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## THE CITY RECORD

**BILL DE BLASIO**

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Commissioner, Department of Citywide  
Administrative Services

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BOROUGH PRESIDENT - BROOKLYN

#### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that, pursuant to Section 201 of the New York City Charter, the Brooklyn borough president will hold a remote ULURP public hearing on the following matters, commencing at 6:00 P.M., on Monday, September 27, 2021.

The hearing will be conducted via the Webex video conferencing system.



Members of the public may join and testify using the following information:

**Event Address:**  
<https://nycbp.webex.com/nycbp/onstage/g.php?MTID=e50040b09ee5560a092673f73fa0f3e7a>

**Event Number:** 179 298 3276

**Event Password:** ulurp

Those wishing to call in without video may do so using the following information:

**Audio Conference:** +1-408-418-9388

**Access Code:** 179 298 3276

#### 1) One Wythe Avenue Industrial Business Incentive Area (IBIA) Special Permit (210272 ZSK)

An application submitted by One Wythe LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-96\* of the New York City Zoning Resolution (ZR) to allow an increase in the maximum permitted floor area ratio in accordance with ZR Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to waive the off-street parking requirements of ZR Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), and to modify the quantity and size of the loading berth requirements of Section 44-50 (GENERAL PURPOSES), in connection with a proposed eight-story commercial and industrial building within an IBIA, specified on the Maps in Section 74-968 (Maps of IBIA), on property located at 1 Wythe Avenue (Block 2641, Lots 1, 3 and 4), in a M1-2 District. Borough of Brooklyn, Community District 1 (CD 1). \*Note: Section 74-96 is proposed to be changed under a concurrent related application (N 210273 ZRK) for a zoning text change.

#### 2) 79 Quay Street Rezoning (210166 ZMK, 210167 ZRK)

Applications submitted by Quay Plaza LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 12c, by changing from an M1-2/R6A District to an M1-4/R7D District for an area fronting the north side of Quay Street

and east side of West Street to within 100 feet of Franklin Street, subject to the conditions of New York City Environmental Quality Review (CEQR) Declaration E-622. The proposed zoning text amendment would designate a Mandatory Inclusionary Housing (MIH) area coterminous with the project area. The requested actions are intended to facilitate a nine-story building, with approximately 10,585 square feet (sq. ft.) of commercial (retail) floor area with a floor area ratio (FAR) of 0.64 and approximately 81,570 sq. ft. of residential floor area (4.94 FAR) with 83 dwelling units in CD 1. Approximately 22 units would be affordable to households earning an average 60 percent of Area Median Income (AMI), pursuant to MIH Option 1, or 26 units would be affordable to households earning an average 80 percent of AMI, pursuant to MIH Option 2.

**3) River Ring (210425 MMK, 220061 MLK, 220062 ZMK, 220063 ZRK, 220064 ZSK, 220070 ZSK)**

Applications for property in Community District 1, Borough of Brooklyn, submitted by River Street Partners LLC, pursuant to Sections 197-c, 199 and 201 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code for the following:

- An amendment to the City Map involving:
  - The elimination, discontinuance and closing of Metropolitan Avenue between River Street and the United States Pierhead Line (USPL)
  - The elimination, discontinuance, and closing of a portion of North First Street from a point 200 feet west of River Street and the USPL
  - The adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. Y-2760 dated August 16, 2021, and signed by the Brooklyn borough president
- To facilitate a landfill of approximately 6,230 sq. ft. located in the East River, in connection with a proposed mixed-use development, within a large-scale general development (LSGD), on property generally bounded by North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the USPL (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20, and 21, and Block 2376, Lot 50; and the above reference intended demapped portions of Metropolitan Avenue and North First Street), in a proposed C6-2 District.
- An amendment of the Zoning Map changing from an M3-1 District to a C6-2 District property bounded by North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, a northeasterly boundary line of Grand Ferry Park, and the USPL, and changing from an M3-1 District to an M1-4 District property bounded by North Third Street, Kent Avenue, North First Street, and River Street, and subject to the conditions of CEQR Declaration E-636. The proposed zoning text amendment would designate an MIH area coterminous with the area proposed to be designated as a C6-2A zoning district.
- An application in connection with a proposed mixed-use development, within a LSGD, on property generally bounded by North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the US Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21, Block 2376, Lot 50, and the demapped portions of Metropolitan Avenue and North First Street), in a C6-2 District, for the grant of special permits pursuant to the following Sections of the ZR:
  - ZR Section 74-743(a)(2):
    - To modify the height and setback, floor area distribution, maximum residential tower size, and maximum width of building walls facing a shoreline per requirements of ZR Section 62-341 (Developments on land and platforms)
  - Section 74-743(a)(13):
    - To allow existing land projecting seaward of the bulkhead line to be replaced or reconstructed with new platforms and such platform be included as part of the upland lot
    - To allow such new piers and platforms to be considered lot area for the purposes of determining allowable floor area, dwelling units, and other bulk regulations of ZR Section 62-31(b) & (c) (Bulk Computations on Waterfront Zoning Lots)
  - To waive the requirements of ZR Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers), and ZR Section 62-63 (Design Requirements for Public Access on Piers and Floating Structures)
- An application for the grant of a special permit pursuant to Section 74-533 of the ZR to reduce the number of required accessory off-street parking spaces from 40 percent to 20 percent, for dwelling units in a development within a Transit Zone, which includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a LSGD, on property generally bounded by

North Third Street, River Street, North First Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the USPL (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; Block 2376, Lot 50, and the intended to be demapped portions of Metropolitan Avenue and North First Street), in a C6-2 District

The requested actions are intended to facilitate two mixed-use towers, one at 49 stories and an approximately 560'-tall tower (600', including bulkhead) and the second being 64 stories and an approximately 710'-tall tower (750' including bulkhead). In total the proposed development is intended to be approximately 1,158,800 sq. ft. (6.17 FAR), with approximately 1,050 dwelling units, a 30,000 sq. ft. community center, 79,000 sq. ft. of commercial space, including office space and local retail, approximately 250 accessory attended parking spaces for at least 20 percent of market-rate dwelling units, 538 required bicycle parking spaces, and approximately 2.9 acres of new public open space comprised of approximately 2.32 acres of accessible in-river space and 0.86 acres of intertidal area. Approximately 263 units (25 percent of residential floor area) would be affordable to households earning an average 60 percent of AMI. Local retail uses on the ground floor of both buildings would activate street frontages along North First and Third streets, and River Street, as well as along the adjacent publicly-accessible open space. No loading docks are required, and none will be provided. A landfill action would add approximately 6,319 sq. ft. of landfill as part of the waterfront public open space plan.

This hearing will be recorded for public transparency and made available on Borough President Adams' YouTube channel, One Brooklyn.

Accessibility questions: Nathan Sherfinski, (718) 802-3857, nathan.sherfinski@brooklynbp.nyc.gov, by: Monday, September 20, 2021, 5:00 P.M.



s14-27

**CITY PLANNING COMMISSION**

**■ PUBLIC HEARINGS**

In support of the City's efforts to contain the spread of COVID-19, the City Planning Commission will hold a remote public hearing, via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, September 22, 2021, regarding the calendar items listed below.

The meeting will be live streamed through Department of City Planning's (DCP's) website and accessible from the following webpage, which contains specific instructions on how to observe and participate, as well as materials relating to the meeting: <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/287262/1>

Members of the public should observe the meeting through DCP's website.

Testimony can be provided verbally by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

- 877 853 5247 US Toll-free
- 888 788 0099 US Toll-free
- 253 215 8782 US Toll Number
- 213 338 8477 US Toll Number

Meeting ID: **618 237 7396**  
[Press # to skip the Participation ID]  
Password: 1

To provide verbal testimony via Zoom please follow the instructions available through the above webpage (link above).

Written comments will also be accepted until 11:59 P.M., one week before the date of vote. Please use the CPC Comments form that is accessible through the above webpage.

Please inform the Department of City Planning if you need a reasonable accommodation, such as a sign language interpreter, in order to participate in the meeting. The submission of testimony, verbal or written, in a language other than English, will be accepted, and real time interpretation services will be provided based on available resources. Requests for a reasonable accommodation or foreign language assistance during the meeting should be emailed to [\[AccessibilityInfo@planning.nyc.gov\]](mailto:AccessibilityInfo@planning.nyc.gov) or made by calling [\[212-720-3508\]](tel:212-720-3508). Requests must be submitted, at least five business days before the meeting.

CITYWIDE  
No. 1

HEALTH AND FITNESS CITYWIDE TEXT AMENDMENT

CITYWIDE N 210382 ZRY  
IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right.

Matter underlined is new, to be added;  
Matter ~~struck out~~ is to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution.

