 zoning district.  
PREMISES AFFECTED – 100-17 Beach Channel Drive, Block 01615, Lot 040, Borough of Queens.  
**COMMUNITY BOARD #14Q**

#### 636-54-BZ

APPLICANT – Akerman, LLP, for The Eva Cohen Trust No. Two (2) c/o Metro NY Dealer Stations, owner; Metro NY Dealer Stations, LLC, lessee.  
SUBJECT – Application June 16, 2015 – Extension of Term and Waiver (11-411) to extend the term of the previously granted variance allowing the operation of an automotive service station expiring October 16, 2011. C1-3 zoning district.  
PREMISES AFFECTED – 9612 Seaview Avenue, Block 08328, Lot 030, Borough of Brooklyn.  
**COMMUNITY BOARD #18BK**

#### 1092-79-BZ

APPLICANT – Greenberg Taurig, LLP  
SUBJECT – Application November 18, 2015 – Amendment of a previously variance to facilitate the transfer of unused development rights from the variance site for incorporation into a new as-of-right development, located within a M1-6 (HDA) zoning district.  
PREMISES AFFECTED – 112 Charlton Street, Block 00597, Lot 0045, Borough of Manhattan.  
**COMMUNITY BOARD #2M**

#### 173-93-BZ

APPLICANT – Eric Palatnik, P.C.  
SUBJECT – Application July 17, 2015 – Amendment of a previously approved variance permitting a community facility with accessory parking. The amendment seeks to incorporate the unused development rights into a new as of right hotel. M1-4 zoning district.  
PREMISES AFFECTED – 32-23 Queens Boulevard, Block 0244, Lot 024, Borough of Queens.  
**COMMUNITY BOARD #2M**

#### 189-09-BZ

APPLICANT – Eric Palatnik, P.C., for Noor Al Islam Society, owner.  
SUBJECT – Application June 10, 2015 – Extension of Time to Complete Construction of a previously approved variance (§72-21) permitting the legalization of an existing mosque and Sunday school (Nor Al-Islam Society), contrary to use and maximum floor area ratio (§§42-00 and 43-12) and construction with the bed of a mapped street, which expired on May 10, 2015; Amendment to permit minor changes to the interior layout. M3-1 zoning district.  
PREMISES AFFECTED – 3067 Richmond Avenue, Block 01208, Lot 0001, Borough of Staten Island.  
**COMMUNITY BOARD #1SI**

#### 87-12-BZ

APPLICANT – Troutman Sanders LLP  
SUBJECT – Applicant September 9, 2015 – Amendment 73-36: to permit a change in ownership of the PCE from Bally Total Fitness, located within a C2-2/R4 zoning district.  
PREMISES AFFECTED – 1720-1728 Sheepshead Bay Road, Block 8770, Lot 13, Borough of Brooklyn.  
**COMMUNITY BOARD #15BK**

**313-12-BZ**

APPLICANT – Troutman Sanders LLP  
SUBJECT – Application October 7, 2015 – Amendment of a previously approved Special Permit (§73-36) which permitted the operation of a Physical Culture Establishment. The Amendment is to permit the change in ownership from “Bally Total Fitness” to 24 Hour Fitness, Inc. and to reflect change in signage. C4-2/C4-4A zoning district.  
PREMISES AFFECTED – 1009 Flatbush Avenue, Block 5126, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

**APPEAL CALENDAR**

**244-15-A**

APPLICANT – Greenberg Traurig, for 677 Fifth Avenue Corporation, owner.  
SUBJECT – Application October 9, 2015 – Appeal challenging New York City Department of Building’s determination that a video display wall within a new store, is a sign as per the definition of sign as provided in ZR Section 12-10 of the Zoning Resolution. C5-3 (Midtown-5th Avenue Sub district).  
PREMISES AFFECTED – 677 Fifth Avenue, Block 01269, Lot 0003, Borough of Staten Island.

**COMMUNITY BOARD #5M**

**262-15-A**

APPLICANT – Eric Palatnik, P.C.  
SUBJECT – Application November 30, 2015 – GCL 36 to permit the development of a one story, Use Group 6 Commercial Building located within a R3X/C1-1 zoning district, contrary to Article 3, Section 36 of the NYS General City Law.  
PREMISES AFFECTED – 64 Sharott Avenue, Block 7702, Lot 110, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

**MARCH 8, 2016, 1:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Friday afternoon, March 8, 2016, 1:00 P.M., in **Spector Hall, 22 Reade Street, New York, NY 10007**, on the following matters:

**ZONING CALENDAR**

**126-15-BZ**

APPLICANT – Sheldon Lobel, P.C., for Hannah Hendel, owner.  
SUBJECT – Application May 27, 2015 – Special Permit (§73-622) to permit the enlargement of a single family home. R3-2 zoning district.  
PREMISES AFFECTED – 1782 East 27<sup>th</sup> Street, Block 006809, Lot 0044, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

**177-15-BZ**

APPLICANT – Philip L. Rampulla  
SUBJECT – Application August 5, 2015 – Variance (§72-21) to permit the development of a new two family dwelling contrary to required side yards and permit a 3rd parking space to be located between the building wall and the street wall. R3-X, SRD, GMD zoning district.  
PREMISES AFFECTED – 432 Albourne Avenue, Block 06942, Lot 0015, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

**253-15-BZ**

APPLICANT – Law Office of Jay Goldstein, PLLC  
SUBJECT – Application November 2, 2015 – Special Permit (73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141); and less than the minimum rear yard (ZR 23-47). R2 zoning district.  
PREMISES AFFECTED – 997 East 22<sup>nd</sup> Street, Block 07586, Lot 36, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

*Margery Perlmutter, Chair/Commissioner*

**f16-17**

**TRANSPORTATION**

**■ PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN**, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9<sup>th</sup> Floor, Room 945 commencing at 2:00 P.M. on Wednesday, March 2, 2016. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9<sup>th</sup> Floor South West, New York, NY 10041, or by calling (212) 839-6550.

**#1 IN THE MATTER OF** a proposed revocable consent authorizing 115 Ave Realty, LLC to construct, maintain and use a force main, together with a manhole, under, across and along 115 Avenue at the intersection with Marsden Street, in the Borough of Queens. The

proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Date of Approval to June 30, 2016 - \$3,754/per annum

- For the period July 1, 2016 to June 30, 2017 - \$3,850
- For the period July 1, 2017 to June 30, 2018 - \$3,946
- For the period July 1, 2018 to June 30, 2019 - \$4,042
- For the period July 1, 2019 to June 30, 2020 - \$4,138
- For the period July 1, 2020 to June 30, 2021 - \$4,234
- For the period July 1, 2021 to June 30, 2022 - \$4,330
- For the period July 1, 2022 to June 30, 2023 - \$4,426
- For the period July 1, 2023 to June 30, 2024 - \$4,522
- For the period July 1, 2024 to June 30, 2025 - \$4,618
- For the period July 1, 2025 to June 30, 2026 - \$4,714

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#2 IN THE MATTER OF** a proposed revocable consent authorizing 785 Madison Trevi LLC to construct, maintain and use an electrical snowmelt system in the east sidewalk of Madison Avenue, south of East 67<sup>th</sup> Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the date of Approval to June 30, 2016 - \$3,385/per annum

- For the period July 1, 2016 to June 30, 2017 - \$3,472
- For the period July 1, 2017 to June 30, 2018 - \$3,559
- For the period July 1, 2018 to June 30, 2019 - \$3,646
- For the period July 1, 2019 to June 30, 2020 - \$3,733
- For the period July 1, 2020 to June 30, 2021 - \$3,820
- For the period July 1, 2021 to June 30, 2022 - \$3,907
- For the period July 1, 2022 to June 30, 2023 - \$3,994
- For the period July 1, 2023 to June 30, 2024 - \$4,081
- For the period July 1, 2024 to June 30, 2025 - \$4,168
- For the period July 1, 2025 to June 30, 2026 - \$4,255

the maintenance of a security deposit in the sum of \$4,300 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate

**#3 IN THE MATTER OF** a proposed revocable consent authorizing Daring Greatly LLC to construct, maintain and use a stoop and a walled-in area, together with steps, on the north sidewalk of West 87<sup>th</sup> Street, east of Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to the Expiration Date - \$25/per annum.

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#4 IN THE MATTER OF** a proposed revocable consent authorizing District Council 37 Benefits Fund Trust to continue to maintain and use an accessibility ramp on the north sidewalk of Chambers Street, between West Broadway and Church Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2016 to June 30, 2026 - \$25/annum

the maintenance of a security deposit in the sum of \$2,500 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#5 IN THE MATTER OF** a proposed revocable consent authorizing Edgewater Industrial Park, LLC to continue to maintain and use a conduit under and across 14<sup>th</sup> Avenue, east of 110<sup>th</sup> Street, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$3,065
- For the period July 1, 2017 to June 30, 2018 - \$3,141
- For the period July 1, 2018 to June 30, 2019 - \$3,217
- For the period July 1, 2019 to June 30, 2020 - \$3,293
- For the period July 1, 2020 to June 30, 2021 - \$3,369
- For the period July 1, 2021 to June 30, 2022 - \$3,445
- For the period July 1, 2022 to June 30, 2023 - \$3,521
- For the period July 1, 2023 to June 30, 2024 - \$3,597
- For the period July 1, 2024 to June 30, 2025 - \$3,673
- For the period July 1, 2025 to June 30, 2026 - \$3,749

the maintenance of a security deposit in the sum of \$3,800 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per

occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#6 IN THE MATTER OF a proposed revocable consent authorizing Fifth Avenue and 60th Street Corporation to construct, maintain and use planters on the east sidewalk of Fifth Avenue, south of East 60th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to the Expiration Date - \$175/per annum.

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#7 IN THE MATTER OF a proposed revocable consent authorizing J.W. Mays, Inc. to continue to maintain and use a tunnel under and across Livingston Street, between Bond Street and Elm Place, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$2,524
- For the period July 1, 2017 to June 30, 2018 - \$2,589
- For the period July 1, 2018 to June 30, 2019 - \$2,654
- For the period July 1, 2019 to June 30, 2020 - \$2,719
- For the period July 1, 2020 to June 30, 2021 - \$2,784
- For the period July 1, 2021 to June 30, 2022 - \$2,849
- For the period July 1, 2022 to June 30, 2023 - \$2,914
- For the period July 1, 2023 to June 30, 2024 - \$2,979
- For the period July 1, 2024 to June 30, 2025 - \$3,044
- For the period July 1, 2025 to June 30, 2026 - \$3,109

the maintenance of a security deposit in the sum of \$3,100 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

f10-m2

# COURT NOTICES

## SUPREME COURT

### NEW YORK COUNTY

■ NOTICE

#### SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

-----X  
**In Rem Tax Foreclosure**                      **NOTICE OF FORECLOSURE**  
**Action No. 51**

**Borough of Manhattan**                      **INDEX NO. 580001/2016**  
**Sections 2, 3, 4, 5, 6, 7 and 8.**

**Tax Classes 1 and 2**  
-----X

**PLEASE TAKE NOTICE THAT** on the 25th day of January, 2016, pursuant to Title 11, Chapter 4 of the Administrative Code of the City of New York, the Commissioner of Finance of the City of New York filed with the Clerk of New York County, a list of parcels affected by unpaid tax liens held and owned by said City of New York, which on the 25th day of January, 2016, had been unpaid for a period of at least one year, or at least three years in the case of Tax Class One and Tax Class Two properties that are residential condominium units or residential cooperative buildings and multiple dwellings owned by companies organized under Article XI of the New York State Private Housing Finance Law, with the consent and approval of the Department of Housing Preservation and Development. Said list contains as to each such parcel (a) a brief description of the property affected by such tax liens, (b) the name of the owner of such property as the same appeared on the annual record of assessed valuation at the time of filing or a statement that the owner is unknown if such be the case, (c) a listing of such tax liens upon such parcels, including those which caused the property to be subject to the foreclosure proceeding and those which accrued thereafter, together with the date or dates from which, and the rate or rates at which, interest and penalties

thereon shall be computed.

The filing of this list of delinquent taxes constitutes the commencement by the City of New York of an action in the Supreme Court, New York County, to foreclose the tax liens therein described by a foreclosure proceeding in rem and this list constitutes a notice of pendency of action and a complaint by the City of New York against each piece or parcel of land therein described to enforce the payment of such tax liens.

Such action is brought against the real property only and is to foreclose the tax liens described in such list. No personal judgment shall be entered herein.

A certified copy of such list of delinquent taxes has been filed in the Manhattan Business Center of the New York City Department of Finance, 66 John Street, Second Floor, New York, NY 10038, and will remain open for public inspection up to and including the 27th day of April, 2016, which date is hereby fixed as the last date for redemption.

Any party or entity having or claiming to have an interest in any such parcel and the legal right thereto may on or before said date redeem the same by paying the Commissioner of Finance, at 66 John Street, Second Floor, New York, NY 10038, or any Borough Business Center, the amount of all such unpaid tax liens thereon and in addition thereto all interest and penalties which are a lien against such real property computed to and including the date of redemption.

And take further notice that during the same period such party or entity may request the Commissioner of Finance to enter into an agreement for installment payments as provided under Sections 11-405 and 11-409 of the Administrative Code.

Every person or entity having any right, title or interest in or lien upon any parcel described on such list of delinquent taxes may serve a duly verified answer upon the Corporation Counsel setting forth in detail the nature and amount of his interest or lien, any defense or objection to the foreclosure and the full name of the answering party. Such answer must be filed in the office of the Clerk of New York County and served upon the Corporation Counsel at any time after the first date of publication but not later than twenty days after the date above mentioned as the last day for redemption, which shall be May 17th, 2016. In the event of failure to redeem or answer, such person shall be, except as provided in Sections 11-407(c), 11-412.1 and 11-424 of the Administrative Code, forever barred and foreclosed of all his right, title and interest and equity of redemption in and to the parcel described in such list of delinquent taxes and a judgment of foreclosure may be taken in default.

