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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOROUGH PRESIDENT - BRONX

■ PUBLIC HEARINGS

A PUBLIC HEARING IS BEING CALLED BY the President of the Borough of The Bronx, Honorable Ruben Diaz Jr. on Thursday, January 11, 2018, commencing at 11:00 A.M. The hearing will take place in the office of the Borough President, 851 Grand Concourse, Room 206, The Bronx, NY 10451. The following matter will be heard:



CD #1-ULURP APPLICATION NO: C 180130 HAX-Park Haven Rezoning:

IN THE MATTER OF an application submitted by the New York City Department of Housing, Preservation and Development (HPD);

- 1) Pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) The designation of property located at 335-349 S. Ann's Avenue and 542-544 East 142nd Street (Block 2268. Lots 23-32, 48 and 50) as an Urban Development Action Area; and
 - b) An Urban Development Action Area Project for such area; and
- 2) Pursuant to Section 197-c of the New York City Charter for the disposition of such property located at 335-349 St. Ann's Avenue and 542-544 East 142nd Street (Block 2268, Lots 23-32) to a developer to be selected by HPD;

To facilitate a multi-story building containing residential, community facility and commercial space in the Borough of The Bronx, Community District #1.

CD #1-ULURP APPLICATION NO: C 180131 ZMX-Park Haven Rezoning:

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

- 1) Changing from an R6 District to an R7D District property bounded by East 142nd Street; Sat. Ann's Avenue; East 141st Street; the southeasterly, southwesterly, and northeasterly boundary lines of a playground; and a line 140 feet northwesterly of S. Ann's Avenue; and
- 2) Establishing within the proposed R7D District a C1-4 District bounded by East 142nd Street; S. Ann's Avenue; East 141st Street; the southeasterly, southwesterly, and northeasterly boundary lines of a playground; and a line 140 feet northwesterly of St. Ann's Avenue;

Borough of The Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated October 30, 2017. ANYONE WISHING TO SPEAK MAY REGISTER AT THE HEARING. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS MATTER TO THE BOROUGH PRESIDENT'S OFFICE, (718) 590-6124.

Accessibility questions: Sam Goodman (718) 590-6124, by: Wednesday, January 10, 2018, 5:00 P.M.



j4-10

BOROUGH PRESIDENT - QUEENS

■ MEETING

The Queens Borough Board, will meet Monday, January 8, 2018, at 5:30 P.M., in the Queens Borough President Conference Room, 120-55 Queens Boulevard, 2nd Floor, Kew Gardens, NY 11424.

Accessibility questions: Jeong-ah Choi (718) 286-2860, jchoi@queensbp.org, by: Monday, January 8, 2018, 2:00 P.M.



j2-8

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the following matters to be held at 22 Reade Street, Spector Hall, New York, NY 10007, on Wednesday, January 17, 2018, at 10:00 A.M.

CITYWIDE Supplemental Cal. No. 1

(Proposed modification of Title 62 of the Rules of the City of New York pursuant to Sections 1043 and 191(b)(2) of the City Charter to facilitate the implementation of the Department of City Planning's Paperless Filing System)

PLEASE TAKE NOTICE that in accordance with Sections 1043 and 191(b)(2) of the New York City Charter, the New York City Department of City Planning ("City Planning"), on behalf of the City Planning Commission (the "Commission"), proposes to amend rules within Chapters 1, 2, 3, 5, 6, 8, 9 & 10 of Title 62 of the Rules of the City of New York.

This rule was not included in the regulatory agenda, as City Planning did not publish a regulatory agenda for fiscal year 2018.

The time and place of the hearing have been scheduled as follows:

DATE: January 17, 2018
TIME: 10:00 A.M.
LOCATION: Spector Hall
22 Reade Street
New York, NY 10007

Any person in attendance at this hearing shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed changes. Each speaker shall be allotted a maximum of three (3) minutes.

Persons who require that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Dominick Answini at the address set forth below, or by telephone at (212) 720-3676, by January 10, 2018. In addition, written statements may be submitted to the Department of City Planning at the address stated below, provided the comments are received by 5:00 P.M. on January 17, 2018:

New York City Department of City Planning
Office of the Counsel
120 Broadway, 31st Floor
New York, NY 10271
Attention: Dominick Answini

Written comments received and a tape recording of oral comments received at the hearing will be available for public inspection within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the Freedom of Information Law Desk, 120 Broadway, 31st Floor, telephone number (212) 720-3454.

The purpose of the hearing is to provide the public with an opportunity to comment on the proposed rule set forth herein.

Title 62 of the Rules of the City of New York is amended to read as follows:

Chapter 1: Practice and Procedure of City Planning Commission

* * *

§ 1-02 The Calendar Officer: Notices, Calendars, Minutes, Record, and Communications.

- (a) Notices of all special meetings shall be given to each member by the Calendar Officer.
- (b) The Calendar Officer shall prepare a calendar of the business to be presented and considered at each public meeting. The matters thereon shall be arranged in the order prescribed by § 1-01(f), and shall be properly classified. The Calendar Officer shall also keep a record of undetermined matters which have been laid over.
- (c) *Record.* The record of a public meeting, including a public hearing, shall consist of either an audio [tape] recording or verbatim stenographic record of the proceedings; a list of speakers' names and affiliations, if any; a notation of each speaker's own indication, on a form provided for that purpose, of support or opposition to the proposal; and any exhibits or written statements offered by speakers. The record shall be available online from the Department of City Planning's website or at the Calendar Office, City Planning Commission, [Room 1]20 Broadway, 31st Floor, [2E, 22 Reade Street], New York, NY 10271[007-1216]. The Department of City Planning shall make available for public inspection, at the above location, a complete transcript of all public hearings of the Commission within sixty (60) days of such hearing.
- (d) The Calendar Officer shall maintain the minutes of each public meeting, and shall make them available for examination by the public in the Office of the Calendar Officer.
- (e) Minutes and a record of votes shall be taken at any executive session to the extent required by § 106 of the Public Officers Law.
- (f) All communications, petitions and reports intended for consideration shall be [addressed] sent to the Commission's attention through the Department of City Planning's website or the [and delivered at or mailed to the] Calendar Office [and shall consist of an original accompanied by seventeen copies].
- (g) The Calendar Officer shall transmit to the City Council and other City departments affected thereby true copies of all reports and resolutions adopted.

* * *

Chapter 2: Uniform Land Use Review Procedure (ULURP)

* * *

§ 2-02 Applications

(a) *Applications: general provisions.*

- (1) *Presentation of application.* A request for any action shall be submitted to the Department of City Planning [, Central Intake Room]. The application must be submitted [upon] as provided for in the instructions on the Department of City Planning's website. This includes the submission of [the proper forms for the action as provided by the Department, including] forms requesting information required for the "doing business database" established by Local Law 34 for the year 2007, and must [be accompanied by] include all of the information and documents required by such instructions and forms [in the appropriate number of copies specified thereon]. For purposes of the acquisition of property by the City, pursuant to §§ 2-01(e) and 2-01(k) of these rules, the applicant shall be the requesting agency and the Department of Citywide Administrative Services. For purposes of the approval of housing or urban renewal plans and projects or amendments thereof pursuant to City, State or Federal laws in accordance with § 2-01(h) of these rules, the applicant shall be the New York City Department of Housing Preservation and Development or the New York City Housing Authority, as appropriate, or their designees. [When presented at Central Intake, the application shall be accompanied by payment of the required fee, if any. Central Intake will not accept incomplete] The Department may refuse to accept applications without all required components. An application shall only be accepted if the fee has been paid or is paid concurrently with the submission of the application. [or applications without the required fee.]
- (2) *Initial Review.* The Department of City Planning shall, within five (5) days, review each application to [i]ensure that all required forms, documents and other exhibits supplied have been submitted and prepared [in the manner]as required by the instructions. If any of the documentation is missing or has been improperly prepared, the application will be returned with a listing of its deficiencies. If the documentation is in order, the Department shall assign a docket number and shall [send] transmit a Notice of Receipt[s] of the application to all the appropriate Department divisions and other agencies which review such application, and to the community board(s), Borough President(s), borough board (when appropriate), the City Council and the applicant in accordance with § 2-02(b). Such Notice of Receipt, when sent to the community board(s), Borough President(s), borough boards and City Council shall include a copy of the application form and all documents [and exhibits attached thereto] included therewith.
- (3) *Substantive Review.* The application form, documents and other exhibits shall be subject to review by the appropriate divisions of the Department in order to [i]ensure that the requirements for completeness in § 2-02(a)(5) have been met prior to certification of the application into ULURP. The Department may request any additional

documents, maps, plans, drawings or information necessary to complete or organize the submission, or to clarify its substance and the land use issues attendant to it. The Department of City Planning shall refer such additional application documents or amendments within five (5) days to each affected borough president, community board or borough board, and to the City Council. Not later than sixty (60) days after the Notice of Receipt has been sent, the Department of City Planning shall notify the applicant of any deficiencies or errors in the application, documents and other exhibits, and shall make any requests for revised or supplementary documents and exhibits. The applicant is expected to respond within a reasonable time. Upon receipt of the corrected, revised or supplementary material, the Department of City Planning shall review it within [a period of not] no more than sixty (60) days and make any additional request for further corrections or supplements if needed. If the applicant fails to respond within sixty (60) days after the receipt of a request for revisions, corrections or supplement, the Department of City Planning shall give notice to the applicant that the application will be deemed withdrawn.

(4) *Appeal for Certification.* At any time after one hundred and eighty (180) days have elapsed from the date of the Notice of Receipt of any application, the applicant may appeal in writing to the Commission to certify the application as complete. The affected Borough President may also appeal in writing if the Borough President finds that the application is consistent with the land use policy or strategic policy statement of the borough formulated pursuant to § 82, subsection 14 of the Charter. Upon receipt of such an appeal, the Commission shall refer it to the Department of City Planning and the Office of Environmental Coordination or lead agency for an evaluation of the completeness of the application, which shall include an identification of all material requested by the Department of City Planning and the environmental review staff or lead agency but not yet provided by the applicant. If the Commission determines that all pertinent information has been supplied in accordance with the criteria of § 2-02(a)(5) below, it shall certify the application as complete. If the Commission determines that pertinent information has not been supplied, such information shall be listed by the Department of City Planning and the environmental review staff and sent by the Commission to the applicant within thirty (30) days of receipt of the appeal. When the applicant has responded, either by supplying all the information so requested, or by explaining why such information should not be required in order to certify the application, the Commission shall consider the evaluation and the applicant's response and either certify the application as complete in accordance with § 2-02(a)(5) or deny the appeal. A denial by the Commission shall state the information that must still be supplied or clearly state the reason for denial. Such determination shall be made not later than sixty (60) days from the date the appeal is received. If the appeal is one which has been made by the affected Borough President, and the land use proposed in the application is consistent with the land use policy or strategic policy statement of the affected Borough President, then a vote of five members shall be sufficient to certify the application as complete in accordance with § 2-02(a)(5) below. In all other instances, a majority vote of the Commission is necessary to certify an application. A denial of the appeal shall mean that the application remains incomplete, and the Department of City Planning and the environmental review staff shall continue with timely review of the application until all the information required for completeness has been provided at which time certification shall take place. If such review continues for an additional one hundred and eighty (180) days or more beyond the denial, the applicant may again appeal to the Commission under the procedure outlined above to certify the application.

(5) *Certification of Completeness.* The Department or the Commission shall certify the application as complete when compliance has been achieved with all of the following:

(i) The standard application form, including for any application certified on or after April 14, 2008, forms requesting information required for the "doing business database" established pursuant to Local Law 34 for the year 2007, has been [filled out] completed in its entirety with all requested information presented in clear language.

(ii) All accompanying documents, maps, plans, drawings, and other information are properly organized and presented in clear language and understandable graphic form.

(iii) The information supplied on the application form and accompanying documents is fully sufficient to address all issues of jurisdiction and substance which are required to be addressed for the category of action as defined in the Charter, statutes, Zoning Resolution, Administrative Code or other law or regulation.

(iv) All reviews by necessary and related agencies of the State and City have been completed and any required reports, certifications, sign-offs or other such agency actions required by law or regulation prior to ULURP have been secured, or a written waiver of the agency presented. If any such agency does not respond within sixty (60) days, it will be deemed to have waived its review and action as applicable law permits.

(v) A determination has been made whether the action is subject to City or State Environmental Quality Review, and if so subject, the lead agency has issued either:

(A) a Negative or Conditional Negative Declaration; or

(B) a Notice of Acceptance of a Draft Environmental Impact Statement.

(vi) Notification of any proposed (E) designation has been submitted to the Department of City Planning as required pursuant to § 2-02(e) hereof.

(b) *Referrals: general provisions.* Except as provided in § 2-02(c) hereof, within nine (9) calendar days after the certification by the Department of City Planning, [(1 or by the Commission if certification occurs pursuant to § 2-02(a)(4) above)], that a submission is a complete application, the Department of City Planning shall make the following referrals:

(1) any application relating to a proposal which occupies or would occupy land located in only one community district shall be referred to the community board for such district;

(2) any application relating to a proposal which occupies or would occupy land located in two or more community districts shall be referred to the community board for each such district and to the borough board for the appropriate borough;

(3) any application relating to a proposal which occupies or would occupy land located in a joint interest area not included within a community district shall be referred to the community board for each community district bounding such area and to the borough board for the appropriate borough;

(4) all applications shall be referred to the Borough President of the borough in question;

(5) all applications shall be referred to the City Council.

(c) *Charter § 201 applications.* A request for an amendment to the Zoning Map or the text of the Zoning Resolution by a taxpayer, community board, borough board, Borough President, the Mayor or the Land Use Committee of the Council pursuant to Charter § 201, shall be filed with the Department. Applications for special permits pursuant to § 201 may be filed by any person or agency. Such requests shall be subject to the application and certification procedure of § 2-02(a) hereof and shall be referred pursuant to § 2-02(b) hereof.

(d) *Withdrawals.* An applicant may at any time file with the Commission a statement that its application is withdrawn. If withdrawal occurs after filings have occurred pursuant to § 2-06(h)(4) of this chapter, the applicant shall also file a statement of withdrawal with the City Council. Upon the filing of such a statement, the application in question shall be void and no further processing of such application under this uniform land use review procedure shall be undertaken by a community board, Borough President, borough board or the Commission. The Commission shall promptly give notice of such withdrawal to the board or boards, to the Borough President to which the application was referred pursuant to § 2-02(b) and to the Council, if filings pursuant to § 2-06(h)(4) of this chapter have not occurred. The request to which the application relates may thereafter be advanced only in connection with a new application certified as complete pursuant to § 2-02(a) herein and processed according to this uniform land use review procedure.

(e) *Notification of proposed (E) designation.*

(1) [In the event that] If an application for an amendment to the Zoning Map or text of the zoning resolution, pursuant to Charter § 197-c [and] or § 200 and [or] § 201, respectively, includes an (E) designation [for] with respect to potential hazardous materials, air quality or noise [contamination] on any tax lot or zoning lot pursuant to § 11-15 of the Zoning Resolution of the City of New York, at the time the application is referred pursuant to § 2-02(b) hereof, the owner or owners of any such tax lot or zoning lot, with the exception of the applicant, shall be notified of the proposed (E) designation. Such notification shall be by the lead agency, as defined in 6 New York Code of Rules and Regulations, Part 617, as amended, and 62 Rules of the City of New York § 5-02, as amended. [In the event] If the lead agency is other than the Commission, no such application [for an amendment to the Zoning Map] shall be certified as complete pursuant to § 2-02(a)(5) hereof until such other lead agency shall have submitted any notification of a proposed (E) designation, in the form and addressed to the parties required by this Section to the Department of City Planning, who shall send such notification [in the manner] as provided by this Section.

(2) Such notification shall be by first-class mail and shall be made to the person(s) or entity(ies) identified in the official records of the City of New York as the fee owners of such tax lot or zoning lot and shall be sent to the address or addresses indicated in such records.

(3) The notification shall include or refer to the Department of City Planning's website for:

(i) a description [be] of the existing zoning and the proposed rezoning for the properties that will include the (E) designation;

(ii) [inform] notice of the property owner of the right to attend and testify at any public hearing relating to the proposed Zoning Map amendment;

(iii) provide the phone numbers for a contact person at the lead agency, or if the lead agency is the Commission, a contact person or persons at the Department of City Planning;

(iv) [be accompanied by] [a copy of] § 11-15 of the Zoning Resolution of the City of New York.

§ 2-03 Community Board Actions

(a) *General provisions.*

(1) Except as provided below, within sixty (60) calendar days after a community board's receipt of a complete application referred by the

Department of City Planning, the Board of Standards and Appeals or the Commission [as the case may be], the community board shall hold a public hearing and adopt and submit as provided herein a written recommendation concerning such application. For purposes of this paragraph (1), a community board shall be deemed to have received an application nine (9) calendar days after the date of certification. The Department of City Planning shall [insure delivery of] transmit a certified application to the community board, making it available to the community board within (8) days [by either mailing to the community board within five (5) days of the date of certification or by hand delivery within eight (8) days] from the date of certification.

(2) Where the negative vote of the community board was adopted without a public hearing, without a quorum or at a meeting conducted after its 60-day period for review, such non-complying negative vote shall not serve the purpose of Charter § 197-d(b)(2). The Commission may note the noncompliance and any other deficiency in compliance with this chapter in its report.

(b) *Waivers of hearings and recommendations.*

(1) *Leases.* In the case of a proposed lease of property of the City which in the judgment of the community board does not involve a substantial land use interest, such board may waive the holding of a public hearing and preparation of a written recommendation. In such case the community board shall submit to the Department a written waiver of its right to hold a public hearing and to submit recommendations to the City Planning Commission and affected Borough President. When a written waiver of the community board's right to hold a hearing and submit a recommendation is received by the Department of City Planning the community board's period of review shall be deemed ended and the Borough President's time period begun.

(2) *Franchises.* In the case of Request for Proposal or other solicitation for a franchise which in the judgment of the community board does not involve a substantial land use interest, such community board may submit a written waiver to the Commission of the right to hold a public hearing and the preparation of a written recommendation.

(c) *Notice of hearing.* Notice of the time, place and subject of a public hearing to be held by a community board on an application shall be given as follows:

(1) by publication in The City Record for the five (5) days of publication immediately preceding and including the date of the public hearing;

(2) by publication in the Comprehensive City Planning Calendar distributed not less than five (5) calendar days prior to the date of public hearing;

(3) to the applicant ten (10) days prior to the date of hearing (with [a copy of] such notice also forwarded to the Department of City Planning);

(4) for all actions that result in acquisition of property by the City, other than by lease, whether by condemnation or otherwise, the applicant shall notify the owner or owners of the property in question by mail to the last known address of such owner or owners, as shown on the City's tax records, not later than five (5) days prior to the date of hearing. An affidavit attesting to the mailing and a copy of the notice shall be submitted to the Department of City Planning prior to the Commission's public hearing;

(5) Community boards are also encouraged to publicize hearings by publication in local newspapers, posting notices in prominent locations, and other appropriate means.

(d) *Conduct of public hearing.*

(1) *Location.* A community board public hearing shall be held at a convenient place of public assembly chosen by the board and located within its community district. If in the community board's judgment there is no suitable and convenient place within the community district, the hearing shall be held at a centrally located place of public assembly within the borough. This provision is not intended to affect the requirement of Charter §2800(h) stating a community board's obligation to meet at least monthly (except during July and August) within its district.

(2) *General character.* Hearings shall be legislative type hearings, without sworn testimony or strict rules of evidence. Only members of a community board and persons expressly authorized by the chairperson may question a speaker. All persons appearing and wishing to speak shall be given the opportunity to speak. A community board hearing shall be conducted in accordance with by-laws adopted by the community board.

(3) *Quorum.* A public hearing shall require a quorum of 20% of the appointed members of the community board, but in no event fewer than seven such members. The minutes of a meeting at which a public hearing was held shall include a record of the individual members present.

(4) *Record.* The record of a public hearing shall consist of but not be limited to a list of speaker's names and affiliations (if any), a notation of each speaker's own indication, on a form provided for that purpose, of support or opposition to the application, and any exhibits or written statements offered by speakers.

(e) *Public attendance at meetings of a community board or its committees.* The public may attend all meetings of a community board or its committee at which an application for an action subject to this Chapter is to be considered or acted upon in a preliminary or final

manner. A community board may close a meeting or committee meeting to the public only as provided in the New York State Open Meetings Law (Public Officers Law, §§ 100-111).

(f) *Recommendations and waivers.*

(1) *Quorum.* The adoption of a community board recommendation, or the waiver of a public hearing and recommendation by a community board, shall require a quorum of a majority of the appointed members of the board. The minutes of a meeting at which a recommendation or waiver was adopted shall record the individual members present.

(2) *Vote.* The adoption of a community board recommendation or the waiver of a public hearing and recommendation shall be by a public vote which results in approval by a majority of the appointed members present during the presence of a quorum, at a duly called meeting. The vote shall be taken in accordance with the by-laws of the community board.

(3) *Content.* A community board recommendation shall be in writing [on] via a form provided by the Department of City Planning and shall include a description of the application, the time and place of the public hearing on the application, the time and place of the meeting at which the recommendation was adopted and the vote by which the recommendation was adopted. The community board may include in its submission the reasons for the vote and any conditions attached to its vote. The community board may state that its conditional approval shall be considered a negative recommendation for purposes of Charter § 197-d(b)(2) if conditions that it considers essential to minimize land use or environmental impacts are not adopted by the Commission. The City Planning Commission shall give consideration only to those conditions which are related to land use and environmental aspects of the application.

(4) *Submission.* A community board shall submit its recommendation or waiver promptly after adoption, to the Commission, to the Borough President, to the applicant and, in the case of an application referred to two or more community boards and a borough board, to such borough board. If a community board fails to act within the time limits for review the application shall be deemed referred to the next level of review at the completion of the community board's time period.

(g) *Requests for review of action not in a community district.* A community board or borough board may [request a copy] obtain [of] the filed application and supporting documents for any action subject to ULURP which is not located within the district boundaries of such [the] community board[,] or [the] borough board [, making the request]. Such community board or borough board may request to review such applications, which [The] request must be made in writing to the Calendar Office of the Commission or through the Department's website, and it shall state the basis for the board's judgment that the application may significantly affect the welfare of the district or borough served by such board. [If such request is made, the Department of City Planning shall forward the information described above to said board.] Thereafter, the community board or borough board may schedule a public hearing on the application, such hearing and notice thereof to be in conformance with §§ 2-03(c), 2-03(d), 2-05(c) and 2-05(d) of this chapter and may submit a written recommendation to the Commission. The Commission may receive such recommendation at any time prior to its final action on the application; however, it shall have no authority to extend the review period defined in Charter § 197-c, nor shall a review by a second community board pursuant to this subparagraph (g) require that the application be reviewed by the borough board. A Borough President may similarly [request] [a copy of] obtain [an] a filed application and supporting documents for and request review of any action subject to ULURP which is not located within the boundaries of the borough.

* * *

§ 2-05 Borough Board Actions.

(a) *General provisions.* Except as provided below in § 2-05(b), an affected borough board may conduct a public hearing on an application and submit a written recommendation to the Commission. Such recommendation or waiver shall be submitted on the form provided not later than thirty (30) days after the filing of a recommendation or waiver with the Borough President by the last to respond of all affected community boards, or if any affected community board shall fail to act within the time period, thirty (30) days after the expiration of the time allowed for such community boards to act.

(b) *Notice of hearing.* Notice of the time, place and subject of a public hearing to be held by a borough board for all applications subject to this land use review procedure shall be given as follows:

(1) by publication in The City Record for the five (5) days of publication immediately preceding and including the date of the public hearing;

(2) by publication in the Comprehensive City Planning Calendar distributed not less than five (5) calendar days prior to the date of hearing;

(3) to the applicant ten (10) days prior to the date of hearing;

(4) for all actions resulting in acquisition of property by the City, other than by lease, whether by condemnation or otherwise, the applicant shall notify the owner or owners of the property in question by mail to the last known address of such owner or owners, as shown on the City's tax records, not later than five (5) days prior to the date of hearing. An affidavit attesting to the mailing and a copy of the notice shall be submitted to the Department of City Planning prior to the

Commission's public hearing.

(c) *Conduct of hearing.*

(1) *Location.* A borough board public hearing shall be held at a convenient place of public assembly chosen by the board and located within the borough.

(2) *General character.* Hearings shall be legislative type hearings, without sworn testimony or strict rules of evidence. Only members of a borough board or persons expressly authorized by the chairperson may question a speaker. All persons appearing and wishing to speak shall be given the opportunity to speak. A borough board's hearing shall be conducted in accordance with by-laws adopted by such borough board.