ARTICLE I  
GENERAL PROVISIONS

Chapter 2  
Construction of Language and Definitions

\* \* \*

12-10  
DEFINITIONS

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

\* \* \*

[Note: This definition is being replaced by the definition #Unlicensed physical treatment establishment#]

Adult physical culture establishments

An "adult physical culture establishment," is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as, to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:

- (1) treatment by a licensed physician, a licensed chiropractor, a licensed osteopath, a New York licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;
- (2) electrolysis treatment by a licensed operator of electrolysis equipment;
- (3) hospitals, #long-term care facilities#, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4;
- (4) barbershops or beauty parlors which offer massage, to the scalp, the face, the neck or shoulders only; and
- (5) athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.

#Adult physical culture establishments# are not permitted in any District.

Advertising sign — see Sign, advertising

\* \* \*

Health and fitness establishments

A "health and fitness establishment" is any establishment that is equipped and arranged, to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or provide relaxation services.

#Health and fitness establishments# include, but are not limited to, the following:

- (a) establishments containing high-intensity #uses#, including:
  - (1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or
  - (2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;
- (b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and
- (c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity #uses# listed above are subject to the supplemental #use# regulations of Sections 32-413 and 123-33, as applicable.

For "physical culture or health establishments" existing on [date of adoption] that were allowed, pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established, at approval and may continue after the expiration of such special permit, provided that such establishment is not #enlarged#, #expanded#, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a "physical culture or health establishment" existing on [date of adoption] may continue pursuant, to the applicable provisions for #health and fitness establishments#, and may #enlarge#, #expand#, or change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental #use# regulations are met.

Height factor

\* \* \*

Outer court recess — see Court recess, outer-

Physical culture or health establishments

A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged, to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation flotation tanks and meditation facilities may be provided only as #accessory#, to the physical exercise program or massage facility. Except as specifically provided in Special Purpose Districts, #physical culture or health establishments# are only permitted pursuant, to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health-related facility/services, pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.

Plaza

\* \* \*

Unlicensed physical treatment establishment

An #unlicensed physical treatment establishment# is any establishment that includes as part of its services, whether as a principal #use# or as an #accessory use#, massages, body rubs, alcohol rubs, baths or other similar treatment administered by a person that is not a healthcare professional licensed by the State of New York, or under the supervision of such licensee. However, #unlicensed physical treatment establishments# shall not include barbershops or beauty parlors that offer massage, to the scalp, the face, the neck or shoulders only.

#Unlicensed physical treatment establishments# shall not be permitted in any District.

Urban plaza — see Plaza, urban

\* \* \*

ARTICLE II  
RESIDENCE DISTRICT REGULATIONS

Chapter 2  
Use Regulations

\* \* \*

22-10  
USES PERMITTED AS-OF-RIGHT

\* \* \*

22-14  
Use Group 4  
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas, to provide recreational, religious, health and other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities<sup>1</sup>, limited to public, private, for-profit or not-for-profit medical, health and

mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, ~~physical culture or health establishments~~, or ophthalmic dispensing. In ~~buildings~~ containing ~~residences~~, such facilities shall be limited to locations below the level of the first ~~story~~ ceiling, except that such facilities may be located on a second ~~story~~ provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

Clubs<sup>2</sup>, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any ~~lot line~~; or
- (d) ~~any activity or use listed within the definitions of either adult physical culture establishments or physical culture or health establishments in Section 12-10~~

\* \* \*

**22-20  
USES PERMITTED BY SPECIAL PERMIT**

**22-21  
By the Board of Standards and Appeals**

In the districts indicated, the following ~~uses~~ are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

\* \* \*

R1 R2  
Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any ~~lot line~~; or
- (d) ~~any activities or uses listed within the definitions of either adult physical culture establishments or physical culture or health establishments in Section 12-10~~

\* \* \*

**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

\* \* \*

**32-10  
USES PERMITTED AS-OF-RIGHT**

\* \* \*

**32-15  
Use Group 6  
C1 C2 C4 C5 C6 C8**

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and
- (2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

\* \* \*

C. Retail or Service Establishments

\* \* \*

Gift shops [PRC-B]

Health and fitness establishments, open or enclosed, limited to 10,000 square feet of floor area per establishment [PRC-B]

Interior decorating establishments, provided that ~~floor area~~ used for processing, servicing or repairs shall be limited to 750 square feet per establishment [PRC-B]

\* \* \*

E. Clubs

Non-commercial clubs, without restrictions on activities or

facilities ~~except for any activity or use listed within the definitions of either adult physical culture establishments or physical culture or health establishments in Section 12-10 [PRC-D]~~

\* \* \*

**32-18  
Use Group 9  
C2 C4 C5 C6 C8**

Use Group 9 consists primarily of business and other services which:

- (1) serve a large area and are, therefore, appropriate in secondary, major or central commercial shopping areas, and
- (2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

A. Retail or Service Establishments

\* \* \*

Docks for sightseeing, excursion or sport fishing vessels, other than ~~gambling vessels~~, limited, to the following aggregate dock capacities per ~~zoning lot~~:

200 in C2 Districts; 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2, C8-3 Districts; 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

“Dock capacity” is the U.S. Coast Guard-certified capacity of the largest vessel using a dock. “Aggregate dock capacity” is the sum of the dock capacities of all docks on the ~~zoning lot~~ [PRC-H]

~~Gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis. [PRC-B]~~

~~Health and fitness establishments, open or enclosed, with no limitation on floor area per establishment [PRC-B]~~

~~Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]~~

\* \* \*

\* In C4 or C5 Districts, a ~~use~~ in Use Group 9, marked with an asterisk, shall not be located on the ground floor of a ~~building~~ unless such ~~use~~ is, at least 50 feet from the ~~street wall~~ of the ~~building~~ in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

\*\* In C1-8 and C1-9 Districts, and in C1 Districts mapped within an R9 or an R10 District, ~~uses~~ marked with two asterisks shall be allowed as-of-right

\* \* \*

**32-23  
Use Group 14  
C2 C3 C7 C8**

Use Group 14 consists of the special services and facilities required for boating and related activities.

A. Retail or Service

\* \* \*

Fishing tackle or equipment, rental or sales [PRC-B1]

Health and fitness establishments, open or enclosed, limited to 10,000 square feet of floor area per establishment [PRC-B]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

\* \* \*

B. Clubs

Non-commercial clubs, without restrictions on activities or facilities ~~except for any activity or use listed within the definitions of either adult physical culture establishments or physical culture or health establishments in Section 12-10 [PRC-D]~~

\* \* \*

**32-30  
USES PERMITTED BY SPECIAL PERMIT**

**32-31  
By the Board of Standards and Appeals**

In the districts indicated, the following ~~uses~~ are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3

\* \* \*

C6  
Newspaper publishing establishments

~~C1-8X C1-9 C2 C4 C5 C6 C8~~

~~Physical culture or health establishments, including gymnasiums (not permitted under Use Group 9), massage establishments [PRC-B]~~

C1 C2 C3 C4 C5 C6 C7 C8  
Public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet

\*\*\*

**32-40  
SUPPLEMENTARY USE REGULATIONS**

**32-41  
Enclosure Within Buildings**  
C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions); and 36-61 (Permitted Accessory Off-street Loading Berths) and 73-36 (Physical Culture or Health Establishments), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject, to the provisions of this Section with respect to enclosure within #buildings#. With respect, to the #enlargement# or #extension# of an existing #use#, such provisions shall apply, to the #enlarged# or #extended# portion of such #use#.

\*\*\*

**32-413  
Health and Fitness Establishments**  
C1 C2 C3 C4 C5 C6

In the districts indicated, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject, to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior, to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

\*\*\*

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

\*\*\*

**Chapter 2  
Use Regulations**

\*\*\*

**42-10  
USES PERMITTED AS-OF-RIGHT**

\*\*\*

**42-13  
Use Groups 6C, 9A and 12B**  
M2 M3

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; #health and fitness establishments#; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostating establishments; business schools or colleges; #health and fitness establishments#; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios - art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries, commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

\*\*\*

**42-14  
Use Group 17**

M1 M2 M3

[Note: This Section is also proposed to be amended as part of N 210423 ZRM: SoHo-NoHo Neighborhood Plan]

Use Group 17 consists primarily of #manufacturing uses# that:

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

\*\*\*

D. Special #uses# in M1-5A and M1-5B Districts

M1-5A M1-5B

\*\*\*

(3) In addition, to the above restrictions, the following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5A or M1-5B Districts:

\*\*\*

(e) Banquet halls, wedding chapels, and catering establishments, #physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash and tennis.