Dated: February 4, 2016

Jacques Jiha, Ph.D.  
Commissioner of Finance  
City of New York

#### Serve all legal papers on:

Zachary W. Carter  
Corporation Counsel  
100 Church Street  
New York, NY 10007

← f17

# 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/7300>

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/nyedcas.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

j4-d30

**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:

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.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

**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

j4-d30

**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)

**ADMINISTRATION FOR CHILDREN'S SERVICES****ADMINISTRATION****■ INTENT TO AWARD**

*Services (other than human services)*

**ACS FACILITIES ENHANCEMENT - Demonstration Project - Testing or experimentation is required - PIN#06816D0002 - Due 2-26-16 at 3:00 P.M.**

The Administration for Children's Services ("ACS") seeks to test a unique and innovative approach at select service centers where design is used to enhance the environment and improve the client-staff experience. Through a Demonstration Project, ACS will evaluate the impact that design has on the client-staff experience and effectiveness of ACS's services. If successful, the Demonstration Project will allow ACS the opportunity to develop requirements and criteria for extending the nature of this work, thus creating a platform for ACS to utilize the results in obtaining additional funding inside and outside

the City. The project outcomes anticipated are: A more welcoming, calming, and uplifting environment in our service centers that reduces stress and encourages clients to move forward; a more productive work environment that takes into account our staff's needs; replicable and transferable elements; better and consistent messaging and branding that extend beyond the service centers; deeper connections and collaborations with our city partners, service providers, and community leaders; and design interventions that extend into the neighborhoods, facilities, homes where children spend a majority of their time (school, afterschool, home, day care centers).

ACS will engage Biber Architects to perform this work pursuant to Section 3-11 of the Procurement Policy Board Rules as the firm has knowledge, experience, and the capacity to work across boundaries. It is adept at formal and informal conversations from high level and frontline staff to clients and community leaders. Biber Architects plan of action will entail working with ACS leadership teams chosen for the pilot to identify key neighborhoods, ACS sites, and service providers ripe for partnering and open to new types of interventions; honing in via site visits and interviews with staff, clients, service providers, and community leaders to understand the key challenges and conditions that confront "sites" selected for the initiative; developing a menu of options that will assist ACS in understanding potential interventions; and presenting results and making project recommendations to ACS senior staff and leadership, and testing key interventions at select sites.

Suppliers may submit Expression of Interest to provide the services outlined in this Notice of Intent to pursue a Demonstration Project by completing the Expression of Interest Application found by following the link: <http://www1.nyc.gov/site/acs/about/doing-business-acs.page> and then viewing "Current ACS business opportunities."

Completed Expression of Interest Applications should then be emailed to [AdminContractsRFI@acs.nyc.gov](mailto:AdminContractsRFI@acs.nyc.gov) no later than 3:00 P.M. on Friday, February 26, 2016. Alternatively, applications to Express Interest can be obtained by contacting Olugbenga Ajala (AJ) at [olugbenga.ajala@acs.nyc.gov](mailto:olugbenga.ajala@acs.nyc.gov) or Doron Pinchas at [doron.pinchas@acs.nyc.gov](mailto:doron.pinchas@acs.nyc.gov).

However, all completed Expression of Interest Applications shall be emailed to [AdminContractsRFI@acs.nyc.gov](mailto:AdminContractsRFI@acs.nyc.gov)

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

Administration for Children's Services, 150 William Street, 9th Floor, K05, New York, NY 10038. Olugbenga Ajala (212) 341-3477; Fax: (212) 341-9830; [olugbenga.ajala@acs.nyc.gov](mailto:olugbenga.ajala@acs.nyc.gov)

f10-17

**CITY UNIVERSITY**

■ SOLICITATION

Goods

**COMMUNITY SHARED SOLAR** - Request for Information - PIN# SOLAR 1-28 - Due 2-29-16 at 5:00 P.M.

This "Request for Information" (RFI) is issued solely for informational and planning purposes. This is not a Request for Proposals, Request for Quote, or other form of solicitation and does not constitute a commitment, implied or otherwise, that any procurement action will be taken in this matter. Respondents are solely responsible for all expenses associated with responding to this RFI.

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

City University, 555 West 57th Street, 10th Floor, New York, NY 10019. Jeffrey Irvine (646) 664-9457; Fax: (646) 664-9457; [jeffrey.irvine@cury.edu](mailto:jeffrey.irvine@cury.edu)

f17

**CITYWIDE ADMINISTRATIVE SERVICES**

**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. Masha Rudina, Purchase Director, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. [mrudina@dcas.nyc.gov](mailto:mrudina@dcas.nyc.gov).

j4-d30

■ SOLICITATION

Goods

**TRUCK, HEAVY DUTY RESCUE - FDNY - Other - PIN#857PS1600252 - Due 3-10-16 at 9:30 A.M.**

A Pre-Solicitation Conference for the above mentioned commodity is scheduled for March 10, 2016 at 9:30 A.M., at 1 Centre Street, 18th Floor, New York, NY 10007.

The purpose of this conference is to review proposed specifications for the commodity listed above to ensure a good product and maximum competition. Please make every effort to attend this conference, your participation will assist us in revising the attached specifications so they can be issued as a part of final bid package.

A copy of the Pre-Solicitation package can be downloaded from the City Record Online site at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord). Enrollment is free. Please review the documents before you attend the conference. If you have questions regarding this conference, please contact Joe Vacirca at 212-386-6530 or by email at [jvacirca@dcas.nyc.gov](mailto:jvacirca@dcas.nyc.gov)

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

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Joseph Vacirca (212) 386-6530; [jvacirca@dcas.nyc.gov](mailto:jvacirca@dcas.nyc.gov)

f17

**COMPTROLLER**

■ AWARD

Services (other than human services)

**BLOOMBERG ASSET AND INVESTMENT MANAGEMENT SYSTEMS (AIM)** - Request for Proposals - PIN#0152016BIS24705 - AMT: \$396,666.76 - TO: Bloomberg Finance LP, 731 Lexington Avenue, New York, NY 10022.

f17

**BUREAU OF ASSET MANAGEMENT - CONTRACTS**

■ SOLICITATION

Services (other than human services)

**NEGOTIATED ACQUISITION EXTENSION FOR TAX ADVISOR SERVICES IN INDIA** - Negotiated Acquisition - Other - PIN# 015-168-179-00 ZI - Due 3-4-16

This is a notice of a proposed negotiated acquisition extension to the Tax Advisor Services Agreement for the five New York City Retirement Systems and related funds (the "Systems"). The New York City Comptroller's Office, on behalf of the Systems, is seeking to extend Ernst and Young Pvt. Ltd ("EY-India"), an affiliate of Ernst and Young, LLP, as provider of tax advisory services in India to the Systems. This procurement is being done through a negotiated acquisition because there is a compelling need to ensure continuity of services in India by EY-India. The duration of the extension shall be for a period commencing April 1, 2016 and ending on March 31, 2017.

Prospective firms should express their interest in writing, no later than March 4, 2016 and should contact: Andres Teran, Contracts Analyst, Office of New York City Comptroller Scott M. Stringer, Bureau of Asset Management, 1 Centre Street, 8th Floor North, New York, NY 10007, Office: 212-669-2481 Email: [ateran@comptroller.nyc.gov](mailto:ateran@comptroller.nyc.gov)

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

Comptroller, 1 Centre Street, 8th Floor South, New York, NY 10007. Andres Teran (212) 669-2481; [ateran@comptroller.nyc.gov](mailto:ateran@comptroller.nyc.gov)

f12-19



**DESIGN AND CONSTRUCTION**

■ AWARD

*Construction/Construction Services*

**MILLING EXISTING ASPHALTIC CONCRETE WEARING COURSE-BOROUGH OF THE BRONX, MANHATTAN AND QUEENS** - Competitive Sealed Bids - PIN#85016B0050001 - AMT: \$10,447,999.77 - TO: Carlo Lizza and Sons Paving, 200 Winding Road, Old Bethpage, NY 11804.

● **MILLING EXISTING ASPHALTIC CONCRETE WEARING COURSE-CITYWIDE-BOROUGH OF BROOKLYN, QUEENS, AND STATEN ISLAND** - Competitive Sealed Bids - PIN#85016B0051001 - AMT: \$11,170,000.00 - TO: Restani Construction Corp., 42-04 Berrian Boulevard, Astoria, NY 11105.

• f17

**ENVIRONMENTAL PROTECTION**

**AGENCY CHIEF CONTRACTING OFFICE**

■ INTENT TO AWARD

*Services (other than human services)*

**DEL-416R: ROAD REPAIR AND MAINTENANCE WORK ON ALL ROADS DELAWARE COUNTY** - Government to Government - PIN# 82615WS00041 - Due 2-29-16 at 4:00 P.M.

DEP intends to enter into a Government-to-Government agreement with Delaware County Department of Public Works for DEL-416R: road repair and maintenance work on all roads located in the county of Delaware. DEP maintains and operates approximately thirty-nine and eight tenths miles of public roads which circumnavigate the Pepacton and Cannonsville Reservoirs in the County of Delaware. The City of New York, pursuant to the New York City Administrative Code ("City Administrative Code") Section 24-356(a), is responsible to repair and maintain these roads. The County is willing to coordinate and perform road repair and maintenance provided all reasonable and actual expenses incurred are paid for by the City. Road repair and maintenance work to be performed under this contract includes road paving, true and leveling, chip sealing, guiderail replacement, culvert and drop inlet repair and replacement, roadway and bank stabilization, road widening, and headwall and tail wall reconstruction. Any firm which believes it can also provide the required service in the future is invited to do so, indicated by letter which must be received no later than February 29, 2016, 4:00 P.M. at: Department of Environmental Protection, Agency Chief Contracting Officer, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373, ATTN: Ms. Glorivee Roman, glroman@dep.nyc.gov, (718) 595-3226.

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.

*Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373. Glorivee Roman (718) 595-3226; Fax: (718) 595-3208; glroman@dep.nyc.gov*

f12-19

**FIRE DEPARTMENT**

■ AWARD

*Goods and Services*

**SUPPLY, DELIVERY, REMOVAL AND DISPOSAL OF VEHICLES FOR FDNY TRAINING AND EXTRICATION DEMONSTRATIONS** - Competitive Sealed Bids - PIN#057150001241 - AMT: \$875,007.00 - TO: Bronx Junk Car Depot, LLC, 1287 East Bay Avenue, Bronx, NY 10474. ePin No.: 05714B0010001 CT No.: 20161402002. Term of Contract: August 31, 2015 - August 30, 2020

• f17

**HOUSING AUTHORITY**

**PROCUREMENT**

■ SOLICITATION

*Goods and Services*

**SMD RENTAL ASSISTANCE DEMONSTRATION (RAD) PHYSICAL CONDITIONS ASSESSMENT (PCA) CONSULTING SERVICES FOR THE NYCHA PRESERVATION PORTFOLIO** - Request for Proposals - PIN#63195 - Due 3-17-16 at 2:00 P.M.

In order to further NYCHA's objectives for improvement of its real property, NYCHA seeks to implement the United States Department of Housing and Urban Development's Rental Assistance Demonstration program at certain of its developments. RAD provides public housing agencies, the opportunity to convert public housing and other HUD-assisted properties to long-term, project-based Section 8 rental assistance in order to preserve and improve these properties through enabling access to private debt and equity in order to address immediate and long-term capital needs. In order to implement a RAD conversion at the Project Sites, NYCHA must provide HUD with a RAD Physical Conditions Assessment of the Project Sites sought to be converted, which entails a capital needs assessment that must be fulfilled per HUD's published guidelines in PIH-2012-32 (HA), REV-1. The selected Proposers must perform an RPCA for selected Project Sites, as determined and as directed by NYCHA. For more details, please review the detailed scope in the RFP document, available on NYCHA's website.

All requests for information must be submitted via e-mail to NYCHA's RFP Coordinator, Meddy.ghabae@nycha.nyc.gov no later than 2:00 P.M., on February 24, 2016. All RFIs must include the firm name and the name, title, address, telephone number, fax number and e-mail address of the individual to whom responses to the Proposer's RFI should be given. All RFIs and NYCHA's responses will be posted on NYCHA's online system iSupplier.

Minority, Woman, and Small Business Enterprises ("M/W/SBE") are strongly encouraged to submit Proposals in response to this RFP.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFP number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, please make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, Current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing" followed by "Sourcing Homepage" and then reference the applicable RFP PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFP documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFP package will be generated at time of request.

Each Proposer is required to submit one (1) signed original and six (6) copies of its Proposal package. In addition to the paper copies of the Proposal, Proposers shall submit one complete and exact copy of the Proposal on CD-ROM or Flash drive in Microsoft Office (2010 version or later) or Adobe pdf format. The original signed hard-copy must be clearly labeled as such. If there are any differences between the original and any of the copies (or the electronic copy of the Proposal), the material in the hard copy original will prevail.

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

*Housing Authority, 90 Church Street, New York, NY 10007. Meddy Ghabae (212) 306-4539; meddy.ghabae@nycha.nyc.gov*

• f17



**HUMAN RESOURCES ADMINISTRATION**

**AGENCY CHIEF CONTRACTING OFFICER**

■ INTENT TO AWARD

*Services (other than human services)*

**2016 FELLOWSHIP PROGRAM** - Negotiated Acquisition - Other - PIN# 16NPEHT00701 - Due 3-8-16 at 2:00 P.M.

\*For Informational Purposes Only\*

HRA intends to enter into a Negotiated Acquisition (NA) with; Code for America Labs, Inc. E-PIN#:09616N0007; Term: 1/1/16 - 12/31/16; Amount: \$110,000.00

The New York City Human Resources Administration (HRA), in conjunction with the Mayor's Office of Operations, will be partnering with Code for America Labs, Inc. on a Fellowship program. Code for America Labs, Inc. is a national non-profit that works in collaboration with communities, companies, and government to build open source technology and organize a network of people dedicated to making government services simple, effective, and easy to use.