(3) *Quorum.* A public hearing shall require a quorum of a majority of the borough board's members who are entitled to vote on the application in question. Pursuant to Charter § 85, community board members of the borough board may only vote on issues that directly affect the community district represented by such members. The minutes of the meeting at which a public hearing was held shall record the individual members present.

(4) *Record.* The record of a public hearing shall consist of a list of speakers' names and affiliations if any, a notation of each speaker's own indication, on [a] the form provided for that purpose, of support or opposition to the application and any exhibits or written statements offered by speakers.

(d) *Public attendance at meetings.* The public may attend all meetings of a borough board at which an application for an action subject to this Chapter is to be considered or acted upon in a preliminary or final manner. A borough board may close a meeting to the public only as provided in the New York State Open Meetings Law (Public Officers Law, §§ 100-111).

(e) *Recommendations and waivers.*

(1) *Quorum.* The adoption of a borough board recommendation or the waiver of a public hearing and recommendation by a borough board shall require a quorum of a majority of the borough board's members entitled to vote on the application in question. Pursuant to Charter § 85, community board members of the borough board may only vote on issues that directly affect the community district represented by such member. The minutes of a meeting at which a recommendation or waiver was adopted shall record the individual members present.

(2) *Vote.* Adoption of a recommendation shall be by a public roll call vote which results in approval by a majority of the members entitled to vote on the application in question present during the presence of a quorum, at a duly called meeting. Pursuant to Charter § 85, community board members of the borough board may only vote on issues that directly affect the community district represented by such member.

(3) *Content.* A borough board recommendation shall be in writing on a form provided by the Department of City Planning and shall include a description of the application, the time and place of public hearing, the time and place of the meeting at which the recommendation was adopted and the votes of individual borough board members. The borough board may include in its submission the reasons for its vote and any conditions to the vote.

(4) *Submission.* A borough board shall submit its recommendation or waiver on the form promptly after adoption to the Commission and to the applicant.

§ 2-06 City Planning Commission Actions.

(a) *General provisions.* The Commission shall hold a public hearing on all applications made pursuant to § 197-c of the Charter not later than sixty (60) calendar days after the expiration of the time allowed for the filing of a recommendation or waiver with it by an affected Borough President. Following its hearing and within its applicable sixty (60) day period, the Commission shall approve, approve with modifications or disapprove such application and file its decision pursuant to § 2-05(h)(4) below.

(b) *Zoning text amendments pursuant to Charter § 200 or § 201.* The Commission shall hold a public hearing on an application for a zoning text amendment pursuant to Charter § 200 or § 201. Such hearing shall be conducted in accordance with § 2-06(f) of this Chapter.

(c) *Modification of application.*

(1) The Commission may propose a modification of an application, including an application for a zoning text amendment pursuant to Charter § 200 or § 201, which meets the criteria of § 2-06(g) below. Such proposed modification may be based upon a recommendation from an applicant, community board, borough board, Borough President or other source. Where a modification is proposed, the Commission shall hold a public hearing on the application as referred to a community board or boards and on the proposed modification. Promptly upon its decision to schedule a proposed modification for public hearing, the Commission shall refer the proposed modification to the community board or community boards, borough board, and the affected Borough President to which the application was earlier referred, for such action as such board or boards or Borough President deem appropriate.

(2) The above provision shall not limit the Commission's ability to make a minor modification of an application.

(d) *Notice of hearing.* Notice of the time, place and subject of a public hearing by the Commission for all applications subject to this uniform land use review procedure, including applications for zoning text amendments pursuant to Charter § 200 and § 201 and modified applications pursuant to § 2-06(c)(1), of this chapter, shall be given as follows:

(1) by publication in The City Record beginning not less than ten (10) calendar days immediately prior to the date of hearing and continuing until the day prior to the hearing;

(2) by publication in the Comprehensive City Planning Calendar distributed not less than ten (10) calendar days prior to the date of hearing;

(3) by [mailing] transmitting notice to the concerned community board or community boards Borough President and borough board and to the applicant not less than ten (10) calendar days prior to the date of hearing;

(4) for all actions that result in acquisition of property by the City, other than by lease, whether by condemnation or otherwise, the applicant shall notify the owner or owners of the property in question by mail to the last known address of such owner or owners, as shown on the City's tax records, not later than five (5) days prior to the date of hearing. An affidavit attesting to the mailing and a copy of the notice shall be submitted to the Department of City Planning prior to the Commission's public hearing.

(e) *Posting of notices for hearings on the disposition of occupied city-owned residential buildings.* For any application involving disposition of a city-owned residential building, which at the time of application is occupied by tenants, the applicant shall post notice of the Commission public hearing as [in the manner] discussed below:

(1) at least eight (8) days prior to the Commission public hearing a notice, on a form provided by the Department of City Planning, shall be posted by the applicant in the building subject to the application, informing the tenants of the proposed action and the right of the public to appear at the Commission hearing and testify; and

(2) such notice shall be posted in common public space on the ground floor of the building accessible to all building tenants; and

(3) the applicant will file with the Department of City Planning an affidavit attesting to the posting of the notice and date and specific location where the notice was posted. The affidavit shall be signed by the person posting the notice.

(f) *Conduct of hearing.*

(1) *Location.* Commission public hearings shall be held at 120 Broadway, New York, NY [in City Hall], unless otherwise ordered by the Chair.

(2) *General Character.* Hearings shall be legislative type hearings, without sworn testimony, strict rules of evidence or opportunity for speakers to cross-examine one another. Only members of the Commission may question a speaker (except at a joint Commission/CEQR hearing at which officers of the lead agency and the office of Environmental Coordination may also ask questions). All persons filling out an appearance form shall be given the opportunity to speak. The chairperson may prescribe a uniform limited time for each speaker.

(3) *Quorum.* A public hearing shall require a quorum of a majority of the members of the Commission.

(g) *Commission actions.*

(1) *Scope of action.* The Commission shall approve, approve with modifications or disapprove each application.

(2) *Vote.* The Commission shall act by the affirmative roll call vote of at least seven (7) members at a public meeting, except that pursuant to Charter § 197-c, subsection h, approval or approval with modifications of an application relating to a new city facility for site selection for capital projects, the sale, lease (other than the lease of office space), exchange or other disposition of the real property of the City, including sale or lease of land under water pursuant to § 1602, Chapter 15 of the Charter or other applicable provisions of law; or acquisitions by the City of real property (other than the acquisition of office space for office use or a building for office use), including acquisition by purchase, condemnation, exchange or lease and including the acquisition of land under water pursuant to § 1602, Chapter 15 and other applicable provisions of law, shall require the affirmative vote of nine members of the Commission if the affected Borough President:

(i) recommends against approval of such application pursuant to subdivision g of Charter § 197-c; and

(ii) has proposed an alternative location in the same borough for such new facility pursuant to subdivision f or g of Charter § 204.

(3) *Commission report.* A report of the Commission shall be written with respect to each application subject to this procedure on which a vote has been taken. The report shall include:

(i) a description of the certified application;

(ii) a summary of testimony at all Commission public hearings held on the application;

(iii) [a copy of] all community board, Borough President or borough board written recommendations concerning the application;

(iv) the consideration leading to the Commission's action, including reasons for approval and any modification of the application and reasons for rejection by the Commission of community board, Borough President or borough board recommendations;

(v) any findings and consideration with respect to environmental impacts as required by the State Environmental Quality Review Act and regulations;

(vi) the action of the Commission, including any modification of the application;

(vii) the votes of individual Commissioners;

(viii) any dissenting opinions.

(4) *Filing of decisions of the Commission.* The City Planning Commission shall file [copies of] its decision with the affected Borough President and with the City Council. All filings with the Council shall include all associated community board, Borough President or borough board recommendations. The Commission shall [mail a copy of] transmit any decision to the applicant and to the community board or community boards, and borough board to which the application was referred. Filings with the City Council and Borough President shall be completed within the Commission's sixty (60) day time period.

(5) *Review of Council modifications.* The Commission shall receive from the City Council during its fifty (50) day period for review [copies of] the text of any proposed modification to the Commission's prior approval of an action. Upon receipt the Commission shall have fifteen (15) days to review and to determine:

(i) in consultation with the Office of Environmental Coordination and lead agency as necessary, whether the modification may result in any significant adverse environmental effects which were not previously addressed; and

(ii) whether the modification requires the initiation of a new application. In making this determination, the Commission shall consider whether the proposed modification:

(A) increases the height, bulk, envelope or floor area of any building or buildings, decreases open space, or alters conditions or major elements of a site plan in actions (such as a zoning special permit) which require the approval or limitation of these elements;

(B) increases the lot size or geographic area to be covered by the action;

(C) makes necessary additional waivers, permits, approvals, authorizations or certifications under sections of the Zoning Resolution, or other laws or regulations not previously acted upon in the application; or

(D) adds new regulations or deletes or reduces existing regulations or zoning restrictions that were not part of the subject matter of the earlier hearings at the community board or Commission. If the Commission has determined that no additional review is necessary and that, either, no significant environmental impacts will result or that possible environmental impacts can be addressed in the time remaining for Commission and Council review, it shall so report to the Council. The Commission may also transmit any comment or recommendation with respect to the substance of the modification, and any proposed further amendment to the modification which it deems as necessary or appropriate. If the Commission has determined that the proposed modification will require a supplementary environmental review or the initiation of a new application, it shall so advise the Council in a written statement which includes the reasons for its determination.

(6) *Zoning Resolution text amendments pursuant to Charter §§ 200 and 201.* Applications for amendments to the text of the Zoning Resolution pursuant to Charter § 200 or § 201 shall be subject to the provisions of this paragraph (g).

* * *

§ 2-08 Board of Standards and Appeals.

(a) *Variance and special permit applications.*

(1) *Filing and referral.* An application for a variance of the Zoning Resolution or for a special permit which under the Zoning Resolution is within the jurisdiction of the Board of Standards and Appeals shall be filed with the Board of Standards and Appeals. In accordance with the rules of Practice and Procedures [;](Chapter 1 of the Board of Standards and Appeals rules)[;], the Board of Standards and Appeals shall refer the application to the community board within which district the site is located or, in the case of an application involving a site located within two or more community districts, to the community boards for such districts and to the borough board for the appropriate borough. The Commission, as a party to a proceeding to vary the Zoning Resolution, shall be provided [served with] all [papers] materials in such proceeding by the Board of Standards and Appeals. Upon the filing with a community board, or with two or more community boards and a borough board, of an application for a variance or a special permit under the jurisdiction of the Board of Standards and Appeals, such community board or community boards and borough board shall review such application pursuant to §§ 2-03 and 2-05 herein.

(2) *Community board waiver or recommendation.* In the case of an application to vary the Zoning Resolution or for a special permit under the jurisdiction of the Board of Standards and Appeals, a community board may waive in writing the holding of a public hearing and the adoption of a written recommendation. The community board recommendation or waiver shall be referred to the Board of Standards and Appeals, the Commission and, in the case of an application which was referred to two or more community boards and a borough board, to such borough board. Upon action by or expiration of time to act on an application for each concerned community board and when appropriate, action by or expiration of time to act for an affected borough board, the Board of Standards and Appeals may proceed to review the application and to make a decision.

(3) *Borough board review.* In the case of an application to vary the Zoning Resolution or for a special permit pursuant to the Zoning Resolution under the jurisdiction of the Board of Standards and

Appeals, a borough board may waive in writing the holding of a public hearing and the adoption of a written recommendation. After action by or expiration of time to act for all affected community boards if subject to borough board review, and upon receipt of a waiver or recommendation from a borough board or expiration of the thirty (30) day time limit for borough board review, the Board of Standards and Appeals may proceed to review the application and to make a decision.

(b) *City Planning Commission review.* Appearance in Variance Proceeding – In the case of an application to the Board of Standards and Appeals for a variance of the Zoning Resolution, the Commission may appear before the Board of Standards and Appeals and be heard as a party in the variance proceeding if, in the Commission's judgment, granting the relief requested in such application would violate the requirements of the Zoning Resolution which relate to the granting of variances.

§ 2-09 Administrative Provisions.

(a) *Referrals and filings.* Unless otherwise provided herein, any referrals and filings required under this chapter shall be directed to the entities below [made by hand delivery or first class mail] as follows:

(1) if to the Commission, then through the Department of City Planning's website or, alternatively, to the Land Use Review Division, Department of City Planning, 120 Broadway, 31st Floor [Room 2E, 22 Reade Street], New York, NY 10271[007-1216];

(2) if to a community board, then to the chairperson of such community board at its office or, if there is no office or if no office address is provided to the Land Use Review Division, Department of City Planning, then to such board c/o the Borough President of the borough in question;

(3) if to a borough board, then to such borough board c/o the Borough President of the borough in question;

(4) if to the Board of Standards and Appeals, then to the Secretary of the Board of Standards and Appeals, 11th Floor, 161 Avenue of the Americas, New York, NY 10013;

(5) if to the City Council then to the Office of the Speaker City Council, City Hall, New York, NY.

(b) *Time provisions.*

(1) *Expiration dates.* Where the expiration of a time period set forth herein falls on a Saturday, Sunday or legal holiday, the expiration date shall be deemed extended until the next working day.

(2) *Determination.* All time periods specified in these regulations shall be calendar days. The commencement and end of time periods shall be recorded and officially calculated and determined by the Director of City Planning.

(c) *Transition.* Any application which has been voted upon by the community board and borough board, if required, and the recommendation concerning which has been received by the Department of City Planning prior to May 2, 1990 shall not be subject to these provisions, but shall rather be subject to the procedures in effect prior to May 2, 1990, which procedures shall remain in effect for that category of actions until June 30, 1990. In accordance with § 1152d(6)(b) of the Charter the time period for receiving any application referred to a Borough President in the month of May, 1990 shall be extended until June 30, 1990, at which time it shall be transmitted to the Commission.]

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Chapter 3: Fees and Contributions

Subchapter A: City Environmental Quality Review (CEQR) (Department of City Planning and Department of Environmental Protection)

§ 3-01 Fee for CEQR Applications.

Except as specifically provided in this section, every application made pursuant to Executive Order 91 and Chapter 5 of these rules [shall include] requires a non-refundable fee which shall be submitted to the lead agency for the action or to an agency that could be the lead agency pursuant to § 5-03 of the rules of the Commission. [, and shall be in the form of a check or money order made out to the "City of New York"] The fee for an application shall be as prescribed in the following Schedule of Charges, § 3-02 of these rules. The fee for modification for an action, which modification is not subject to § 197-c of the New York City Charter shall be twenty percent of the amount prescribed in the Schedule of Charges for an initial application. The fee for any modification for an action, which is subject to § 197-c of the New York City Charter shall be the amount set forth in the Schedule of Charges (§ 3-02) as if the modification were an initial application for the action. Where the fee for an application is set pursuant to § 3-02(a), and the square footage of the proposed modification is different from the square footage of the original action, the fee for an application for the modification shall be based upon the square footage of the modified action or as set forth in § 3-02(b), as determined by the lead agency. Agencies of the Federal, State or City governments shall not be required to pay fees, nor shall a neighborhood, community or similar association consisting of local residents or homeowners organized on a non-profit basis be required to pay fees, if the proposed action for purposes of CEQR review consists of a zoning map amendment for an area of at least two blocks in size, in which one or more of its members or constituents reside. Fees shall be paid in the forms indicated on the Department of City Planning's website when the application is filed [, and these fees may not be combined in one check of money order with

fees required pursuant to other land use applicants submitted to the Department of City Planning or the City Planning Commission.]. No application shall be processed by the lead agency until the fee has been paid [and twenty-five copies of the application have been filed with the lead agency].

* * *

Subchapter B: Uniform Land Use Review (ULURP)

§ 3-06 Fees for Applications Pursuant to City Charter § 197-c and Other Applications.

Except as specifically provided in this section, every type of application listed in Section 3.07, Schedule of Charges, shall include a non-returnable fee which shall be paid in the forms indicated on the Department of City Planning's website when the application is filed [by check or money order made out to the City of New York]. The fee for an initial application, or for a modification, renewal or follow-up action, shall be as prescribed in the following Schedule of Charges, provided that if an applicant simultaneously submits applications for several actions relating to the same project, the maximum fee imposed shall be two hundred percent of the single highest fee, provided that such maximum fee limitation shall not apply to supplemental fees. An additional fee shall be charged for any applications later filed in relation to the same project, while such project is pending review and determination. Agencies of the Federal, State or City governments shall not be required to pay fees nor shall any fees be charged if a neighborhood, community or similar association consisting of local residents or homeowners organized on a non-profit basis applies for a zoning map amendment for an area of at least two blocks in size, in which one or more of its members or constituents reside.

* * *

§ 5-05 Environmental Review Procedures.

(a) *Threshold Determination.*

(1) In the case of any action for which a lead agency is prescribed by § 5-03 of these rules, and thus for which no agreement among involved agencies is necessary, only such lead agency may determine that such action, considered in its entirety, requires environmental review, and such determination shall be binding upon the City. The OEC shall, upon the request of such agency, assist in such determination.

(2) In the case of any action for which agreement among involved agencies is necessary for selection of a lead agency, if an agency that could be the lead agency for the particular action pursuant to Subdivisions (b) through (g) of § 5-03 of these rules determines that such action may require environmental review, then the lead agency shall be agreed upon as provided in § 3 of these rules, and such lead agency shall determine whether such action, considered in its entirety, requires environmental review. Such determination shall be binding upon the city. The OEC shall assist in any determination made pursuant to this paragraph upon the request of the agency making such determination.

(3) Nothing contained in this subdivision shall be construed to require an affirmative determination, whether formal or informal, that an action is exempt from environmental review, or is a Type II action pursuant to the SEQRA Regulations, where such determination would not otherwise be required by law.

(b) *Other Determinations.*

(1) After the determination that an action requires environmental review, the lead agency shall notify the OEC that it is commencing environmental review and complete or cause to be completed the standardized environmental assessment statement provided by the OEC. Such statement shall provide guidance in determining whether the action may have a significant effect on the environment. The OEC and interested and involved agencies shall, upon the request of the lead agency, assist the lead agency in completing such statement.

(2) The OEC and interested and involved agencies shall, upon the request of the lead agency, assist such lead agency with respect to any aspect of a determination of significance and/or a draft, final and/or supplemental environmental impact statement.

(3) Whenever, in the preparation of a draft environmental impact statement, the lead agency identifies a potential significant impact, the lead agency shall consult with any agency that has primary jurisdiction to carry out possible mitigations, and with any city agency that has primary regulatory jurisdiction over the subject matter of such impact.

(4) Lead agencies shall [send]transmit copies of the following to the OEC upon issuance: notifications of commencement of environmental review, determinations of significance (including completed environmental assessment statements), draft and final scopes, draft and final environmental impact statements. In addition, lead agencies shall forward to the OEC significant supporting documentation comprising the official records of environmental reviews.

(c) *Type II.* The following actions are not subject to review under City Environmental Quality Review, the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) or the SEQRA Regulations, subject to § 5-05(d) of these rules:

(1) Special permits for physical culture or health establishments

of up to 20,000 gross square feet, pursuant to § 73-36 of the Zoning Resolution;

(2) Special permits for radio and television towers, pursuant to § 73-30 of the Zoning Resolution;

(3) Special permits for ambulatory diagnostic or treatment health care facilities, pursuant to § 73-125 of the Zoning Resolution;

(4) Special permits to allow a building or other structure to exceed the height regulations around airports, pursuant to § 73-66 of the Zoning Resolution;

(5) Special permits for the enlargement of buildings containing residential uses by up to 10 units, pursuant to § 73-621 of the Zoning Resolution;

(6) Special permits for eating and drinking establishments of up to 2,500 gross square feet with accessory drive-through facilities, pursuant to § 73-243 of the Zoning Resolution;

(7) Acquisition or lease disposition of real property by the City, not involving a change of use, a change in bulk, or ground disturbance;

(8) Construction or expansion of primary or accessory/apurtenant park structures or facilities involving less than 10,000 square feet of gross floor area;

(9) Park mapping, site selection or acquisition of less than ten (10) acres of existing open space or natural areas;

(10) Authorizations for a limited increase in parking spaces for existing buildings without parking, pursuant to § 13-442 and § 16-341 of the Zoning Resolution;

(11) Special permits for accessory off-street parking facilities, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-351 of the Zoning Resolution;

(12) Special permits for public parking garages and public parking lots, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-352 of the Zoning Resolution; and

(13) Special permits for additional parking spaces, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 13-45 of the Zoning Resolution.

(d) *Type II Prerequisites.*

(1) An action listed in § 5-05(c), which is also classified as Type I pursuant to 6 NYCRR Part 617.4, shall remain Type I and subject to environmental review.

(2) An action listed in § 5-05(c)(2)-(5), or (8) of these rules involving ground disturbance shall remain subject to environmental review, unless it is determined that any potentially significant hazardous materials impacts will be avoided.

(3) An action listed in § 5-05(c)(2), (3), (5), or (8) of these rules involving excavation of an area that was not previously excavated shall remain subject to environmental review, unless it is determined that the project site is not archaeologically sensitive.

(4) An action listed in § 5-05(c)(4) of these rules shall remain subject to environmental review, unless it is determined that any potentially significant noise impacts will be avoided.

(5) An action listed in § 5-05(c)(2), (3), (5), or (8) of these rules involving the removal or alteration of significant natural resources shall remain subject to environmental review.

(6) An action listed in § 5-05(c)(2), (4), (5), (6), (8), or (11)-(13) of these rules shall remain subject to environmental review if the project site is:

(i) wholly or partially within any historic building, structure, facility, site or district that is calendared for consideration or eligible for designation as a New York City Landmark, Interior Landmark or Scenic Landmark;

(ii) substantially contiguous to any historic building, structure, facility, site or district that is designated, calendared for consideration or eligible for designation as a New York City Landmark, Interior Landmark or Scenic Landmark; or

(iii) wholly or partially within or substantially contiguous to any historic building, structure, facility, site or district, or archaeological or prehistoric site that is listed, proposed for listing or eligible for listing on the State Register of Historic Places or National Register of Historic Places.

§ 5-06 Involved and Interested Agencies; Required Circulation.

(a) The lead agency and the OEC shall make every reasonable effort to keep involved and interested agencies informed during the environmental review process and to facilitate their participation in such process. If the City Council is involved in an action, staff of the lead agency and/or staff of the OEC shall be made available to explain determinations made by the lead agency to the City Council or the appropriate City Council committee or staff.

(b) Any written information submitted by an applicant for [purposes of a determination by the lead agency] the lead agency to determine whether an environmental impact statement will be required by law, and documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law, shall be [circulated] transmitted to all affected community or borough boards, where such [circulation] transmission is required by the Charter.

(c) If the City Council is involved in an action, any written information, documents or records that are required to be [circulated]

transmitted to involved agencies or to affected community boards or borough boards shall be [circulated] transmitted to the City Council.

§ 5-07 Scoping.

[Following the issuance of] After a notice of determination (positive declaration) is issued, the lead agency shall coordinate the scoping process, which shall ensure that all interested and involved agencies (including the City Council where it is interested or involved), the applicant, the OEC, community and borough boards, borough presidents and the public are able to participate. The scoping process shall include a public scoping meeting and take place in accordance with the following procedure:

(a) *Draft Scope.* Within fifteen days after [issuance of] a notice of determination (positive declaration) is issued, the lead agency shall issue a draft scope, which may be prepared by the applicant but must be approved by the lead agency. The lead agency may consult with the OEC and other agencies prior to issuance of the draft scope.

(b) *Public Notice and Comment.* Upon issuance of the draft scope and not less than thirty nor more than forty-five days prior to the holding of the public scoping meeting, the lead agency shall publish in the City Record a notice indicating that a draft environmental impact statement will be prepared for the proposed action and requesting public comment with respect to the identification of issues to be addressed in the draft environmental impact statement. Such notice shall be in a format provided by the OEC and shall state that the draft scope and the environmental assessment statement may be obtained by any member of the public from the lead agency and/or the OEC. Such notice shall also contain the date, time and place of the public scoping meeting, shall provide that written comments will be accepted by the lead agency through the tenth day following such meeting, and shall set forth guidelines for public participation in such meeting.

(c) *Agency Notice and Comment.* Upon issuance of the draft scope and not less than thirty nor more than forty-five days prior to the holding of the public scoping meeting, the lead agency shall [circulate] transmit the draft scope and the environmental assessment statement to all interested and involved agencies (including the City Council where it is interested or involved), to the applicant, to the OEC and to agencies entitled to send representatives to the public scoping meeting pursuant to § 197-c(d) or 668(a)(7) of the Charter. Together with the draft scope and the environmental assessment statement, a letter shall be [circulated] transmitted indicating the date, time and place of the public scoping meeting, and stating that comments will be accepted by the lead agency through the tenth day following such meeting. The lead agency may consult with other agencies regarding their comments, and shall forward any written comments received pursuant to this subdivision to the OEC.