\*\*\*

**42-30  
USES PERMITTED BY SPECIAL PERMIT**

**42-31  
By the Board of Standards and Appeals**

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

\*\*\*

M1-5A M1-5B M1-5M M1-6M

Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

M1 M2 M3

#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), and massage establishments

M1 M2 M3

Radio or television towers, non-#accessory#

\*\*\*

**ARTICLE V  
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**Chapter 2  
Non-Conforming Uses**

\*\*\*

**52-70  
TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION**

\*\*\*

**52-76  
Adult Physical Culture Establishments**

In all districts, any #adult physical culture establishment#, unless subject to an earlier termination requirement contained in this Resolution, shall terminate not later than one year after November 16, 1978, and thereafter the space formerly occupied by such #use# shall be used only for a conforming #use#.

\*\*\*

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

**Chapter 2  
Special Regulations Applying in the Waterfront Area**

\*\*\*

**62-20  
SPECIAL USE REGULATIONS**

**62-21  
Classification of Uses in the Waterfront Area**

\* \* \*

**62-212  
Waterfront-Enhancing (WE) uses**

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located, at the water's edge, add, to the public use and enjoyment of the waterfront. WE #uses# shall be limited, to the following:

\* \* \*

From Use Group 9:

\*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

Gymnasiums used exclusively for basketball, handball, paddleball, racketball, squash and tennis

#Health and fitness establishments# with no limitation on #floor area# per establishment

Wedding chapels or banquet halls (also listed in Use Group 13)

\* \* \*

**ARTICLE VII  
ADMINISTRATION**

**Chapter 3  
Special Permits by the Board of Standards and Appeals**

\* \* \*

**73-10  
SPECIAL PERMIT USES**

**73-11  
General Provisions**

Subject, to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to 73-36 73-35, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

\* \* \*

**73-36  
Physical Culture or Health Establishments**

(a) In C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board of Standards and Appeals may permit #physical culture or health establishments# as defined in Section 12-10, including gymnasiums (not permitted under Use Group 9) or massage establishments other than #adult physical culture establishments#, for a term not to exceed 10 years, provided the following findings are made:

(1) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area; and

(2) that such #use# contains:

(i) one or more of the following regulation-size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball courts, tennis courts; or

(ii) a swimming pool of a minimum 1,500-square feet; or

(iii) facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or

(iv) facilities for the practice of massage by New York State-licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as #accessory# to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section:

(b) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the Board may permit #physical culture or health establishments# located on the roof of a #commercial building# or the #commercial# portion of a #mixed building#, provided the following additional findings are made:

(1) that such #use# shall be an incidental part of a permitted #physical culture or health establishment# located within the same #commercial# or #mixed building#;

(2) that such #use# shall be open and unobstructed, to the sky;

(3) that such #use# shall be located on a roof not less than 23-feet above #curb level#;

(4) that the application for such #use# shall be made jointly by the owner of the #building# and the operator of such #physical culture or health establishment#; and

(5) that the Board shall prescribe appropriate controls to minimize adverse impacts on the surrounding area, including but not limited to, requirements for the location, size and types of signs, limitations on the manner and/or hours of operation, shielding of floodlights, adequate screening, and the control of undue noise including the amplification of sound, music or voices.

(c) No special permit shall be issued, pursuant to this Section unless:

(1) the Board shall have referred the application, to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and

(2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.

The Board shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted #use# has been altered from that authorized.

The Board may prescribe appropriate conditions and safeguards including location of #signs# and limitations on the manner and/or hours of operation in order to minimize adverse effects on the character of the surrounding community.

**73-40  
MODIFICATIONS OF USE OR PARKING REGULATIONS**

\* \* \*

**ARTICLE VII  
ADMINISTRATION**

**Chapter 4  
Special Permits by the City Planning Commission**

\* \* \*

**74-74  
Large-scale General Development**

\* \* \*

**74-744  
Modification of use regulations**

(a) #Use# modifications

\* \* \*

(4) #Physical culture or health establishments#

For a #large-scale general development# located within an #MIH site#, in a C4 District within Queens Community District 14, #physical culture or health establishments# shall be permitted as of right. The special permit provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply.

\* \* \*

**ARTICLE VIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Midtown District**

\* \* \*

**81-06  
Applicability of Article VII Provisions**

**81-061  
Applicability of Article VII, Chapter 3**

\* \* \*

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-16 (Public Transit, Railroad or Electrical Utility Substations) shall be applicable subject, to the provisions of the #Special Midtown District#.

Section 73-28 (Newspaper Publishing) shall be applicable subject, to the provisions of the #Special Midtown District#.

Section 73-36 (Physical Culture or Health Establishments) shall be applicable subject, to the locational restrictions of the #Special Midtown District#.

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject, to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject, to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

81-60
SPECIAL REGULATIONS FOR THE EAST MIDTOWN
SUBDISTRICT

\*\*\*

81-62
Special Use Provisions

\*\*\*

81-622
Location of uses in mixed buildings

For #mixed buildings developed# on #qualifying sites#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject, to the underlying zoning district regulations, on the same #story# as, or, at any #story# above, #residential uses#, provided that no access exists between such #uses#, at any level above the ground floor:

- open or enclosed observation decks;
open or enclosed publicly accessible spaces;
eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;
bowling alleys, as listed in Use Group 8A and 12A;
theaters, as listed in Use Group 8A;
commercial art galleries, as listed in Use Group 6C;
gymnasiums, used exclusively for basketball, handball, paddleball, racquetball, squash and tennis, as listed in Use Group 9A;
#health and fitness establishments#, as listed in Use Groups 6C and 9A;
wedding chapels and banquet halls, as listed in Use Group 9A;
enclosed skating rinks, as listed in Use Group 12A;
swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#; and
#physical culture or health establishments# permitted, pursuant to Section 73-36.
For such #uses#, the provisions of Section 32-41 (Enclosure Within Buildings) shall not apply.

\*\*\*

81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

\*\*\*

81-72
Use Regulations Modified

\*\*\*

81-722
Use Group T

The following #uses# are subject, to the limitations on location and #floor area# of the underlying zoning district:

- #Uses# marked with an asterisk (\*) are allowed only on #narrow street# frontages.
#Uses# marked with double asterisks (\*\*) are allowed only on floors other than the ground floor.
#Uses# marked thus (\*\*\*) qualify as #uses# satisfying the requirements of Section 81-724 (Requirements for entertainment-related uses).
#Use#

\*\*\*

- Gift shops
\*Gymnasiums
Hair products for headwear
Hardware stores
#Health and fitness establishments#
Historical exhibits - not permitted in C5 Districts

\*\*\*

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Limited Commercial District

83-00
GENERAL PURPOSES

83-03
Use Group "LC"

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9, to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are, attracted to its activities.

\*\*\*

G. Retail or Service Establishments

\*\*\*

Gift shops

\*Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

\*\*\*

Photographic studios

\*\*#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#

Picture framing shops

\*\*\*

\* In #Special Limited Commercial Districts#, a #use# marked with an asterisk (\*) shall not be located on the ground floor of a #building# unless such #use# is, at least 50 feet from the #street# wall of the #building# in which it is located

\*\* In #Special Limited Commercial Districts#, a #use# marked with a double asterisk (\*\*) shall be permitted only by special permit of the Board of Standard and Appeals, pursuant to Section 73-36 (Physical Culture or Health Establishments)

\*\*\*

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 4
Special Battery Park City District

\*\*\*

84-00
GENERAL PURPOSES

\*\*\*

84-03
Use Regulations (For Zone A and Zone C)

\*\*\*

84-031
Special permit uses

\*\*\*

The following #uses# are permitted only by special permit of the Board of Standards and Appeals:

Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14

Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15

Telephone exchanges or other communications equipment structures, pursuant to Section 73-14

In Zone A, #physical culture or health establishments# in subzone A-4 only, pursuant to Section 73-36. However, #physical culture or health establishments# located below the level of the first #story# ceiling shall not be permitted to front on the #Esplanade#.

\*\*\*

84-10
ZONE A GENERAL DISTRICT REGULATIONS

\*\*\*

84-12
Use Regulations

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial uses#, #residential uses# are permitted on the same #story# as a #commercial use#, provided no access exists between such #uses#, at any level containing #residences# and provided any #commercial uses# are not located over any #residences#. However, such #commercial use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and
(b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel uses#, or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

- (1) a #physical culture or health establishment# #health and fitness establishment# may be permitted; and
(2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a #physical culture and health establishment# #health and fitness establishment# or a non-#residential accessory use#, may be located above a #story# containing #residential uses#.

\*\*\*

84-30
ZONE C

\*\*\*

84-32
Use Regulations

Use regulations applicable in C6-6 Districts shall apply subject, to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following #uses# shall be permitted:

Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer supported games provided that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

Parking facilities, public, subject to Section 84-341

#Physical culture or health establishments#

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14

\*\*\*

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

Chapter 4
Special Sheepshead Bay District

94-00
GENERAL PURPOSES

\*\*\*

94-06
Special Use Regulations

94-061
Permitted residential, community facility and commercial uses

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, and those #uses# permitted, pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also

be allowed on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted, pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

\*\*\*

Gift shops

Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#

Hardware stores, limited to marine supplies

\*\*\*

94-062
Use Group SB

In Areas A, B, C, D and E, except as stated in this Section, all #commercial uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment, at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (\*) shall not be located on the ground floor of a #building#.