Vendors interested in responding to this or other future solicitations for these types of services should contact the New York City Vendor Enrollment Center at (212) 857-1680 or at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc)

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

Human Resources Administration, 150 Greenwich Street, 37th Floor, New York, NY 10007. Barbara Beirne (929) 221-6348; [beirneb@hra.nyc.gov](mailto:beirneb@hra.nyc.gov)

◀ f17-23

**OFFICE OF CONTRACTS**

■ AWARD

*Human Services/Client Services*

**RAPID-RE-HOUSING THREE QUARTER POPULATION** - Other - PIN#09616E0001001 - AMT: \$2,500,000.00 - TO: Samaritan Daytop Village, Inc., 138-02 Queens Boulevard, Briarwood, NY 11435. TERM: 7/20/2015 - 6/30/2016

● **CIVIL LEGAL SERVICES FOR LOW INCOME INDIVIDUALS AND FAMILIES INCLUDING FAMILY AND HOUSING SERVICES** - BP/City Council Discretionary - PIN#09616L0055001 - AMT: \$1,500,000.00 - TO: Legal Services - NYC, 40 Worth Street, Suite 606, New York, NY 10013. TERM: 7/1/2015 - 6/30/2016

◀ f17

**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.asap>; 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. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6781; [dmwbe.capital@parks.nyc.gov](mailto:dmwbe.capital@parks.nyc.gov)

j4-d30

**REVENUE**

■ SOLICITATION

*Services (other than human services)*

**OPERATION AND MAINTENANCE OF BICYCLE RENTAL STATIONS** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# R-BR-2016 - Due 3-21-16 at 3:00 P.M.

The New York City Department of Parks and Recreation is issuing a Request for Proposals ("RFP") for the development, operation and maintenance of bicycle rental stations at various locations on Staten Island with the option for future Staten Island locations.

There will be a recommended proposer meeting on Wednesday, March 2nd, 2016 at 12:00 P.M. We will be meeting in Room 407 of the Arsenal, which is located at 830 Fifth Avenue, in Central Park, Manhattan. If you are considering responding to this RFP, please make every effort to attend this recommended meeting.

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

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

Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Eric Weiss (212) 360-3483; Fax: (212) 360-3434; [eric.weiss@parks.nyc.gov](mailto:eric.weiss@parks.nyc.gov)

f16-29

**POLICE**

**CONTRACT ADMINISTRATION**

■ SOLICITATION

*Construction/Construction Services*

**MECHANICAL CONTRACTORS - PQL** - Request for Qualifications - PIN# 0561600001065 - Due 12-30-16 at 5:00 P.M.

The New York City Police Department ("NYPD") is establishing a list of Prequalified Mechanical Contractors (a "PQL") to provide labor, equipment, and materials for the Removal and Replacement of Existing Boiler/Heating Systems and Installation/Upgrades of Air Conditioning Systems. NYPD will solicit bids for these projects from mechanical contractors on the PQL. To be included on the PQL, mechanical contractors must possess the qualifications described in the Request for Qualifications ("RFQ") and meet one of the following qualifying criteria:

1. The submitting entity is a Minority and Women-Owned Business

Enterprise (M/WBE) certified by the New York City Department of Small Business Services ("New York City-Certified M/WBE").

- The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, 50 percent owned, operated, and controlled by a New York City-Certified M/WBE.
- The submitting entity will sub-contract no less than 50 percent of any awarded job to a New York City-Certified M/WBE for each and every project awarded. The RFQ will be available online at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord) on February 22, 2016.

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

Police, 90 Church Street, Room #1206, New York, NY 10007. Claudia Castro (646) 610-4786; Fax: (646) 610-5224; [claudia.castro@nypd.org](mailto:claudia.castro@nypd.org)

f12-19

## TRANSPORTATION

### BRIDGES

#### ■ SOLICITATION

#### Construction Related Services

**RESIDENT ENGINEERING INSPECTION SERVICES IN CONNECTION WITH PROTECTIVE COATING OF HENRY HUDSON PARKWAY BRIDGE OVER WEST 158TH STREET, BOROUGH OF MANHATTAN** - Request for Proposals - PIN#84116MNB967 - Due 3-15-16 at 2:00 P.M.

A printed copy of the proposal can also be purchased. A deposit of \$50.00 is required for the proposal documents in the form of a Certified Check or Money Order payable to: New York City Department of Transportation. NO CASH ACCEPTED. Company address, telephone and fax numbers are required when picking up contract documents. Entrance is located on the South Side of the Building facing the Vietnam Veterans Memorial. Proper government issued identification is required for entry to the building (driver's license, passport, etc.). This Procurement is subject to participation goals for Minority-Owned Business Enterprises (MBEs) as required by Section 6-129 of the New York Administrative Code. The M/WBE goal for this project is 15 percent. For additional information, please contact Gail Hatchett at (212) 839-9308.

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.

Transportation, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. Bid Window (212) 839-9435; [ghatchett@dot.nyc.gov](mailto:ghatchett@dot.nyc.gov)

◀ f17

**DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR THE COMPONENT REHABILITATION OF 11 BRIDGES IN THE BOROUGHS OF THE BRONX, BROOKLYN, QUEENS, AND STATEN ISLAND** - Request for Proposals - PIN#84116MBBR955 - Due 3-15-16 at 2:00 P.M.

A printed copy of the proposal can also be purchased. A deposit of \$50.00 is required for the proposal documents in the form of a Certified Check or Money Order payable to: New York City Department of Transportation. NO CASH ACCEPTED. Company address, telephone and fax numbers are required when picking up contract documents. Entrance is located on the South Side of the Building facing the Vietnam Veterans Memorial. Proper government issued identification is required for entry to the building (driver's license, passport, etc.). This Procurement is subject to participation goals for Minority-Owned Business Enterprises (MBEs) as required by Section 6-129 of the New York Administrative Code. The M/WBE goal for this project is 15 percent. For additional information, please contact Larisa Ter-Akopova at (212) 839-4595.

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.

Transportation, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. Bid Window (212) 839-9435; [literakopova@dot.nyc.gov](mailto:literakopova@dot.nyc.gov)

◀ f17

## FRANCHISES

### ■ SOLICITATION

#### Goods and Services

**PEARL PLAZA MARKET** - Request for Proposals - PIN#84116BKAD978 - Due 2-26-16 at 5:00 P.M.

The DUMBO BID is seeking proposals from qualified market operators to manage and operate a food, beverage, and merchandising market in Pearl Plaza, Brooklyn. The DUMBO BID envisions this market as a festive, yet functional community amenity for the neighborhood's creative companies, families, and residents. The Plaza includes the Pearl Street Triangle and Anchorage Place.

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.

Transportation, 20 Jay Street, Suite 510, Brooklyn, NY 11201. Clara Schuhmacher (718) 237-8700; [clara@dumbonyc.org](mailto:clara@dumbonyc.org); [alexandria@dumbonyc.org](mailto:alexandria@dumbonyc.org)

f11-25

## AGENCY RULES

## COMMISSION ON HUMAN RIGHTS

### ■ NOTICE

#### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The New York City Commission on Human Rights ("the Commission") is proposing to amend its rules to establish certain definitions and criteria around procedure and application of the Human Rights Law provisions regarding unlawful discrimination on the basis of criminal history against job applicants and employees, and applicants for licenses, registrations and permits, enacted by Local Law No. 63 of 2015, the Fair Chance Act ("the FCA"). These proposed rules will amend Title 47 of the Rules of the City of New York.

**When and where is the Hearing?** The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 1:00 P.M. on March 21, 2016. The hearing will be in 125 Worth Street, 2nd Floor Auditorium.

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

- **Website.** You can submit comments to the Commission through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [policy@cchr.nyc.gov](mailto:policy@cchr.nyc.gov)
- **Mail.** You can mail comments to:  
Dana Sussman  
Special Counsel to the Office of the Chairperson  
New York City Commission on Human Rights  
P.O. Box 2023  
New York, NY 10272
- **Fax.** You can fax comments to Dana Sussman, Special Counsel to the Office of the Chairperson at 646-500-6734.
- **By Speaking at the 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 [policy@cchr.nyc.gov](mailto:policy@cchr.nyc.gov). You can also sign up in the hearing room before the hearing begins on [date of hearing]. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** You must submit written comments by March 21, 2016.

**What if I need assistance participating in the Hearing?** You must notify the Commission 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 or email at the addresses given above. You must tell us by 10 days prior to the hearing date.

**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, a recording of the hearing and copies of the written comments will be available to the public on the Commission's website.

**What authorizes the Commission to adopt this rule?**

Sections 905 and 1043 of the New York City Charter authorize the Commission to adopt this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated at the time agencies needed to submit the agenda.

**Where can I find the Commission's rules?** The Commission's rules are in Title 47 of the Rules of the City of New York.

**What laws govern the rulemaking process?** The Commission must meet the requirements of § 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of §1043 of the Charter.

**Statement of Basis and Purpose of Proposed Rule**

The New York City Commission on Human Rights ("the Commission") is proposing to amend its rules to establish certain definitions and criteria around procedure and application of the Human Rights Law provisions regarding unlawful discrimination on the basis of criminal history against job applicants and employees, and applicants for licenses, registrations and permits, enacted by Local Law No. 63 of 2015, the Fair Chance Act ("the FCA"). These proposed rules will amend Title 47 of the Rules of the City of New York by amending Section 2-01 to define terms used in the Human Rights Law and update the definition of "domestic partners" to reflect the definition contained in the Administrative Code. The rules will also add a new section, Section 2-04, to specify chargeable violations under the Human Rights Law as that law has been amended by the FCA, further define and clarify terms and requirements in furtherance of the intent of the FCA, establish specific guidelines and procedures around enforcement and obligations of employers and those evaluating individuals for licenses, registrations, permits and credit, and clarify when and under what circumstances an employer can withdraw a conditional offer or take an adverse employment action against an applicant or employee based on their criminal history. The proposed rules will also create a discretionary mechanism for the Commission to resolve commission-initiated charges of certain *per se* violations under the FCA by offering eligible respondents an option for expedited resolution. This process, called Early Resolution will allow a respondent to bypass a full investigation and a hearing at OATH, by admitting liability, and complying with a penalty. The monetary fine associated with the penalty is based on the penalty schedule set forth in the rules. By assessing penalties based upon employer size, the penalty schedule recognizes the impact of the discriminatory action on the public and is designed to ensure that the penalty will incentivize compliance with this program, deter future violations, and educate employers about their obligations under the law. The monetary fines are proportional to the civil penalties awarded in cases of *per se* violations that come before the Commission.

The proposed rules will:

- Amend Title 47 of the Rules to establish definitions for "Applicant," "Adverse Employment Action," "Article 23-A Analysis," "Article 23-A Factors," "Business Day," "Conditional Offer of Employment," "Conviction History," "Criminal Background Check," "Criminal History," "Direct Relationship," "Domestic Partners," "Fair Chance Process," "Human Rights Law," "Inquiry," "Licensing Agency," "Non-Convictions," "Per Se," "Statement," "Temporary Help Firms," and "Terms and Conditions."
- Establish *per se* violations, as defined by these rules, of the new provisions added by the FCA.
- Clarify the types of questions and statements relating to criminal history that are prohibited under the FCA.
- Explain the meaning of a conditional offer and establish the

limited circumstances under which an employer can revoke a conditional offer.

- Explain what an employer should do if they inadvertently come to learn about an applicant's criminal history prior to making a conditional offer.
- Clarify the procedure that must be followed by an employer upon learning of an applicant or employee's criminal history and what steps must be taken before revoking a conditional offer or taking an adverse employment action.
- Establish clear guidelines that employers must follow when considering whether and how applicants and employee's criminal convictions or pending cases relate to the duties of a prospective or current job or would pose an unreasonable risk to the property or the safety or welfare of specific individuals or the general public.
- Establish what information an employer must provide to an applicant or employee if a determination is made to revoke a conditional offer based on their conviction history or pending case and clarify how an employer must evaluate an applicant or employee's request for more time.
- Require an employer to consider any documentation that the applicant or employee presents to support their assertion that the information on the background check contains an error.
- Clarify the exemptions under the FCA.
- Create a discretionary mechanism for the Commission to respond to charges of *per se* violations under the FCA by allowing the Commission's Law Enforcement Bureau to send employers or licensing agencies an Early Resolution Notice.
- Clarify that employers may not request information or inquire about the non-convictions of applicants or employees and may not deny or take any adverse actions against applicants or employees based on non-convictions.
- Clarify that individuals with pending criminal cases are protected by the FCA.
- Update the rule's definition of "domestic partners" to reflect the definition contained in the Administrative Code.

The Commission's authority for these rules is found in Sections 905 and 1043 of the New York City Charter.

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 2-01 of Title 47 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

Section 2-01. **Definitions.**

[(a) The definitions in this section shall be used by the New York City Commission on Human Rights in determining whether an institution, club, or place of accommodation is "distinctly private" as that term is used in the New York City Human Rights Law, Administrative Code §8-101 *et seq.*

**Domestic partner.** The term "domestic partner" means a person who has registered a domestic partnership in accordance with applicable law with the City Clerk, or has registered such a partnership with the former City Department of Personnel pursuant to Executive Order 123 (dated August 7, 1989) during the period August 7, 1989 through January 7, 1993. (The records of domestic partnerships registered at the Department of Personnel are to be transferred to the City Clerk.)

**Members.** "Members" shall mean individuals belonging to any class of membership offered by the institution, club, or place of accommodation including, but not limited to, full membership, resident membership, nonresident membership, temporary membership, family membership, honorary membership, associate membership, membership limited to use of dining or athletic facilities, and membership of members' minor children or spouses or domestic partners.

**Payment directly from a nonmember.** "Payment directly from a nonmember" shall mean payment made to an institution, club or place of accommodation by a nonmember for expenses incurred

by a member or nonmember for dues, fees, use of space, facilities, services, meals or beverages.

**Payment for the furtherance of trade or business.**

"Payment for the furtherance of trade or business" shall mean payment made by or on behalf of a trade or business organization, payment made by an individual from an account which the individual uses primarily for trade or business purposes, payment made by an individual who is reimbursed for the payment by the individual's employer or by a trade or business organization, or other payment made in connection with an individual's trade or business, including entertaining clients or business associates, holding meetings or other business-related events.

**Payment indirectly from a nonmember.** "Payment indirectly from a nonmember" shall mean payment made to a member or nonmember by another nonmember as reimbursement for payment made to an institution, club or place of accommodation for expenses incurred for dues, fees, use of space, facilities, meals or beverages.