(d) *Public Scoping Meeting.* The lead agency shall chair the public scoping meeting. In addition to the lead agency, all other interested and involved agencies that choose to send representatives (including the City Council where it is interested or involved), the applicant, the OEC, and agencies entitled to send representatives pursuant to § 197-c(d) or 668(a)(7) of the Charter may participate. The meeting shall include an opportunity for the public to observe discussion among interested and involved agencies, agencies entitled to send representatives, the applicant and the OEC. Reasonable time shall be provided for the public to comment with respect to the identification of issues to be addressed in the draft environmental impact statement. The OEC shall assist the lead agency in ensuring that the public scoping meeting is conducted in an effective manner.

(e) *Final Scope.* Within thirty days after the public scoping meeting, the lead agency shall issue a final scope, which may be prepared by the applicant and approved by the lead agency. The lead agency may consult further with the OEC and other agencies prior to issuance of the final scope. Where a lead agency receives substantial new information after issuance of a final scope, it may amend the final scope to reflect such information.

(f) *Scoping of City Agency Actions.* For actions which do not involve private applications, nothing contained in these rules shall be construed to prevent a lead agency, where deemed necessary for complex actions, from extending the time frames for scoping set forth in this section, or from adding additional elements to the scoping process.

§ 5-08 Applications and Fees.

(a) *Applications.* Applications submitted for City Environmental Quality Review for actions that require such review shall be submitted to the lead agency prescribed by these rules, or to an agency that could be the lead agency for the particular action pursuant to § 5-03 of these rules. Such applications shall include information required to be obtained from applicants in order for the lead agency to complete or cause to be completed the standardized environmental assessment statement, and such other documents and additional information as the lead agency may require to make a determination of significance. In addition, except as otherwise provided in these rules, such applications shall conform to the requirements of Executive Order 91. [Applicants shall file twenty-five copies of each application.]

(b) *Fees.* Except as otherwise provided by this section, fees in effect on the effective date of these rules pursuant to Executive Order 91 and codified as § 3-02 of these rules shall continue to govern City Environmental Quality Review applications, unless the City Planning Commission shall by rule modify such fees. Such fees shall be

submitted to the lead agency prescribed by these rules, or to an agency that could be the lead agency for the particular action pursuant to § 5-03 of these rules [and shall be in the form of a check or money order made out to the "City of New York"].

* * *

APPENDIX A TO CHAPTER 5 CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (EXECUTIVE ORDER NO. 91 OF 1977, AS AMENDED);

§ 6-01; **Applicability.** (*Except as modified by City Planning Rules, § 5-02(a) and (d).*); No final decision to carry out or approve any action which may have a significant effect on the environment shall be made by any agency until there has been full compliance with the provisions of this chapter.

§ 6-02; **Definitions.** (*Additional definitions, City Planning Rules § 5-02(c).*); As used herein, the following terms shall have the indicated meanings unless noted otherwise: **Action.** (*Modified by City Planning Rules § 5-02(c)(2).*); "Action" means any activity of an agency, other than an exempt action enumerated in § 6-04 of this chapter, including but not limited to the following:

(1) non-ministerial decisions on physical activities such as construction or other activities which change the use or appearance of any natural resource or structure;

(2) non-ministerial decisions on funding activities such as the proposing, approval or disapproval of contracts, grants, subsidies, loans, tax abatements or exemptions or other forms of direct or indirect financial assistance, other than expense budget funding activities;

(3) planning activities such as site selection for other activities and the proposing, approval or disapproval of master or long range plans, zoning or other land use maps, ordinances or regulations, development plans or other plans designed to provide a program for future activities;

(4) policy making activities such as the making, modification or establishment of rules, regulations, procedures, policies and guidelines;

(5) non-ministerial decisions on licensing activities, such as the proposing, approval or disapproval of a lease, permit, license, certificate or other entitlement for use or permission to act.

Agency. (*Inapplicable. See City Planning Rules § 5-02(a), § 5-02(c)(3) (i).*); "Agency" means any agency, administration, department, board, commission, council, governing body or any other governmental entity of the City of New York, unless otherwise specifically referred to as a State or Federal agency.

Applicant. "Applicant" means any person required to file an application pursuant to this chapter.

Conditional negative declaration. "Conditional negative declaration" means a written statement prepared by the lead agencies after conducting an environmental analysis of an action and accepted by the applicant in writing, which announces that the lead agencies have determined that the action will not have a significant effect on the environment if the action is modified in accordance with conditions or alternative designed to avoid adverse environmental impacts.

DEC. "DEC" means the New York State Department of Environmental Conservation.

Environment. "Environment" means the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution or growth, and existing community or neighborhood character.

Environmental analysis. "Environmental analysis" means the lead agencies' evaluation of the short and long term, primary and secondary environmental effects of an action, with particular attention to the same areas of environmental impacts as would be contained in an EIS. It is the means by which the lead agencies determine whether an action under consideration may or will not have a significant effect on the environment.

Environmental assessment form. (*Retitled Environmental Assessment Statement; see City Planning Rules § 5-04(c)(3).*);

"Environmental assessment form" means a written form completed by the lead agencies, designed to assist their evaluation of actions to determine whether an action under consideration may or will not have a significant effect on the environment.

Environmental impact statement (EIS). "Environmental impact statement (EIS)" means any written document prepared in accordance with §§ 6-08, 6-10, 6-12 and 6-13 of this chapter. An EIS may either be in a draft or a final form.

Environmental report. "Environmental report" means a report to be submitted to the lead agencies by a non-agency applicant when the lead agencies prepare or cause to be prepared a draft EIS for an action involving such an applicant. An environmental report shall contain an analysis of the environmental factors specified in § 6-10 of this chapter as they relate to the applicant's proposed action and such other information as may be necessary for compliance with this chapter, including the preparation of an EIS.

Lead agencies. (*Inapplicable, City Planning Rules § 5-02(a). Superseded by City Planning Rules § 5-02(b)(1) and § 5-02(c)(3)(vi); also see City Planning Rules § 5-03 for choice of lead agency.*);

Ministerial action. "Ministerial action" means an action performed upon a given state of facts in a prescribed manner imposed by law

without the exercise of any judgment or discretion as to the propriety of the action, although such law may require, in some degree, a construction of its language or intent.

Negative declaration. "Negative declaration" means a written statement prepared by the lead agencies after conducting an environmental analysis of an action which announces that the lead agencies have determined that the action will not have a significant effect on the environment.

Notice of determination. (See also *City Planning Rules § 5-02(c)(3)(iii)*.); "Notice of determination" means a written statement prepared by the lead agencies after conducting an environmental analysis of an action which announces that the lead agencies have determined that the action may have a significant effect on the environment, thus requiring the preparation of an EIS.

NYCRR. (See also *City Planning Rules § 5-02(c)(3)(viii)*.); "NYCRR" means the New York Code of Rules and Regulations.

Person. "Person" means an agency, individual, corporation, governmental entity, partnership, association, trustee or other legal entity.

Project data statement. (Inapplicable, *City Planning Rules § 5-02(a)*. Superseded by *Environmental Assessment Statement*, see *City Planning Rules § 5-04(c)(3)*. See also *City Planning Rules § 5-05(b)(1)* and *§ 5-08(a)*.);

SEQRA. "SEQRA" means the State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law).

Typically associated environmental effect. "Typically associated environmental effect" means changes in one or more natural resources which usually occur because of impacts on other such resources as a result of natural interrelationships or cycles.

ULURP. "ULURP" means the Uniform Land Use Review Procedure (§ 197-c of Chapter 8 of the New York City Charter).

§ 6-03; Actions Involving Federal or State Participation. (a) (See also *City Planning Rules § 5-04(e)*); If an action under consideration by an agency may involve a "major federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969," then the following procedures shall apply:

(1) in the case of an action for which there has been duly prepared both a draft EIS and a final EIS, no agency shall have an obligation to prepare an EIS or to make findings pursuant to § 6-12 of this chapter.

(2) in the case of an action for which there has been prepared a Negative Declaration or other written threshold determination that the action will not require a federal impact statement under the National Environmental Policy Act of 1969, the lead agencies shall determine whether or not the action may have a significant effect on the environment pursuant to this chapter, and the action shall be fully subject to the same.

(b) (Inapplicable, *City Planning Rules § 5-02(a)*. Entire subdivision (b) superseded by *City Planning Rules § 5-03(j)*.); and *§ 5-04(d)*.); **§ 6-04† Exempt Actions.** (See also *City Planning Rules § 5-02(d)*.); The following actions shall not be subject to the provisions of this chapter:

(a) projects or activities classified as Type I pursuant to § 6-15 of this chapter directly undertaken or funded by an agency prior to June 1, 1977 except that if such action is sought to be modified after June 1, 1977, which modification may have a significant adverse effect on the environment, then such modification shall be an action fully subject to the requirements of this chapter;

(1) such actions include, but are not limited to, those actions defined in § 6-02 "Action" (1), (2), (3) and (4) of this chapter;

(2) an action shall be deemed to be undertaken at the point that:

(i) the agency is irreversibly bound or committed to the ultimate completion of a specifically designed activity or project; or

(ii) in the case of construction activities, a contract for substantial construction has been entered into or if a continuous program of on-site construction or modification has been engaged in; or

(iii) the agency gives final approval for the issuance to an applicant of a discretionary contract, grant, subsidy, loan or other form of financial assistance; or

(iv) in the case of an action involving federal or state participation, a draft EIS has been prepared pursuant to the National Environmental Policy Act of 1969 or SEQRA, respectively.

(b) projects or activities classified as Type I pursuant to § 6-15 of this chapter approved by an agency prior to September 1, 1977 except that if such action is sought to be modified after September 1, 1977, which modification may have a significant adverse effect on the environment, then such modification shall be an action fully subject to the requirements of this chapter;

(1) such actions include, but are not limited to, those actions defined in § 6-02 "Action" (2) and (5) of this chapter;

(2) an action shall be deemed to be approved at the point that:

(i) the agency gives final approval for the issuance to an applicant of a discretionary contract, grant, subsidy, loan or other form of financial assistance; or

(ii) the agency gives final approval for the issuance to an applicant of a discretionary lease, permit, license, certificate or other entitlement for use or permission to act; or

(iii) in the case of an action involving federal or state participation, a draft EIS has been prepared pursuant to the National

Environmental Policy Act of 1969 or SEQRA, respectively.

(c) projects or activities not otherwise classified as Type I pursuant to § 6-15 of this chapter directly undertaken, funded or approved by an agency prior to November 1, 1978 except that if such action is sought to be modified after November 1, 1978, which modification may have a significant adverse effect on the environment, then such modification shall be an action fully subject to the requirements of this chapter;

(1) such actions include, but are not limited to, those actions defined in § 6-02 "Action" of this chapter;

(2) an action shall be deemed to be undertaken as provided in paragraphs (a)(2) and (b)(2) of this section, as applicable.

(d) enforcement or criminal proceedings or the exercise of prosecutorial discretion in determining whether or not to institute such proceedings;

(e) (See *City Planning Rules § 5-02(d)*.); ministerial actions, which shall appear on a list compiled, certified and made available for public inspection by the lead agencies, except as provided in § 6-15(a), Type I, of this chapter, relating to critical areas and historic resources;

(f) maintenance or repair involving no substantial changes in existing structures or facilities;

(g) actions subject to the provisions requiring a certificate of environmental compatibility and public need in Article 7 and 8 of the Public Service Law;

(h) actions which are immediately necessary on a limited emergency basis for the protection or preservation of life, health, property or natural resources; and

(i) actions of the Legislature of the State of New York or of any court.

§ 6-05; Determination of Significant Effect – Applications.

(a) (Inapplicable, *City Planning Rules § 5-02(a)*. Superseded by *City Planning Rules § 5-05(a)*. See also *City Planning Rules § 5-02(b)(2)* and *§ 5-02(d)*.);

(b) (Introductory paragraph inapplicable, *City Planning Rules § 5-02(a)*. Paragraph (b) superseded by *City Planning Rules § 5-08*.); The applicant initiating the proposed action, other than an exempt or Type II action pursuant to § 6-04 of this chapter, shall file an application with the lead agencies, which application shall include a Project Data Statement and such other documents and additional information as the lead agencies may require to conduct an environmental analysis to determine whether the action may or will not have a significant effect on the environment. Where possible existing City applications shall be modified to incorporate this procedure and a one-stop review process developed;

(1) within 20 calendar days of receipt of a determination pursuant to § 6-03(b) of this chapter, if applicable, the lead agencies shall notify the applicant, in writing, whether the application is complete or whether additional information is required;

(2) (Determination pursuant to § 5-03(b) deemed to refer to lead agency selection pursuant to *City Planning Rules § 5-03*. See *City Planning Rules § 5-02(b)(3)*.); when all required information has been received, the lead agencies shall notify the applicant, in writing, that the application is complete.

(c) Each application shall include an identification of those agencies, including Federal or State agencies, which to the best knowledge of the applicant, have jurisdiction by law over the action or any portion thereof.

(d) Where appropriate, the application documents may include a concise statement or reasons why, in the judgment of the applicant, the proposed action is one which will not require the preparation of an EIS pursuant to this chapter.

(e) Initiating applicants shall consider the environmental impacts of proposed actions and alternatives at the earliest possible point in their planning processes, and shall develop wherever possible, measures to mitigate or avoid adverse environmental impacts. A statement discussing such considerations, alternatives and mitigating measures shall be included in the application documents.

(f) Nothing in this section shall be deemed to prohibit an applicant from submitting a preliminary application in the early stages of a project or activity for review and comment by the lead agencies.

§ 6-06 Determination of Significant Effect – Criteria. (a) An action may have a significant effect on the environment if it can reasonably be expected to lead to one of the following consequences:

(1) a substantial adverse change to ambient air or water quality or noise levels or in solid waste production, drainage, erosion or flooding;

(2) the removal or destruction of large quantities of vegetation or fauna, the substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on critical habitat areas, or the substantial affecting of a rare or endangered species of animal or plant or the habitat of such a species;

(3) the encouraging or attracting of a large number of people to a place or places for more than a few days relative to the number of people who would come to such a place absent the action;

(4) the creation of a material conflict with a community's existing plans or goals as officially approved or adopted;

(5) the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources (including the demolition or alteration of a structure which is eligible for inclusion in an official inventory of such resources), or of existing community or neighborhood character;

- (6) a major change in the use of either the quantity or type of energy;
- (7) the creation of a hazard to human health or safety;
- (8) a substantial change in the use or intensity of use of land or other natural resources or in their capacity to support existing uses, except where such a change has been included, referred to, or implicit in a broad "programmatic" EIS prepared pursuant to § 6-13 of this chapter.
- (9) the creation of a material demand for other actions which would result in one of the above consequences;
- (10) changes in two or more elements of the environment, no one of which is substantial, but taken together result in a material change to the environment.
- (b) *(Reference to § 6-15 Type II list, deemed to be State Type II list of 6 NYCRR Part 617.13. See City Planning Rules § 5-02(b)(2).)*; For the purpose of determining whether an action will cause one of the foregoing consequences, the action shall be deemed to include other contemporaneous or subsequent actions which are included in any long-range comprehensive integrated plan of which the action under consideration is a part, which are likely to be undertaken as a result thereof, or which are dependent thereon. The significance of a likely consequence (i.e. where it is material, substantial, large, important, etc.) should be assessed in connection with its setting, its probability of occurring, its duration, its irreversibility, its controllability, its geographic scope and its magnitude (i.e. degree of change or its absolute size). Section 6-15 of this chapter refers to lists of actions which are likely to have a significant effect on the environment and contains lists of actions found not to have a significant effect on the environment.
- § 6-07; Determination of Significant Effect – Notification.** (a) *(Error: Reference to § 6-05(a) should be to § 6-05(b).)* The lead agencies shall determine within 15 calendar days following notification of completion of the application pursuant to § 6-05(a) of this chapter whether the proposed action may have a significant effect on the environment;
- (1) *(Reference to § 6-15(b) Type II list, deemed to be State Type II list of 6 NYCRR Part 617.13. See City Planning Rules § 5-02(b)(2).)*; In making their determination, the lead agencies shall employ the Environmental Assessment Form, apply the criteria contained in § 6-06 and consider the lists of actions contained in § 6-15 of this chapter;
- (2) The lead agencies may consult with, and shall receive the cooperation of any other agency before making their determination pursuant to this subdivision (a).
- (b) The lead agencies shall provide written notification to the applicant immediately upon determination of whether the action may or will not have a significant effect on the environment. Such determination shall be in one of the following forms:
- (1) *Negative Declaration.* (*Reference to § 6-15, Type II list, deemed to be State Type II list of 6 NYCRR Part 617.13 See Rules § 5-02(b)(2).*); If the lead agencies determine that the proposed action is not an exempt action or a Type II action pursuant to §§ 6-04 and 6-15 of this chapter, respectively, and that the action will not have a significant effect on the environment, they shall issue a Negative Declaration which shall contain the following information:
- an action identifying number;
 - a brief description of the action;
 - the proposed location of the action;
 - a statement that the lead agencies have determined that the action will not have a significant effect on the environment;
 - a statement setting forth the reasons supporting the lead agencies' determination.
- (2) *Conditional Negative Declaration.* (*Reference to § 6-15, Type II list, deemed to be State Type II list of 6 NYCRR Part 617.13. See City Planning Rules § 5-02(b)(2).*); If the lead agencies determine that the proposed action is not an exempt action or a Type II action pursuant to §§ 6-04 and 6-15 of this chapter, respectively, and that the action will not have a significant effect on the environment if the applicant modifies its proposed action in accordance with conditions or alternatives designed to avoid adverse environmental impacts, they shall issue a Conditional Negative Declaration which shall contain the following information (in addition to the information required for a Negative Declaration pursuant to paragraph (1) of this subdivision):
- a list of conditions, modifications or alternatives to the proposed action which supports the determination;
 - the signature of the applicant or its authorized representative, accepting the conditions, modifications or alternatives to the proposed action;
 - a statement that if such conditions, modifications or alternatives are not fully incorporated into the proposed action, such Conditional Negative Declaration shall become null and void. In such event, a Notice of Determination shall be immediately issued pursuant to paragraph (3) of this subdivision.
- (3) *Notice of Determination.* (*Reference to § 6-15 Type II list, deemed to be State Type II list of 6 NYCRR Part 617.13. See City Planning Rules § 5-02(b)(2).*); If the lead agencies determine that the proposed action is not an exempt action or a Type II action pursuant to §§ 6-04 and 6-15 of this chapter, respectively, and that the action may have a significant effect on the environment, they shall issue a Notice of Determination which shall contain the following information:
- an action description number;
 - a brief description of the action;

- the proposed location of the action;
 - a brief description of the possible significant effects on the environment of the action;
 - a request that the applicant prepare or cause to be prepared, at its option, a draft EIS in accordance with §§ 6-08 and 6-12 of this chapter.
- (c) *(See additional circulation provisions, City Planning Rules § 5-06(b) and § 5-06(c). City Clerk function transferred to Office of Environ. Coord., City Planning Rules § 5-02(b)(4).)*; The lead agencies shall make available for public inspection the Negative Declaration, Conditional Negative Declaration or the Notice of Determination [, as the case may be,] and [circulate copies of] transmit the same to the applicant, the regional director of the DEC, the commissioner of DEC, the appropriate Community Planning Board(s), the City Clerk, and all other agencies, including Federal and State agencies, which may be involved in the proposed action.
- § 6-08 Draft Environmental Impact Statements – Responsibility for Preparation.** (a) *Non-agency applicants.*
- (1) *(Rules add formal scoping, City Planning Rules § 5-07. Interested and involved agencies assist with DEIS on request. See City Planning Rules § 5-05(b)(2).)*; After receipt of a Notice of Determination pursuant to § 6-07(c)(3) of this chapter, a non-agency applicant shall notify the lead agencies in writing as to whether it will exercise its option to prepare or cause to be prepared a draft EIS, and as to whom it has designated to prepare the draft EIS, provided that no person so designated shall have an investment or employment interest in the ultimate realization of the proposed action;
- (2) *(See also City Planning Rules § 5-05(b)(3) for requirements of lead consultation on mitigations.)*; the lead agencies may prepare or cause to be prepared a draft EIS for an action involving a non-agency applicant. In such event, the applicant shall provide, upon request, an environmental report to assist the lead agencies in preparing or causing to be prepared the draft EIS and such other information as may be necessary. All agencies shall fully cooperate with the lead agencies in all matters relating to the preparation of the draft EIS.
- (3) if the non-agency applicant does not exercise its option to prepare or cause to be prepared a draft EIS, and the lead agencies do not prepare or cause to be prepared such draft EIS, then the proposed action and review thereof shall terminate.
- (b) *Agency applicants.*
- (1) When an action which may have a significant effect on the environment is initiated by an agency, the initiating agency shall be directly responsible for the preparation of a draft EIS. However, preparation of the draft EIS may be coordinated through the lead agencies.
- (2) (*See City Planning Rules § 5-05(b)(3) for requirements of lead consultation on mitigations.*); All agencies, whether or not they may be involved in the proposed action, shall fully cooperate with the lead agencies and the applicant agency in all matters relating to the coordination of the preparation of the draft EIS.
- (c) Notwithstanding the provisions contained in subdivisions (a) and (b) of this section, when a draft EIS is prepared, the lead agencies shall make their own independent judgment of the scope, contents and adequacy of such draft EIS.
- § 6-09 Environmental Impact Statements – Content.** (a) *(Lead to be guided by technical standards and methodologies developed by Office of Environ. Coord., City Planning Rules § 5-04(c).)*; Environmental impact statements should be clearly written in a brief and concise manner capable of being read and understood by the public. Within the framework presented in subdivision (d) of this section, such statements should deal only with the specific significant environmental impacts which can be reasonably anticipated. They should not contain more detail than is appropriate considering the nature and magnitude of the proposed action and the significance of its potential impacts.
- (b) All draft and final EIS's shall [be preceded by] include a cover [sheet] page stating:
- whether it is a draft or a final;
 - the name or other descriptive title of the action;
 - the location of the action;
 - the name and address of the lead agencies and the name and telephone number of a person at the lead agencies to be contacted for further information;
 - identification of individuals or organizations which prepared any portion of the statement; and
 - the date of its completion.
- (c) If a draft or final EIS exceeds ten pages in length, it shall have a table of contents[,] following the cover [sheet] page.
- (d) The body of all draft and final EIS's shall contain at least the following:
- a description of the proposed action and its environmental setting;
 - a statement of the environmental impacts of the proposed action, including its short-term and long-term effects, and typically associated environmental effects;
 - an identification of any adverse environmental effects which cannot be avoided if the proposed action is implemented;
 - a discussion of the social and economic impacts of the proposed action;
 - a discussion of alternatives to the proposed action and the comparable impacts and effects of such alternatives;

(6) an identification of any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(7) a description of mitigation measures proposed to minimize adverse environmental impacts;

(8) a description of any growth-inducing aspects of the proposed action, where applicable and significant;

(9) a discussion of the effects of the proposed action on the use and conservation of energy, where applicable and significant;

(10) a list of underlying studies, reports or other information obtained and considered in preparing the statement; and

(11) (for the final EIS only) copies or a summary of the substantive comments received in response to the draft EIS and the applicant's response to such comments.

(e) An EIS may incorporate by reference all or portions of other documents which contain information relevant to the statement. The referenced documents shall be made available to the public in the same places where copies of the statement are made available. When a statement uses incorporation by reference, the referenced document shall be briefly described and its date of preparation provided.

§ 6-10 Draft Environmental Impact Statements – Procedures.

(a) *Notice of Completion.* Upon the satisfactory completion of a draft EIS, the lead agencies shall immediately prepare, file and make available for public inspection a Notice of Completion as provided in paragraphs (1), (2) and (3) of this subdivision. Where a proposed action is simultaneously subject to the Uniform Land Use Review Procedure ("ULURP"), the City Planning Commission shall not certify an application pursuant to ULURP until a Notice of Completion has been filed as provided in paragraph (3) of this subdivision.

(1) *Contents of Notice of Completion.* All Notices of Completion shall contain the following:

- (i) an action identifying number;
- (ii) a brief description of the action;
- (iii) the location of the action and its potential impacts and effects; and

(iv) a statement that comments on the draft EIS are requested and will be received and considered by the lead agencies at their offices. The Notice shall specify the public review and comment period on the draft EIS, which shall be for not less than 30 calendar days from the date of filing and circulation of the notice, or not less than 10 calendar days following the close of a public hearing on the draft EIS, whichever last occurs.

(2) [Circulating] *Transmission, Notice of Completion.* All Notices of Completion shall be [circulated] *transmitted* to the following:

- (i) all other agencies, including federal and state agencies, involved in the proposed action;
- (ii) all persons who have requested it;
- (iii) the editor of the State Bulletin;
- (iv) the State clearinghouse;
- (v) the appropriate regional clearinghouse designated under the Federal Office of Management and Budget Circular A-95.