\*\*\*

C. Retail or service establishments

\*\*\*

Gift shop

\*Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#

Jewelry or art metal shops

\*\*\*

Photographic equipment or supply stores

\*\*#Physical culture or health establishments#, other than #adult physical culture establishments#, including gymnasiums, having a rated capacity of not more than 50 people

Picture framing shops

\*\*\*

\*\* #Uses# listed in Use Group SB, marked with a double asterisk, are permitted only by special permit of the Board of Standards and Appeals, pursuant, to the provisions of Section 73-36

\*\*\*

94-064
Supplementary use regulations

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District, except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.

\*\*\*

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

Chapter 5
Special Transit Land Use District

95-00
GENERAL PURPOSES

\*\*\*

95-08
Special Use Regulations

\*\*\*

95-081
Use Group T

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District.



#Uses# marked with an asterisk (\*) shall not be located, at the subway mezzanine level or along the bounding walls of a transit easement volume.

\*\*\*

D. Retail or Service Establishments

\*\*\*

Gift shops

\*\*Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#

\*Ice cream stores

\*\*\*

Photographic studios

\*\*Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9); reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#

Picture framing shops

\*\*\*

\*\* #Uses# in Use Group T marked with a double asterisk are permitted only by special permit of the Board of Standards and Appeals, pursuant, to the provisions of Section 73-36

\*\*\*

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 7 Special 125th Street District

\*\*\*

97-20 LOCATION AND ACCESS REGULATIONS

\*\*\*

97-21 Supplemental Use and Streetscape Regulations Along 125th Street

\*\*\*

97-212 Uses not permitted on the ground floor of buildings

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted, at the ground floor level, pursuant, to the provisions of Section 97-213 (Access to non-ground floor uses).

\*\*\*

From Use Groups 9A, 9B and 9C:

All #uses#, except for gymnasiums #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

\*\*\*

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 9 Special Madison Avenue Preservation District

99-00 GENERAL PURPOSES

\*\*\*

99-03 Special Use Regulations

\*\*\*

99-031 Use Group MP

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

\*\*\*

B. Retail or Service Establishments

\*\*\*

Hardware stores

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

\*\*\*

Table B

A. Retail or Service Establishments

\*\*\*

Furniture stores, with no limitation on #floor area# per establishment

\*\*Gymnasiums, used exclusively for basketball, handball, squash and tennis

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

\*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

\*Motion picture production studios

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

\*\*Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9); reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

\*\*\*

#Uses# in Use Group MP marked with a double asterisk (\*\*) are permitted only by special permit of the Board of Standards and Appeals, pursuant, to the provisions of Section 73-36

\*\*\*

ARTICLE X SPECIAL PURPOSE DISTRICTS

Chapter 4 Special Manhattanville Mixed Use District

\*\*\*

104-10 SPECIAL USE REGULATIONS

\*\*\*

104-16 Use Group MMU

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open, to the public.

\*\*\*

From Use Group 6C:

\*\*\*

Gift shops

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

\*\*\*

From Use Group 9A:

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery

Clothing or costume rental establishments

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

Musical instrument repair shops

\* \* \*

#Accessory uses# to all the above #uses# are permitted.

#Physical culture or health establishments# are subject to a special permit, pursuant to Section 73-36.

\* \* \*

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 5  
Special Downtown Jamaica District**

\* \* \*

**115-10  
SPECIAL USE REGULATIONS**

\* \* \*

**115-15  
Modification of Use Regulations in M1-4 Districts**

The #use# regulations of the underlying M1-4 District shall apply, except as modified as follows:

\* \* \*

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments# or ophthalmic dispensing

Clubs, except:

(a) clubs, the chief activity of which is a service predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs; or

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or

(d) any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 (DEFINITIONS)

Community centers or settlement houses

\* \* \*

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 6  
Special Stapleton Waterfront District**

\* \* \*

**116-10  
SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C,  
THE ESPLANADE, PIER PLACE AND THE COVE**

\* \* \*

**116-102  
Special permit uses**

#Physical culture or health establishments# shall be permitted in Subarea B2. The special permit provisions of Section 73-36 shall not apply.

**116-103  
Supplementary use regulations**

The provisions of Section 32-41 (Enclosure Within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#

\* \* \*

**116-60  
SPECIAL REGULATIONS IN SUBAREA E**

\* \* \*

**116-61  
Special Use Regulations**

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, modified as follows:

(a) the provisions of Section 32-433 (Ground floor use in C1, C2 and C4

Districts in the Borough of Staten Island) shall not apply; and

(b) the provisions of Section 62-29 (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) are modified to allow #uses# listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial floor area# is located above a #dwelling unit#; and

(c) #physical culture or health establishments# shall be permitted as-of-right. The special permit provisions of Section 73-36 shall not apply.

\* \* \*

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 3  
Special Mixed Use Districts**

\* \* \*

**123-30  
SUPPLEMENTARY USE REGULATIONS**

\* \* \*

**123-33  
Health and Fitness Establishments**

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject, to the following additional enclosure and environmental conditions:

(a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and

(b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify, to the Department of Buildings prior to the issuance of a certificate of occupancy that such high-intensity #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

(1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and

(2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

\* \* \*

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 4  
Special Willets Point District**

\* \* \*

**124-10  
SPECIAL USE REGULATIONS**

\* \* \*

**124-12  
Regulation of Commercial Uses in Area B**

(a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, #commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District and #physical culture or health establishments#, pursuant to Section 73-36; provided that #commercial uses# shall be located no more than 100 feet from a #connector street#, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.

\* \* \*

**124-13  
Uses Permitted As-of-Right**

The following special permits shall not apply. In lieu thereof, such #uses# shall be permitted as-of-right:

\* \* \*

In #buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section 73-244 (In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

Section 73-35 (Amusement Arcades)
Section 73-36 (Physical Culture or Health Establishments)
Section 74-46 (Indoor Interactive Entertainment Facilities)
Section 74-47 (Amusement Arcades)
\*\*\*

ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Flushing Waterfront District
\*\*\*

126-10
SPECIAL USE REGULATIONS
\*\*\*

127-12
Physical Culture or Health Establishments

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, physical culture or health establishments shall be permitted as of right. For the purposes of applying the underlying regulations to such use, a physical culture or health establishment shall be considered a Use Group 9 and shall be within parking requirement category B.

127-13
Sign Regulations

For M1 Districts paired with a Residence District, the provisions regulating signs in C4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), inclusive, shall apply to any signs.

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Coney Island District

131-00
GENERAL PURPOSES
\*\*\*

131-04
Applicability
\*\*\*

131-044
Physical culture or health establishments

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

131-045 131-044
Modification of use and bulk regulations
\*\*\*

131-10
SPECIAL USE REGULATIONS
\*\*\*

131-12
Use Groups A, B and C
Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.
\*\*\*

131-123
Use Group C: Retail and service uses

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

Gift shops
Health and fitness establishments limited to 10,000 square feet of floor area per establishment

Jewelry manufacturing from precious metals
\*\*\*

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

131-132
Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, uses allowed by the underlying district regulations shall apply, except as modified in

this Section for uses fronting upon streets specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the "building line" shown on Parcel F on Map 2 shall be considered a street line of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted use anywhere within Parcel F in the Coney West Subdistrict.
\*\*\*

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

No use listed in this paragraph, (b), shall be permitted within 50 feet of a street specified on Map 2. Lobbies or entryways to non-ground floor level uses are permitted, provided the length of street frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.
\*\*\*

From Use Groups 9A, 9B and 9C:

All uses, except for gymnasiums health and fitness establishments, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios
\*\*\*

ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

Chapter 4: Special Governors Island District
\*\*\*

134-10
SPECIAL USE REGULATIONS

134-11
Commercial Uses

The following commercial uses shall be allowed
\*\*\*

Any commercial use or physical culture or health establishment larger than 7,500 square feet in floor area shall be permitted provided that, prior to the establishment of such use, the applicant shall submit a written description of such use, to the local community board, together with information to demonstrate that such use will promote the goals of the Special Governors Island District, complement existing uses within the special district, and be compatible with the nature, scale and character of other uses within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications, to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a commercial use or physical culture or health establishment larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified, to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to commercial uses permitted, pursuant to Section 134-12 (Authorization for Certain Commercial Uses).
\*\*\*

134-13
Physical Culture or Health Establishments

Physical culture or health establishments shall be permitted in the Special Governors Island District, subject to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.