**Payment on behalf of a nonmember.** "Payment on behalf of a nonmember" shall mean payment by a member or nonmember for expenses incurred for dues, fees, use of space, facilities, services, meals or beverages by or for a nonmember.

**Regular meal service.** "Regular meal service" shall mean the provision, either directly or under a contract with another person, of breakfast, lunch, or dinner on three or more days per week during two or more weeks per month during six or more months per year.

**Regularly receives payment.** An institution, club or place of "accommodation" regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of nonmembers for the furtherance of trade or business" if it receives as many such payments during the course of a year as the number of weeks any part of which the institution, club or place of accommodation is available for use by members or nonmembers per year.]

**Applicant** "Applicant" refers to potential employees, and current employees who are seeking or being considered for positive changes to the terms and conditions of their employment, including, without limitation, promotions.

**Adverse employment action** "Adverse employment action" refers to any action that negatively affects the terms and conditions of employment.

**Article 23-A analysis** "Article 23-A analysis" refers to the process required under subdivisions 9, 10, 11 and 11-a of Section 8-107 of the Administrative Code, when those provisions mandate compliance with Article 23-A of the New York Correction Law.

**Article 23-A factors** "Article 23-A factors" refers to the factors that employers must consider concerning applicants' and employees' conviction histories or pending cases under Section 753 of Article 23-A of the New York Correction Law.

**Business day** "Business day" means any day except for Saturdays, Sundays, and all legal holidays of the City of New York.

**Commission** "Commission" means the New York City Commission on Human Rights.

**Conditional offer of employment** "Conditional offer of employment" as used in Section 8-107(11-a) of the Administrative Code and Section 2-04 of this title for purposes of establishing when an applicant's or employee's criminal history can be considered by an employer, refers to an offer of employment or an offer to positively change the terms and conditions of employment, that can only be revoked based on one of the following:

1. The results of a criminal background check, and only after the "Fair Chance Process," as defined later in this section, has been followed.
2. The results of a medical exam in situations in which such exams are permitted by the Americans with Disabilities Act.
3. Other information the employer could not have reasonably known before the conditional offer if, based on the information, the employer would not have made the offer and the employer can show the information is material.

For temporary help firms, a conditional offer is the offer to place an applicant in the firm's labor pool, from which the applicant may be sent on job assignments to the firm's

clients.

**Conviction history** "Conviction history" refers to an individual's actual conviction of either a felony or a misdemeanor or an unsealed violation under New York law or federal law, or a conviction of a crime committed in another state and defined as a felony or a misdemeanor by the law of that state.

**Criminal background check** "Criminal background check" refers to when an employer, orally or in writing, either:

1. Asks an applicant or employee whether or not they have a criminal record; or
2. Searches public records, including through a third party, such as a consumer reporting agency, for an applicant's criminal history.

**Criminal history** "Criminal history" refers to records of criminal convictions or non-convictions and/or a currently pending criminal case.

**Direct relationship** "Direct relationship" refers to a finding that the nature of the criminal conduct underlying a conviction or pending case has a direct bearing on the fitness or ability of an applicant or employee to perform one or more of the duties or responsibilities necessarily related to the license, registration, permit, employment opportunity or terms and conditions of employment in question.

**Domestic partners.** The term "domestic partners" means persons who have a registered domestic partnership, which shall include any partnership registered pursuant to this chapter, any partnership registered in accordance with executive order number 123, dated August 7, 1989, and any partnership registered in accordance with executive order number 48, dated January 7, 1993, and persons who are members of a marriage that is not recognized by the state of New York, domestic partnership, or civil union, lawfully entered into in another jurisdiction

**Employer** "Employer" includes any employer with four or more persons in their employ.

**Fair Chance Process** "Fair Chance Process" refers to the post-conditional offer process mandated by Section 8-107(11-a) of the Administrative Code when employers elect to withdraw a conditional offer of employment or change the terms and conditions of employment based on an applicant's conviction history or pending criminal case.

**Human Rights Law** "Human Rights Law" refers to Title 8 of the Administrative Code.

**Inquiry** "Inquiry" refers to any oral or written question asked for the purpose of obtaining an applicant's or employee's criminal history, including without limitation, questions in a job interview about an applicant's criminal history; and any search for an applicant's or employee's criminal history, including through the services of a third party, such as a consumer reporting agency.

**Licensing agency** "Licensing agency" refers to any agency or employee thereof that is authorized to issue a license, registration or permit

**Members.** "Members" means individuals belonging to any class of membership offered by the institution, club, or place of accommodation, including, but not limited to, full membership, resident membership, nonresident membership, temporary membership, family membership, honorary membership, associate membership, membership limited to use of dining or athletic facilities, and membership of members' minor children or spouses or domestic partners.

**Non-conviction** "Non-conviction" means any arrest or criminal accusation not currently pending, that was concluded in one of the following ways:

- (1) Termination in favor of the individual, as defined by New York Criminal Procedure Law ("CPL") § 160.50, even if not sealed;
- (2) Adjudication as a youthful offender, as defined by CPL § 720.35, even if not sealed;
- (3) Conviction of a non-criminal offense that has been sealed under CPL § 160.55; or
- (4) Convictions that have been sealed under CPL § 160.58.

“Non-conviction” includes a disposition of a criminal matter under federal law or the law of another state that results in a status comparable to a “non-conviction” under New York law as defined in this section.

**Payment directly from a nonmember.** “Payment directly from a nonmember” shall mean payment made to an institution, club or place of accommodation by a nonmember for expenses incurred by a member or nonmember for dues, fees, use of space, facilities, services, meals or beverages.

**Payment for the furtherance of trade or business.** “Payment for the furtherance of trade or business” means payment made by or on behalf of a trade or business organization, payment made by an individual from an account which the individual uses primarily for trade or business purposes, payment made by an individual who is reimbursed for the payment by the individual’s employer or by a trade or business organization, or other payment made in connection with an individual’s trade or business, including entertaining clients or business associates, holding meetings or other business-related events.

**Payment indirectly from a nonmember.** “Payment indirectly from a nonmember” means payment made to a member or nonmember by another nonmember as reimbursement for payment made to an institution, club or place of accommodation for expenses incurred for dues, fees, use of space, facilities, meals or beverages.

**Payment on behalf of a nonmember.** “Payment on behalf of a nonmember” means payment by a member or nonmember for expenses incurred for dues, fees, use of space, facilities, services, meals or beverages by or for a nonmember.

**Per se violation.** “Per se violation” means an action or inaction that, standing alone, without reference to additional facts, constitutes a violation of the human rights law, regardless of whether any adverse action was taken or any actual injury incurred.

**Regular meal service.** “Regular meal service” means the provision, either directly or under a contract with another person, of breakfast, lunch, or dinner on three or more days per week during two or more weeks per month during six or more months per year.

**Regularly receives payment.** An institution, club or place of “accommodation” regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of nonmembers for the furtherance of trade or business” if it receives as many such payments during the course of a year as the number of weeks any part of which the institution, club or place of accommodation is available for use by members or nonmembers per year.

**Statement** “Statements” are any communications made, orally or in writing, to the applicant or employee for the purpose of obtaining criminal history, including, without limitation, stating that a background check is required for a position.

**Terms and conditions** “Terms and conditions” refers to conditions of employment, including but not limited to hiring, termination, transfers, promotions, privileges, compensation, benefits, professional development and training opportunities, and job duties.

**Temporary help firms** “Temporary help firms” are businesses that recruit, hire, and assign their own employees to perform work at or services for other organizations, to support or supplement the other organization’s workforce, or to provide assistance in special work situations such as, without limitation, employee absences, skill shortages, seasonal workloads, or special assignments or projects.

§ 2. Chapter 2 of Title 47 of the rules of the city of New York are amended by adding a new Section 2-04 to read as follows:

Section 2-04 Prohibitions on discrimination based on criminal history. Sections 2-04(1) through 2-04(7) relate to prohibitions on discrimination in employment only. Section 2-04(8) relates to prohibitions on discrimination in licensing only. Section 2-04(9) relates to enforcement and procedures regarding violations of the HRL under this section in employment and licensing.

1) **Per Se Violations:** The Commission has determined that the following are per se violations of Sections 8-107(11-a) or (11-b) of the Administrative Code Human Rights Law (regardless of whether any adverse employment action is taken against an individual applicant or employee):

a) Declaring, printing, or circulating, or causing the

declaration, printing, or circulation of, any solicitation, advertisement, or publication that expresses, directly or indirectly, any limitation or specification in employment regarding criminal history. This includes, without limitation, advertisements and employment applications containing phrases such as: “no felonies,” “background check required,” and “must have clean record.”

- b) Using applications for employment that require applicants to either grant employers permission to run a background check, or to provide information regarding criminal history.
- c) Making any statement or inquiry relating to the applicant’s pending arrest or criminal conviction before a conditional offer of employment is extended.
- d) Using a standard form, such as a boilerplate job application, intended to be used across multiple jurisdictions, that requests or refers to criminal history. Disclaimers or other language indicating that applicants should not answer specific questions if applying for a position that is subject to the Human Rights Law do not shield an employer from liability.
- e) Failing to comply with requirements of Section 8-107(11-a) of the Administrative Code, when they are applicable: (1) to provide the applicant or employee a written copy of any inquiry an employer conducted into the applicant’s or employee’s criminal history; (2) to share with the applicant or employee a written copy of the employer’s Article 23-A analysis; or (3) to hold the prospective position open for at least three business days from the date of an applicant’s or employee’s receipt of both the inquiry and analysis to allow them time to respond.
- 2) **Criminal Background Check Process:** An employer may not inquire about an applicant’s criminal history or request permission to run a criminal background check of an applicant until after the employer makes the applicant a conditional offer. At no point may an employer seek or consider information pertaining to a non-conviction.
- a) Employers may not engage in any of the following actions prior to making a conditional offer to an applicant:
- i) Seeking to discover, obtain, or consider the criminal history of an applicant before a conditional offer of employment is made.
- ii) Expressing any limitation or specifications based on criminal history in job advertisements. This includes, but is not limited to, any language that states or implies “no felonies,” “background check required,” or “clean records only.” Solicitations, advertisements, and publications encompass a broad variety of items, including, without limitation, employment applications, fliers, hand-outs, online job postings, and materials distributed at employment fairs and by temporary help firms and job readiness programs.
- iii) Using an application that contains a question about an applicant’s criminal history or pending criminal case or requests authorization to perform a background check.
- iv) Making any inquiry or statement related to an applicant’s criminal history, whether written or oral, during a job interview.
- v) Asserting, whether orally or in writing, that individuals with a criminal history or individuals with certain convictions, will not be hired or considered.
- vi) Conducting investigations into an applicant’s criminal history, including using public records or the Internet for the purpose of learning about the applicant’s criminal history, whether such investigations are conducted by an employer or for an employer by a third party
- vii) Disqualifying an applicant for refusing to respond to any prohibited inquiry or statement about criminal history.
- viii) In connection with an applicant, searching for terms such as, “arrest,” “mugshot,” “warrant,” “criminal,” “conviction,” “jail,” or “prison” or searching websites

that purport to provide information regarding arrests, warrants, convictions or incarceration information for the purpose of obtaining criminal history.

- 3) **Inadvertent Discovery or Unsolicited Disclosure of Criminal History Prior to Conditional Offer:** Inadvertent discovery by employer or unsolicited disclosure by applicant of criminal history prior to a conditional offer of employment does not automatically create employer liability. Employer liability is created when an employer uses the discovery or disclosure to further explore an applicant's criminal history before having made a conditional offer.
- 4) **Information Regarding Conviction History or Pending Criminal Cases Obtained After a Conditional Offer:** After an employer extends a conditional offer to an applicant, an employer may make inquiries into or statements about the applicant's conviction history or any pending criminal cases. An employer may:
- a) Ask, either orally or in writing, whether an applicant has a criminal conviction history or a pending criminal case;
  - b) Run a background check or, after receiving the applicant's permission and providing notice, use a consumer reporting agency to do so; and
  - c) Once an employer knows about an applicant's conviction or pending criminal case, ask them about the circumstances that led to the conviction or pending criminal case and gather information relevant to the Article 23-A factors.
  - d) Upon receipt of an applicant's conviction history or information regarding a pending criminal case, an employer may elect to hire the individual. If the employer does not wish to withdraw the conditional offer, the employer does not need to engage in the Article 23-A analysis.
- 5) **Withdrawing a Conditional Offer of Employment or Taking an Adverse Employment Action:** Should an employer wish to withdraw its conditional offer of employment or take an adverse employment action based on an applicant's or employee's conviction history or pending criminal case, the employer must (1) engage in an Article 23-A analysis and (2) follow the Fair Chance Process.
- a) Article 23-A analysis
    - i) An employer must consider the following factors in evaluating an applicant or employee under the Article 23-A analysis:
      - (1) That New York public policy encourages the licensure and employment of people with criminal records;
      - (2) The specific duties and responsibilities necessarily related to the prospective job;
      - (3) The bearing, if any, of the conviction history or pending criminal case on their fitness or ability to perform one or more of the job's duties or responsibilities;
      - (4) The time that has elapsed since the occurrence of the events that led to the applicant or employee's criminal conviction or pending case, not the time since arrest or conviction;
      - (5) The age of the applicant or employee when the events that led to their conviction or pending case occurred;
      - (6) The seriousness of the applicant's or employee's conviction history or pending criminal case;
      - (7) Any information produced by the applicant or employee, or produced on the applicant's or employee's behalf, regarding their rehabilitation and good conduct;

- (8) The legitimate interest of the employer in protecting property, and the safety and welfare of specific individuals or the general public.
- ii) When considering the factors outlined above, a presumption of rehabilitation exists when an applicant or employee produces a certificate of relief from disabilities or a certificate of good conduct.
  - iii) An employer may not change the duties and responsibilities of a position upon learning of an applicant's or employee's criminal history.
  - iv) After evaluating the factors in Section 2-04(5)(a)(i) an employer must then determine whether (1) there is a "direct relationship" between the applicant's or employee's conviction history or pending case and the prospective or current job, or (2) employing or continuing to employ the person would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.
    - (1) To claim the "direct relationship exception", an employer must first draw some connection between the nature of the conduct that led to the conviction(s) or pending case and the potential position. If a direct relationship exists, an employer must evaluate the Article 23-A factors to determine whether the concerns presented by the relationship have been mitigated.
    - (2) To claim the "unreasonable risk exception" an employer must consider and apply the Article 23-A factors to determine if in fact an unreasonable risk exists.
  - v) If an employer, after weighing the required factors, cannot determine that either the direct relationship exemption or the unreasonable risk exemption applies, then the employer may not revoke the conditional offer or take any adverse employment action.
- b) **The Fair Chance Process:** If, after an employer determines that either the direct relationship or unreasonable risk exemption applies, the employer wishes to revoke the conditional offer or take an adverse employment action, the employer must first (1) provide a written copy of any inquiry made to collect information about criminal history or pending criminal cases to the applicant or employee, (2) provide a written copy of the Article 23-A analysis to the applicant or employee, (3) inform the applicant or employee that they will be given a reasonable time to respond to the employer's concerns, and (4) consider any additional information provided by the applicant or employee during this period.
- i) Providing a written copy of the inquiry
    - (1) The employer must provide a complete and accurate copy of each and every piece of information relied on to determine that an applicant or employee has a conviction history or pending criminal case. This includes, but is not limited to, copies of consumer reporting agency reports, print outs from the internet, public records, and written summaries of any oral conversations, specifying if the oral information relied upon came from the applicant.
  - ii) Providing a written copy of the Article 23-A analysis performed by the employer
    - (1) Employers who choose to revoke an applicant's conditional offer or take an adverse employment action on the basis of an applicant's or employee's criminal history must provide the applicant with the Fair Chance Notice created by the Commission, or a comparable notice.