(3) *Filing Notice of Completion.* All Notices of Completion shall be filed with and made available for public inspection by the following:

- (i) the Commissioner of DEC;
- (ii) the regional director of DEC;
- (iii) the agency applicant, where applicable;
- (iv) the appropriate Community Planning Board(s);
- (v) the City Clerk;
- (vi) the lead agencies.

(b) *Filing and availability of draft EIS.* (*City clerk function transferred to OEC, City Planning Rules § 5-02(b)(4).*) All draft EIS's shall be filed with and made available for public inspection by the same persons and agencies with whom Notices of Completion must be filed pursuant to Paragraph (a)(3) of this section.

(c) *Public hearings on draft EIS.*

(1) Upon completion of a draft EIS, the lead agencies shall conduct a public hearing on the draft EIS.

(2) The hearing shall commence no less than 15 calendar days or more than 60 calendar days after the filing of a draft EIS pursuant to subdivision (b) of this section, except where a different hearing date is required as appropriate under another law or regulation.

(3) Notice of the public hearing may be contained in the Notice of Completion or, if not so contained, shall be given in the same manner in which the Notice of Completion is [circulated] *transmitted* and filed pursuant to subdivision (a) of this section. In either case, the notice of hearing shall also be published at least 10 calendar days in advance of the public hearing in a newspaper of general circulation in the area of the potential impact and effect of the proposed action.

(4) Where a proposed action is simultaneously subject to ULURP, a public hearing conducted by the appropriate community or borough board and/or the City Planning Commission pursuant to ULURP shall satisfy the hearing requirement of this section. Where more than one hearing is conducted by the aforementioned bodies, whichever hearing last occurs shall be deemed the hearing for purposes of this chapter.

§ 6-11 Final Environmental Impact Statements – Procedures.

(a) (*Interested and involved agencies assist with FEIS on request, City Planning Rules § 5-05(b)(2).*) Except as provided in paragraph (1) of this subdivision, the lead agencies shall prepare or cause to be prepared a final EIS within 30 calendar days after the close of a public hearing.

(1) If the proposed action has been withdrawn or if, on the basis of

the draft EIS and the hearing, the lead agencies have determined that the action will not have a significant effect on the environment, no final EIS shall be prepared. In such cases, the lead agencies shall prepare, file and [circulate] *transmit* a Negative Declaration as prescribed in § 6-07 of this chapter.

(2) The final EIS shall reflect a revision and updating of the matters contained in the draft EIS in light of further review by the lead agencies, comments received and the record of the public hearing.

(b) Immediately upon the completion of a final EIS, the lead agencies shall prepare, file, [circulate] *transmit* and make available for public inspection a Notice of Completion of a final EIS in a manner specified in § 6-11(a) of this chapter, provided, however, that the Notice shall not contain the statement described in subparagraph (a)(1)(iv) of such section.

(c) Immediately upon completion of a final EIS, [copies] *it* shall be filed and made available for public inspection in the same manner as the draft EIS pursuant to § 6-11(b) of this chapter.

§ 6-12 *Agency Decision Making.* (a) No final decision to carry out or approve an action which may have a significant effect on the environment shall be made until after the filing and consideration of a final EIS.

(1) (*Inapplicable, City Planning Rules, § 5-02(a).*);

(2) (*Inapplicable, City Planning Rules, § 5-02(a).*);

(b) When an agency decides to carry out or approve an action which may have a significant effect on the environment, it shall make the following findings in a written decision:

(1) consistent with social, economic and other essential considerations of state and city policy, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects to the maximum extent possible, including the effects disclosed in the relevant environmental impact statement;

(2) consistent with social, economic and other essential considerations of state and city policy, all practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects.

(c) For public information purposes, [a copy of] the Decision shall be filed in the same manner as the draft EIS pursuant to § 6-11(b) of this chapter.

§ 6-13 *Programmatic Environmental Impact Statements.* (a) Whenever possible, agencies shall identify programs or categories of actions, particularly projects or plans which are wide in scope or implemented over a long time frame, which would most appropriately serve as the subject of a single EIS. Broad program statements, master or area wide statements, or statements for comprehensive plans are often appropriate to assess the environmental effects of the following:

- (1) a number of separate actions in a given geographic area;
- (2) a chain of contemplated actions;
- (3) separate actions having generic or common impacts;
- (4) programs or plans having wide application or restricting the range of future alternative policies or projects.

(b) No further EIS's need be prepared for actions which are included in a programmatic EIS prepared pursuant to Subdivision (a) of this section. However:

- (1) a programmatic EIS shall be amended or supplemented to reflect impacts which are not addressed or adequately analyzed in the EIS as originally prepared; and
- (2) actions which significantly modify a plan or program which has been the subject of an EIS shall require a supplementary EIS;
- (3) programmatic EIS's requiring amendment and actions requiring supplementary EIS's pursuant to this section shall be processed in full compliance with the requirements of this chapter.

§ 6-14 *Rules and Regulations.* (*Inapplicable, City Planning Rules § 5-02(a).*);

§ 6-15 *Lists of Actions.* (a) *Type I.* (*See City Planning Rules § 5-02(d).*) Type I actions enumerated in § 617.12 of 6 NYCRR 617 are likely to, but will not necessarily, require the preparation of an EIS because they will in almost every instance significantly affect the environment. However, ministerial actions never require the preparation of an EIS except where such actions may directly affect a critical area or an historic resource enumerated in Paragraphs (22) and (23), respectively, of Subdivision (a) of § 617.12. In addition, for the purpose of defining Paragraph (2) of said subdivision and section, the following thresholds shall apply:

- (1) relating to public institutions:
 - (i) new correction or detention centers with an inmate capacity of at least 200 inmates;
 - (ii) new sanitation facilities, including:
 - (A) incinerators of at least 250 tons per day capacity;
 - (B) garages with a capacity of more than 50 vehicles;
 - (C) marine transfer stations;
 - (iii) new hospital or health related facilities containing at least 100,000 sq. ft. of floor area;
 - (iv) new schools with seating capacity of at least 1,500 seats;
 - (v) any new community or public facility not otherwise specified herein, containing at least 100,000 sq. ft. of floor area, or the expansion of an existing facility by more than 50 percent of size or capacity, where the total size of an expanded facility exceeds 100,000 sq. ft. of floor area.

(2) relating to major office centers: any new office structure which has a minimum of 200,000 sq. ft. of floor area and exceeds permitted floor area under existing zoning by more than 20 percent, or the expansion of an existing facility by more than 50 percent of floor area, where the total size of an expanded facility exceeds 240,000 sq. ft. of floor area.

(b) *Type II.*

(1) (See *City Planning Rules § 5-02(d).*); Type II actions will never require the preparation of an EIS because they are determined not to have a significant effect on the environment, except where such actions may directly affect a critical area or an historic resource enumerated in paragraphs (22) and (23), respectively, of subdivision (a) of § 617.12 of 6 NYCRR 617.

(2) (*Inapplicable. Replaced by State Type II list 6 NYCRR Part 617.13. See City Planning Rules § 5-02(a) and § 5-02(b)(2).*);

Chapter 6: Rules For the Processing of Plans Pursuant To Charter Section 197-a

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§ 6-02 Plan Submission.

(a) *Notification of Intent.* To assist the Department in anticipating the need for technical assistance for the preparation of plans in the efficient scheduling of their review, the sponsor of a plan shall notify the Department of its intent to prepare and submit a plan. This notice shall be given not less than ninety (90) days prior to the submission of a proposed plan. Periodically, the Department shall report to the Commission on the notices received and on the progress of 197-a plans underway.

(b) *Submission.* [Thirty (30) copies of a] All proposed plans shall be submitted to the Department of City Planning[,] through its website or at [Intake Office, 22 Reade Street] 120 Broadway, 31st Floor, New York, NY 10271 [007]. If a plan has been initiated by a community board, borough board or Borough President, this initial submission shall include a summary record of the public hearing held by the board or Borough President. The submission shall also include the name(s) and address(es) of the person(s) designated by the sponsor to be its representative(s) in any discussions of the plan.

§ 6-03 Threshold Review and Determination.

(a) *Department Review.* Each proposed plan shall be reviewed by the Department staff who shall report to the Commission not later than 90 days after the plan's submission as to whether the plan appears to meet the standards for form and content and for consistency with sound planning, as set forth in § 6-04 of these rules. Prior to making the report, the staff shall inform the sponsor of all deficiencies with respect to form and content and any changes, additions or deletions which, in the opinion of the staff, may correct such deficiencies. The sponsor may, thereupon, indicate its willingness to make such changes, additions or deletions in which case the Department will defer its report to the Commission until the changes have been made. The sponsor may, instead, request that the plan be presented without change to the Commission for its threshold findings of form and content and sound planning policy. At the time of any Department report on a proposed plan, the Commission may receive a similar report from representatives of the sponsor.

(b) *City Planning Commission Determination.* Within 30 days after its presentation by the Department staff, the Commission shall determine, when required by the Charter and in accordance with the standards set forth in § 6-04 of these rules, whether the proposed plan is of appropriate form and sufficient content, and whether it is in accordance with sound planning policy. If the Commission has determined that a proposed plan does not meet the standards for form or content or for sound planning policy, it shall direct the plan back to the sponsor with a statement explaining its deficiencies. When the Commission has determined that a proposed plan is of appropriate form and content and is in accordance with sound planning policy, it shall direct the Department to undertake the necessary environmental review if the plan has been sponsored by a community board in accordance with Article 5 of these rules. If the plan has been sponsored by an agency other than a community board the Commission shall determine whether a Type II declaration, a negative declaration, or a notice of completion of a draft EIS has been issued, and if so, it shall direct the Department to distribute the plan in accordance with § 6-06 of these rules.

(c) *Coordination of Plan Review.* The Commission may determine that, despite its finding of appropriate form and content and sound planning policy, a proposed plan should not immediately proceed because there are other planning efforts, ULURP reviews or environmental studies underway which should be coordinated with the plan. In such a case, the Commission may direct the Department to work with the sponsor and any other interested agencies in developing an appropriate timetable and strategy for the plan, and to report back to the Commission.

(d) *Progress Report.* When 180 days has elapsed following a threshold determination pursuant to Subdivision (b), if a proposed plan has not been distributed for review either because the environmental review remains incomplete, or because the plan has been delayed pursuant to Subdivision (c), the sponsoring agency may make a written request to the Commission to expedite the plan's distribution. The Commission shall direct the Department to report in writing within a fixed period of time the progress of the plan, including any outstanding

aspects of the environmental review, or any continuing problems of coordination delaying its review. Upon receipt of the report, the Commission may direct the Department to complete the review within a reasonable period of time.

* * *

§ 6-06 Plan Distribution and Review.

(a) *Plan Distribution.* When pursuant to § 6-03(b) of these rules, the Commission directs the Department to distribute a proposed plan, the Department shall transmit [copies of] the plan simultaneously to all affected community boards, Borough Presidents and borough boards, as defined in Charter §§ 196 and 197-a(c). The Commission may also direct its distribution to other agencies whose interests may be affected including neighboring community boards and Borough Presidents, and any city and state agency with jurisdiction over elements of the plan.

(b) *Community Board Review.* Each community board which has received from the Department of City Planning a proposed plan affecting land in its district shall conduct a public hearing on the plan except when a single borough-wide hearing is to be held on a borough plan. Notice of the public hearing shall be given and the hearing conducted in accordance with the ULURP rules for community board public hearings. Subsequent to the public hearing and within a period of sixty (60) days following its receipt of the plan, the community board shall transmit its written recommendation to the City Planning Commission with copies to the Borough President, City Council and the sponsor. The Community board which is the sponsor of a plan and which held a hearing on it prior to filing with the Department, need not hold a second hearing.

(c) *Borough president review.* The Borough President shall have one hundred twenty (120) days following the receipt of a proposed plan in which to review the plan and submit written recommendation to the City Planning Commission with copies to the City Council and sponsor. The Borough President may choose to conduct a public hearing on the plan.

(d) *Borough board review.* Each borough board which has received from the Department of City Planning a proposed plan affecting land in two or more community districts in its borough shall conduct a public hearing on the plan. Such public hearing shall take place and the report of the borough board shall be transmitted within one hundred twenty (120) days following its receipt of the plan. In the case of a plan affecting the entire borough, a single borough-wide public hearing may be held in lieu of separate hearings by the community boards. Notice of the public hearing shall be given and the hearing conducted in accordance with the ULURP rules governing borough board hearings. The borough board shall transmit its written recommendation to the City Planning Commission with copies to the City Council and the sponsor.

(e) *Request for review.* Any community board or borough board may make a written request to the Department to receive and review [a copy of] a proposed plan which does not involve land within its district or borough. In its request the Community board or borough board shall state the reason why the plan significantly affects the welfare of its district or borough. Upon receipt of the plan, the community board or borough board may conduct a public hearing and may make any recommendation to the City Planning Commission with copies to the City Council and sponsor. When it transmits such a plan, the Department shall notify the community board or borough board of the remaining time period during which it may review and comment on the plan.

(f) *Other requests.* A borough president may make a written request to the Department to receive and review [a copy of] a proposed plan for a district or area outside the borough. Any other interested party may similarly request a copy. Such request may be made to either the Department or the sponsor.

* * *

§ 6-09 Filing, Review and Revision.

(a) *Filing.* Upon final adoption of a plan by the City Council, the plan shall be filed and indexed by the Calendar Officer of the Department. The Department shall make [copies of] the plan available for review by the public and shall transmit the plan to all affected agencies for their use.

(b) *Revision of Plans.* A plan may be periodically reviewed and revised by its sponsor or the Commission may initiate such review. Any such revision may be presented for adoption as an amendment to the plan in accordance with the procedures set forth in these rules.

(c) *Summary of Plans.* In each Zoning and Planning Report adopted pursuant to Charter § 192(b), the Commission shall include a summary of all 197-a plans adopted during the preceding four years.

* * *

Chapter 8: Rules For the Processing of Applications For Permitted Parking Pursuant To Section 93-82 of the Zoning Resolution

§ 8-01 Purpose.

These rules of procedure are established for the review of applications for certification to allow permitted parking pursuant to S[ection] 93-82 of the Zoning Resolution (ZR).

§ 8-02 Pre-Filing Process.

(a) *Pre-Filing Review.*

(i) The applicant shall submit for review a draft application [,

which draft application may be submitted electronically or in hard copy. Such draft application] which shall include zoning calculations for the site from which the number of permitted spaces for the site may be ascertained. Such draft applications shall be submitted to the Department of City Planning, [c/o] Director of the Department's Manhattan Office (hereinafter, "Director"). [, by mail to: New York City Department of City Planning, New York, NY 10007 or by email to: HYParking@planning.nyc.gov.] Upon receipt, the Director shall record the date and time of receipt. All applications shall be reviewed for completeness in order of receipt

(ii) The Department, acting by and through the Director, shall review each application for accuracy and completeness in order of receipt. The Director shall notify the applicant whether or not the application is complete and may be filed in accordance with the provisions of § 8-03, or whether the application is inaccurate or incomplete and requires revision. Such notification may be transmitted [mailed, faxed or emailed] to the applicant's representative, together with a specification of the portions of the application which are inaccurate or incomplete and require revision, if applicable.

(iii) The Director shall record the date and time of receipt of any revised draft application submitted in response to a notification provided under Subparagraph (ii). A revised draft application shall be reviewed for completeness in order of receipt and the applicant's representative shall be notified of the Director's determination, pursuant to the procedure set forth Subparagraph (ii) of this Section.

§ 8-03 Filing of Applications.

(a) *Filing.* Following notification pursuant to §8-02(a) (ii) that a draft application is complete, the applicant shall file [nine (9) copies of] the application pursuant to § 10-09. [at] with the Department of City Planning[, Intake Office, 22 Reade Street, New York, NY 10007]. Applications which have not been reviewed and determined to be complete pursuant to § 8-02 shall not be accepted for filing. Applications shall not be permitted to be filed unless the fee has been paid or is paid concurrently with the submission of the application [accompanied by the payment of all applicable fees] in accordance with § 3-07(e)(4). Applications accepted for filing in accordance herewith shall be stamped by the Department with the date and time of filing.

* * *

Chapter 9: Rules For the Processing of Applications For Certification To Allow A Limited Increase In Street Wall Width Pursuant To Section 132-51 of the Zoning Resolution

* * *

§ 9-02 Pre-Filing Process.

- (a) The applicant must submit for review a draft application [, either electronically or in hard copy. Such draft application] which must include material required by the Department of City Planning ("the Department") demonstrating the information and items set forth in ZR Section 132-51. Draft applications must be submitted to the specific division of the Department that is designated on the application form for receipt of an application filed pursuant to ZR Section 132-51, by submission to [delivery or by mail to:] the division so named on the application form at the [,] New York City Department of City Planning. [, 22 Reade Street, New York, NY 10007, or by email to: RetailEC@planning.nyc.gov.] Upon receipt, the Department will record the date and time of receipt.
- (b) The Department will review each draft application for accuracy and completeness in order of receipt. The Department will notify the applicant in order of receipt whether the draft application is complete and may be filed in accordance with the provisions of § 9-03 of this title, or whether the draft application is incomplete and requires revision. Such notification will be provided via the delivery method identified by the applicant on the application form [(email, fax, or mail)], and will include a specification of the portions of the application that are incorrect or incomplete and require revision, if applicable.
- (c) The Department will record the date and time of receipt of any revised draft application submitted in response to a notification provided under subdivision (b) of this section. A revised draft application will be reviewed for completeness and the applicant will be notified of the Department's further determination in order of receipt of the revised draft application. Such notification of the Department's further determination will be provided pursuant to the procedure set forth in subdivision (b) of this section.

§ 9-03 Filing of Applications.

Filing. Following notification pursuant to §9-02(b) or (c) of this title that a draft application is complete, the applicant must file [nine (9) copies of] the application pursuant to § 10-09. with [at] the Department of City Planning, [Central Intake Office, 22 Reade Street, New York, NY 10007]. Applications that have not been reviewed and determined to be complete pursuant to § 9-02 will not be accepted for filing. Applications [that are not accompanied by the payment of] shall only be accepted if all applicable fees in accordance with § 3-07(e)(4) of this title has been paid or is paid concurrently with the submission of

the application [will not be accepted for filing]. Applications accepted for filing in accordance with these rules will be stamped by the Department with the date and time of filing.

* * *

Chapter 10: Pre-application Process: Submission and Meeting Participation Requirements Prior To Filing A Land Use Application Or Application For Environmental Review

* * *

§ 10-04 Pre-Application Statement.

(a) Following the issuance of a Project ID number and notification pursuant to § 10-03(d) that the provisions of this section apply, an Applicant must submit a Pre-Application Statement ("PAS") to the Department. If an Applicant submits a PAS without a Project ID number pursuant to § 10-03(e), the Department must issue the Project ID number to such Applicant upon receipt of the PAS. A PAS consists of the PAS form and any accompanying materials required by the form. The PAS form is available on the Department's website or in hard copy from the Department. The completed PAS must be submitted [electronically, or in hard copy with the number of copies specified on the form] to the division or office of the Department indicated on the form.

(b) Within twenty (20) days of receiving an Applicant's PAS, the Department must provide the Applicant with a [return receipt by email if the Applicant provided an email address, or otherwise by email,] confirm[ing]ation of the receipt of the PAS, and:

(1) review the PAS to determine whether it has been submitted in the proper format and clearly and fully sets forth the information requested by the PAS form; and

(2) notify the Applicant that:

(i) the PAS is complete; or

(ii) additional or revised materials must be submitted to the Department. The Applicant must furnish any such additional or revised materials where the Department has made such a request. Within thirty (30) days of receiving such additional or revised materials, the Department must review such materials and notify the Applicant that the PAS is complete or that additional or revised materials must be submitted. The Department may continue requesting such materials in accordance with the procedures set forth in this paragraph until such time that the Department determines that the PAS is complete.

(3) upon notifying the Applicant that the PAS is complete, also notify the Applicant that:

(i) the Department will hold an ID Meeting pursuant to § 10-05, if the proposed project requires more than one division to review the land use application or application for environmental review material, and the divisions must coordinate their respective reviews to ensure that consistent and non-conflicting feedback is provided to Applicants; or

(ii) the Department will not hold an ID Meeting and the project is:

(A) classified as Type I or Unlisted, pursuant to SEQR, and subject to the procedures set forth in § 10-06; or

(B) classified as Type II, pursuant to SEQR, such that the procedures set forth in § 10-06 and § 10-08 do not apply. When providing notification pursuant to this paragraph, the Department must also notify the Applicant whether the Applicant is subject to the procedures set forth in § 10-07 or may directly proceed to file a land use application pursuant to § 10-09.

(c) If the Department fails to notify an Applicant pursuant to subdivision (b) of this section, the Applicant may proceed with filing a land use application as set forth in § 10-09 or an application for environmental review as set forth in § 10-10.

* * *

§ 10-06 Reasonable Worst Case Development Scenario (RWCDs).

(a) Following notification to an Applicant pursuant to § 10-04(b)(3)

(ii)(A) or § 10-05(b)(2)(i), as applicable, that the Applicant's project is classified as Type I or Unlisted, an Applicant proceeding with filing a land use application or application for environmental review must submit [electronically by email or a hard copy by mail,] a RWCDs Memorandum. The memorandum must be on a form provided by the Department that is available on the Department's website [or in hard copy from the Department]. The memorandum must set forth a description of, and the basis for, the RWCDs that may result from the land use actions that facilitate the proposed project. A RWCDs is a conservative projection of the development that may occur pursuant to a discretionary action and is used by the Department to make reasonable conclusions regarding a land use action's likely effects on the environment, consistent with the requirements of SEQR/CEQR and the guidance of the City's CEQR Technical Manual.

(b) Within ninety (90) days of receiving a RWCDs Memorandum, the Department must review the memorandum and:

(1) notify an Applicant that:

(i) the Department accepts the RWCDs Memorandum and the Applicant may proceed to submit, pursuant to the procedures set forth in § 10-08, a draft CEQR short/full form as provided by the Mayor's Office of Environmental Coordination; or

(ii) the Department requires further information or a RWCDs Meeting in order to review and clarify the assumptions underlying the RWCDs Memorandum. Where a RWCDs Meeting is required, the

Department must hold the meeting within thirty (30) days of notifying the Applicant that the Department requires a RWCDs Meeting, subject to the Applicant's availability. If the Applicant is not available within this period, the Department must hold the meeting as soon as practicable at a time at which both the Department and the Applicant are available. A RWCDs Meeting may be held in person, by telephone, or by other electronic means, including teleconference, as the Department deems appropriate. Within forty-five (45) days of receiving additional information or holding a RWCDs Meeting, the Department must notify the Applicant that it accepts the RWCDs Memorandum and the Applicant may proceed to submit a draft CEQR short/full form pursuant to the procedures set forth in § 10-08, or that it requires further information or an additional RWCDs Meeting in accordance with the procedures set forth in this paragraph in order to review and clarify the assumptions underlying the memorandum until such time that the Department accepts the memorandum and the Applicant may proceed to submit a draft CEQR short/full form.

(2) upon notifying an Applicant that the Department has accepted the Applicant's RWCDs Memorandum and that the Applicant may proceed to submit a draft CEQR short/full form, also notify the Applicant whether the Applicant is subject to the procedures set forth in § 10-07 or, if not subject the Applicant may directly proceed to file a land use application pursuant to § 10-09.

(c) If the Department fails to notify an Applicant pursuant to subdivision (b) of this section, the Applicant may proceed with filing a land use application as set forth in § 10-09 and an application for environmental review as set forth in § 10-10.

§ 10-07 Draft Land Use Application.

(a) The Department may request a draft land use application where a high degree of technical expertise is necessary to produce the land use application materials for an Applicant's proposed project. Following notification to an Applicant pursuant to § 10-03(d)(2)(ii), § 10-04(b)(3)(ii)(B), § 10-05(b)(2)(ii), or § 10-06(b)(2), as applicable, that the Applicant is subject to the procedures set forth in § 10-07, an Applicant proceeding with filing a land use application must submit a draft land use application to the Department for review. The Applicant must submit [, electronically by email or a hard copy by mail,] the draft land use application to the [Borough Office project manager handling the Applicant's project] Department. Such application must include all required forms, documents, and exhibits [in the manner] as required by instructions for submitting a land use application which are set forth on the Department's website and available upon request in hard copy from the Department.