134-14
Signs

For commercial uses and physical culture or health establishments, the sign regulations of a C1 District mapped within an R3-2 District shall apply.
\*\*\*

134-20
SPECIAL BULK REGULATIONS

134-21
Special Regulations for Commercial Uses

For commercial uses and physical culture or health establishments, the floor area regulations of a C1 District mapped within an R3-2 District shall apply.
\*\*\*

ARTICLE XIII  
SPECIAL PURPOSE DISTRICTS

Chapter 5  
Special Bay Street Corridor District

\*\*\*

135-10  
SPECIAL USE REGULATIONS

\*\*\*

135-13  
Physical Culture or Health Establishments

Within the #Special Bay Street Corridor District#, a #physical culture or health establishment# shall be permitted as-of-right in #Commercial Districts#. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category PRC-B.

135-14  
Breweries

\*\*\*

135-15 135-14  
Modification of Supplemental Use Provisions

\*\*\*

ARTICLE XIII  
SPECIAL PURPOSE DISTRICTS

Chapter 8  
Special East Harlem Corridors District

\*\*\*

138-10  
SPECIAL USE REGULATIONS

\*\*\*

138-13  
Physical Culture or Health Establishments

Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right in C2-5, C4-6 and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

138-14  
Public Parking Garages

\*\*\*

ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS

Chapter 1  
Special Jerome Corridor District

\*\*\*

141-10  
SPECIAL USE REGULATIONS

\*\*\*

141-12  
Physical Culture or Health Establishments

#Physical culture or health establishments# shall be permitted as-of-right in C2 and C4 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.

141-13  
Modification of Supplemental Use Provisions

\*\*\*

ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS

Chapter 2  
Special Inwood District

\*\*\*

142-10  
SPECIAL USE REGULATIONS

\*\*\*

142-11  
Permitted Uses

#Physical culture or health establishments# shall be permitted as-of-right in C2-4, C4, C6-2, M1-4 and M1-5 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and

shall be within parking requirement category B.

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps, as listed in Use Group 16C, shall be a permitted #use#.

In Subareas B2 and B3, as shown on Map 1, all #uses# listed in Use Groups 3 and 4 shall be permitted #uses#, and Use Group 6A food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# shall be permitted as-of-right in C6-2A Districts.

\*\*\*

APPENDIX A  
Index of Uses

The following is a listing in alphabetical order of #uses# allowed in this Resolution either as #uses# permitted as-of-right, or as #uses# permitted by special permit, together with the Use Group in which each is listed, the parking requirement category of #commercial uses#, if applicable, and the district or districts in which it is permitted.

When a district associated with a given #use# is designated in the Index with an asterisk (\*), the #use# is permitted in such district only by special permit of the Board of Standards and Appeals, as set forth in the applicable portions of this Resolution.

When a district associated with a given #use# is designated in the Index with a double asterisk (\*\*), the #use# is permitted in such district only by special permit of the City Planning Commission, as set forth in the applicable portions of this Resolution.

#Uses# listed in Use Group 11A, 16, 17, or 18 as permitted #uses# in C8 or #Manufacturing Districts# must also meet the applicable performance standards for these districts.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts if they can comply with the applicable performance standards for those districts.

This Index is established as a reference guide to this Resolution but is not an integral part thereof. Whenever there is any difference in meaning or implication between the provisions of this Resolution as set forth in Articles I through VII and the text of this Index, the text of the Resolution shall prevail.

#Use# regulations governing the several classes of districts are set forth in the following Chapters of this Resolution:

- Residence Districts Article II, Chapter 2
- Commercial Districts Article III, Chapter 2
- Manufacturing Districts Article IV, Chapter 2

\*\*\*

Barber shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Baths, steam (See #Physical culture or health establishments# #Health and fitness establishments#)		
Beaches, commercial [PRC-E]	13	C3* C7 C8 M1 <sup>3</sup> M2 M3

\*\*\*

Gun repairs [PRC-B1]	7	C2 C6 <sup>4</sup> C8 M1 M2 M3
Gymnasiums [PRC-B]: (See #health and fitness establishments#)		
Limited	9	C2 C4 C5 C6 C8 M1
Unlimited (See #Physical culture or health establishments#)		
Gypsum manufacture	18	M3

\*\*\*

Hat:		
Bodies manufacture	17	M1 M2 M3

Repair shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
<del>#Health and fitness establishments#</del>		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2C3C7C8
Unlimited	9	C1 <sup>30</sup> C2 C4 C5 C6 C8 M1 M2 M3
Health Centers	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Health services (see <del>#physical culture or health establishments#</del> <del>#health and fitness establishments#</del> )		

\*\*\*

Markets:		
Retail, including meat (See Food stores)		
Wholesale, produce or meat	17	M1 M2 M3
Masseurs Massage therapists [PRC-B] (See Ambulatory diagnostic and treatment health care facilities)		C2* C4* C5* C6* C8* M1* <sup>29</sup> M2* M3*
Matches manufacture	18	M3

\*\*\*

Photostatting establishments [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
<del>#Physical culture or health establishments#[PRC-B]</del>		C1 <sup>30*</sup> C2* C4* C5* C6* C8* M1* M2* M3*
Picture framing stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

\*\*\*

Rectories	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Reducing salons (See <del>#Physical culture or health establishments#</del> <del>#Health and fitness establishments#</del> )		
Refreshment stands, drive-in [PRC-H]	7	C2 C6 <sup>4</sup> C8 M1 M2 M3
	13	C7 C8 M1 <sup>3</sup> M2 M3

\*\*\*

<sup>29</sup> Not permitted in C6-1, C6-2 and C6-3 Districts.

<sup>30</sup> Permitted only in C1-8 and C1-9 Districts and C1 Districts mapped within an R9 or R10 District.

<sup>31</sup> Permitted only in C6-5 and C6-7 Districts.

\*\*\*

**No. 2**

**FRESH II ZONING TEXT AMENDMENT**

**CITYWIDE** N 210380 ZRY  
IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter,

for an amendment of the Zoning Resolution of the City of New York, to modify Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and related Sections, to expand areas in which the program is applicable and to update various requirements.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10, 37-311, 63-01, 97-01, 108-01 or 116-01;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE II**

**RESIDENCE DISTRICT REGULATIONS**

**Chapter 3**

**Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-10**

**OPEN SPACE AND FLOOR REGULATIONS**

\* \* \*

**23-15**

**Open Space and Floor Regulations in R6 Through R10 Districts**

\* \* \*

**23-154**

**Inclusionary Housing**

[text struck out in this Section is proposed to be relocated to Section 63-21]

\* \* \*

(b) #Inclusionary Housing designated areas#

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this paragraph (b), except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up, to the maximum #floor area ratio# specified in the table, as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

\* \* \*

**ARTICLE IV**

**MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2**

**Use Regulations**

\* \* \*

**42-10**

**USES PERMITTED AS-OF-RIGHT**

\* \* \*

**42-12**

**Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16**

M1 M2 M3

Use Group 3A shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment. In addition, the regulations of this Section are modified, where applicable, by the regulations of Section 63-11 (Special Use Regulations for FRESH Food Stores in M1 Districts).

\* \* \*

**ARTICLE VI**

**SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 3**

**Special Regulations Applying to FRESH Food Stores**

**63-00  
GENERAL PURPOSES**

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;
- (b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;
- (c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and
- (d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.

**63-01  
Definitions**

FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6), where, at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for ~~allocated~~, to the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation; ~~and consumption and utilization~~. Such retail space ~~utilized for the sale of a general line of food and non-food grocery products~~ shall be distributed as follows:

- (a) ~~at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and~~
- (b)(a) ~~at least 2,000 square feet or 3025 percent of such retail space, whichever is greater, shall be utilized for allocated, to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which, at least 500 square feet of such retail space shall be designated for the sale of fresh produce;~~
- (b) ~~at least 35 percent of such retail space shall be allocated, to the sale of non-perishable food; and~~
- (c) ~~at least 6,000 square feet of such retail space shall be located on one #story#.~~

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE).

**63-02  
Applicability**

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

**63-021  
Areas permitting FRESH food stores**

- (a) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (b) of this Section Sections 63-022 (Special Purpose Districts where regulations for FRESH food stores are not applicable) and 63-023 (Limitation on location of FRESH food stores):
  - (1) in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7, except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;
  - (2) in the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17, except portions of Community District 8, as shown on Map 2 in Appendix A;
  - (3) in the Borough of Manhattan, Community Districts 9, 10, 11 and 12, except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and
  - (4) in the Borough of Queens, the #Special Downtown Jamaica District#; portions of Community District 12 outside of the #Special Downtown Jamaica District#, except those portions shown on Maps 5 and 6 in Appendix A; and those portions in Community District 1 shown on Map 1 in Appendix B of this Chapter.

- all of Manhattan Community District 10;
- all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and
- all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts in which FRESH food stores are permitted are shown on the maps in Appendix A of this Chapter.