Article 23-A Evaluation Form



BILL DE BLASIO  
Mayor  
CARMELYN P. MALALIS  
Commissioner/Chair

100 Gold Street, Suite 4600  
New York, NY 10038

nyc.gov/humanrights  
NYCCHR

\_\_\_\_\_  
Applicant Name

**FAIR CHANCE ACT NOTICE**

After extending a conditional offer of employment, we checked your criminal record. Based on the enclosed check, we have reservations about hiring you for the position of \_\_\_\_\_, and may decide to retract our job offer. Below explains why. We invite you to provide us with any information that could help us decide to offer you the job. If you choose to provide us with additional information you have \_\_\_\_\_ days (must be at least three business days) from the date you receive this to do so.

If you wish to respond, please contact \_\_\_\_\_.

In your response, you may:

- Tell us about any errors on your criminal record;
- Give us any additional information you'd like us to consider after reviewing this notice.

The following factors were considered, as required by Article 23-A of the New York State Correction Law, before making our determination:

A. The government encourages employers to hire people with criminal records.

B. The specific duties and responsibilities of the job, which are:  
 1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_

C. We believe your record impacts your fitness or ability to perform these duties and responsibilities because:  
 \_\_\_\_\_

D. How long ago your criminal activity, not your conviction, occurred: \_\_\_\_\_ years \_\_\_\_\_ months

E. Your age when your criminal activity, not your conviction, occurred: \_\_\_\_\_ years old

F. The seriousness of the conduct that led to your criminal record, which is:  
 \_\_\_\_\_

G. Your evidence of rehabilitation and good conduct, which is listed below.  
 1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_

*If you have additional documents we should consider, please send them, including evidence that you attended school, job training, or counseling; or are involved with your community. They can include letters from people who know you, like teachers, counselors, supervisors, clergy, and parole or probation officers.*

H. Our legitimate interest in protecting property, and the safety and welfare of specific individuals or the general public, which is:  
 \_\_\_\_\_

I. Your certificate(s) of relief or certificate of good conduct shows that you are rehabilitated. If you did not have a certificate, we did not hold that against you.

Based on these factors, we may deny you the job because (choose one or both below):

We believe there is a direct relationship between your criminal record and the job we offered to you, and the factors listed above do not lessen that relationship because:  
 \_\_\_\_\_

Your criminal record creates an unreasonable risk to specific persons, the general public, or our property because:  
 \_\_\_\_\_

For more information about the law, visit:  
nyc.gov/FairChanceNYC

- (2) So long as the material substance does not change, the notice may be adapted to an employer's preferred format or to account for the specific circumstances involving the applicant and the adverse action or denial of employment. A Fair Chance Notice must (1) include specific facts that were considered pursuant to the Article 23-A analysis and the outcome, (2) articulate the employer's concerns and basis for the determination that there is a direct relationship or an unreasonable risk, and (3) inform the applicant or employee of their rights upon receipt of the notice, including how they can respond to the decision, the time frame within which they must respond.
- iii) The employer must allow the applicant or employee a reasonable time to respond to the employer's concerns.
  - (1) An employer must consider the following information when determining how much time is reasonable: (1) what additional information the applicant or employee is purporting to gather and whether that additional information would change the outcome of the Article 23-A analysis; (2) why the applicant or employee needs more time to gather the information, (3) how quickly the employer needs to fill the position; and (4) any other relevant information. A reasonable time shall be no less than 3 business days.
- (2) During this time, an employer may not permanently place another person in the applicant's prospective position.
- (3) The time period begins when the applicant or employee receives both the Fair Chance Notice and the inquiry.
- iv) Response of employer to additional information.
  - (1) If the applicant or employee provides additional information related to the concerns identified by the employer, the employer must consider whether the additional information changes the Article 23-A analysis.
  - (2) If the employer reviews the additional information and makes a determination not to hire the individual or take an adverse employment action, the employer must relay that decision to the applicant or employee.
- c) Errors, Discrepancies, and Misrepresentations
  - i) If an applicant or employee realizes that there is an error on a background check, they must inform the employer of such error and request the necessary time needed to provide supporting documentation.
    - (1) If the applicant or employee can demonstrate that



the information is incorrect and the applicant or employee has no criminal history, the employer may not withdraw the conditional offer or take any adverse employment action on the basis of the applicant's or employee's criminal history.

- (2) If the applicant or employee can demonstrate that the conviction history resulted in a non-conviction, the employer may not withdraw the conditional offer or take any adverse employment action on the basis of the applicant's or employee's criminal history.
- (3) If the applicant or employee can demonstrate that the conviction history or pending criminal case is different than what is reflected in the background check, the employer must conduct the Article 23-A analysis based on the correct and current conviction history or pending case information to ensure its decision is not tainted by the previous error.

- ii) If a background check reveals that an applicant or employee has intentionally failed to answer a legitimate question about their conviction history or a pending criminal case, the employer may revoke the conditional offer or take an adverse employment action.

#### 6) **Temporary Help Firms**

- a) Temporary help firms are covered by this section of the Commission's rules. A "conditional offer" from a temporary help firm is an offer to place an applicant in the firm's labor pool, from which the applicant may be sent on job assignments to the firm's clients. A temporary help firm is bound by the same pre-conditional offer requirements as other employers and must follow the Fair Chance Process if it wishes to withdraw a conditional offer based on the conviction history of an applicant.
- b) In order to evaluate job duties relevant to the conviction history under Article 23-A, a temporary help firm may only consider the minimum skill requirements and basic qualifications necessary to be placed in its applicant pool.
- c) Any employer who utilizes a temporary help firm to find applicants for employment must follow the Fair Chance Process and may not make any statements or inquiries about an applicant's criminal history until after the applicant has been assigned to the employer by the temporary help firm.
- d) A temporary help firm may not aid or abet an employer's discriminatory hiring practices. A temporary help firm may not determine which candidates to refer to an employer based on an employer's preference not to employ persons with a particular criminal history or criminal history. A temporary help firm may not provide the applicant's criminal history to prospective employers until after the employer has made a conditional offer to the applicant.

#### 7) **Exemptions under the Fair Chance Act:**

- a) The prohibitions on discrimination based on criminal history in Section 8-107(11)(a) of the Administrative Code shall not apply to any actions taken by an employer or agent thereof with regard to an applicant for employment or employee:
  - i) In a position where federal, state, or local law requires criminal background checks or bars employment based on criminal history.
    - (1) This exemption does not apply to an employer authorized, but not required, to check for criminal backgrounds.
    - (2) A position is not covered by this exemption simply because it requires licensure or approval by a government agency other than the hiring employer for which criminal history could be a mandatory barrier. When hiring for such a position, before making a conditional offer the employer may only ask whether the applicant has the necessary license or approval or whether they can obtain it within a reasonable period of time.
  - ii) In positions regulated by self-regulatory organizations as defined in Section 3(a)(26) of the securities exchange act of 1934, as amended, where the rules or regulations promulgated by such organizations require criminal background checks or bar employment based on criminal history.
    - (1) This exemption includes positions in which applicants or employees are not required to be registered with a self-regulatory organization ("SRO"), when the applicant or employee nevertheless either chooses to become registered while in the position or elects to maintain their prior registration.

#### iii) **Police and Peace Officers, Law Enforcement Agencies, and Other Exempted City Agencies**

- (1) As a police officer or peace officer, as those terms are defined in subdivisions thirty-three and thirty-four of Section 1.20 of the criminal procedure law.
- (2) At a New York City law enforcement agency, including but not limited to the City Police Department, Fire Department, Department of Correction, Department of Investigation, Department of Probation, the Division of Youth and Community Development, the Business Integrity Commission, and the District Attorneys' offices in each borough.
- (3) In a position listed in the determinations of personnel published as a Commissioner's calendar item and listed on the website of the Department of Citywide Administrative Services ("DCAS") as exempt because the Commissioner of Citywide Administrative Services has determined that the position involves law enforcement; is susceptible to bribery, or corruption; or entails the provision of services to or the safeguarding of people who, because of age, disability, infirmity or other condition, are vulnerable to abuse.
- (4) Once DCAS exempts a position, an applicant or employee may be asked about their conviction history at any time; however, applicants who are denied employment because of their conviction history must receive a written copy of the Article 23-A analysis.

- b) Standard of Proof: It shall be an affirmative defense that any action taken by an employer or agent thereof is permissible pursuant to subdivision a of this section.

#### 8) **Licenses, Registrations, and Permits**

- a) Licensing agencies may not deny any license, registration or permit to any applicant, or act adversely upon any holder of a license, registration or permit, based on criminal history in violation of Article 23-A of the New York Corrections Law.
- b) Prior to denying or taking any adverse action against an individual applying for a license, registration or permit based on their conviction history, the licensing agency must evaluate the candidate using the Article 23-A analysis.
- c) A finding that an applicant lacks "good moral character," cannot be based on an individual's criminal history when such an action is in violation of Article 23-A of the Correction Law.
- d) Under no circumstances may an individual applying for a license, registration or permit, be questioned about non-convictions, nor can any adverse actions or a denial be made based on non-convictions.
- e) Exemption:
  - i) The prohibitions of this subdivision relating to inquiries, denials or other adverse action related to a person's record of arrests or convictions do not apply to licensing activities in relation to the regulation of explosives, pistols, handguns, rifles, shotguns, or other firearms and deadly weapons.
  - ii) Any agency authorized to issue a license, registration, or permit may consider age, disability, or criminal history as a criterion for determining eligibility or continuing fitness for a license, registration or permit, when specifically required to do so pursuant to federal, state, or local law.

#### 9) **Enforcement and Penalties**

- a) The Commission may include penalties for discrimination in employment on the basis of criminal history as part of a conciliation agreement, in recommendations to OATH, and in decisions and orders. The amount will be guided by the following factors:
  - i) The severity of the particular violation;
  - ii) The existence of additional previous or contemporaneous violations of the Human Rights Law;
  - iii) The employer's size, considering both the total number of employees and its revenue; and
  - iv) Any other relevant mitigating factor.
- b) There will be a rebuttable presumption that an employer was motivated by an applicant's or employee's criminal history if it revokes a conditional offer of employment without following the Fair Chance Process.
  - i) This presumption can be rebutted by demonstrating that the conditional offer was revoked based on: (1) the

results of a medical exam in situations in which such exams are permitted by the American with Disabilities Act; (2) information the employer could not have reasonably known before the conditional offer if, based on the information, the employer would not have made the offer and the employer can show that the information is material; or (3) evidence that the employer did not have knowledge of the applicant's or employee's criminal history before revoking the conditional offer.