(b) Within ninety (90) days of receiving a draft land use application, the Department must review the draft application and:

(1) notify an Applicant that the draft application includes all such required forms, documents, and exhibits as [in the manner] required by the instructions for submitting a land use application, such that the Applicant may proceed to file a land use application pursuant to § 10-09; or

(2) notify an Applicant that the draft land use application is missing one or more required forms, documents, or exhibits, or is not submitted as [in the manner] required by the instructions for submitting a land use application. The Applicant must submit a revised draft land use application to the Department. Within forty-five (45) days of receiving the revised draft land use application, the Department must review it and notify the Applicant that the Applicant may proceed to file a land use application pursuant to § 10-09, or that additional or revised materials must be submitted. The Department may continue requesting such materials in accordance with the procedures set forth in this paragraph until such time that the Department determines that the Applicant may proceed to file a land use application pursuant to § 10-09.

(c) If the Department fails to notify an Applicant pursuant to subdivision (b) of this section, the Applicant may proceed with filing a land use application as set forth in § 10-09.

§ 10-08 Draft City Environmental Quality Review.

(a) Following notification to an Applicant pursuant to § 10-06(b)(1) that the Applicant may proceed to submit a draft CEQR short/full form, an Applicant proceeding with filing an application for environmental review must submit a draft CEQR short/full form to the Department for review. The Applicant must submit [electronically by email or a hard copy by mail,] the draft CEQR short/full form to the Department and notify the Environmental Assessment Review division project manager handling the Applicant's project. Such application must include all required forms, documents, and exhibits [in the manner] as required by instructions for submitting a CEQR short/full form as provided by the Mayor's Office of Environmental Coordination.

(b) Within ninety (90) days of receiving a draft CEQR short/full form, the Department must review the draft and:

(1) notify an Applicant that the draft CEQR short/full form is substantially complete in form and substance such that the Applicant may proceed to file an application for environmental review pursuant to § 10-10; or

(2) provide comments to an Applicant on the draft CEQR short/full form, which the Applicant must address to the Department's satisfaction before the Applicant may proceed to file an application for environmental review pursuant to § 10-10. Within forty-five

(45) days of receiving a revised draft CEQR short/full form, the Department must review the revised draft and notify the Applicant that the revised draft is substantially complete in form and substance such that the Applicant may proceed to file an application for environmental review pursuant to § 10-10, or that the revised draft does not address, in whole or in part, the comments previously provided by the Department to the Applicant, in which case the review process must continue in accordance with the procedures set forth in this paragraph until the Department determines that the draft is substantially complete in form and substance and the Applicant may proceed to file an application for environmental review pursuant to § 10-10.

(c) If the Department fails to notify an Applicant pursuant to subdivision (b) of this section, the Applicant may proceed with filing an application for environmental review as set forth in § 10-10.

§ 10-09 Filing of Land Use Application.

(a) After an Applicant receives notification pursuant to § 10-03(d)(2)(ii), § 10-04(b)(3)(ii)(B), § 10-05(b)(2)(ii), § 10-06(b)(2), or § 10-07(b), as applicable, that it may proceed to file a land use application, the Applicant may file such application [at] with the Department [s Central Intake] in accordance with § 2-02(a)(1) of Title 62 of these rules.

(b) Notwithstanding Subdivision (a) of this section, an Applicant may proceed with filing a land use application where otherwise provided in this chapter.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3370



j2-17

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters to be held at, Spector Hall, 22 Reade Street, New York, NY, on Wednesday, January 17, 2018, at 10:00 A.M.

**BOROUGH OF BROOKLYN
No. 1
GOWANUS CANAL CSO**

CD 6 C 180065 PCK
IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property, located at 242 Nevins Street (Block 411, Lot 24, Block 418, Lot 1, Block 425, Lot 1), for a combined sewer overflow control facility.

NOTICE

On Wednesday, January 17, 2018, at 10:00 A.M., in Spector Hall, at 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission to receive comments related to a Draft Environmental Impact Statement (DEIS), concerning an application by the New York City Department of Environmental Protection (DEP), for approval of several discretionary actions, including site selection and acquisition, for sites in Brooklyn, Community District 6.

The Proposed Actions would facilitate the construction of new combined sewer overflow (CSO) facilities as part of the Gowanus Canal Combined Sewer Overflow (CSO) Facilities Project. The Project is mandated by the United States Environmental Protection Agency (USEPA), to satisfy remediation objectives under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, or Superfund). The first of the two CSO facilities, the "Head End Facility," would include an 8-million-gallon (MG) underground tank that would increase CSO capture for overflows that would otherwise be discharged at the "head end," or northernmost portion of the Gowanus Canal. The second facility, the "Owls Head Facility," would include a 4-MG tank that would additionally increase capture for overflows. The Owls Head Facility would be located at the middle of the Gowanus Canal, approximately 0.5 miles south of the northernmost portion of the Canal.

Written comments on the DEIS are requested, and will be received and considered by the New York City Department of Environmental Protection, the Lead Agency, until Monday, January 29, 2018, at 5:00 P.M.

This hearing is being held, pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 17DEP040K.

**No. 2
FRIENDS OF CROWN HEIGHTS 11 DAY CARE CENTER
CD 9 C 150187 PCK**

IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 995 Carroll Street (Block 1280, Lot 54) for continued use as a child care center.

BOROUGH OF QUEENS

No. 3

QUEENSBRIDGE ECDC

CD 1

C 150279 PQQ

IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 38-11 27th Street (Block 386, Lot 7) for continued use as a child care center.

BOROUGH OF MANHATTAN

No. 4

OFFICE SPACE

CD 6

N 180168 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 211 East 43rd Street (Block 1317, Lot 7).

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3370



j2-17

COMMUNITY BOARDS**■ PUBLIC HEARINGS**

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 07 - Wednesday, January 10, 2018, 6:30 P.M., 4201 4th Avenue (entrance on 43rd Street), Brooklyn, NY.

C150253 PQQ

IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 4917 Fourth Avenue, for continued use as a child care center.

j4-10

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

BOROUGH OF STATEN ISLAND

COMMUNITY BOARD NO. 01 - Tuesday, January 9, 2018, 6:45 P.M., All Saints Episcopal Church, 2329 Victory Boulevard, Staten Island, NY.

Agenda

Board of Standards & Appeals Application No. 2017-303-B - 1281 Forest Avenue.

Application for a special permit to allow extension of commercial use to permit accessory commercial parking within a residential portion of a zoning lot.

Board of Standards & Appeals Application No. 2017-219-BZ, -754 Targee Street Application for a special permit pursuant to ZR-73-243 to permit in a C1-2 zoning district, a Use Group 6, eating and drinking establishment (Popeye's) with an accessory drive-through facility.

j4-9

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, January 8, 2018, 7:30 P.M., M.S. 158, 46-35 Oceania Street, Bayside, NY.

BSA #68-91-BZ

223-15 Union Turnpike

An application filed with the NYC Board of Standards and Appeals to reopen and amend the term of a previously-granted variance to convert one service repair bay to enlarge the existing store and allow new storefront, two canopies over the gasoline pump islands, and modification of islands and pumps at the above-referenced location.

j4-8

BOARD OF CORRECTION**■ MEETING**

Please take note that the next meeting of the Board of Correction, will be held on January 9th, at 9:00 A.M. The location of the meeting will be 125 Worth Street, New York, NY 10013, in the Auditorium on the 2nd Floor.

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

j3-9

EMPLOYEES' RETIREMENT SYSTEM**■ MEETING**

Please be advised that the next Special Board Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, January 11, 2018, at 9:30 A.M. To be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor, Boardroom, Brooklyn, NY 11201-3751.

j4-10

INDEPENDENT BUDGET OFFICE**■ NOTICE**

The New York City Independent Budget Office Advisory Board, will hold a meeting on Thursday, January 11, 2018, beginning at 8:30 A.M., at the IBO Office, 110 William Street, 14th Floor, New York, NY 10038. There will be an opportunity for the public to address the advisory board during the public portion of the meeting. Accessible entrance at, 110 William Street, New York, NY 10038.

Accessibility questions: Doug Turetsky, dougt@ibo.nyc.ny.us, by: Tuesday, January 9, 2018, 4:00 P.M.



j2-10

LANDMARKS PRESERVATION COMMISSION**■ PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, January 16, 2018, a public hearing will be held at, 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties, and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting, should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

11 Riverside Drive - West End - Collegiate Historic District

LPC-19-11795 - Block 1184 - Lot 31 - Zoning: R10A

CERTIFICATE OF APPROPRIATENESS

A Modern style apartment building designed by Sylvan Bien and built in 1949-1950. Application is to establish a master plan governing the future installation of windows and air conditioning units.

72 West 88th Street - Upper West Side/Central Park West Historic District

LPC-19-18450 - Block 1201 - Lot 63 - Zoning: C1-9

CERTIFICATE OF APPROPRIATENESS

A Romanesque/Renaissance Revival style flats building designed by Francis A. Minuth and built in 1891-92. Application is to install storefront infill.

5-7 Mercer Street - SoHo-Cast Iron Historic District

LPC-19-13435 - Block 230 - Lot 42 - Zoning: M1-5B

CERTIFICATE OF APPROPRIATENESS

A warehouse designed by John B. Snook and built in 1861. Application is to construct a rooftop addition and enlarge the elevator bulkhead.

178 Spring Street - Sullivan-Thompson Historic District

LPC-19-14481 - Block 488 - Lot 16 - Zoning: R7-2

CERTIFICATE OF APPROPRIATENESS

An Italianate style tenement building built c. 1854 and altered between 1940-1964. Application is to construct a rear yard addition.

314 Clinton Street - Cobble Hill Historic District

LPC-19-13247 - Block 311 - Lot 33 - **Zoning:** R6
CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse built in 1841-42. Application is to legalize the installation of a door surround and stoop without Landmarks Preservation Commission permit(s), and replace windows.

160 West 12th Street - Greenwich Village Historic District

LPC-19-16158 - Block 607 - Lot 7503 - **Zoning:** R8
CERTIFICATE OF APPROPRIATENESS

A hospital building designed by Eggers & Higgins and built in 1946. Application is to install pergolas and trellises at an 11th floor terrace.

811 Walton Avenue - Grand Concourse Historic District

LPC-19-14250 - Block 2474 - Lot 1 - **Zoning:** R8
CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style apartment building designed by Franklin, Bates & Heindsmann, and built in 1926-27. Application is to establish a master plan governing the future replacement of windows.

41 Greenwich Avenue - Greenwich Village Historic District

LPC-19-12296 - Block 612 - Lot 64 - **Zoning:** C1-6
CERTIFICATE OF APPROPRIATENESS

A late Greek Revival style house built in 1848-49 and later altered. Application is to reconstruct the brick façade and replace the cornice.

75 Broadway - Individual Landmark

LPC-19-20321 - Block 49 - Lot 1 - **Zoning:** C5-5
CERTIFICATE OF APPROPRIATENESS

A Gothic Revival style church designed by Richard Upjohn and built in 1846. Application is to install a canopy, ramps, and new paving, replace doors, fences and gates, perform excavation, alter the landscape, replace windows and extend an existing loggia.

930 West End Avenue - Riverside - West End Historic District Extension II

LPC-19-16497 - Block 1877 - Lot 63 - **Zoning:** R9A
CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style flats building designed by Henry Anderson and built in 1898. Application is to install a barrier-free access ramp.

633 West 115th Street - Morningside Heights Historic District

LPC-19-17464 - Block 1896 - Lot 52 - **Zoning:** R8
CERTIFICATE OF APPROPRIATENESS

A Colonial Revival style rowhouse designed by Henry O. Chapman and built in 1892-93. Application is to construct a rooftop bulkhead and a rear yard addition, excavate the areaway and modify the façade and stoop, and replace windows.

266 Cumberland Street - Fort Greene Historic District

LPC-19-15859 - Block 2101 - Lot 7503 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS

A Neo-Gothic style chapel dating from the late 19th Century. Application is to install skylights.

192 Prospect Park West - Park Slope Historic District Extension

LPC-19-18495 - Block 1103 - Lot 42 - **Zoning:** R8B, with C2-4 overlay
CERTIFICATE OF APPROPRIATENESS

An altered commercial building built in 1922-1923. Application is to alter the facades, install signage and rooftop bulkheads.

102 Greene Street - SoHo-Cast Iron Historic District

LPC-19-12869 - Block 499 - Lot 6 - **Zoning:** M1-5A
CERTIFICATE OF APPROPRIATENESS

A store and loft building designed by Henry Fernbach, built in 1880-81, and altered in 1941. Application is to relocate artwork, install signage, and construct a rooftop addition.

5-7 Mercer Street - SoHo-Cast Iron Historic District

LPC-19-20348 - Block 230 - Lot 42 - **Zoning:** M1-5B
MODIFICATION OF USE AND BULK

A warehouse designed by John B. Snook and built in 1861. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use and Bulk, pursuant to Section 74-711 of the Zoning Resolution.

9-19 9th Avenue - Gansevoort Market Historic District

LPC-19-19926 - Block 645 - Lot 49 - **Zoning:** M1-5
MISCELLANEOUS - AMENDMENT

A 19th and early 20th century wagon storage building and stables combined and altered in 1921-22 as a vernacular style garage with stores. Application is to modify the design of the rooftop addition approved, pursuant to Certificate of Appropriateness 16-4882.

Accessibility questions: Janett Marshall (212) 669-7895, by: Friday, January 12, 2018, 4:00 P.M.



j2-16

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections

25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, January 9, 2018, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties, and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

23-25 West 20th Street - Ladies' Mile Historic District

LPC-19-16740 - Block 822 - Lot 7506 - **Zoning:** C6-4A
CERTIFICATE OF APPROPRIATENESS

A 20th Century Utilitarian style parking garage designed by Matthew Del Gaudio and built in 1926-27. Application is to modify the ground floor façade, install storefront infill and signage, and replace windows.

375 West Broadway - SoHo-Cast Iron Historic District

LPC-19-18587 - Block 487 - Lot 8 - **Zoning:** M1-5A
CERTIFICATE OF APPROPRIATENESS

An Italianate style store and loft building designed by J.B. Snook and built in 1875-76. Application is to install a rooftop pergola.

561-563 Broadway - SoHo-Cast Iron Historic District

LPC-19-17735 - Block 498 - Lot 7 - **Zoning:** M1-5B
CERTIFICATE OF APPROPRIATENESS

An office and loft building designed by Ernest Flagg and built in 1903-1904. Application is to construct a bulkhead and install HVAC units, railings, screens, and decking at the roof.

75 Washington Place - Greenwich Village Historic District

LPC-19-18058 - Block 552 - Lot 66 - **Zoning:** R7-2
CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse built in 1847. Application is to construct rooftop and rear yard additions, and excavate the cellar and rear yard.

827-831 Broadway - Individual Landmark

LPC-19-18646 - Block 564 - Lot 17 & 19 - **Zoning:** C6-1
CERTIFICATE OF APPROPRIATENESS

A pair of Italianate style commercial palaces with Neo-Grec style elements, designed by Griffith Thomas, and built in 1866-67. Application is to construct rooftop additions, and install storefronts and signage.

320 West 13th Street - Greenwich Village Historic District

LPC-19-18995 - Block 627 - Lot 43 - **Zoning:** C1-6
CERTIFICATE OF APPROPRIATENESS

A loft building designed by William H. Dewar, Jr. and built in 1912. Application is to alter loading bays and install storefront infill.

520 Clinton Avenue - Individual Landmark

LPC-19-19357 - Block 2010 - Lot 10 - **Zoning:** R6A R7A
MODIFICATION OF USE AND BULK

A Northern Italian Romanesque style church building designed by John Welch and built between 1888-1891. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use and Bulk, pursuant to Section 74-711 of the Zoning Resolution.

64 Horatio Street - Greenwich Village Historic District

LPC-19-19272 - Block 626 - Lot 7 - **Zoning:**
CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse built in 1845-1846. Application is to replace windows.

354-356 Convent Avenue - Hamilton Heights Historic District

LPC-19-7916 - Block 2059 - Lot 150 - **Zoning:** R6A
CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse built in 1889. Application is to construct an elevator bulkhead and modify window openings.

70 Franklin Street - Tribeca East Historic District

LPC-19-12141 - Block 175 - Lot 1 - **Zoning:**
CERTIFICATE OF APPROPRIATENESS

An Italianate style store and loft building built in 1860-61. Application is to replace storefront infill, modify the sidewalk and install bollards.

11 East 51st Street - Individual Landmark

LPC-19-19495 - Block 1287 - Lot 10 - **Zoning:** C5-2.5
CERTIFICATE OF APPROPRIATENESS

An Italian Renaissance style rowhouse designed by John H. Duncan and built in 1904-06. Application is to construct rooftop and rear yard additions, and alter the façade.

155 Lafayette Avenue - Fort Greene Historic District

LPC-19-16101 - Block 2103 - Lot 62 - **Zoning:** R68
CERTIFICATE OF APPROPRIATENESS

An apartment building designed by Frank Bosworth and built in 1897. Application is to alter the areaway and install fencing.

35 East 76th Street - Upper East Side Historic District

LPC-19-19674 - Block 1391 - Lot 21 - **Zoning:** C5-1 R8B
CERTIFICATE OF APPROPRIATENESS

An Art Deco style hotel building designed by Sylvan Bien and built in 1929-30. Application is to replace a greenhouse structure on a terrace.

201 West 11th Street, aka 73-77 Greenwich Avenue - Greenwich Village Historic District

LPC-19-17948 - Block 614 - Lot 61 - **Zoning:** C2-6/C1-6
CERTIFICATE OF APPROPRIATENESS
 An apartment building designed by George F. Pelham and built in 1924. Application is to replace storefront infill.

35 Pierrepont Street - Brooklyn Heights Historic District
LPC-19-14471 - Block 235 - Lot 4 - **Zoning:** R6
CERTIFICATE OF APPROPRIATENESS
 A Neo-Medieval style apartment building built in the 1920s. Application is to alter the façade.

109-111 Spring Street - SoHo-Cast Iron Historic District
LPC-19--17623 - Block 499 - Lot 37 - **Zoning:** M1-5A
CERTIFICATE OF APPROPRIATENESS
 A store and loft building designed by J.B. Snook and built in 1878. Application is to modify and replace storefront infill.

181 Lincoln Place - Park Slope Historic District
LPC-19-14723 - Block 1059 - Lot 64 - **Zoning:** R7B
CERTIFICATE OF APPROPRIATENESS
 A complex of school buildings including the original Neo-Jacobean style Berkeley Institute designed by Walker and Morris and built in 1896, and a gymnasium designed by John Burke and built in 1937-38. Application is to install solar panels on the roof of the gymnasium.

249 West 13th Street - Greenwich Village Historic District
LPC-19-11357 - Block 618 - Lot 64 - **Zoning:** C1-6, R6
CERTIFICATE OF APPROPRIATENESS
 An Italianate style rowhouse built in 1854. Application is to legalize the installation of signage and exposed conduit without Landmarks Preservation Commission permit(s).

462 Broadway - SoHo-Cast Iron Historic District
LPC-19-17501 - Block 473 - Lot 1 - **Zoning:** M1-5B
MODIFICATION OF USE AND BULK
 A French Renaissance Revival style store and loft building designed by John Correja and built in 1879-80. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to a Modification of Use, pursuant to Section 74-711 of the Zoning Resolution.

855-869 11th Avenue, aka 850 12th Avenue, aka 840 Joe DiMaggio Highway - Individual Landmark
LPC-19-19666 - Block 1106 - Lot 1 - **Zoning:** M3-2
CERTIFICATE OF APPROPRIATENESS
 A Beaux-Arts style industrial building designed by McKim, Mead & White and built in 1904. Application is to establish a master plan governing the future installation of rooftop mechanical equipment and garage doors, and window, façade and stack modifications.

220 East 42nd Street - Individual and Interior Landmark
LPC-19-12293 - Block 1315 - Lot 7501 - **Zoning:** C5-2
CERTIFICATE OF APPROPRIATENESS
 An Art Deco style skyscraper designed by Raymond Hood and built in 1929-30. Application is to replace storefront infill and install signage.

 d26-j9

MAYOR'S OFFICE OF CONTRACT SERVICES

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN that the Franchise and Concession Review Committee, will hold a public meeting on Wednesday, January 10, 2018, at 2:30 P.M., at 253 Broadway, 9th Floor, Rockaway Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-0010, no later than **SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING.**

d27-j8

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARINGS

January 30, 2018, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 30, 2018, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, NY 10007, on the following matters:

SPECIAL ORDER CALENDAR

143-01-BZ
 APPLICANT - Law Offices of Marvin B. Mitzner, LLC, for Thomas R. Birchard, owner.
 SUBJECT - Application February 21, 2017 - Amendment of a

previously approved Variance (§72-21) which permitted the legalization of a veterinary clinic (Use Group 6B) located at the cellar level contrary to Z.R. §22-00 which expired on November 12, 2007, and to permit the legalization of the enlargement of the use into the front, eastern unit on the first floor; Extension of Time to Obtain a Certificate of Occupancy which expired on November 12, 2003; Waiver of the Rules. R8B zoning district.
PREMISES AFFECTED - 348 East 9th Street, Block 450, Lot 28, Borough of Manhattan.
COMMUNITY BOARD #3M

January 30, 2018, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 30, 2018, 1:00 P.M., in Spector Hall, 22 Reade Street, New York, NY 10007, on the following matters:

ZONING CALENDAR

2016-4217-BZ
 APPLICANT - Eric Palatnik, P.C., for Bartow Holdings, LLC, owner.
 SUBJECT - Application June 13, 2016 - Re-Instatement (§11-411) of a variance which permitted the operation of an Automotive Service Station with accessory uses (UG 16B), which expired on September 29, 2008; Amendment (§11-412) to permit structural alterations to the building; Amendment to permit Automotive Laundry; Waiver of the Rules. R3A zoning district.
PREMISES AFFECTED - 1665 Bartow Avenue, Block 4787, Lot 28, Borough of Bronx.
COMMUNITY BOARD #12BX

2017-39-BZ
 APPLICANT - Mango & Lacoviello, LLP, for UBA 90 Franklin LLC, owner; Tracy Anderson Method, lessee.
 SUBJECT - Application February 8, 2017 - Special Permit (§73-36) to permit the legalization of the operation of a Physical Culture Establishment (*The Tracy Anderson Method*) to be operated within the cellar and ground floor with mezzanine of an existing building contrary to ZR §32-10. C6-2A (Tribeca East Historic District).
PREMISES AFFECTED - 271 Church Street, Block 175, Block 7504, Borough of Manhattan.
COMMUNITY BOARD #1M

Margery Perlmutter, Chair/Commissioner

Accessibility questions: Mireille Milfort (212) 386-0078, mmilfort@bsa.nyc.gov, by: Friday, January 26, 2018, 4:00 P.M.



j4-5



SUPREME COURT

RICHMOND COUNTY

■ NOTICE

**RICHMOND COUNTY
 IA PART 89
 NOTICE OF PETITION
 INDEX NUMBER CY4551/2017
 CONDEMNATION PROCEEDING**

IN THE MATTER OF the Application of the CITY OF NEW YORK, Relative to Acquiring a Permanent Sewer Easement in Block 2772, Part of Lots 36 and 37, located in Staten Island, for the construction of **TRAVIS NEIGHBORHOOD STORM WATER SEWER PROJECT - STAGE 1,**

Located in the area generally located at, Cannon Avenue, Prices Lane, and Burke Avenue in the Borough of Staten Island, City and State of New York.

PLEASE TAKE NOTICE that the City of New York (the "City") intend to make an application to the Supreme Court of the State of New York, Richmond County, IA Part 89, for certain relief.

The application will be made at the following time and place: At the Kings County Courthouse, located at 360 Adams Street, in the Borough of Brooklyn, City and State of New York, on Thursday, January 25, 2018, at 2:30 P.M., or as soon thereafter as counsel can be heard.

The application is for an order:

- a. Authorizing the City to file an acquisition map in the Richmond County Clerk's Office;
- b. Directing that, upon the filing of the order granting the relief in this petition and the filing of the acquisition map, title to the property sought to be acquired and described below shall vest in the City;
- c. Providing that the compensation which should be made to the owners of the interest in real property sought to be acquired and described above be ascertained and determined by the Court without a jury;
- d. Directing that within thirty days of the vesting of title to the permanent sewer easement, the City shall cause a notice of acquisition to be published in at least ten successive issues of The City Record, an official newspaper published in the City of New York, and shall serve a copy of such notice by first class mail on each condemnee or his, her, or its attorney of record;
- e. Directing that each condemnee shall have a period of two calendar years from the vesting date for this proceeding, in which to file a written claim, demand or notice of appearance with the Clerk of this Court and to serve a copy of the same upon the Corporation Counsel of the City of New York, 100 Church Street, New York, NY 10007.