**63-022  
Special Purpose Districts where regulations for FRESH food stores are not applicable**

(b)The provisions of this Chapter shall not apply, to the following Special Purpose Districts:

- #Special Madison Avenue Preservation District#;
- #Special Manhattanville Mixed Use District#; and
- #Special Park Improvement District#; and,
- #Special Hunts Point District#.

**63-023  
Limitation on location of FRESH food stores**

After [date of adoption], no certification shall be issued for increased #residential floor area# for a #FRESH food store# where the sum of the increased #residential floor area# generated, pursuant to Section 63-21 (Special Floor Area Regulations) by all #FRESH food stores# within a half-mile radius of the #zoning lot# would exceed 40,000 square feet.

Such calculation shall include increased #residential floor area# on all #zoning lots# containing #FRESH food stores# that have been certified by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE), including those issued prior to [date of adoption], provided that such certification has not expired, or has not been superseded by a certification, pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or an authorization, pursuant to Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS).

**63-10  
SPECIAL USE REGULATIONS**

\* \* \*

**63-20  
SPECIAL BULK AND PARKING REGULATIONS**

**63-21  
Special Floor Area Regulations**

**63-211  
For mixed buildings and zoning lots containing both residential and commercial or community facility uses in Commercial Districts with FRESH food stores**

Where a #FRESH food store# is provided on a #zoning lot#, the maximum #residential floor area# permitted on the #zoning lot# shall be increased by one square foot for each square foot of #FRESH food store floor area# provided, up to 20,000 square feet, the provisions of Section 35-31 (Maximum Floor Area Ratio) relating to the maximum-permitted #floor area ratio# on a #zoning lot# for each permitted #use# shall apply as modified in this Section.

Where all non-#residential uses# on a #zoning lot# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use# and for #zoning lots# containing #Quality Housing buildings#, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

However, for #zoning lots# that do not contain a #Quality Housing building#, wWhere any non-#residential use# on such #zoning lot# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #residential floor area# permitted for such #zoning lot# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided the total #floor area ratio# of the #building# does #zoning lot# shall not exceed the maximum permitted #floor area ratio# for a such non-#residential use#.

For #height factor# and #open space ratio# calculations, where applicable, the increased #residential floor area# generated, pursuant to this Section shall be exempt from such calculations.

For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 (Inclusionary Housing) shall not apply to the increased #residential floor area# generated, pursuant to this Section.

[text struck out in the Section below is proposed to be included in revisions to Section 63-21 above]

**63-212**

**For mixed buildings and zoning lots containing both residential and commercial or community facility uses in Special Mixed Use Districts with FRESH food stores**

Where a #FRESH food store# is provided on a #zoning lot#, the provisions of Section 123-64 (Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings) relating to the maximum permitted #floor area ratio# on a #zoning lot# for each permitted #use# shall apply, as modified in this Section:

Where all non-#residential uses# on a #zoning lot# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use# and for #zoning lots# containing #Quality Housing buildings#, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

Where any non-#residential use# on such #zoning lot# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #residential floor area# permitted for such #zoning lot# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided the total #floor area# of the #building# does not exceed the maximum permitted #floor area# for a non-#residential use#.

\* \* \*

**63-22**

**Authorization to Modify Maximum Building Height**

For #zoning lots# #buildings# containing a #FRESH food store# and #residences#, the City Planning Commission may authorize modifications to Sections 35-65 (Height and Setback Requirements for Quality Housing Buildings), and 123-66 (Height and Setback Regulations) or, to the height and setback regulations of any Special Purpose District where maximum height limits apply, to allow the applicable maximum #building# height to be increased by up to 15 feet, provided that the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is, at least 14 feet above the #base plane# or #curb level#, as applicable.

In order to grant such authorizations, the Commission shall find that:

- (a) such modifications are necessary to accommodate a first #story# utilized as a #FRESH food store#;
- (b) the proposed modifications shall not adversely affect the essential scale and character of the adjacent #buildings# and any adjacent historic resources; and
- (c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

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

**63-23**

**Special Transparency Requirements**

For all #developments# containing #FRESH food stores#, or #ground floor level enlargements# containing #FRESH food stores#, the following provisions shall apply. For the portion of the #building# containing a #FRESH food store#, the ground floor level of the #street wall# fronting upon a #primary street frontage#, as defined in Section 37-311, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

Furthermore, for #buildings# #FRESH food stores# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable, to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #mixed building#, or #mixed use building#, as defined in Section 123-11, #building# is a recipient of #public funding# as defined in Section 23-911 (General definitions). For the purposes of this Section, defined terms shall include those in Sections 12-10, 23-911 and 37-311.

**63-24**

**Required Accessory Off-street Parking Spaces in Certain Districts**

For #FRESH food stores# provided as part of a #development# or #enlargement#, for any portion of such #FRESH food store# subsequently changed to any other #use#, pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS), if such change of #use# occurs less than 25 years after the initial issuance of a certificate of occupancy for such #FRESH food store#, #accessory# off-street parking regulations shall apply to such changed #use# as if the #use# is, at that time occurring as part of a #development# or #enlargement#. Application may be made for an authorization, pursuant to Section 63-50.

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R6, R7, R8, R9 and R10 Districts and in C4-2 and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store# a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 40,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.
- (b) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R3, R4 and R5 Districts and in C4-1 Districts, a #FRESH food store# shall provide one parking space per 400 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 10,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.
- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food store# shall provide #accessory# off-street parking spaces as required for #uses# in parking requirement category B in the applicable #Commercial# and #Manufacturing Districts#.
- (c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply, to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.

- (d) The provisions of this Section shall not apply to:
  - (1) in the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix C of this Chapter;
  - (2)(1) in the Borough of Brooklyn, to M1 Districts in portions of Community Districts 5, 16 and 17, as shown on Maps 1 and 2 in Appendix C-Appendix B of this Chapter; and
  - (3) in the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix C; and
  - (4)(2) in the Borough of Queens, to the #Special Downtown Jamaica District#.

**63-30  
CERTIFICATION FOR A FRESH FOOD STORE**

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use# is a #FRESH food store#, provided that:

- (a) drawings have been submitted, to the Chairperson that clearly specify:
  - (1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout that such designated space is designed and arranged to meet the requirements for perishable and non-perishable food and non-food grocery products, pursuant to Section 63-01;
  - (2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section 63-21, including the location of such #floor area#;
  - (3) the size, format and location of the required #sign#, pursuant to Section 63-12, including detailed information about dimensions of the #sign#, lettering, color and materials; and
  - (4) the location of the ground floor level #street wall# fronting upon a principal #street# #primary street frontage#, pursuant to Section 63-23;
- (b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable, to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and
- (c) for #zoning lots# containing increased #residential floor area# generated, pursuant to Section 63-21 (Special Floor Area Regulations), a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable, to the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar space# as a #FRESH food store# shall not apply during any:

- (1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or
- (2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable, to the Department, shall be a precondition to certification by the Chairperson the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Chapter.

Certification by the Chairperson shall be a precondition, to the issuance of any building permit, including any foundation or alteration permit, for any #development#, #enlargement# or change of #use# under this Chapter.

In granting the certification, the Chairperson may specify that minor changes in store layout consistent with the definition of a #FRESH food store# shall not warrant further certification, pursuant to this Section.

Changes to the store layout of a #FRESH food store# that has been constructed, pursuant to a previous certification under this Section,

where such changes result in a #FRESH food store# that continues to comply with the requirements of this Chapter, shall not require subsequent certification by the Chairperson under this Section. #FRESH food stores# certified prior to [date of adoption] that do not comply with paragraph (c) of the definition of #FRESH food store# may change the floor layout provided that there is no increase in the degree of non-compliance with such requirement.

No later than the date on which an application for certification is first submitted, a copy of the drawings submitted, pursuant to paragraph (a) of this Section shall be submitted by the applicant, to the affected Community Board, which shall have 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted, to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

A copy of an application for certification, pursuant to this Section shall be sent by the Department of City Planning, to the affected Community Board, which may review such proposal and submit comments, to the Chairperson. If the Community Board elects to comment on such application, it must be done within 45 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 45-day comment period has expired, whichever is earlier.

For #zoning lots# containing increased #residential floor area# generated, pursuant to Section 63-21 (Special Floor Area Regulations), if a #development# or horizontal #enlargement# fails to comply with the provisions of Section 11-331 (Right to construct if foundations completed) with respect to completion of foundations within four years of the date of certification, pursuant to this Section, such building permit shall lapse, and any new building permit will require a new certification, pursuant to this Section.

**63-31  
Requirements for Certificate of Occupancy**

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted, pursuant to paragraph (a)(2) of Section 63-30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in such drawings until the #FRESH food store# space has been completed in accordance with the drawings submitted, pursuant to paragraph (a)(1) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions, where required, pursuant to paragraph (c) of Section 63-30, shall be noted on any temporary or final certificate of occupancy for the #building#.