- c) **Early Resolution for Commission-initiated complaints regarding certain *per se* violations.**
  - i) Early Resolution is an expedited settlement option that is available to respondents in certain circumstances that allows them to immediately admit liability and comply with a penalty in lieu of litigating the matter.
  - ii) Except as provided in subparagraph (iii) below, the LEB will offer Early Resolution for Commission-initiated complaints of *per se* violations under the following circumstances: (1) A respondent has committed a *per se* violation as defined in subdivisions a, b, and d of Section 2-04; (2) there are no other pending or current allegations concerning violations of the HRL; (3) the respondent has 50 or less employees at the time of the alleged violation; and (4) the respondent has one or fewer previous violations of the HRL in the past 3 years.
  - iii) Notwithstanding any other provision of this section, the Commission retains discretion to proceed with a full investigation and a referral to OATH when the offer of Early Resolution will not serve the public interest. Factors that indicate that an Early Resolution is not in the public interest include without limitation: (1) the respondent has had prior contact with the Commission from which an inference of willfulness regarding the violation may be inferred, (2) the respondent works with vulnerable communities, or (3) the Commission has reason to believe discrimination is rampant in respondent's industry.
    - (1) For purposes of this section, a violation of any provision of the HRL that resulted in an admission pursuant to early resolution, conciliation or other settlement agreement; or a finding of liability issued after a hearing or trial pursuant to a complaint filed with the Commission shall be considered a past violation.
  - iv) **Early Resolution: notice, penalties and procedure**
    - (1) A respondent shall be served with a copy of the Early Resolution Notice with service of the initial complaint.
    - (2) The Notice shall state that the respondent has 90 days to answer a complaint in which the respondent has been offered the option of Early Resolution, and that there will be no extensions of time granted.
    - (3) The Notice shall inform the respondent of their right to either: (1) admit liability and agree to the affirmative relief and penalty, or (2) file an answer to the complaint in compliance with Section 1-14 of this title, except that the time to respond shall be 90 days instead of 30.
    - (4) An Early Resolution penalty shall include: (A) a mandatory and free training provided by the Commission; (B) a requirement that the respondent post a notice of rights under the HRL; and (C) a monetary fine as determined by the penalty schedule outlined in paragraph 5 of this subdivision. The Notice shall inform the respondent that a private individual aggrieved by the same violation may also file an independent complaint with the Commission or may bring a court action.
    - (5) Fines will be assessed according to the following penalty schedule:

<u>Employer Size (at the time of the violation)</u>	<u>1st Violation</u>	<u>2nd Violation (within 3 years of the resolution date of the first violation)</u>
<u>Employer Size 4-9 employees</u>	<u>\$500.00</u>	<u>\$1000.00</u>
<u>Employer Size 10-20 employees</u>	<u>\$1000.00</u>	<u>\$5000.00</u>
<u>Employer Size 21-50 employees</u>	<u>\$3500.00</u>	<u>\$10,000.00</u>

**\*\* Distinct and contemporaneous violations will be counted separately for the purpose of calculating a monetary penalty. For example, an employer who has 4-9 employees and is using a discriminatory advertisement in violation of Section 2-04(1)(a) and an application that references criminal history in violation of Section 2-04(1)(b) will be charged with two separate violations of \$500.00 each. However, multiple violations of one section, for example, posting a discriminatory advertisement on three different websites, will be counted as one violation for the purpose of assessing a penalty under this section.**

- (6) If the employer believes that the employer size used to assess the imposed penalty is incorrect, the employer may call the number listed on the Early Resolution Notice.
- iii) **Admission of liability**
  - (1) An admission of liability must be returned to the Commission in the manner prescribed in the Early Resolution Notice. Once the admission is received, the LEB shall promptly forward such agreement to the Chair. The signature of the Chair with the notation "SO ORDERED" shall be construed to be a final order of the Commission. A copy of such order shall be served upon the respondent.
- v) **Contesting Liability and Filing an Answer**
  - (1) Notwithstanding any provision of Sections 1-61 or 1-62 of this title, if a respondent elects to deny liability and contest the allegations in the complaint, the respondent shall file an answer and upon receipt of the answer, the LEB shall refer the case to the Office of Administrative Trials and Hearings ("OATH") for a hearing pursuant to Section 1-71 of this title.
  - (2) For purposes of a hearing, the case will proceed in accordance with subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York.
- vi) **Failure to Respond**
  - (1) If a respondent fails to respond to a complaint accompanied by an Early Resolution Notice within 90 days, all allegations in the complaint will be deemed admitted unless good cause to the contrary is shown pursuant to Section 8-111(c) of the Administrative Code.
  - (2) Upon default, the LEB may refer the case to the OATH pursuant to Section 1-71 of this title and make a motion that the respondent be held in default and that a report and recommendation be issued recommending the affirmative relief and penalties requested by the LEB. The LEB shall attach proof of service of the motion.
  - (3) The LEB shall include with the motion a copy of the complaint and any additional documentation sent to the respondent, the Early Resolution Notice and proof of service of the motion.
- vii) **Relief from Defaults**
  - (1) At any time after the case has been referred to the OATH, but prior to the issuance of a report and recommendation, the respondent may move for relief from default, pursuant to Section 2-27 of Title 48 of the Rules of the City of New York.
- 10) **Criminal Record Discrimination in Obtaining Credit**
  - a) No person can ask about or take any adverse action based on the non-conviction history of an individual in connection with an application or evaluation for credit.
- 11) **Employers seeking the Work Opportunity Tax Credit ("WOTC")**
  - a) Employers who wish to claim the WOTC credit are not exempt from the FCA. Employers may, however, require an applicant to complete IRS form 8850 before a conditional offer is made if: (1) the employer does not ask under which category the applicant qualifies prior to a conditional offer and (2) the employer uses the information gathered for no purpose other than applying for the WOTC.

**NEW YORK CITY LAW DEPARTMENT  
 DIVISION OF LEGAL COUNSEL  
 100 CHURCH STREET  
 NEW YORK, NY 10007  
 212-356-4028  
 CERTIFICATION PURSUANT TO  
 CHARTER §1043(d)**

**RULE TITLE:** Rules Implementing Fair Chance Act  
**REFERENCE NUMBER:** 2015 RG 039  
**RULEMAKING AGENCY:** New York City Commission on Human Rights

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 Date: February 12, 2016  
Acting Corporation Counsel

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

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

**RULE TITLE:** Rules Implementing Fair Chance Act  
**REFERENCE NUMBER:** CCHR-1  
**RULEMAKING AGENCY:** City Commission on Human Rights

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 but allows for warning letters for certain Commission-initiated complaints.

/s/ Francisco X. Navarro Date: February 12, 2016  
Mayor's Office of Operations

◀ f17

**SPECIAL MATERIALS**

**OFFICE OF COLLECTIVE BARGAINING**

■ NOTICE

**NOTICE OF FILING OF PETITION**

This notice acknowledges that the New York City Office of Collective Bargaining is in receipt of the petition described below:

**DATE:** February 5, 2016      **DOCKET #:** AC-1621-16

**RECEIVED:** Petition for Certification

**DESCRIPTION:** OSA seeks to add the following title to Certification No. 3-88, the Analyst Bargaining Unit.

**TITLE:** **Administrative Director of Residential Child Care (Title Code No. 10016)**

**PETITIONER:** Organization of Staff Analysts  
220 East 23rd Street, # 707  
New York, NY 10010

**EMPLOYER:** The City of New York, represented by the Office of Labor Relations  
40 Rector Street, 4th Floor  
New York, NY 10006

◀ f17

**HOUSING PRESERVATION AND DEVELOPMENT**

■ NOTICE

**REQUEST FOR COMMENT**  
**REGARDING AN APPLICATION FOR A**  
**CERTIFICATION OF NO HARASSMENT**

**Notice Date:** February 10, 2016

**To:** **Occupants, Former Occupants, and Other Interested Parties**

<b>Property:</b>	<b>Address</b>	<b>Application #</b>	<b>Inquiry Period</b>
	1020 6 <sup>th</sup> Avenue, Manhattan a/k/a 69 West 38 <sup>th</sup> Street	1/16	January 4, 2013 to Present
	414 West 149 <sup>th</sup> Street, Manhattan	4/16	January 5, 2013 to Present
	887 St. Nicholas Avenue, Manhattan	8/16	January 13, 2013 to Present
	118 West 132 <sup>nd</sup> Street, Manhattan	9/16	January 14, 2013 to Present
	270 West 73 <sup>rd</sup> Street, Manhattan	11/16	January 22, 2013 to Present
	6823 3 <sup>rd</sup> Avenue, Brooklyn	2/16	January 4, 2013 to Present
	1261 Pacific Street, Brooklyn	3/16	January 4, 2013 to Present
	398 Washington Avenue, Brooklyn 117 Vernon Avenue, Brooklyn	6/16 7/16	January 7, 2013 to Present January 12, 2013 to Present
	1137 Dean Street, Brooklyn	10/16	January 19, 2013 to Present
	1114 Bushwick Avenue, Brooklyn	12/16	January 27, 2013 to Present

**Authority:** SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277** or **(212) 863-8211**.

f10-19

**REQUEST FOR COMMENT**  
**REGARDING AN APPLICATION FOR A**  
**CERTIFICATION OF NO HARASSMENT**

**Notice Date:** February 10, 2016

**To:** **Occupants, Former Occupants, and Other Interested Parties**

<b>Property:</b>	<b>Address</b>	<b>Application #</b>	<b>Inquiry Period</b>
	176 North 6 <sup>th</sup> Street, Brooklyn	13/16	October 4, 2004 to Present

**Authority:** **Greenpoint-Williamsburg Anti-Harassment Area, Zoning Resolution §§23-013, 93-90**

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the

Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038 by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

f10-19

REQUEST FOR COMMENT REGARDING AN APPLICATION FOR A CERTIFICATION OF NO HARASSMENT

Notice Date: February 10, 2016

To: Occupants, Former Occupants, and Other Interested Parties

Table with 4 columns: Property, Address, Application #, Inquiry Period. Row 1: 253 10th Avenue, Manhattan, 5/16, December 20, 2004 to Present

Authority: Special West Chelsea District, Zoning Resolution §§98-70, 93-90

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038 by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

f10-19

CHANGES IN PERSONNEL

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 01/29/16

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Correction.

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 01/29/16

Table with 7 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Continuation of personnel changes for the Department of Correction.

Table with 10 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Correction.

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 01/29/16

Table with 10 columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Continuation of personnel changes for the Department of Correction.

DEPARTMENT OF CORRECTION  
FOR PERIOD ENDING 01/29/16

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as KONTARINIS, KRASS, KUMAR, KYTE, LABARBERA, LAGUERRE, LAMB III, LAMBERT, LAMBSON, LANE, LANG, LANIER, LANTHIER, LAPIEDRA, LAUREANO, LAURENCEAU, LAWES, LECONTE, LEE, LEE, LEO, LEON GOMEZ, LI, LIGGIERI, LIN, LINARES, LINESZY, LIOTTI, LIRIANO, LLOYD, LOPEZ, LOPEZ, LOPEZ, LOPEZ, LOUIS, LOVEFACE, LOZADA, LUC, LUGO, MACIAG, MAISON-LAWSON, MALCOLM, MALDONADO, MANGAL, MANNING-MERCER, MANNINO, MARCELLE, MARRERO, MARTINDALE, MARTINEZ, MARTINEZ.

DEPARTMENT OF CORRECTION  
FOR PERIOD ENDING 01/29/16

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as MARTINEZ, MARTINEZ, MCCABE, MCDONALD, MCDONALD, MCEWAN, MCFIELD ZAPATA, MCGANN, MCGINN, MEDINA, MEDINA, MEJIA, MELVILLE, MERCADO, MERCEDES, MERCURIO, MILLER, MITCHELL, MOGLI, MONROE, MONTAUBAN, MONTGOMERY, MOORE, MOORE, MOORE, MORALES, MORENO, MORRISON, MORRISON, MORSE, MUHAMMAD, MUHAMMAD, MULERO, MUNIR, MURILLO, MUYET JR, MYERS, NANCE, NARAIN, NASH-MCEWEN, NEPTUNE, NEWTON, NICHOLLS, NICHOLSON, NIEDZWIECKI, NIETO.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees: NOEL, NOEL, NWAIFEJOKWU, ODARO.

DEPARTMENT OF CORRECTION  
FOR PERIOD ENDING 01/29/16

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as OLIVENCIA, OREGE, ORTEGA, ORTIZ, OWUSU-BOATEMENG, PADILLA, PALAFOX, PALMINTERI, PANDOHIE, PANETTA, PANKEY, PAPPALARDO, PAPPAS, PARABDIN, PARHAM, PARKER, PARKER, PARRILLA, PASCUAL, PATTEE MCCARTY, PAVELCAK, PAWELIC, PAZOS, PELLEZ, PELLEGRINO, PENA, PERALTA, PERCOPO, PEREIRA, PEREZ, PEREZ, PEREZ, PERFECTO-GREENE, PERKINS, PERKINS, PERPIGNAN, PERRINO, PERSAUD, PETERS, PETUKH, PHELPS, PHILIPS-SANTOS, PICCIANO, PINTO, PITONZO, PITTMAN, PITTLA, PLATERO, POLANCO, POLITE, POLLARD.

DEPARTMENT OF CORRECTION  
FOR PERIOD ENDING 01/29/16

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees such as POWELL, PRAY-GREEN, PRENDES, PRIETO, QUILLES, QUINONES, QUINONES, RADLE, RAHMAN, RAIMONDI, RAMIREZ, RAMIREZ, RAMIREZ, RAMNATH, RANDAZZO, RANSOME, RAVELO, RAY, RAZA, REEDY, REICH, REID, REISSIG, REJHON, RELIFORD, REYES, REYES, REYES, RICHARD, RICHARD, RICHARDSON, RILEY, RIVAS, RIVERO, RIVERS, RIZZO, ROBERTS, ROBIN, ROBINSON, RODRIGUEZ.



RODRIGUEZ	ERICA	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
RODRIGUEZ	JERRY	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
RODRIGUEZ	RAMSELL	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
RODULFO	SHAVON E	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
ROONEY	PATRICK F	91638	\$467.2800	TRANSFER	NO	03/09/14	072
ROSADO	MADELINE	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
ROSEBOROUGH	KEYANNA A	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
ROUSSEAU	CHRISTOP	70410	\$39755.0000	RESIGNED	NO	01/05/16	072
ROWE	JAMAINE R	70410	\$39755.0000	APPOINTED	NO	01/14/16	072

DEPARTMENT OF CORRECTION  
FOR PERIOD ENDING 01/29/16

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
RUIFY	STEPHANI L	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
RUIZ	IDEL A	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
RUMBLE	CAMELLE M	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SABANDO	ANTHONY C	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SANCHEZ	CARLOS	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SANCHEZ	JOSE L	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SANDERS	DANIEL R	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SANDOVAL	ANGELA	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SCAGNELLI	JAMES J	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SCHWEIGER	MICHAEL J	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SEALY	SIDNEY	70467	\$101044.0000	RETIRED	NO	12/29/15	072
SEEBBAUGH	BENJAMIN J	12626	\$28.0000	APPOINTED	YES	01/18/16	072
SEMPLE	UNIQUA C	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SEVERE	RONY	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SHAHBAZ	TALHA	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SHERIDAN	CHRISTOP P	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SHIBATA	KAYU M	56058	\$62000.0000	APPOINTED	YES	01/17/16	072
SHIERANT	JONAH J	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SILVA	RAFAEL M	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SIMMS	DEAN A	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SIMON	ERIN O	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SIMON	TIMOTHY A	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SIMPSON	WALTER H	56058	\$32.0000	APPOINTED	YES	12/06/15	072
SINGH	MICHAEL	70410	\$39755.0000	APPOINTED	NO	01/21/16	072
SIRICO	ANTHONY M	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SLIZENSKI	ERIC A	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SMALL	DEIGHTON C	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SMITH	BRYAN D	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SMITH	CHARLES K	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SMITH	CHERESSE	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SMITH	HAROLD	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SMITH	KAREEM A	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SMITH	RYAN M	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SMITH	TRACEY	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SOLOMON	ALANDO R	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SORRENTINO	MICHAEL	70410	\$76488.0000	RETIRED	NO	01/16/16	072
SOUFRANT	RODNEY	70410	\$39755.0000	RESIGNED	NO	01/11/16	072
ST FLEUR	YAMILE	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
STEELE	JAMES A	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
STEELE	JOSHUA A	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
STRETMOYER	THEODORE	91628	\$369.9200	RETIRED	NO	01/20/16	072
STUKES	KENNETH	70410	\$39755.0000	APPOINTED	NO	01/21/16	072
STYLES	SHAMEEKA	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
SUTTON JR	CAMERON	8297A	\$70000.0000	APPOINTED	YES	01/17/16	072
SWINTON	SHINAE	70400	\$20.0000	INCREASE	YES	01/10/16	072
SYLLA	PHILIPPE	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TAGLIENTE	THOMAS	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TAIT	DANA-MAR E	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TAUBER	CHRISTOP	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TAYLOR	ANTONIO L	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TCHOKOUASSI	GAD GHISLAIN	70410	\$39755.0000	APPOINTED	NO	01/14/16	072