The City, in this proceeding, Stage I, intends to acquire a permanent sewer easement over certain real property where not heretofore acquired for the same purpose, for the construction of a storm water collection sewer, in the Borough of Staten Island, City and State of New York. The permanent sewer easement to be acquired in this proceeding, Stage I, is more particularly bounded and described as follows:

A 30-FOOT WIDE PERMANENT SEWER EASEMENT

ALL those certain lots pieces or parcels of land situate, lying and being in the County of Richmond, City and State of New York known and distinguished on certain filed maps entitled "Property of Julius V. Zuechner & Adele Zuechner" filed in the Office of the Clerk in the County of Richmond as Map No. 285-A and "Map of the Lands of The Heirs of Elias Price and Others" also filed in the Office of the Clerk of the County of Richmond as Map No. 600 bounded and described as follows:

BEGINNING at a point formed by the intersection of the southeasterly Terminus of the said Prices Lane and the southwesterly line of the Prices Lane as shown on filed Map No. 600, which point is also distant 421.72 feet from the corner formed by the intersection of the southeasterly side of Cannon Avenue and the southwesterly side of Prices Lane;

RUNNING thence S 53°01'11" W, and along a northwesterly line of lands now or formerly lands of Elsie Decker as shown said filed map No. 600, a distance of 94.47 feet to a point;

THENCE, N 46°50'22" W, through the bed of tax lot 37 in Staten Island tax block 2772, a distance of 30.45 feet to a point on a line parallel to and 30.00 feet from course one;

THENCE, N 53°01'11" E parallel to course one, through the tax lots 37 and 36 in Staten Island tax block 2772, as said lots existed on the tax map for the County of Richmond on December 5th, 2008, a distance of 89.64 feet to a point on the said southwesterly line of Prices Lane as shown on said filed Map No. 600;

THENCE, S 55°29'45" E, and along the said southwesterly line of Prices Lane, a distance of 31.64 feet back to the point of beginning; Bearings are in a system established by the United States Coast and Geodetic Survey for the Borough of Staten Island.

This parcel consists of parts of tax lots 37 and 36 in Staten Island Tax Block 2772, as shown on the "Tax Map" of the City of New York, Borough of Staten Island, the said "Tax Map" existed on December 5th, 2008, and comprises an area of 2,762 square feet or 0.06340 acres.

TERMS OF PERMANENT SEWER EASEMENT

In order to allow the City, its agents, servants, workers or contractors, together with their tools, equipment, vehicles and materials, at all times to install, operate, maintain and reconstruct certain sanitary and storm sewers and appurtenant structures, the restrictions described below are placed in perpetuity upon the easement area:

- a. No permanent structure of any kind shall be erected within, above or under the easement area without the written approval of the New York City Department of Environmental Protection.
- b. Vehicular access at all times shall be available to the City or its agents, public or private, to construct, reconstruct, lay, relay, maintain, operate and inspect the existing/proposed sewers within the sewer easement.
- c. No materials or equipment of any kind shall be placed for storage within or over said easement.
- d. No trees or shrubs of any kind shall be planted within or over said easement area.
- e. All new footings to be constructed for any new structures shall be completely outside of the easement and located at such elevations so that no loading of any kind is transmitted from the footing to the existing/proposed sewers.

- f. Within the easement area the condemnee will be permitted to grade, place pavement for use as a parking area and erect any nonpermanent improvement, but if access to the sewer is required for the purpose of constructing, maintaining, repairing or reconstruction of the existing/proposed sewers within the easement area, the condemnee, his heirs, assigns and successors shall bear the cost of removing and replacing the pavement and nonpermanent improvement installed by the condemnee.

Surveys, maps or plans of the property to be acquired are on file in the office of the Corporation Counsel of the City of New York, 100 Church Street, New York, NY 10007.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Eminent Domain Procedure Law § 402(B)(4), any party seeking to oppose the acquisition must interpose a verified answer, which must contain specific denial of each material allegation of the petition controverted by the opponent, or any statement of new matter deemed by the opponent to be a defense to the proceeding. Pursuant to CPLR § 403, said answer must be served upon the office off the Corporation Counsel at least seven (7) days before the date that the petition is noticed to be heard.

Dated: New York, NY
November 29, 2017

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for the Condemnor,
New York City School Construction Authority
100 Church Street, Room 5-235
New York, NY 10007
(212) 356-2170

See Map(s) in Back of Paper

j2-16



CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

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

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

Vehicles can be viewed in person by appointment at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214. Phone: (718) 802-0022

o11-m29

OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

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

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

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

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

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

j2-d31

POLICE

■ NOTICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT

The following list of properties 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

j2-d31

PROCUREMENT

"Compete To Win" More Contracts!

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

- *Win More Contracts at nyc.gov/competetowin*

"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

ADMINISTRATION FOR CHILDREN'S SERVICES

OFFICE OF PROCUREMENT

■ SOLICITATION

Services (other than human services)

ARCHITECTURAL AND ENGINEERING CONSULTANT

SERVICES - Request for Proposals - PIN#06817P0001 - Due 2-8-18 at 3:00 P.M.

PIN# 068-17-RFP-0001, E-PIN# 06817P0001.

New York City Administration for Children's Services (ACS) is seeking two (2) appropriately qualified Contractors that can provide Architectural, Engineering, and Professional services on an on-call "as needed" basis across a broad range of sites throughout the five boroughs. In addition to renovating, repairing, and maintaining existing facilities, services will extend to, but will not be limited to environmental studies and testing, engineering and architectural investigating and inspection, specification development, design, evaluation, construction management, document preparation, writing operating and maintenance instructions, provision of specialized technical expertise to agency counsel, energy management, data management, and associated services. Through this RFP, ACS expects to secure design personnel beyond the current manpower available on staff and specialized technical design expertise not available in-house, to assist ACS in maintaining and renovating child care and other facilities located throughout the City of New York and achieving ACS' mission of promoting the safety and well-being of New York City's children.

The RFP can be downloaded from the "Doing Business with ACS" part of the ACS website, which can be accessed by following the link: www1.nyc.gov/site/acs/about/doing-business-acs.page, and then clicking "Go to RFP Online." You will be prompted to register prior to downloading the RFP, this will ensure that you receive any addenda to this RFP that ACS may release.

ACS will conduct an Optional Pre-Proposal Conference as follows:
Date: Monday, January 22, 2018

Time: 10:00 A.M. – 12:00 P.M.

Location: 150 William Street, 19th Floor, Manhattan Room, New York, NY 10038. While the Pre-Proposal Conference is optional, proposers intent on submitting proposals are strongly encouraged to attend. In addition to the Pre-Proposal Conference, there will be optional site visits to various ACS Child Care, Day Care and Administrative Sites on the following dates and times:

Nicholas Scopetta Children's Center, 492 1st Avenue, New York, NY on 1/23/2018 at 10:00 A.M.

Kingsbridge Day Care Center, 295 West 231 Street, Bronx, NY on 1/23/2018 at 2:00 P.M.

150 William Street (Administrative Site), New York, NY on 1/24/2018 at 10:00 A.M.

1274 Bedford Avenue (Administrative Site), Brooklyn, NY on 1/24/2018 at 1:00 P.M.

This Request for Proposals ("RFP") must be obtained directly from the ACS in person or by downloading it from the ACS website, www.nyc.gov/acs. If you obtain a copy of this RFP from any other source, you will not be registered as a potential proposer and will not receive addenda ACS may issue after release of this RFP which may affect the requirements and/or terms of the RFP.

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, New York, NY 10038. Olugbenga Ajala (212) 341-3477; Fax: (212) 341-9830; olugbenga.ajala@acs.nyc.gov

← j5

DYFJ COMMUNITY SUPERVISION MOBILE TECHNOLOGY

- Request for Information - PIN#068-18-RFI-0004 - Due 1-22-18 at 5:00 P.M.

The Administration for Children's Services ("ACS") is surveying software application vendors capable of providing mobile technology to supervise young people in the community under the care of the Division of Youth and Family Justice (DYFJ), the Division within ACS that oversees a full range of services and programs for youth at every stage of the juvenile justice process. DYFJ is seeking a method of remote check-ins, among other solutions, for youth released from Detention under the aegis of the court or those in our Close to Home post-adjudication placement program. Specifically, this technology for community supervision would be used for youth released to the community pending case processing and Close to Home youth on community passes or conditionally released on Aftercare. ACS is seeking software application vendors to provide an application which will work with a smartphone to provide the ability for DYFJ to monitor our youth electronically while in the community. While this is not a formal bid solicitation, the RFI document containing the entire scope and functionality of the proposed mobile technology solution is available online and can be downloaded from the ACS website: www.nyc.gov/acs, and selecting "Respond to RFP" from the "How Do I?" dropdown menu. On the following screen, select "Go to RFP Online" under "Current ACS Business Opportunities. On the next screen, select "Other Documents- Request for Information, etc..." under "Current Documents" and you will be brought to the page where this Request for Information is listed and can be downloaded.

Vendors who wish to respond to this RFI may submit their response via email to the mailbox AdminContractsRFI@acs.nyc.gov. Responses are due by the close of business on Monday, January 22, 2018.

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, New York, NY 10038. William Ferraro (212) 341-3459; Fax: (212) 341-9830; william.ferraroiii@acs.nyc.gov

← j5-11

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

■ AWARD

Goods

CALCIUM CHLORIDE FLAKES - Competitive Sealed Bids - PIN# 8571700134 - AMT: \$826,192.40 - TO: City Bags Wholesalers Inc., 826 Rockaway Parkway, Brooklyn, NY 11236.

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DESIGN AND CONSTRUCTION

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATION

Construction / Construction Services

MODERNIZATION OF 5 ELEVATORS AT 253 BROADWAY - BOROUGH OF MANHATTAN - Competitive Sealed Bids - PIN# 85018B0006 - Due 2-2-18 at 2:00 P.M.

PROJECT NO. PW357ELEV/DDC PIN: 8502018PW0001C

Bid Document Deposit-\$35.00 per set-Company Check or Money Order Only-No Cash Accepted-late bids will not be accepted. There will be an Optional Pre-bid Walk-thru on January 19, 2018, at 10:00 A.M., located at 253 Broadway, New York, NY 10007.

Special Experience Requirements

Bid documents are available at:

<http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp>

THIS PROJECT IS SUBJECT TO HireNYC

As of August 1, 2017, the New York City Mayor's Office of Contract Services (MOCS) has launched the Procurement and Sourcing Solutions Portal (PASSPort), a new procurement system that will replace the paper - VENDEX process.

All organizations intending to do business with the City of New York should complete an online disclosure process to be considered for a contract. This disclosure process was formerly completed using Vendor Information Exchange System (VENDEX) paper-based forms. In anticipation of awards, bidders/proposers must create an account and enroll in PASSPort, and file all disclosure information. Paper submissions, including Certifications of No Changes to existing VENDEX packages will not be accepted in lieu of complete online filings. You can access PASSPort from the following link: <http://www.nyc.gov/passport>.

This contract is subject to the Project Labor Agreement ("PLA") entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated Local Unions. For further information, see Volume 2 of the Bid Documents.

This procurement is subject to Minority-Owned and Women-Owned Business Enterprises (MWBE) participation goals as required by Local Law 1 of 2013. All respondents will be required to submit an M/WBE Participation Plan with their response. For the MWBE goals, please visit our website at <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp> see "Bid Opportunities". For a list of companies certified by the NYC Department of Small Business Services, please visit www.nyc.gov/buycertified. To find out how to become certified, visit www.nyc.gov/getcertified or call the DSBS certification helpline at (212) 513-6311.

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.

Design and Construction, 30-30 Thomson Avenue, Long Island City, NY 11101. Brenda Barreiro (718) 391-1041; csb_projectinquiries@ddc.nyc.gov

Accessibility questions: Disability Services Facilitator (718) 391-2815 or DDCEO@ddc.nyc.gov, by: Tuesday, January 23, 2018, 5:00 P.M.



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EMERGENCY MANAGEMENT

■ AWARD

Goods and Services

NOTIFY NYC COMMUNICATIONS PROGRAM - Request for Proposals - PIN# 1717P0001 - AMT: \$5,000,000.00 - TO: Everbridge, Inc., 25 Corporate Drive, Floor 4, Burlington, MA 01803.

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HOUSING AUTHORITY

SUPPLY MANAGEMENT

■ SOLICITATION

Goods and Services

SMD REPLACEMENT OF UNDERGROUND SEWER LINES - VARIOUS DEVELOPMENTS LOCATED IN THE FIVE (5)

BOROUGHES OF NYC - Competitive Sealed Bids - Due 1-25-18

- PIN# 66513 - Bronx Property Management Department - Due at 10:00 A.M.
 PIN# 66514 - Brooklyn Property Management Department - Due at 10:05 A.M.
 PIN# 66515 - Manhattan Property Management Department - Due at 10:10 A.M.
 PIN# 66516 - Mixed Finance Property Management Department - Due at 10:15 A.M.
 PIN# 66517 - Queens/Staten Island Property Management Department - Due at 10:20 A.M.
 PIN# 66518 - NGO Property Management Department - Due at 10:25 A.M.

Please Note: This Contract shall be subject to the New York City Housing Authority's Project Labor Agreement (PLA). As part of its bid and no later than three (3) business days after the bid opening, the Bidder must submit Letters of Assent to the Project Labor Agreement signed by the Bidder and each of the Bidder's proposed Subcontractors. Failure to submit all required signed Letters of Assent within three (3) business days after the bid opening shall result in a determination that the Bidder's bid is non-responsive.

Replace broken underground sanitary piping with new extra heavy cast-iron (XHCI) pipe and all required fittings as specified and as directed by NYCHA. Provide all required excavations, including hand excavation, pavement cuttings, excavation safety protection, supports for excavated pipes and conduits and all other lines that may exist underground. Provide all required pumping during excavation and the replacement of any piping damaged during excavation. Saw cut concrete, asphalt and other pavement is required during the excavation.

Backfill with clean fill as required by the New York City Plumbing Code Chapter 3 Section PC 306 (Trenching, excavation and backfill) and repave areas as required by the City of New York. Do not backfill until the new sewer line has been inspected by NYCHA.

New underground sewer line shall be laid on clean salt free sand. There shall be a minimum 8-inch sand envelope around the underground sewer main. The Contractor shall maintain the same center line elevation of the new mains as the existing mains removed. Remove and legally dispose of all effluent from the work area. Apply liquid enzyme deodorant Triple S 03 or an approved equal, as determined by the Authority. The enzyme deodorant shall be applied in strict accordance with all manufacturer directions and safety precautions. Under no circumstances is granulated lime or chlorine bleach permitted to be used.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ 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 RFQ 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 RFQ 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; RFQ package will be generated at the time of request.

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

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007.
 La-Shondra Arnold (212) 306-4603; Fax: (212) 306-5109;
la-shondra.arnold@nycha.nyc.gov

◀ j5

HUMAN RESOURCES ADMINISTRATION**CONTRACTS****AWARD**

Human Services/Client Services

NON-EMERGENCY SCATTER SITE HOUSING AND SUPPORTIVE SERVICES FOR PLWAS - Negotiated Acquisition - Judgment required in evaluating proposals -

PIN# 06907P0017CNVN001 - AMT: \$1,848,559.00 - TO: Harlem Congregations for Community Improvement Inc., 2854 Frederick Douglass Boulevard, New York, NY 10039. Term: 7/1/2017 to 6/30/2018

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COMMISSION ON HUMAN RIGHTS**INTENT TO AWARD**

Services (other than human services)

ADVERTISING SPACE - Sole Source - Available only from a single source - PIN# 22618001 - Due 1-9-18 at 3:00 P.M.

The Commission on Human Rights (the "Commission"), intends to enter into sole source negotiations with Encompass Media Group ("EMG") to provide third party advertising space within its network, which includes thousands of check cashing locations, laundromats, bars, hair and nail salons, barbershops, coffee shops and convenience stores in NYC. EMG has exclusive rights to provide advertising at these locations. Any entity that believes it can provide these services is invited to submit an expression of interest using the contact information above by the deadline specified above.

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.

Commission on Human Rights, 22 Reade Street, 2nd Floor, Sheshe Segar (212) 416-0123; Fax: (646) 500-7092; ssegar@cchr.nyc.gov

j2-8

PARKS AND RECREATION**VENDOR LIST**

Construction Related 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 construct 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 begun the Certification process.

Application documents may also be obtained online at: <http://a856-internet.nyc.gov/nycvendononline/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) 760-6885; dmwbe.capital@parks.nyc.gov

j2-d31

CONTRACTS

SOLICITATION

Construction / Construction Services

PLANTING OF NEW AND REPLACEMENT STREET TREES

- Competitive Sealed Bids - PIN#BG-118M - Due 1-29-18 at 10:30 A.M. In Community Boards 8, 9 and 17, in the Borough of Brooklyn. E-PIN#84618B0070.

PLANTING OF NEW AND REPLACEMENT STREET TREES

- Competitive Sealed Bids - PIN#BG-218M - Due 1-30-18 at 10:30 A.M. In Community Boards 11, 13 and 15, in the Borough of Brooklyn. E-PIN#84618B0074.

These procurements are subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

Bid Security: Bid Deposit in the amount of 5 percent of Bid Amount or Bid Bond in the amount of 10 percent of Bid Amount.

The Cost Estimate Range: \$1,000,000.00 to \$3,000,000.00.

To request the Plan Holder's List, please call the Blue Print Room at (718) 760-6576.

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

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

Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Susana Hersh (718) 760-6855; susana.hersh@parks.nyc.gov

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POLICE

SOLICITATION

Services (other than human services)

ARMORED CAR SERVICES - Competitive Sealed Bids - PIN#05618B0006 - Due 1-31-18 at 11:00 A.M.

Multi-year contract for armored car services for all four (4) tow pound units - EPIN 05618B0006/Agency PIN 0561800001327. If you are interested, you may obtain a free copy of the bid package in 3 ways: (1) Online at www.nyc.gov/cityrecord, (2) In person, Monday - Friday, 9:00 A.M. - 5:00 P.M. at Contract Administration Unit, 90 Church Street, 12th Floor, Room 1206, New York, NY 10007 or (3) Contact Stephanie Gallop at (646) 610-5225. Any questions/comments or clarifications concerning any portion of this Invitation to Bid must be made in writing. Any verbal questions/comments or verbal responses/statements given shall be considered unbinding and shall not be made part of the bid solicitation or contract award. Please send question(s) in writing, no later than Tuesday, January 16, 2018 at 5:00 P.M. EST to Bid Administrator Stephanie Gallop via fax #(646) 610-5224 or email: Contracts@NYPD.ORG.

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

Police, 90 Church Street, 12th Floor, Room 1206, New York, NY 10007. Stephanie Gallop (646) 610-5225; contracts@nypd.org

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SCHOOL CONSTRUCTION AUTHORITY

SOLICITATION

Construction / Construction Services

ROOF REPLACEMENT - Competitive Sealed Bids - PIN#SCA18-17206D-1 - Due 1-23-18 at 11:00 A.M.

PS 288 (Brooklyn)

SCA system-generated category: \$1,000,001 to \$4,000,000.

Pre-Bid Meeting Date: January 12, 2018, at 10:00 A.M., at 2950 West 25th Street, Brooklyn, NY 11224.

Potential bidders are encouraged to attend but this walkthrough is not mandatory. Meet at the Custodian's Office. Bidders must be Pre-Qualified by the SCA at the time of Bid opening.

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

School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Edison Aguilar (718) 472-8641; Fax: (718) 472-8290; eaguilar@nycsca.org

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TAXI AND LIMOUSINE COMMISSION

INTENT TO AWARD

Services (other than human services)

MAINTENANCE SERVICES FOR THE NYC TLC'S

CENTRALIZED INSPECTION SYSTEM IN WOODSIDE,

QUEENS - Negotiated Acquisition - Other - PIN#156 18P00148 - Due 1-6-18

The New York City Taxi and Limousine Commission ("TLC") intends to enter into a Negotiated Acquisition Extension ("NAE") agreement with Opus Inspection, Inc., for the period October 1, 2017 through September 30, 2018. Opus Inspection, Inc., currently is responsible for maintenance of the TLC's centralized vehicle inspection system in Woodside, Queens. The NAE agreement will ensure continuity of these services while TLC determines the next appropriate course of action. This notice is for informational purposes only.

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.

Taxi and Limousine Commission, 33 Beaver Street, 19th Floor, New York, NY 10004. Jeremy Halperin (212) 676-1031; Fax: (212) 676-1206; halperinj@tlc.nyc.gov

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TRANSPORTATION

TRAFFIC

SOLICITATION

Services (other than human services)

TRAFFIC SIGNAL MAINTENANCE IN THE BOROUGH OF MANHATTAN, AREA #1, IN THE CITY OF NEW YORK -

Competitive Sealed Bids - PIN#84117MNTR092 - Due 2-5-18 at 11:00 A.M.

TRAFFIC SIGNAL MAINTENANCE IN THE BOROUGH OF BROOKLYN, AREA #3, IN THE CITY OF NEW YORK. -

Competitive Sealed Bids - PIN#84117BKTR094 - Due 2-5-18 at 11:00 A.M.

TRAFFIC SIGNAL MAINTENANCE IN THE BOROUGH OF QUEENS, AREA #4, IN THE CITY OF NEW YORK. -

Competitive Sealed Bids - PIN#84117QUTR095 - Due 2-5-18 at 11:00 A.M.

TRAFFIC SIGNAL MAINTENANCE IN THE BOROUGH OF THE BRONX, AREA #2, IN THE CITY OF NEW YORK. -

Competitive Sealed Bids - PIN#84117BXTTR093 - Due 2-5-18 at 11:00 A.M.

TRAFFIC SIGNAL MAINTENANCE IN THE BOROUGH OF STATEN ISLAND, AREA #5, IN THE CITY OF NEW YORK. -

Competitive Sealed Bids - PIN#84117SITR096 - Due 2-5-18 at 11:00 A.M.

The DBE Goal for these projects are 5 percent. A printed copy of the solicitation can also be purchased. A deposit of \$50.00 is required for

the specification books 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.). A Pre-Bid Meeting (Optional) will be held on January 12, 2018, at 10:00 A.M., at 55 Water Street Ground Floor, Conference Room, New York, NY 10041. For additional information, please contact Sharif Choudhry, at (212) 839-4370.

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.

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CONTRACT AWARD HEARINGS

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS/TRANSLATORS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, PUBLIC HEARINGS UNIT, 253 BROADWAY, 9TH FLOOR, NEW YORK, NY 10007, (212) 788-7490, NO LATER THAN TEN (10) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICES.

AGING

■ PUBLIC HEARINGS

CANCELLATION OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Monday, January 8, 2018, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the City of New York Department for the Aging and Selfhelp Community Services, Inc., located at 520 Eighth Avenue, 5th Floor, New York, NY 10018, for the provision of senior services (e.g., case management and case assistance) for Holocaust survivors living at or below the poverty line. The program will be serving all Community Districts in the boroughs of the Bronx, Brooklyn, Manhattan, and Queens. The contract amount is \$250,000. The contract term shall be from July 1, 2017 to June 30, 2018. The proposed contract will have an EPIN number of: 12518L0080001 and DFTA PIN# of: 12518DISC6XF.

The proposed contract is being funded through discretionary funds, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, Room 400, New York, NY 10007, on business days, from December 28, 2017 to January 8, 2018, excluding holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this Public Hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request to speak should be sent to Erkan Solak, Agency Chief Contracting Officer, at the Department for the Aging (DFTA), 2 Lafayette Street, Room 400, New York, NY 10007. If DFTA receives no written requests to speak within the prescribed time, DFTA reserves the right not to conduct the Public Hearing.

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AGENCY RULES

BUILDINGS

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to amend the Reference Standard regarding the Flood Insurance Rate Maps published by FEMA.

When and where is the hearing? DOB will hold a public hearing on the proposed rule. The public hearing will take place at 2:00 P.M. on February 5, 2018. The hearing will be in the 4th Floor Conference Room at 280 Broadway.

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

- **Website.** You can submit comments to the DOB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th Floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at (212) 566-3843.
- **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 in the hearing room before the hearing begins on February 5, 2018. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by February 5, 2018.

What if I need assistance to participate in the hearing? You must tell the Office of the General Counsel 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 may also tell us by telephone at (212) 393-2085. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by January 22, 2018.

This location has the following accessibility option(s) available: Wheelchair accessibility.

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

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and Section 28-103.19 of the City Administrative Code authorize DOB to make this proposed rule. This proposed rule was not included in DOB's regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

Where can I find DOB's rules? DOB's rules are in Title 1 of the Rules of the City of New York.

What laws govern the rulemaking process? DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

This rule amends the Reference Standard FEMA FIRM 360497, as identified in Section BC G402 of the building code. The FEMA FIRMs are the Flood Insurance Rate Maps published by FEMA, and are referenced in the building code for the purpose of enforcement of the construction standards of the National Flood Insurance Program.

This rule updates the FEMA FIRMs to incorporate a Letter of Map Amendment approved by FEMA for La Guardia Airport in Queens. This amendment ensures New York City's continued compliance with and eligibility to participate in the National Flood Insurance Program.