**63-40  
CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE**

A #FRESH food store# for which a certification has been issued, pursuant to Section 63-30 may be changed to any #use# permitted by the underlying district upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required fewer #accessory# off-street parking spaces than required by the new #use#, pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) under the applicable district regulations.

If a certification, pursuant to this Section is granted, a notice of cancellation, in a form acceptable, to the Department of City Planning, of the declaration of restrictions recorded, pursuant to Section 63-30 shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

**63-50  
AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS**

The City Planning Commission may, by authorization, permit modifications, to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts when a change of #use# of a #FRESH food store# for which a certification has been issued, pursuant to Section 63-30, would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in a reduction in the number of required fewer #accessory# off-street parking spaces than required by the new #use#, pursuant to Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) under the applicable district regulations, provided that such #use# is permitted by the underlying districts.

\* \* \*

**63-60  
COMPLIANCE**

No later than June 30th of the year, beginning in the first second calendar year following the calendar year in which certification was made, and,



at three-year intervals thereafter; the Chairperson of the City Planning Commission shall be provided with an affidavit, in a form acceptable, to the Department of City Planning, regarding compliance with the requirements of the declaration of restrictions and the regulations of this Chapter, as of a date of inspection which shall be no earlier than June 1st of the year in which the affidavit is filed. Such affidavit shall be provided by the owner(s) of the tax lot(s) on which the #FRESH food store# is located. Such affidavit shall include, without limitation:

\* \* \*

**Appendix A**

**FRESH Food Store Designated Areas: Excluded Portions**

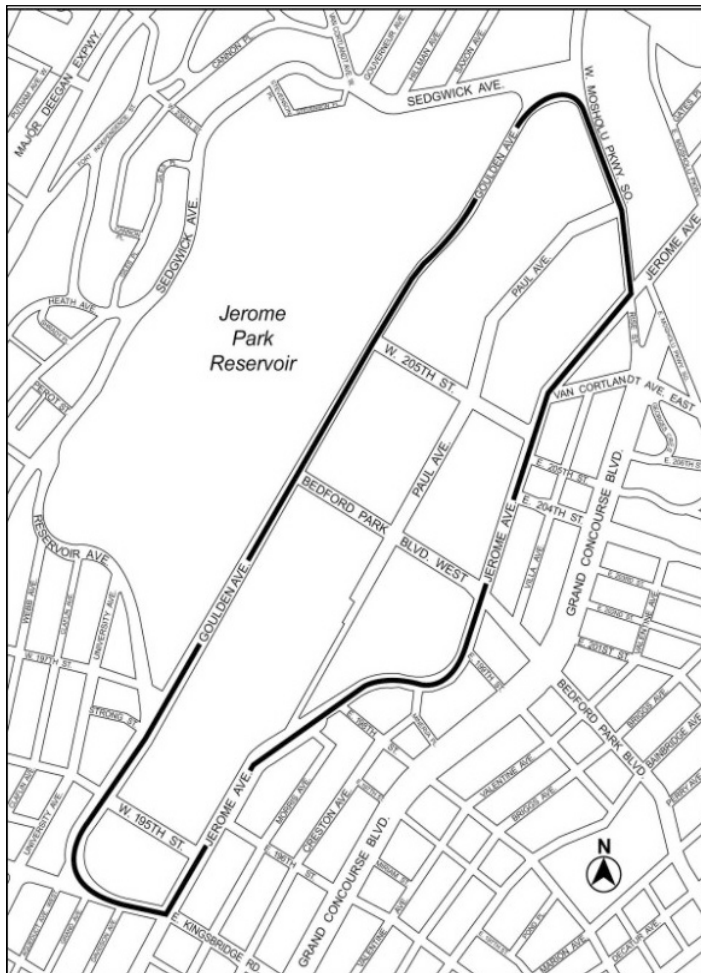
The #FRESH food store# designated areas are; listed by community district and borough in Section 63-02 (Applicability). Excluded portions of community districts are shown on the following maps:

- all of Manhattan Community District 10;
- all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and
- all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

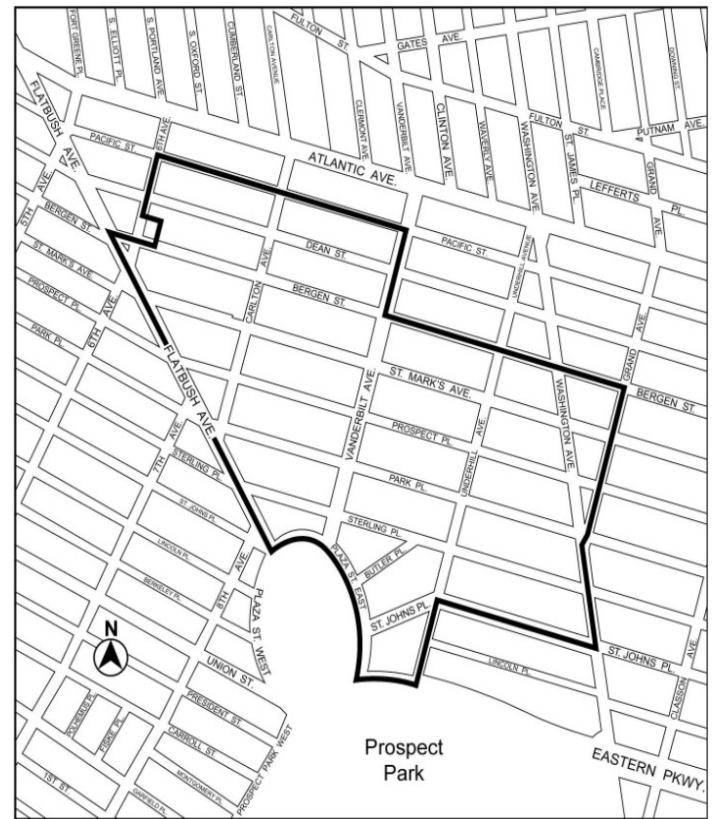
Portions of other Community Districts are shown on Maps 1 through 16 in this Appendix A.

[EXISTING MAPS – TO BE DELETED]

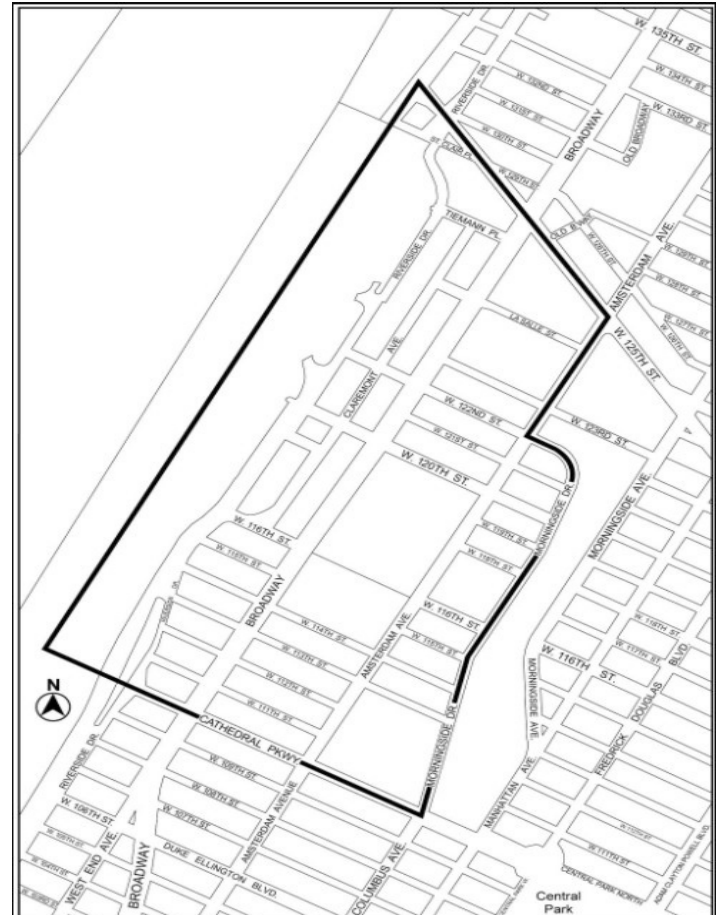
Map 1. Excluded portions of Community District 7, the Bronx