DEPARTMENT OF CORRECTION  
FOR PERIOD ENDING 01/29/16

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
TEJADA	ELVIN	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
THEN	JOHNNY R	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
THEOBALDS	ORAL	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
THOMPSON	TAMIKA J	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
THORNTON	TORI A	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TORRE	ANTHONY M	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TORRES	AMANDA	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TORRES	ISMAEL	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TORRES	MIGUEL	70410	\$46785.0000	RESIGNED	NO	01/06/16	072
TROCCHIA	NICHOLAS J	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TURNER	YAATAE E	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
TYNES	STEPHANI	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
UNEBERG	BERNADET	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
VALAS	S M	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
VALENCIA	DAWN E	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
VARGAS	KEVIN	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
VAUGHN	URSHALA S	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
VELASCO JR	CARLOS B	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
VIDAL	MARIELY	70410	\$39755.0000	APPOINTED	NO	01/21/16	072
VILLARSON	PIERRE R	51274	\$60000.0000	APPOINTED	YES	01/17/16	072
VINCENT	CARRIE M	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
VINES	VANESSA R	70467	\$101044.0000	RETIRED	NO	01/01/16	072
WAITES	BENJAMIN	70410	\$76488.0000	RETIRED	NO	11/04/15	072
WALKER	JASON	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
WALLACE	DARRELL J	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
WALLACE	KEVIN	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
WALLACE	TOYA B	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
WALLACE	ULTEEMA J	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
WALTERS	NIGEL E	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
WALTERS	ROBERT J	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
WARGO JR	GREGORY S	70410	\$39755.0000	APPOINTED	NO	01/14/16	072
WASHINGTON	TERRENCE J	70410	\$39755.0000	APPOINTED	NO	01/14/16	072

# LATE NOTICE

## CITY PLANNING

### NOTICE

#### NOTICE OF COMPLETION FINAL ENVIRONMENTAL IMPACT STATEMENT

##### East New York Rezoning Proposal

#### Project Identification

CEQR No. 15DCP102K  
ULURP Nos. C160035ZMK, N160036ZRK,  
C160037HUK, C160042HDK,  
and N160050ZRK

#### Lead Agency

City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271  
SEQRA Classification: Type I

#### Contact Person

Robert Dobruskin, AICP, Director (212) 720-3423  
Environmental Assessment and Review Division  
New York City Department of City Planning

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the actions described below. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). A public hearing on the Draft Environmental Impact Statement (DEIS) was held on January 6, 2016, in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP. Written comments on the DEIS were requested and were received by the Lead Agency until January 19, 2016. The FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

The New York City Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), is proposing a series of land use actions (collectively the "Proposed Actions") to implement recommendations of the East New York Community Plan (the "Plan"), which is the subject of an ongoing community process, to create opportunities for housing, including affordable housing, community facilities, including a new proposed public school facility, economic development and other services of an approximately 190-block area of East New York, Cypress Hills and Ocean Hill neighborhoods of Brooklyn, Community Districts 5 and 16, respectively. The affected area within East New York and Cypress Hills is generally bounded by Sheffield Avenue to the west, Lincoln Avenue to the east, Fulton Street to the north and Pitkin Avenue to the south. The affected area within Ocean Hill is generally bounded by Eastern Parkway Extension to the west, Van Sinderen Avenue to the east, Broadway to the north and East New York Avenue to the south. Within these areas, the Proposed Actions are anticipated to facilitate new residential, commercial, community facility, and manufacturing development. In total, the Proposed Actions are expected to result in a net increase of 6,492 dwelling units; 885,531 square feet of retail/supermarket/restaurant and office space; 457,870 square feet of community facility space; and net decreases of 27,035 square feet of industrial space; 128,365 square feet of auto-related space, 167,551 square feet of hotel space, 73,170 square feet of warehouse/storage space, and 3,055 square feet of garage space. The increase in community facility space includes an anticipated new public school facility to be located on projected development site 66, which would provide approximately 1,000 seats.

The Proposed Actions are intended to facilitate implementation of recommendations of the East New York Community Plan, a coordinated neighborhood plan developed with community residents, elected officials, Community Boards 5 and 16, and stakeholders, in coordination with City and other public agencies, to identify needs and opportunities to support a shared long-term vision for the future of the neighborhood. The Proposed Actions, seek to facilitate recommendations that support the Plan's goals and objectives to create more affordable housing and more diverse commercial uses, promote economic development and opportunity for residents, foster safer streets, and generate new community resources.

The Proposed Actions reflect DCP's on-going engagement with Community Boards 5 and 16, local elected officials and community residents and stakeholders to achieve the following land use objectives:

- Create opportunities for new residential development with significant amounts of permanently affordable housing and preserve existing affordability to ensure that the neighborhood continues to serve diverse housing needs;
- Encourage mixed-use development on key corridors;
- Enhance and revitalize major thoroughfares through new economic development; and
- Protect neighborhood character of residential core and ensure predictable future development.

Independent of the Proposed Actions described above, DCP proposed a series of text amendments to eliminate unnecessary obstacles to the creation of housing, especially affordable housing, known as Zoning for Quality and Affordability (ZQA). These text amendments which were approved will affect the proposed zoning districts in the area to be rezoned by the Proposed Actions.

The Proposed Actions reflect DCP's on-going engagement with Community Boards 5 and 16, local elected officials and community residents and stakeholders to achieve the following land use objectives: a) create opportunities for new residential development with significant amounts of permanently affordable housing and preserve existing affordability to ensure that the neighborhood continues to serve diverse housing needs; b) encourage mixed-use development on key corridors; c) enhance and revitalize major thoroughfares through new economic development; and, d) protect neighborhood character of residential core and ensure predictable future development.

The FEIS assesses whether development resulting from the Proposed Actions could result in significant adverse environmental impacts. The analysis approach first describes existing conditions, and then projects conditions forward into the future without the Proposed Actions, incorporating information available on known land-use proposals and, as appropriate, anticipated overall growth. Finally, the future with the Proposed Actions is described, the differences between the future without and with the Proposed Actions are assessed, and any significant adverse environmental impacts are disclosed. The FEIS also identifies and analyzes appropriate mitigation for any identified significant adverse environmental impacts.

The FEIS identifies significant adverse impacts with respect to community facilities, open space, shadows, historic and cultural resources, transportation, air quality, noise, and construction. To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet their purpose and need, eliminate their impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts may not be eliminated.

*Community Facilities Impacts:* The Proposed Actions would result in significant elementary and intermediate schools and child care centers.

*Community Facilities Impacts – Public Schools:* The rezoning area falls within the boundaries of four New York City Community School District (CSD) sub-districts: Sub-districts 1 and 2 of CSD 19 and Sub-districts 1 and 2 of CSD 23 compared to No-Action conditions. The RWCDS associated with the Proposed Actions would introduce a net increment of 3,569 total students, with approximately 1,882 elementary school students, 778 intermediate school students, and 909 high school students; the majority of these action-generated students would be generated by projected development sites located within CSD 19. In addition, in the future with the Proposed Actions, it is assumed that projected development site 66 would include a 1,000 seat PS/IS school with 682 PK-5 seats and 318 IS (6th to 8th grade) seats. The site 66 PS/IS school is expected to be operational by the 2020-2021 academic year.

In the 2030 future with the Proposed Actions, CSD 19 Sub-district 2 would experience significant adverse elementary and intermediate school impacts. CSD 19, Sub-district 2 elementary schools would increase from a No-Action utilization rate of 98.3 percent to 109.5 percent in the With-Action condition (an 11.2 percentage point increase), with a deficit of 720 elementary school seats. CSD 19, Sub-district 2 intermediate schools would increase from a No-Action utilization rate of 103.2 percent to 114.6 percent in the With-Action condition (an 11.4 percentage point increase), with a deficit of 448 elementary school seats. As elementary and intermediate schools within this sub-district would operate over capacity in the With-Action condition, with an increase of five percentage points or more in the collective utilization rate between the No-Action and With-Action conditions (the CEQR impact threshold), a significant adverse impact to this sub-district would result.

Although the CSD 19, Sub-district 1 elementary school utilization rate would exceed 100 percent in the future with the Proposed Actions, as the Proposed Actions would result in a 0.3 percent increase in the utilization rate between No-Action and With-Action conditions, less than the five percent impact threshold, no significant adverse impact would occur within this sub-district. However, as the With-Action PS/IS school is not expected to be completed until the 2020-2021 academic year, the net 490 elementary students anticipated in CSD 19 Sub-district 1 prior to the With-Action school's development would result in an elementary school utilization rate of 144.0 percent in 2020 (Q2). With an increase of 16.3 percent over No-Action conditions anticipated in 2020 (Q2), this would constitute a significant adverse impact, but because the impact would last only until 2020 (Q3), the impact is considered to be temporary. As CSD 19, Sub-district 1 intermediate schools would continue to operate below capacity (97.9 percent utilization) in the 2020 (Q2) temporary impact analysis year and the 2030 With-Action condition, no significant adverse intermediate school impacts would result.

*Community Facilities Impacts – Child Care Services:* The Proposed Actions would result in a significant adverse impact on publicly funded child care facilities. The RWCDS for the Proposed Actions is expected to introduce approximately 3,538 low- to moderate-income units by 2030. Based on the most recent child care multipliers in the *CEQR Technical Manual*, this development would generate approximately 630 children under the age of six who could be eligible for publicly funded child care programs. With the addition of these children, there would be a deficit of 203 slots in the study area by 2030 (103.4 percent utilization), and the Proposed Actions would result in an increase in the utilization rate of approximately 10.6 percentage points over the No-Action condition.

According to the *CEQR Technical Manual*, a significant adverse child care impact may result, warranting consideration of mitigation, if a proposed action would increase the study area's utilization rate by at least five percentage points and the resulting utilization rate would be 100 percent or more. As the Proposed Actions would result in a 10.6 percentage point increase in the study area child care facility utilization rate and child care centers would operate over capacity in the future With-Action condition the Proposed Actions would result in a significant adverse impact to publicly funded group child care.

*Open Space Impacts:* Given the anticipated decrease in the total, active, and passive open space ratios in the residential study in the future with the Proposed Actions, a significant adverse open space impact would result. Measures to mitigate the Proposed Actions' significant adverse open space impact were explored in coordination with the lead agency, DCP, and DPR between the DEIS and FEIS. Based on these discussions, the following mitigation measures have been identified. Improvements to study area open space resources would be implemented to add and/or enhance park components that would address the need for increased fitness and recreation opportunities for current and future residents. The scope of improvements to study area open space resources would be contingent upon available funds and based on the deficiencies or needs specific to the open space resource. New open space would also be provided by making the schoolyards of two area schools (P.S. 677 and P.S. 345) accessible to the public after school hours through the City's Schoolyards to Playgrounds program and creating a publicly accessible playground at the new school to be built as part of the Proposed Actions.

These measures, which would substantially increase the amount and usability of and enhance open space resources for the additional population introduced by the Proposed Actions, would partially mitigate the significant adverse open space impact. As a consequence, the Proposed Actions' significant adverse open space impact would not be completely eliminated and, as a result, an unavoidable significant adverse open space impact would occur.

*Shadows Impacts:* The Proposed Actions would result in a significant adverse shadow impact (and shadow-related historic resource impact) on the NYL-eligible and S/NR-eligible Holy Trinity Russian Orthodox Church. Incremental shadows on sunlight-sensitive features of the Holy Trinity Russian Orthodox Church would occur on all four representative analysis days, with durations ranging from 36 minutes to two hours and 50 minutes, which may have the potential to affect the enjoyment of this feature from the interior of the church. It should be noted that the sites that would cast incremental shadows on this historic resources are potential, rather than a projected, development sites. Potential development sites are considered less likely to be developed than projected development sites. Consequently, the likelihood of this impact occurring is less than if it were to result from development on a projected development site.

Measures to reduce or eliminate the project's shadow impacts were explored in consultation with the New York City Landmarks Preservation Commission (LPC) between the DEIS and FEIS. It has determined that there are no feasible or practicable mitigation measures that can be implemented to mitigate this impact, and the Proposed Actions' significant adverse shadows impact on the Holy Trinity Russian Orthodox Church therefore remains unmitigated.



**Historic and Cultural Resources Impacts:** The Proposed Actions could result in significant adverse historic resources impacts to one resource that is eligible for S/NR-listing and NYCL-designation. Projected development site 37, which is expected to be developed under RWCDs With-Action conditions, contains the S/NR- and NYCL-eligible Empire State Dairy Building. As the maximum permitted With-Action FAR on site 37 could be constructed without the demolition or enlargement of the Empire State Dairy Building, the structure is not projected to be demolished, either partially or entirely, or substantially altered under the RWCDs. However, the Proposed Actions do not include any measures that would prevent the demolition or alteration of the Empire State Dairy Building.