The Department of Buildings' authority for these rules is found in Sections 643 and 1043 of the New York City Charter and Section 28-103.19 of the New York City Administrative Code.

New material is underlined.
[Deleted material is in brackets.]

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

Section 1. Section 3606-03 of Chapter 3600 of Title 1 of the Rules of the City of New York is amended to read as follows:

§3606-03 Federal Emergency Management Agency ("FEMA") Letters of Map Revision.

Pursuant to Section 28-103.19 of the Administrative Code, the reference standard FEMA FIRMs 360497, as identified in Section BC G402 of the Building Code, is modified for New York City to read as follows:

FEMA FIRMs 360497	Flood Insurance Rate Map, Community Number 360497, Panel Numbers 1 through 0457, Revised September 5, 2007; Federal Emergency Management Agency, with the following [Letter] <u>Letters of Map Revision:</u> <u>Letter of Map Revision effective September 29, 2008, FEMA case # 08-02-0948P, revising FIRM panel 0111 and</u> <u>Letter of Map Revision effective April 18, 2018, FEMA case # 17-02-1503P, revising FIRM panels 0092F, 0094F, 0111F, and 0113F.</u>	G102.2, G102.3, G102.3.1, G102.3.2, G103.3, G201.2
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§2. This rule takes effect on April 18, 2018.

**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: Amendment of Reference Standard for Flood Insurance Rate Maps
REFERENCE NUMBER: DOB-106
RULEMAKING AGENCY: Department of Buildings

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

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

/s/ Francisco X. Navarro December 26, 2017
Mayor's Office of Operations Date

**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: Amendment of Reference Standard for Flood Insurance Rate Maps
REFERENCE NUMBER: 2017 RG 109
RULEMAKING AGENCY: Department of Buildings

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: December 22, 2017
Acting Corporation Counsel

Accessibility questions: Andrea Maggio (212) 393-2085, amaggio@buildings.nyc.gov, by: Monday, January 22, 2018, 5:00 P.M.



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ENVIRONMENTAL PROTECTION

■ NOTICE

Notice of Adoption of Final Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (the "Department" or "DEP") by Section 1403 of the City Charter and Section 24-716 of the New York City Administrative Code, that the Department has amended its community right-to-know regulations to make them more readily understandable. The proposed rule was published in the City Record and a public hearing was held on September 27, 2017. No comments were received.

Statement of Basis and Purpose

Working with the City's rulemaking agencies, the Law Department, the Mayor's Office of Management and Budget, and the Mayor's Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that should be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help promote public understanding and compliance. In light of this retrospective rules review, the Department of Environmental Protection is making several changes to its community right-to-know regulations to make them more readily understandable to the public.

The text of the Rules is as follows:

New material is underlined.
[Deleted material is in brackets.]

Section 1. Section 41-03 of Title 15 of the Rules of the City of New York is amended to read as follows:

Covered process. "Covered process" shall mean any process in which there is an [extremely hazardous substance] EHS or regulated toxic substance present in an amount at or above the [threshold planning quantity] TPQ for that substance.

Equipment. "Equipment" shall mean equipment whose failure or improper operation could directly or indirectly result in a release of an [extremely hazardous substance] EHS and/or regulated toxic substance from a covered process.

Extremely hazardous substance (EHS). "Extremely hazardous substance (EHS)" shall mean a hazardous substance listed by the United States Environmental Protection Agency as an extremely hazardous substance pursuant to 42 U.S.C. Section 11002(a) of the Emergency Planning and Community Right-to-Know Act, as contained in 40 C.F.R. Part 355 Appendix A.

Flammable. "Flammable" shall mean any liquid having a [flash point] flashpoint below 100 degrees F (37.8 degrees C).

[Flash point] Flashpoint. ["Flash point"] "Flashpoint" shall mean the minimum temperature at which a liquid gives off vapor in a test vessel of sufficient concentration to form an ignitable mixture with air near the surface of the liquid. Such temperature shall be determined: by a Pensky-Martens Closed Cup Tester using the test method specified in ASTM Standard D93-79 or D93-80; or by a Setaflash Closed Cup Tester using the test method specified in ASTM Standard D-327878; or by a Tag Closed Cup Tester using the test method specified in ASTM D-56-79.

Process. "Process" shall mean any activity involving an [extremely hazardous substance] EHS or a regulated toxic substance, including any use, storage, manufacturing, handling, or on-site movement of any such substance, or any combination of the foregoing activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located in such close proximity to each other at a facility that a fire, explosion, or other catastrophic accident or event could result in a release of an [extremely hazardous substance] EHS or regulated toxic substance from all such vessels, shall be considered a single process.

[Sanitized] Sanitized. "Sanitized" shall mean a version of a document from which information claimed as trade secret or confidential has been omitted or withheld.

Section 2. Subdivision (b) of Section 41-06 of Title 15 of the Rules of the City of New York is amended to read as follows:

(b) *Procedure for withholding information based on a Federal or State claim.*

(1) A responsible party may withhold from the FIF and FIF UPDATE and/or risk management plan the specific chemical identity of a hazardous substance, including the chemical name and other specific identification, and the method or process in which an [extremely hazardous substance] EHS or regulated toxic substance is used, if a trade secret claim has been filed pursuant to § 322 of the Federal Emergency Planning and Community Right-to-Know Act of 1986 or such information has been registered as a trade secret pursuant to Article 48 of the New York State Public Health Law or Article 28 of the New York State Labor Law. The responsible party [shall] must submit a notarized statement [attesting to] verifying the facts of the claim or registration, including the date, place and recipient of the claim or registration, and that the chemical identity, or the method or process in which an [extremely hazardous substance] EHS or regulated toxic substance is used, continues to be treated as confidential by the governmental authorities with whom such claim or registration has been filed. The responsible party [shall] must also affirm that the claim or registration complied with the requirements for such a submission, that reasonable measures have been taken to safeguard the confidentiality of the chemical identity claimed or registered as a trade secret, and such measures will continue in the future.

(2) The responsible party [shall] must indicate in the manner provided on the FIF, FIF UPDATE and/or risk management plan that information has been withheld because of a trade secret claim or registration.

Section 3. Subdivision (c) of Section 41-06 of Title 15 of the Rules of the City of New York is amended to read as follows:

(c) *Procedure for requesting non-disclosure based on DEP determination of trade secret status.*

(1) The responsible party requesting DEP determination of trade secret status [shall] must not withhold from the FIF, FIF UPDATE and/or risk management plan any of the information for which trade secret status is sought. Such responsible party [shall] must submit "Trade Secret [Substantiation] Verification" on a form to be prescribed by the Department, at the time of the FIF, FIF UPDATE and/or risk management plan filing, containing answers to the questions listed in Paragraph (2) of this Subdivision (c). Information included in this [Substantiation] Verification or in supplemental information provided at the request of DEP shall be treated as confidential, and therefore shall not be disclosed by DEP, regardless of the ultimate disposition of the specific hazardous substance trade secret claim, provided that the responsible party certifies that such information, if disclosed, would cause [substantial injury to the competitive position of the subject enterprise] economic harm to the responsible party.

(2) The responsible party [shall] must substantiate claims of trade secrecy by providing a specific answer including, where applicable, specific facts, to each of the following questions and requests for information[:]

(i) Describe the specific [measures] actions you have taken to safeguard the confidentiality of the chemical identity, method or process claimed as trade secret, and indicate whether these [measures] actions will continue in the future.

(ii) Have you disclosed the information claimed as trade secret to any other person (other than a member of a local emergency planning committee, officer or employee of the United States or a State or local government, or your employee) who is not bound by a confidentiality agreement to refrain from disclosing this trade secret information to others?

(iii) List any municipal, State, and Federal government entities to which you have disclosed the specific chemical identity, method or processes. For each, indicate whether you asserted a confidentiality claim for the chemical identity, method or process and whether the government entity granted or denied that claim.

(iv) In order to show the validity of a trade secrecy claim, you must identify your specific use of the chemical, method or process claimed as trade secret and explain why it is a secret of interest to competitors.

(A) Describe the specific use of the chemical claimed as trade secret, identifying the product or process in which it is used. (If you use the chemical other than as a component of a product or in a manufacturing process, identify the activity where the chemical is used.)

(B) Has your company or facility identity been linked to the specific chemical identity, method or process claimed as trade secret in a patent, or in publications or other information sources available to the public or your competitors (of which you are aware)? If so, explain why this [knowledge does not eliminate the justification for trade secrecy] public information does not eliminate the need for protection of the trade secret.

(C) If this use of the chemical, method or process claimed as trade secret is unknown outside your company, explain how your competitors could [deduce this use] infer the use, method or process from disclosure of the chemical identity, method or process together with other information on the FIF, FIF UPDATE and/or risk

management plan.

(D) Explain why your use of the chemical, method or process claimed as trade secret would be valuable information to your competitors.

(v) Indicate the nature of the economic harm [to your competitive position] that would likely result from disclosure of the specific chemical identity, and indicate why such harm would be substantial.

(vi) (A) To what extent is the chemical, method or process claimed as trade secret available to the public or your competitors in products, articles, or environmental releases?

(B) Describe the factors which influence the cost of determining the identity of the chemical claimed as trade secret by chemical analysis of the product, article, or waste which contains the chemical (e.g., whether the chemical is in pure form or is mixed with other substances).

(3) The responsible party [shall] must include and sign the following certification at the end of the [Substantiation] Verification: "I certify under penalty of law that I have personally examined the information submitted in this and all attached documents. Based on my inquiry of those individuals responsible for obtaining the information, I certify that the submitted information is true, accurate, and complete. I acknowledge that I may be asked by DEP to provide further detailed factual [substantiation] evidence relating to this claim of trade secrecy, and certify to the best of my knowledge and belief that such information is available. I understand that knowingly or recklessly making any false statement, representation or certification could subject me to a penalty of \$1000, or imprisonment of up to one year, or both."

(4) A responsible party may request an extension [only for Substantiation of Trade Secret Substantiation by including in the FIF and/or risk management plan filing a notarized statement that such filing is otherwise complete, and that the additional time is needed to fully comply with the substantiation requirements of this section. An extension of 15 business days commencing from the applicable FIF and/or risk management plan filing deadline shall be granted upon receipt by DEP of such notarized statement] of time for the submission of the Trade Secret Verification form by including in the FIF filing or risk management plan filing a notarized statement requesting additional time to fully comply with the verification requirements of this section.

(5) (i) DEP may request supplemental information from the responsible party in support of its trade secret claim. DEP may specify the kind of information to be submitted, or the responsible party may submit any additional detailed information which further supports the truth of the information previously supplied to DEP in its initial [substantiation] verification under this section. Any request for supplemental information must be submitted to DEP.

(ii) Any substantial information submitted by a responsible party [shall] must include a certification pursuant to Paragraph (3) of Subdivision (c) of this section, and where applicable, a certification pursuant to Paragraph (1) of Subdivision (c) of this section.

(6) If a trade secret claim is submitted after DEP has received the information to which such claim relates, DEP may make reasonable efforts [that are administratively practicable] to process the late claim with the previously submitted information.

(7) No information claimed as a trade secret shall be disclosed by DEP prior to an affirmative determination by DEP as to the validity of the claim.

(8) (i) The responsible party shall be notified in writing of DEP's determination as to the validity of the claim.

(ii) Within 7 business days of the receipt of written notice denying the claim, the responsible party may file a written appeal with the Commissioner.

(iii) The appeal shall be determined within 20 business days of the receipt of the appeal. Written notice of the Commissioner's determination shall include a statement of the reasons for the determination.

(iv) A proceeding to review an adverse determination may be commenced pursuant to Article 78 of the Civil Practice Law and Rules.

(9) Pursuant to § 24-709(c) of the New York City Community Right-to-Know Law, the Commissioner shall disclose trade secret information in the emergency circumstances specified in Paragraph 1 of that section, and the responsible party shall disclose trade secret information for medical diagnosis and treatment purposes specified in Paragraph 2 of that section.

Section 4. Subdivision (c) of Section 41-07 of Title 15 of the Rules of the City of New York is amended to read as follows:

(c) A responsible party may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials [in lieu] instead of [affixing] attaching labels to individual [stationary process] containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by Subdivision (a) of this section. The written materials [shall] must be readily accessible to the employees in their work area throughout each work shift.

Section 5. Subdivision (a) of Section 41-08 of Title 15 of the Rules of the City of New York is amended to read as follows:

(a) On or before March first of each year beginning in [nineteen hundred ninety-five] 1995 a responsible party of a facility where an EHS or regulated toxic substance is present at or above the TPQ for that substance [shall] must file with the Department a risk management plan. The plan [shall] must be submitted to:

New York City Department of Environmental Protection
Division of [Hazardous Materials Management] Emergency Response and Technical Assessment
Right-to-Know Program
59-17 Junction Boulevard, [3rd] 1st Floor
[Elmhurst] Flushing, NY 11373-5107

Section 6. Subsection (2) of Subdivision (b) of Section 41-10 of Title 15 of the Rules of the City of New York is amended to read as follows:

(2) Evaluation of the possibility and effects of a significant accidental release. A responsible party [shall] must examine each covered process and identify the circumstances that may cause a significant accidental release (e.g., pump failure, failure of controls, or operator error), evaluate the likelihood that such a release could occur, and perform a [qualitative] general evaluation of the effects that a significant accidental release [will] would have on public health and the environment.

Section 7. The title of Section 41-13 of Title 15 of the Rules of the City of New York is amended to read as follows:

§41-13 [Compliance with OSHA] Compliance with OSHA.

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TRANSPORTATION

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The purpose of the proposed rule is to update parking provisions to reflect current parking signage.

When and where is the hearing? The New York City Department of Transportation (DOT) will hold a public hearing on the proposed rule. The public hearing will take place at 2:00 P.M. on Monday, February 5, 2018. The hearing will be in the Bid Room, at 55 Water Street, Concourse Level, New York, NY 10041. The entrance to the Bid Room is located on the southeast corner of 55 Water Street facing the NYC Vietnam Veterans Memorial Plaza.

This location has the following accessibility option(s) available: This location is wheelchair accessible.

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

- **Website.** You can submit comments to DOT through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@dot.nyc.gov.
- **Mail.** You can mail comments to Eric Beaton, Deputy Commissioner, New York City Department of Transportation, Transportation Planning and Management, 55 Water Street, 6th Floor, New York, NY 10041.
- **Fax.** You can fax comments to Eric Beaton, Deputy Commissioner at (212) 839-7188.
- **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 calling (212) 839-6500. You can also sign up in the hearing room before the hearing begins on Monday, February 5, 2018. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline for written comments is Monday, February 5, 2018.

Do you need assistance to participate in the hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 839-6500. You must tell us by January 29, 2018.

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 transcript of the hearing and copies of the written comments are available through the DOT Freedom of Information Law (FOIL) Office, 55 Water Street, 4th Floor, New York, NY 10041.

What authorizes DOT to make this rule? Sections 1043 and 2903(a) of the City Charter authorizes DOT to make this proposed rule. This proposed rule was included in DOT's regulatory agenda for this fiscal year.

Where can I find DOT's rules? DOT's rules are in Title 34 of the Rules of the City of New York.

What rules govern the rulemaking process? DOT must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Commissioner of the New York City Department of Transportation (DOT) is authorized to promulgate rules regarding parking and traffic operations in the City by Section 2903(a) of the New York City Charter. The rules that DOT is seeking to amend are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to the "Traffic Rules and Regulations."

The purpose of these proposed rule amendments is to reflect simplified parking signage that DOT has implemented over the last few years as well as to make general clean-up amendments. Specifically, the amendments to Chapter 4 of Title 34 are the following:

- Section 4-01(b) is amended to add a new definition for "dedicated use signs", and update the definition of "taxi" to include green taxis.
- Section 4-08(a)(1) is amended to clarify that standing is prohibited when a dedicated use sign is posted.
- Section 4-08(a)(6) is amended to delete obsolete references to parking meters.
- Sections 4-08(c), 4-08(d), and 4-08(k), 4-08(l), and 4-08(o) are amended to clarify and delete certain references to specific dedicated use signs.
- Sections 4-08(d), 4-08(l)(1), and 4-08(o) are amended to update certain references to "handicapped permits"; delete a reference to a painted blue line in the Blue Zone; and delete certain obsolete portions of the rules relating to IVPS system.
- Section 4-11(a)(3) is being repealed in its entirety as it is no longer applicable.
- Section 4-12(m) is amended to reflect bus lane restrictions as contemplated by Local Law 113 of 2013.

The Department of Transportation's authority for these rules is found in Section 2903(a) of the New York City Charter and Title 19 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (b) of Section 4-01 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding new definitions of "dedicated use sign" in alphabetical order to read as follows:

Dedicated use sign. The term "dedicated use sign" shall mean a curb regulation sign that allows a designated vehicle to use the regulated block face. Other vehicles may not stand or park at these locations.

Taxi. A "taxi" shall mean a motor vehicle used for the carriage of passengers for compensation, equipped with a taxi meter, painted yellow or green and displaying a current medallion or other license issued by the New York City Taxi and Limousine Commission.

§2. Paragraph (3) of Subdivision (a) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new Subparagraph (i) to read as follows:

(3) Standing prohibited. When standing is prohibited by signs or rules, no person shall stop a vehicle, attended or unattended, except temporarily for the purpose of and while actually engaged in expeditiously receiving or discharging passengers.

(i) Dedicated use signs. Standing is prohibited when a dedicated use is specified by a sign, including but not limited to the following curb regulations: Commercial Vehicles Only, Truck Loading Only, Taxi Stand, Taxi Relief Stand, Authorized Vehicles Only, NYP License Plates Only, Doctor License Plates Only, For-Hire Vehicles Only, Ambulance Only, Ambulette Only, Medical Facility Only, Bus Layover Only, NYS Road Test Only, Flea Market Loading Only, Farmers Market Only, Waiting Line, Carshare Parking Only, or Parking Permitted.

§3. Paragraph (6) of Subdivision (a) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(6) Paper or other temporary signs. Any paper or other temporary signs posted by authorized [law enforcement] agencies shall supersede all existing posted rules for the days and times specified. [Regulations placed inside parking meters by the Department of Transportation so as to cover rate plate and the inside dome of the meter shall supersede all existing posted rules for the time the insert remains in the parking meter.]

§4. Subdivision (c) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(c) **Violation of posted no standing rules prohibited.** When official signs, markings or traffic-control devices have been posted prohibiting, restricting or limiting the standing of vehicles, no person shall stand or park any vehicle in violation of the restrictions posted on such signs, markings or traffic-control devices, except as otherwise provided herein:

(1) **[No standing (snow emergency).** When the Commissioner declares a state of snow emergency, no person shall stand or park a vehicle upon a street designated by signs as a snow street, or upon any other area referred to in §4-12(k)(1) of these rules and except as otherwise provided therein.]

(2) **[No standing-taxi] Taxi stand.** No person shall stand or park a vehicle other than a taxi in a taxi stand when any such stand has been officially designated and appropriately posted except that the operator of a vehicle may only temporarily stand therein for the purpose of expeditiously receiving and discharging passengers provided such standing does not interfere with any taxi about to enter or leave such zone. The taxi operator must not park a taxi in a taxi stand when any taxi stand has been officially designated and appropriately posted.

(2) **[Taxi and/or for hire vehicle relief stand.** No person shall stand or park a vehicle other than a taxi or for hire vehicle in a relief stand when any such stand has been officially designated and appropriately posted. The operator of a taxi or for hire vehicle may park at such stand for no more than one hour.

(3) **[No standing-bus] Bus stop.** No person shall stand or park a vehicle other than an authorized bus in its assigned bus stop when any such stop has been officially designated and appropriately posted except that the operator of a vehicle may temporarily stand therein for the purpose of expeditiously receiving and discharging passengers provided such standing does not interfere with any bus about to enter or leave such zone.

(4) **[No standing except authorized] Authorized vehicles.** Except as provided in Paragraph (8) of this subdivision, where a posted sign reads "No Standing Except Authorized Vehicles[,] or "Authorized Vehicles Only", no vehicles, except those designated by [a rider attached to] such sign, may stand or park in that area.

(5) **[No standing-hotel] Hotel loading zone.** No person shall stand or park a vehicle in such zone except temporarily for the purpose of and while actually engaged in receiving or discharging passengers and their personal baggage at hotels.

(6) **[No standing-commuter] Commuter van stop.** No person shall stand or park a vehicle other than a commuter van in a commuter van stop when such a stop has been officially designated and appropriately posted, except that an operator of such other vehicle may temporarily stand therein for the purpose of expeditiously receiving or discharging passengers provided such standing does not interfere with any commuter van about to enter or leave such zone.

(7) **[No standing-for-hire] For-hire vehicle [stop] stand.** No person shall stand or park a vehicle other than a for-hire vehicle in a for-hire vehicle stop when such a stop has been officially designated and appropriately posted, except that an operator of such other vehicle may temporarily stand therein for the purpose of expeditiously receiving or discharging passengers provided such standing does not interfere with any for-hire vehicle about to enter or leave such zone.

(8) **[No standing except certain diplomatic] Diplomatic and consular vehicles.**

(i) Where a posted sign reads "No Standing Except Vehicles with Consul-C or Diplomat-A&D License Plates D/S Decals Only" or "Authorized Vehicles Only Consul-C Diplomat-A & D License Plates D/S Decals Only", no person may stand or park a vehicle in such area except as follows:

(A) a person may stand or park a vehicle in such area if such vehicle bears "A", "C" or "D" series license plates issued by the U.S. Department of State, such vehicle displays a valid non-transferable service vehicle decal issued by the City of New York that is affixed to the inside of the operator's side of the windshield, and such person is authorized to park or stand in a space in such area by the foreign mission or consulate that has been allocated such space by the Department; or

(B) a person may stand a vehicle temporarily (no more than thirty (30) minutes) in such area for the purpose of and while actually engaged in delivering, loading or unloading for official business if such vehicle bears "A", "C" or "D" series license plates issued by the U.S. Department of State, such vehicle displays a valid non-transferable delivery vehicle decal issued by the City of New York that is affixed to the inside of the operator's side of the windshield, such person is authorized to stand in a space in such area by the foreign mission or consulate that has been allocated such space by the Department, and a delivery is being made to such foreign mission or consulate.

(ii) Where a posted sign reads "No Standing Except Vehicles with Consul-C or Diplomat-A&D License Plates Delivery Decal Required 30 Minute Limit" or "Authorized Vehicles

Only Consul & Diplomat License Plates Delivery Decal Required", no person may stand or park a vehicle in such area except a person may stand a vehicle temporarily [(no more than thirty (30) minutes)] in such area for the purpose of and while actually engaged in delivering, loading or unloading for official business if such vehicle bears "A", "C" or "D" series license plates issued by the U.S. Department of State and displays a valid non-transferable delivery vehicle decal issued by the City of New York that is affixed to the inside of the operator's side of the windshield.

(9) **[Parking Permitted.** No person shall stand or park a vehicle other than on those day(s) and hour(s) specified on the posted sign, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

§5. **Subdivision (d) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:**

(d) **Violation of posted no parking rules prohibited.** When official signs, markings or traffic control devices have been posted prohibiting, restricting or limiting the parking of vehicles, no person shall park any vehicle in violation of the restrictions posted on such signs, markings or traffic control devices, except as otherwise provided herein:

(1) **[No parking-street] Street cleaning.** No person shall park a vehicle in violation of officially posted street cleaning rules, as defined in Subsection (a)(7)(ii) of these rules, unless such rules have been suspended by the Commissioner or his/her designee pursuant to Subsection (a)(7) of these rules.

(2) **[No parking-taxi stand.** No person shall park a vehicle other than a taxi in a taxi stand when any such stand has been officially designated and appropriately posted except that the operator of a passenger or commercial vehicle may temporarily stop or stand therein provided such stopping or standing does not interfere with any taxi about to enter or leave such zone.] **Reserved.**

(3) **No parking except [handicapped] parking permits for people with disabilities (off-street).**

(i) No person shall park a vehicle in any off-street parking space designated for use by [the handicapped] a parking permit for people with disabilities pursuant to §1203-c of the Vehicle and Traffic Law, or designated by blue painted lines or markings displaying the international symbol of access unless:

(A) Such person is, or is transporting, a [handicapped] disabled permittee and displays a state special vehicle identification permit issued by the NYS Commissioner of Motor Vehicles, or

(B) Such vehicle is registered in accordance with §404-a of the Vehicle and Traffic Law and is being used for the transportation of [handicapped] disabled persons, or

(C) Such vehicle displays a special license plate or parking permit issued by any governmental entity subject to the laws of the United States, or a foreign country for the purpose of granting special parking privileges to people with disabilities.

(ii) [Handicapped] License plates or parking permits issued to people with disabilities by New York State or by any other state, district, territory or other governmental entity or foreign country shall be valid only in designated off-street parking areas. They are not valid in on-street parking areas.

(4) **Official markings.** When markings upon [the curb or] the pavement of a [street] roadway designate a parking space, no person shall stand or park a vehicle in such designated parking space so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating such a space, except that a vehicle which is of a size too large to be parked within a single designated parking space shall be parked with the front bumper at the front of the space with the rear of the vehicle extending as little as possible into the adjoining space to the rear, or vice-versa. Notwithstanding the above, no vehicle that is too long and/or too wide to be parked within a single designated parking space shall be parked in such a space which is designated for angle parking.

(5) **No parking except authorized vehicles.** Where a posted sign reads "No Parking Except Authorized Vehicles," no vehicles, except those designated by a rider attached to such sign, may park in that area.

(6) **No parking-hotel loading zone.** No person shall park a vehicle in such zone except temporarily for the purpose of and while actually engaged in receiving or discharging passengers and their personal baggage at hotels.]

§6. **Paragraph (2) of Subdivision (k) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:**

(k) **Special rules for commercial vehicles.**

(2) **No standing except trucks loading and unloading.**

Where a posted sign reads "No Standing Except Trucks Loading and Unloading[,] or "Truck Loading Only", no vehicle except a

commercial vehicle or a service vehicle as defined in §4-01(b) of these rules, may stand or park in that area, for the purpose of expeditiously making pickups, deliveries or service calls, and except that in the area from 35th Street to 41st Street, Avenue of the Americas to 8th Avenue, inclusive, in the Borough of Manhattan, between the hours of 7:00 A.M. and 7:00 P.M., no vehicle except a truck as defined in §4-13(a)(1) of these rules may stand or park for the purpose of expeditiously making pickups, deliveries, or service calls.

§7. Paragraph (1) of Subdivision (l) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (1) **Blue zone.** No person shall park a vehicle upon any of the streets within the area designated as the "Blue Zone," Monday through Friday from 7:00 A.M. to 7:00 P.M., except as otherwise posted along the perimeter of and inside the designated area, or when necessary to avoid conflict with other traffic or in compliance with law or upon the direction of any law enforcement officer authorized to enforce these rules. Said area is [indicated by a blue line painted parallel to the curb and is] bounded by the northern property line of Frankfort Street, the northern property line of Dover Street, the eastern property line of South Street, the western property line of State Street, the centerline of Broadway, and the centerline of Park Row.

§8. Paragraph (6) of Subdivision (l) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(6) Special Lower Manhattan Area Rule: standing time limit.

Between the hours of 7:00 A.M. and 7:00 P.M., daily, on any street south of Houston Street, from the East River to the Hudson River, in the Borough of Manhattan:

- (i) An operator must not stand or park a bus on any one block of streets, including where a space on that block is regulated by a parking meter, for more than three hours unless otherwise posted.
- (ii) Where a space is regulated by a parking meter and signs are posted restricting the use of the curb to buses, it is unlawful to stand or park any vehicle at that regulated space unless the vehicle is a bus. The provisions of Subdivision (h) of this section shall apply to buses parked at such a parking meter.
- (iii) Where a parking sign designates a regulated space as "No Standing/Parking Except Authorized Buses" or "Buses With Permit Only":
- (A) It is unlawful to stand or park any vehicle at that regulated space unless the vehicle is a bus and the operator has first obtained a permit from the Department according to Paragraph (4) of Subdivision (o) of this section.
- (B) Where that space is also regulated by a parking meter, the provisions of Subdivision (h) of this section shall apply to permitted buses parked at such a parking meter.
- (iv) A bus not being used for the expeditious pickup and drop off of passengers is deemed to constitute a parked vehicle subject to parking rules applicable to that particular location.

§9. Subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(o) **Permits.** For purposes of this section, a "permit" is the authorization granted by the Department to qualified individuals for special parking privileges as set forth in this subdivision. At the discretion of the Department, a permit may be represented by a permit card inscribed with information that describes the specific parking privileges it authorizes [or by an IVPS programmed to contain the same information. Where this rule states that a permit must be displayed in the vehicle, a permittee using a permit card must place it in the appropriate place in a vehicle; a permittee using an IVPS must activate the system before so displaying it, in order to authorize parking pursuant to the permit. The registration numbers of the electronic component, the electronic debit card, and all related windshield stickers comprising an IVPS must match in order for such system to be considered properly activated].

§10. Subparagraphs (i) and (ii) of Paragraph (1) of Subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(1) Permits for people with disabilities.

(i) **Authorized parking areas.** An operator of a vehicle bearing a valid New York City Special Parking Identification permit may park:

- (A) in any "No Parking" zone, [including those marked "except authorized vehicles,"]
- (B) in any "No Standing Except Authorized Vehicles" or "Authorized Vehicles Only" zone,
- (C) at parking meters without using an authorized payment method, and
- (D) in "No Standing Except Trucks Loading and Unloading" or "Truck Loading Only" zones.

Such special parking permit shall be displayed so that it is visible through the windshield. [An IVPS must be activated to authorize parking.]

(ii) **Prohibited parking areas.** Such special parking identification permits do not authorize parking:

- (A) in a bus stop,
- (B) in a taxi-stand,
- (C) within 15 feet of a fire hydrant,
- (D) in a fire zone,
- (E) in a driveway,
- (F) in a crosswalk,
- (G) in a no stopping zone,
- (H) in a no standing zone, [or]
- (I) double parking[.],
- (J) in any "Ambulette", "Ambulance", "Access-A-Ride", "Medical Facility" zone or combination thereof,
- or
- (K) in a For-Hire-Vehicle stop.

§11. Subparagraph (i) of Paragraph (2) of Subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York are amended to read as follows:

(2) **Municipal parking permit.** A municipal parking permit licenses the permittee to park one automobile at the permittee's risk in the area designated by signs. Fees charged are for the use of a parking space in the designated facility only. Only a license to park is granted by this permit and no bailment is created. The Department of Transportation assumes no responsibility for loss due to fire, theft, collision or otherwise to the car or its contents.

(i) A municipal parking permit must be displayed when parked in authorized spaces, and in such a manner that the permit is visible through the left side of the windshield. [An IVPS must be activated to authorize parking.]

§12. Paragraph (3) of Subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York are amended to read as follows:

(3) **Yearly permits for parking in contradiction to rules on City streets.** Yearly permits are issued on dates determined by the Department of Transportation or any other agency authorized by the Department to non-profit organizations needing to park in contradiction to parking rules when the vehicle is essential to the performance of their organizational functions. These organizations generally are medical, blood, government and human service programs. Such permits shall be displayed so that they are visible through the windshield. [An IVPS must be activated to authorize parking.]

(i) **Parking permitted.** Parking with yearly permits is permitted in areas specified on or programmed into the permit and may include some or all of the following:

- (A) [Meters] Parking meters.
- (B) Truck loading and unloading zones.
- (C) No Standing/Parking Except Authorized Vehicles or Authorized Vehicle Only, when the permit matches the signs, and
- (D) "No Parking" areas.

§13. Paragraph (4) of Subdivision (o) of Section 4-08 of Chapter 4 of Title 34 of the Rules of the City of New York are amended to read as follows:

(4) **Single issue permits for parking in contradiction to rules on City streets.** Single issue permits are issued by the Department of Transportation or any other agency authorized by the Department to for-profit and not-for-profit medical, blood and human service programs; press events; bus operators parking pursuant to Paragraph (6) of Subdivision (l) of this section; and concerts, film production companies, special events and emergencies. Such permits shall be displayed so that they are visible through the windshield. [An IVPS must be activated to authorize parking.]

(i) **Information required.** The request for such a single issue permit shall be made in writing to the Department of Transportation and must include:

- (A) Date(s) of the event,
- (B) Hours,
- (C) Location,
- (D) Number and size of vehicles, and
- (E) License plates or identifying markings of the vehicles.

(ii) **Parking permitted.** Parking with single issue permits is permitted in areas specified on or programmed into the permit and may include some or all of the following:

- (A) [Meters] Parking meters,
- (B) Truck loading and unloading zones,
- (C) No Standing/Parking Except Authorized Vehicles or Authorized Vehicle Only,
- (D) "No Parking" areas, and
- (E) No Standing/Parking Except Authorized Buses or Buses with Permit Only.

§14. Paragraph (3) of Subdivision (a) of Section 4-11 of Chapter 4 of Title 34 of the Rules of the City of New York is hereby repealed.

§15. Subdivision (m) of Section 4-12 of Title 34 of the Rules of the City of New York is amended to read as follows:

Bus lane restrictions on City streets.

(1) When signs are erected giving notice of bus lane restrictions, no person shall drive a vehicle other than a bus within a designated bus lane during the restricted hours, except:

- [(1)](i) to use such bus lane in a safe manner in order to make a right hand turn where permitted [into a street, private road, private drive, or an entrance to private property in a safe manner] into a public or private street or driveway provided that the vehicle does not drive through an intersection; or
- [(ii) to use the bus lane in a safe manner to make a right hand turn where permitted, within two hundred feet of entry into such bus lane, into a public or private street or driveway even if such activity requires driving through an intersection; or
- [(2)](iii) to approach to or leave the curbside space, unless standing or stopping at the curb is prohibited by sign or rule; or
- [(3)](iv) temporarily to enter or leave the bus lane for the purpose of and while actually engaged in expeditiously receiving or discharging passengers, except when such activity is prohibited by signs or rules; or
- [(4)](v) to avoid an obstacle which obstructs the roadway and leaves fewer than ten feet of roadway width available for the free movement of vehicular traffic (except for temporary situations such as slow moving traffic and vehicles loading refuse); or
- [(5)](vi) to comply with the direction of any law enforcement officer or other person authorized to enforce this rule.

[With respect to the exceptions in Paragraphs one through four of this subdivision, a vehicle may not be operated in the bus lane during restricted hours for more than two hundred feet. The preceding sentence does not apply where posted signs, markings or other traffic control devices indicate otherwise.]

(2) With respect to the exceptions in [Paragraphs two through five], Subparagraphs (iii) through (vi) of Paragraph (1) of this subdivision, a vehicle must exit the bus lane at the nearest opportunity where it is safe and legal to do so.

(3) Notwithstanding any other provision of these rules, no person may drive a vehicle within a designated bus lane in a manner that interferes with the safety and passage of buses operating thereon.

(4) The same rights and restrictions that apply to vehicles pursuant to this subdivision also apply to horse-drawn vehicles and devices moved by human power.

**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: Amendment of Traffic Rules
REFERENCE NUMBER: DOT-41
RULEMAKING AGENCY: Department of Transportation

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) Cure period is not included because the violation cannot be corrected or undone.

/s/ Jacqueline Matos December 27, 2017
Mayor's Office of Operations Date

**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: Amendment of Traffic Rules
REFERENCE NUMBER: 2017 RG 065
RULEMAKING AGENCY: Department of Transportation

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: December 27, 2017
Acting Corporation Counsel



SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

■ NOTICE

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8056
FUEL OIL AND KEROSENE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 1/1/2018
3687331	1.0	#2DULS	CITYWIDE BY TW	SPRAGUE	.0882 GAL.	2.2371 GAL.
3687331	2.0	#2DULS	PICK-UP	SPRAGUE	.0882 GAL.	2.1324 GAL.
3687331	3.0	#2DULS WINTERIZED	CITYWIDE BY TW	SPRAGUE	.0882 GAL.	2.4354 GAL.
3687331	4.0	#2DULS WINTERIZED	PICK-UP	SPRAGUE	.0882 GAL.	2.3306 GAL.
3687331	5.0	#1DULS	CITYWIDE BY TW	SPRAGUE	.0996 GAL.	2.5582 GAL.
3687331	6.0	#1DULS	PICK-UP	SPRAGUE	.0996 GAL.	2.4534 GAL.
3687331	7.0	#2DULS >=80%	CITYWIDE BY TW	SPRAGUE	.0882 GAL.	2.2649 GAL.
3687331	8.0	#2DULS WINTERIZED	CITYWIDE BY TW	SPRAGUE	.0882 GAL.	2.5559 GAL.

3687331	9.0	B100	B100<=20%	CITYWIDE BY TW	SPRAGUE	.0959	GAL.	2.8071	GAL.
3687331	10.0	#2DULS	>=80%	PICK-UP	SPRAGUE	.0882	GAL.	2.1601	GAL.
3687331	11.0	#2DULS	WINTERIZED	PICK-UP	SPRAGUE	.0882	GAL.	2.4511	GAL.
3687331	12.0	B100	B100 <=20%	PICK-UP	SPRAGUE	.0959	GAL.	2.7023	GAL.
3687331	13.0	#1DULS	>=80%	CITYWIDE BY TW	SPRAGUE	.0996	GAL.	2.5678	GAL.
3687331	14.0	B100	B100 <=20%	CITYWIDE BY TW	SPRAGUE	.0959	GAL.	2.8160	GAL.
3687331	15.0	#1DULS	>=80%	PICK-UP	SPRAGUE	.0996	GAL.	2.4630	GAL.
3687331	16.0	B100	B100 <=20%	PICK-UP	SPRAGUE	.0959	GAL.	2.7112	GAL.
3687331	17.0	#2DULS		BARGE MTF III & ST.WI	SPRAGUE	.0882	GAL.	2.1977	GAL.
3687192	1.0	JET		FLOYD BENNETT	SPRAGUE	.0804	GAL.	2.8517	GAL.
3587289	2.0	#4B5		MANHATTAN	UNITED METRO	.0707	GAL.	2.1196	GAL.
3587289	5.0	#4B5		BRONX	UNITED METRO	.0707	GAL.	2.1184	GAL.
3587289	8.0	#4B5		BROOKLYN	UNITED METRO	.0707	GAL.	2.1126	GAL.
3587289	11.0	#4B5		QUEENS	UNITED METRO	.0707	GAL.	2.1179	GAL.
3587289	14.0	#4B5		RICHMOND	UNITED METRO	.0707	GAL.	2.2033	GAL.
3687007	1.0	#2B5		MANHATTAN	SPRAGUE	.0886	GAL.	2.1814	GAL.
3687007	4.0	#2B5		BRONX	SPRAGUE	.0886	GAL.	2.1704	GAL.
3687007	7.0	#2B5		BROOKLYN	SPRAGUE	.0886	GAL.	2.1871	GAL.
3687007	10.0	#2B5		QUEENS	SPRAGUE	.0886	GAL.	2.1833	GAL.
3687007	13.0	#2B5		RICHMOND	SPRAGUE	.0886	GAL.	2.3477	GAL.
3687007	16.0	#2B10		CITYWIDE BY TW	SPRAGUE	.0890	GAL.	2.3526	GAL.
3687007	17.0	#2B20		CITYWIDE BY TW	SPRAGUE	.0897	GAL.	2.3996	GAL.
3787198	18.0	#2DULS		CITYWIDE BY TW	SPRAGUE	.0882	GAL.	2.4473	GAL.
3787198	19.0	B100		CITYWIDE BY TW	SPRAGUE	.0959	GAL.	3.2116	GAL.
3787198	20.0	#2DULS		PICK-UP	SPRAGUE	.0882	GAL.	2.2926	GAL.
3787198	21.0	B100		PICK-UP	SPRAGUE	.0959	GAL.	3.0569	GAL.

NOTE:

3687331	#2DULSB5	95% ITEM 8.0 & 5% ITEM 9.0	CITYWIDE BY TW	SPRAGUE	.0886	GAL.	2.5685	GAL.
3687331	#2DULSB10	90% ITEM 8.0 & 10% ITEM 9.0	CITYWIDE BY TW	SPRAGUE	.0890	GAL.	2.5810	GAL.
3687331	#2DULSB20	80% ITEM 8.0 & 20% ITEM 9.0	CITYWIDE BY TW	SPRAGUE	.0897	GAL.	2.6061	GAL.
3687331	#2DULSB5	95% ITEM 11.0 & 5% ITEM 12.0	PICK-UP	SPRAGUE	.0886	GAL.	2.4637	GAL.
3687331	#2DULSB10	90% ITEM 11.0 & 10% ITEM 12.0	PICK-UP	SPRAGUE	.0890	GAL.	2.4762	GAL.
3687331	#2DULSB20	80% ITEM 11.0 & 20% ITEM 12.0	PICK-UP	SPRAGUE	.0897	GAL.	2.5013	GAL.
3687331	#1DULSB20	80% ITEM 13.0 & 20% ITEM 14.0	CITYWIDE BY TW	SPRAGUE	.0988	GAL.	2.6174	GAL.
3687331	#1DULSB20	80% ITEM 15.0 & 20% ITEM 16.0	PICK-UP	SPRAGUE	.0988	GAL.	2.5126	GAL.
3787198	#2DULSB50	50% ITEM 18.0 & 50% ITEM 19.0	CITYWIDE BY TW	SPRAGUE	.0921	GAL.	2.8295	GAL.
3787198	#2DULSB50	50% ITEM 20.0 & 50% ITEM 21.0	PICK-UP	SPRAGUE	.0921	GAL.	2.6748	GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8057
FUEL OIL, PRIME AND START**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 1/1/2018
3487119	1.0	#2B5	MANHATTAN	PACIFIC ENERGY	.0881 GAL	2.3623 GAL.
3487119	79.0	#2B5	BRONX & MANH CD 10	PACIFIC ENERGY	.0881 GAL	2.3623 GAL.
3487119	157.0	#2B5	BKLYN, QUEENS, SI	PACIFIC ENERGY	.0881 GAL	2.3623 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8058
FUEL OIL AND REPAIRS**

P.O. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 1/1/2018
3787250	1.0	#2B5	CITYWIDE BY TW	PACIFIC ENERGY	.0886 GAL	2.2392 GAL.
3787250	2.0	#4B5	CITYWIDE BY TW	PACIFIC ENERGY	.0707 GAL	2.0362 GAL.

OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 8059
GASOLINE

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 1/1/2018
3787120	1.0	REG UL	CITYWIDE BY TW	GLOBAL MONTELLO	.0658 GAL	1.8819 GAL.
3787120	2.0	PREM UL	CITYWIDE BY TW	GLOBAL MONTELLO	.0745 GAL	1.9850 GAL.
3787120	3.0	REG UL	PICK-UP	GLOBAL MONTELLO	.0658 GAL	1.8169 GAL.
3787120	4.0	PREM UL	PICK-UP	GLOBAL MONTELLO	.0745 GAL	1.9200 GAL.
3787121	6.0	E70 (WINTER)	CITYWIDE BY DELIVERY	UNITED METRO	.0493 GAL	1.9648 GAL.

NOTE:

As of January 1, 2017, the Bio-Diesel Blender Tax Credit has been rescinded for \$1.00 per gallon on B100. Therefore, for deliveries after January 1, 2017, the contractor will no longer be deducting the tax credit as a separate line item on the invoice. Should the tax credit be extended, it will once again appear as deduction and line item on the invoice.

Federal excise taxes are imposed on taxable fuels, (i.e., gasoline, kerosene, and diesel), when removed from a taxable fuel terminal. This fuel excise tax does not include Leaking Underground Storage Tank (LUST) tax. LUST tax applies to motor fuels for both diesel and gasoline invoices. Going forward, LUST Tax will appear as an additional fee at the rate of \$0.001 per gallon, and will be shown as a separate line item on your invoice.

The National Oilheat Research Alliance (NORA) resumed operations in 2014. A related assessment of \$.002 per gallon has been added to the posted weekly fuel prices and will appear as a separate line item on invoices. This fee applies to heating oil only and since 2015 has included #4 heating oil. NORA has been authorized through February 2019. All other terms and conditions remain unchanged.

REMINDER FOR ALL AGENCIES:

Please send inspection copy of receiving report for all gasoline (E70, UL & PREM) delivered by tank wagon to OCP/Bureau of Quality Assurance (BQA), 1 Centre Street, 18th Floor, New York, NY 10007.

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OFFICE OF MANAGEMENT AND BUDGET

■ NOTICE

**OFFICE OF MANAGEMENT AND BUDGET (NYCOMB)
New York City Economic Development Corporation (NYCEDC)
COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER
RECOVERY (CDBG-DR)**

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

REQUEST FOR RELEASE OF FUNDS

On or about January 16, 2018, the City of New York (the City) anticipates submitting requests to the U. S. Department of Housing and Urban Development (HUD) for the release of CDBG-DR funds authorized by the “Disaster Relief Appropriations Act, 2013” (Public Law 113-2) to undertake the implementation of two projects, 1) the Red Hook Initiative (RHI) Mesh Wi-Fi Network in the borough of Brooklyn, and 2) the Geosyntec Project in the boroughs of Brooklyn, Queens, and Staten Island, in New York City as part of the Resiliency Innovations for a Stronger Economy (RISE) program.

The New York City Economic Development Corporation (NYCEDC) proposes to construct the RHI Mesh Wi-Fi Network at 48 small businesses and community facilities as a means of creating a resilient, public Wi-Fi mesh network that would maintain its function during an extreme weather event, through the ability to access electricity from solar panels and battery-stored power when necessary. The Red Hook Initiative’s proposed resilient Wi-Fi mesh network helps facilitate a more resilient and connected community through the network’s ability to switch from traditional grid-based electric power to solar energy in response to failure of the electrical grid during extreme weather events. Estimated CDBG-DR funding for the RHI Mesh Wi-Fi Network will total \$1,044,775.

NYCEDC also proposes to construct the Geosyntec Project as a means to protect five small businesses against localized flooding, by installing floodproofing measures and a regional water level sensor. These floodproofing measures include permanent modifications to existing structures, such as covers for unused vents and the application of waterproof sealants, as well as non-permanent modifications that would be deployed as needed, such as modular floodwalls installed within doorways. Each of the five small businesses would utilize a variety of floodproofing measures depending on the site’s existing conditions. Estimated CDBG-DR funding for the Geosyntec Project will total \$1,366,274.

CATEGORICAL EXCLUSION SUBJECT TO SECTION 58.35

In accordance with 24 CFR Part 58.35 of the HUD Environmental Review Procedures for HUD funded activities, the implementation of 1) the RHI Mesh Wi-Fi System, and, 2) the Geosyntec Project, in New York City has been determined to be categorically excluded from the Environmental Assessment requirements of the National Environmental Policy Act. The two projects identified above do not involve new construction or the expansion of a building’s footprint.

Specific addresses and locations of the 48 RHI sites and 5 Geosyntec sites located in the boroughs of Brooklyn, Queens, and Staten Island can be found online, on the NYCOMB website. Additional project information is contained in the Environmental Review Record (ERR) and Categorical Exclusion documentation on file with Mr. Calvin Johnson, Assistant Director, CDBG- Disaster Recovery, New York City Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007, (212) 788-6024, and may be examined or copied on weekdays between 10:00 A.M. and 5:00 P.M. The documents may also be found at: <http://www1.nyc.gov/site/cdbgdr/documents/environmental-records.page>.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments to NYCOMB at the address listed above. All comments received by close of business on January 15, 2018, will be considered by NYCOMB prior to requesting the release of funds. Those wishing to comment should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

NYCOMB certifies to HUD that Melanie Hartzog in her capacity as Certifying Officer of the CDBG-DR Program consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows NYCOMB to use CDBG-DR funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and NYCOMB’s certification for a period of fifteen days following its actual receipt of the request only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of NYCOMB; (b) NYCOMB has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58), and shall be addressed to: Tennille Parker, Disaster Recovery and Special Issues Division, Office of Block Grant Assistant, HUD, 451 7th Street SW, Room 7272, Washington, DC 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

City of New York: Bill de Blasio, Mayor
Melanie Hartzog, Budget Director, Office of Management and Budget

Date: January 5, 2018

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CHANGES IN PERSONNEL

DEPARTMENT OF EDUCATION ADMIN
FOR PERIOD ENDING 12/01/17

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

DEPARTMENT OF PROBATION
FOR PERIOD ENDING 12/01/17

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

DEPARTMENT OF BUSINESS SERV.
FOR PERIOD ENDING 12/01/17

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

HOUSING PRESERVATION & DVLPMNT
FOR PERIOD ENDING 12/01/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for Housing Preservation & Development.

DEPARTMENT OF BUILDINGS
FOR PERIOD ENDING 12/01/17

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

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Health/Mental Hygiene.

DEPT OF HEALTH/MENTAL HYGIENE
FOR PERIOD ENDING 12/01/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Health/Mental Hygiene.

DEPT OF HEALTH/MENTAL HYGIENE
FOR PERIOD ENDING 12/01/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Health/Mental Hygiene.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 12/01/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists employees like JOHN, JOHNSON, KAMEL, etc.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists employees like PARRIS, PEARSON, PELLICCIA, etc.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 12/01/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists employees like RHADAY, RICKER, RIVERA, etc.

COURT NOTICE MAP FOR TRAVIS NEIGHBORHOOD STORM WATER SEWER PROJECT - STAGE 1

Map showing site block 2772, block 2774, and block 5658. Includes legend, abbreviations, assessed valuations table, and project details for Block 5658.

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