In the event that the structure was designated as a landmark by the LPC, the significant adverse impact would be fully mitigated. However, as the designation process is subject to LPC approval, and not CPC approval, it cannot be assumed or predicted with any certainty. The possibility of potential designation of this resource was explored, in consultation with the LPC, between the DEIS and FEIS. Specifically, LPC has been in contact with the property owner(s) of the S/NR- and NYCL-eligible Empire State Dairy Building with the intent of potentially designating the property as a NYCL. However, as this process is ongoing, designation of the building by LPC is not certain at this time. Absent LPC's designation of the Empire State Dairy Building, the implementation of measures such as photographically documenting the eligible structure in accordance with the standards of the Historic American Buildings Survey (HABS) could partially mitigate the identified significant adverse impact to this historic architectural resource. However, a mechanism to require such measures is not available. However, a mechanism to require such measures is not available and would only partially mitigate the identified significant adverse impact. Accordingly, this impact would not be completely eliminated, and, if the Empire State Dairy Building is not designated as a landmark, an unavoidable significant adverse impact on this historic resource would occur.

**Transportation Traffic Impacts:** The Proposed Actions would result in significant adverse traffic impacts at 47 study area intersections during one or more analyzed peak hour; specifically, 59 lane groups at 41 intersections during the weekday AM peak hour, 40 lane groups at 25 intersections during the weekday midday peak hour, 67 lane groups at 39 intersections during the weekday PM peak hour, and 38 lane groups at 26 intersections during the Saturday midday peak hour. Implementation of traffic engineering improvements, such as signal timing changes or modifications to curbside parking regulations would provide mitigation for many of the anticipated traffic impacts. Specifically, the significant adverse impacts would be fully mitigated at all but 18 lane groups at 11 intersections during the weekday AM peak hour, 13 lane groups at four intersections during the weekday midday peak hour, 21 lane groups at 11 intersections during the weekday PM peak hour, and ten lane groups at five intersections during the Saturday midday peak hour. In total, impacts to one or more approach movements would remain unmitigated in one or more peak hours at 16 intersections.

**Transportation - Transit (Bus) Impacts:** The Proposed Actions would result in a capacity shortfall of 17 spaces on westbound Q8 service in the PM peak hour. This significant adverse impact to Q8 local bus service could be fully mitigated by the addition of one standard bus in the westbound direction in the PM peak hour. If these changes are not made, these impacts would be considered unavoidable.

**Transportation - Pedestrians Impacts:** Incremental demand from the Proposed Actions would significantly adversely impact a total of two sidewalks, one crosswalk and one corner area in one or more peak hours. Recommended mitigation measures to address these impacts are discussed below. Implementation of these measures would be subject to review and approval by DOT. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified.

**Sidewalks:** Two of the 79 analyzed sidewalks are expected to be significantly adversely impacted by the Proposed Actions—the north sidewalk on Atlantic Avenue between Logan and Chestnut streets in the weekday midday peak hour and the east sidewalk on Van Sicken Avenue between Pitkin and Glenmore avenues in the PM peak hour. Widening the north sidewalk on Atlantic Avenue between Logan and Chestnut streets by 0.5-foot would fully mitigate the significant adverse impact to this sidewalk in the midday. (It is anticipated that this sidewalk widening would occur in conjunction with the development of adjacent projected development site 66 without the need to alter the existing curb lines.) Removing a tree pit at the most constrained point on the east sidewalk on Van Sicken Avenue between Pitkin and Glenmore avenues would fully mitigate the significant adverse impact to this sidewalk in the PM peak hour. No unmitigated significant adverse sidewalk impacts would remain upon incorporation of the recommended mitigation measures.

**Crosswalks:** One of the 67 analyzed crosswalks would be significantly adversely impacted by the Proposed Actions—the west crosswalk on Atlantic Avenue at Euclid Avenue in the weekday midday peak hour. The transfer of three seconds of green time from the eastbound/

westbound traffic signal phase to the northbound/southbound phase as part of the traffic mitigation plan would also fully mitigate this significant adverse crosswalk impact. No unmitigated significant adverse crosswalk impacts would remain with implementation of the recommended mitigation measures.

**Corner Areas:** One of the 58 analyzed corner areas would be significantly adversely impacted by the Proposed Actions—the northeast corner at Liberty Avenue at Berriman Street in the weekday AM peak hour. To address this impact, it is proposed to widen one of the adjoining sidewalks by 0.5. (It is anticipated that this sidewalk widening would occur in conjunction with the development of adjacent projected development site 46 without the need to alter the existing curb lines.) No unmitigated significant adverse corner impacts would remain with implementation of the recommended mitigation measure.

**Air Quality Impacts:** Concentrations of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>) related to traffic generated by the Proposed Actions could result in a significant adverse air quality impact at the intersection of Atlantic Avenue and Logan Street. Traffic mitigation measures were developed to reduce congestion and increase speeds along Logan Street which would mitigate these impacts. No unmitigated significant adverse air quality impacts would remain upon incorporation of the mitigation measures.

**Noise Impacts:** The Proposed Actions would result in a significant adverse noise impact at receptor site 10 on Richmond Street between Fulton Street and Dinsmore Place, with predicted noise level increases of 4.9 dBA at this location. Traffic mitigation measures were developed to reduce congestion and increase speeds along Logan Street. The traffic mitigation measures would tend to result in lower levels of traffic noise, and consequently, a mobile source noise analysis was conducted for receptor site 10 with the proposed traffic mitigation measures in place to determine whether the predicted significant adverse impact at this location would be removed or lessened in magnitude with the traffic mitigation measures. At all other receptor sites where significant adverse noise impacts were not predicted to occur in the With-Action condition, noise levels in the With-Action with Traffic Mitigation condition would be expected to experience noise levels equal to or less than those predicted in the With-Action Condition, and additional analyses were not conducted.

Noise levels increase due to traffic mitigation measures are expected to result in smaller noise level increases to the Proposed Actions during all analyzed time periods. The maximum increase in Leq(1) noise levels for the With-Action with Traffic Mitigation condition compared to the No-Action condition for receptor site 10 would be 3.9 dBA during the AM peak hour, which constitutes a significant adverse impact, although with a smaller magnitude than that predicted to occur in the With-Action condition. According to field observations, all of the residences at this location appear to have double-glazed windows, and most of the residences appear to have through-wall air conditioners or window air conditioners (i.e., an alternate means of ventilation). With respect to upgrades at the residential units with double-glazed windows and an alternate means of ventilation, there are no further practical or feasible mitigation measures that would fully or partially mitigate the significant adverse noise impact at these locations. Window air conditioners potentially could be installed at residential units with double-glazed windows and no alternate means of ventilation to provide an alternate means of ventilation, which would partially mitigate the significant adverse noise impact at these locations. With respect to upgrades at the residential units, there are no further practical or feasible mitigation measures that would fully mitigate the significant adverse noise impact at these locations.

**Construction - Historic and Cultural Resources Impacts:** Development under the Proposed Actions—specifically, on projected development sites 7, 13, 35, 38, 39, 49, and 74 and potential development sites A3, A7, A8, A14, A18, A25, A40, A41, A50, A65, A70, A82, A86, A87, A95, and A102—could result in inadvertent construction-related damage to 12 NYCL- and/or S/NR-eligible historic resources, as they are located within 90 feet of one or more of the aforementioned projected and potential development sites. If these eligible resources are designated in the future prior to the initiation of construction, the protective measures of the DOB's TPPN #10/88 would apply and indirect significant adverse impact from construction would be avoided. Should they remain undesignated, however, the additional protective measures of TPPN #10/88 would not apply, and the potential for significant adverse construction-related impacts would not be mitigated.

In order to make TPPN #10/88 or similar measures applicable to historic resources in the absence of site-specific approval, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement this mitigation. DCP, as lead agency, explored the viability of this and other mitigation measure between the DEIS and FEIS and determined that there were no feasible and practical mitigation measures to fully mitigate the identified significant adverse construction-related impact on historic resources.

**Construction - Noise Impacts:** The Proposed Actions would have the

potential to result in significant adverse construction noise impacts at several locations throughout the rezoning area. There are no practical or feasible mitigation measures that would fully mitigate the significant adverse construction noise impacts at these locations.

The FEIS also considered four alternatives—a *No-Action Alternative*, a *No Unmitigated Significant Adverse Impact Alternative*, *Lower Density Alternative* and *Coalition Alternative*.

The *No - Action Alternative* examines future conditions within the rezoning area, but assumes the absence of the Proposed Actions. Under the No-Action Alternative, existing zoning would remain in the area affected by the Proposed Actions. It is anticipated that this area would experience moderate growth under the No-Action Alternative by 2030. Twenty eight of the 81 projected development sites are expected to be redeveloped, or undergo conversion, in the No-Action Alternative, resulting in a net 325,389 sf of market-rate residential floor area (428 DU), 420,763 sf of commercial uses, and 81,175 sf of industrial uses, as well as a net reduction of 10,862 sf of community facility uses on the projected development sites. The significant adverse impacts anticipated for the Proposed Actions would not occur under the No-Action Alternative. However, the No-Action Alternative would not meet the goals of the Proposed Actions.

The *No Unmitigated Significant Adverse Impacts Alternative* examines a scenario in which the density and other components of the Proposed Actions are changed specifically to avoid the unmitigated significant adverse impacts associated with the Proposed Actions. There is the potential for the Proposed Actions to result in unmitigated significant adverse impacts related to community facilities (child care services), open space, shadows, historic and cultural resources (architectural resources only), transportation (traffic only), noise, and construction. In order to eliminate all unmitigated significant adverse impacts, the Proposed Actions would have to be modified to a point where their principal goals and objectives would not be realized.

The *Lower Density Alternative* was developed for the purpose of assessing whether lower density residential development in some portions of the rezoning area would eliminate or reduce the significant, adverse impacts of the Proposed Actions while also meeting the goals and objectives of the Proposed Actions. Under the Lower Density Alternative, development would occur on the same 81 projected and 105 potential development sites, but at a lower density of some sites. Compared to the Proposed Actions, the Lower Density Alternative would result in 931 fewer residential units, 83,961 sf less of commercial uses, and 38,374 sf less of community facility uses. The Lower Density Alternative and the Proposed Actions would result in potential unmitigated significant adverse impacts in the areas of child care services, open space, shadows, historic resources, traffic, noise, and construction. However, in terms of traffic impacts, there would be two fewer unmitigated intersections under the Lower Density Alternative, compared to the Proposed Actions (13 unmitigated intersections under the Lower Density Alternative, compared to 15 unmitigated intersections with the Proposed Actions). The Lower Density Alternative would support, to a lesser degree, the Proposed Actions' goals; however, as the Lower Density Alternative would result in fewer residential units, it would be less supportive of the Proposed Action's objectives with respect to housing, while continuing to result in significant adverse impacts related to community facilities, open space, transportation, noise, and construction.

Finally, the Coalition Alternative is based on a proposal issued by the Coalition for Community Advancement: Progress for East New York/ Cypress Hills, which is comprised of community organizations including Cypress Hills Local Development Corporation, the Local Development Corporation of East New York, religious and civic groups. The Coalition developed an Alternative Community Plan for the rezoning area, which, among other things, includes a land use proposal to retain M1 and C8 zoning districts and to exclude Arlington Village (projected site 46) from the rezoning area while maintaining a similar amount of density and affordable housing. Under the Coalition Alternative, development would be limited to 36 of the 81 identified projected development sites. The other 45 projected development sites would fall out entirely from the RWCDS since the existing zoning would remain in place, which does not permit new residential development. In total, the 36 projected development sites is anticipated to result in an increase of approximately 1,347 DU, including approximately 763 affordable dwelling units, 157,220 sf of commercial uses, 174,286 sf of community facility uses, and a decrease of 124,511 sf of industrial uses. Compared to the Proposed Actions, the Coalition Alternative would result in 5,145 fewer total residential units on the identified projected development sites, including 2,775 fewer affordable dwelling units, 356,169 sf less of commercial uses, 283,583 sf less of community facility uses, and 97,475 sf less of industrial uses. While the Coalition Alternative would not result in the same significant adverse open space, community facility and air quality (mobile) impacts as compared to the Proposed Actions, it would likely result in similar and/or reduced impacts related to historic resources, traffic, transit, pedestrian, noise impacts and construction.

Copies of the FEIS may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271, Robert

Dobruskin, Director (212) 720-3423; or from the NYC Mayor's Office of Sustainability, 253 Broadway, 7th Floor, New York, NY 10007, Nilda Mesa, Director (212) 676-3290; and on the New York City Department of City Planning's website located at <http://www1.nyc.gov/site/planning/applicants/eis-documents.page?r=1>.

◀ f17

## 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. 9 - Tuesday, February 23, 2016 at 7:00 P.M., Middle School 61, Auditorium, 400 Empire Boulevard, Brooklyn, NY.

Agency responses to Community Board 9's FY 2017 Capital and Expense Budget requests contained in the Mayor's Preliminary Budget.

◀ f17-23

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

#### BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 4 - Tuesday, February 23, 2016 at 6:00 P.M. Bronx Museum of the Arts, 1040 Grand Concourse, Bronx, NY.

Comment responses from City Agencies on the FY 2017 Capital and Expense Budget requests for the Preliminary Budget.

◀ f17-23

## CONTRACT AWARD HEARINGS

**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.**

## TRANSPORTATION

### ■ PUBLIC HEARINGS

#### CORRECTED NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Thursday, February 18, 2016, at 125 Worth Street, 2<sup>nd</sup> Floor Auditorium, Borough of Manhattan, commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** a proposed contract between the Department of Transportation of the City of New York and Research Foundation of the City University of New York, 230 West 41<sup>st</sup> Street, 7<sup>th</sup> Floor, New York, NY 10036, **for the provision of Cooperative Agreement for Development & Demonstration of a Web-Based Application to Visualize & Query Taxi GPS (TPEP) Trip Data, Citywide.** The contract amount shall be \$188,550.00. The contract term shall be from March 1, 2016 to June 30, 2017.

E-PIN #: 84116T0001001, PIN #: 84116MBT0963.

The proposed contractor is with another government, public authority or public benefit corporation, pursuant to Section 1-02 (f)(1) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Transportation, Office of the Agency Chief Contracting Officer, 55 Water Street, New York, NY 10041, from February 5, 2016 to February 18, 2016, excluding Saturdays, Sundays and Legal Holidays, from 9:00 A.M. to 5:00 P.M.

◀ f17