Map 2. Excluded portions of Community District 8, Brooklyn



Map 3. Excluded portions of Community District 9, Manhattan



Map 4. Excluded portions of Community District 12, Manhattan



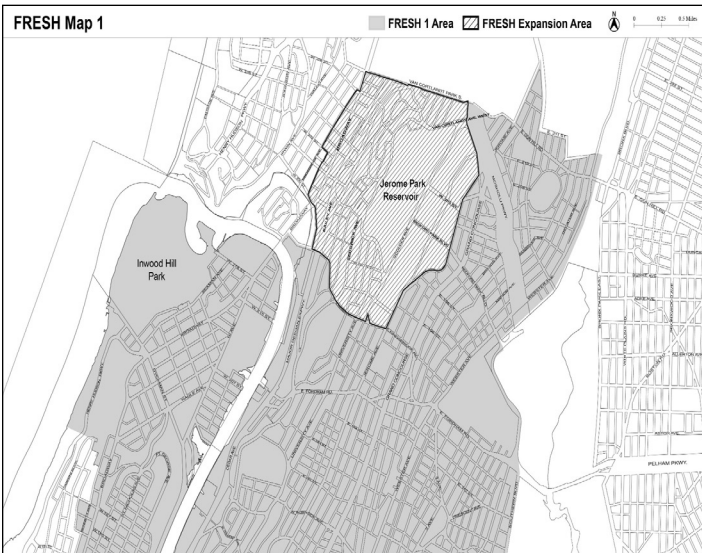
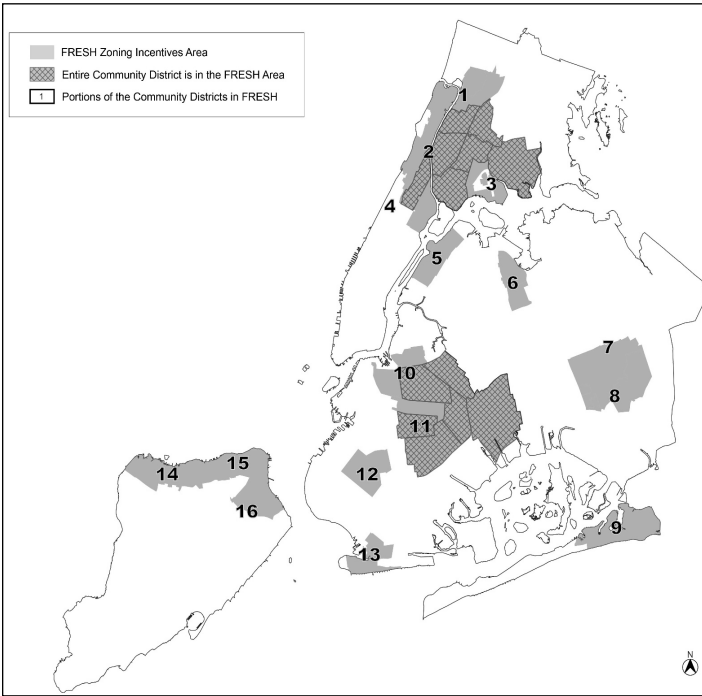
Map 6. Excluded portions of Community District 12, Queens

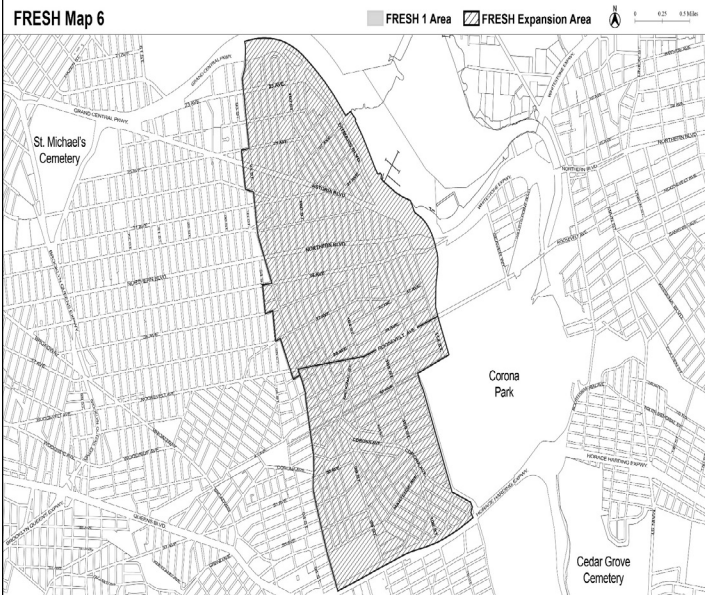


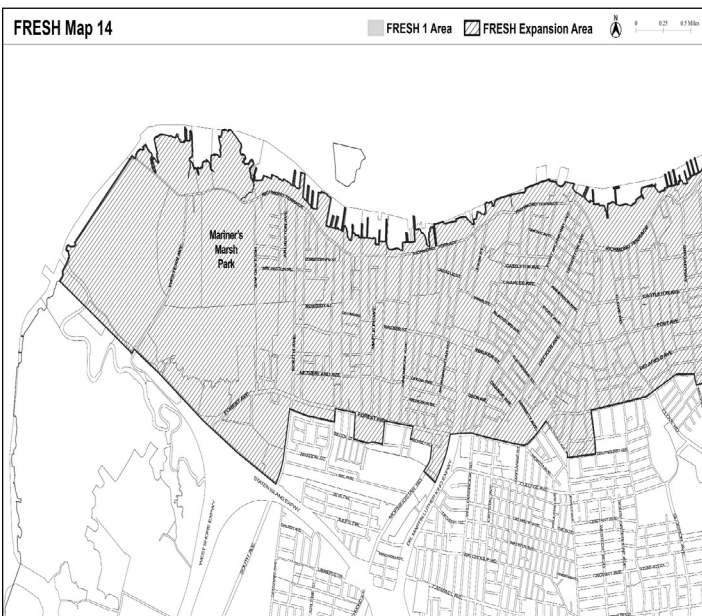
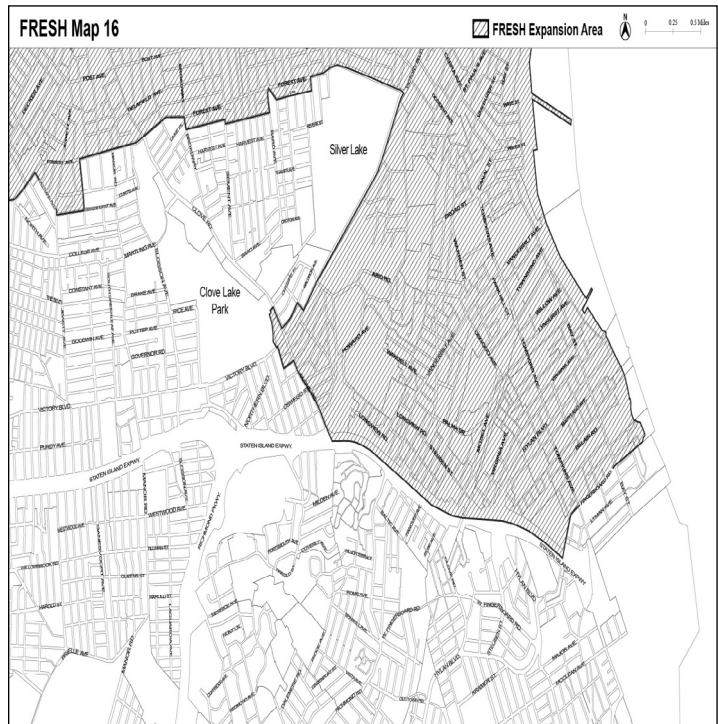
Map 5. Excluded portions of Community District 12, Queens



[PROPOSED MAPS]







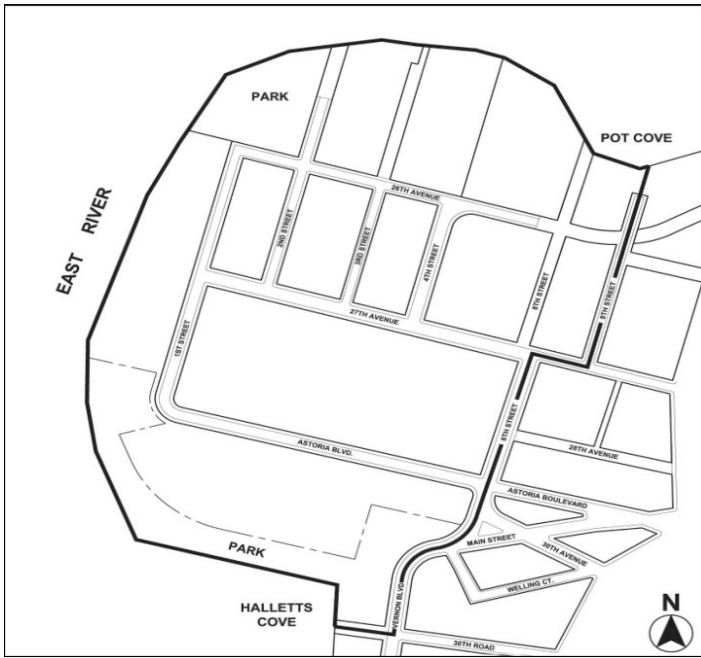
**Appendix B**

**FRESH Food Store Designated Areas: Included Portions**

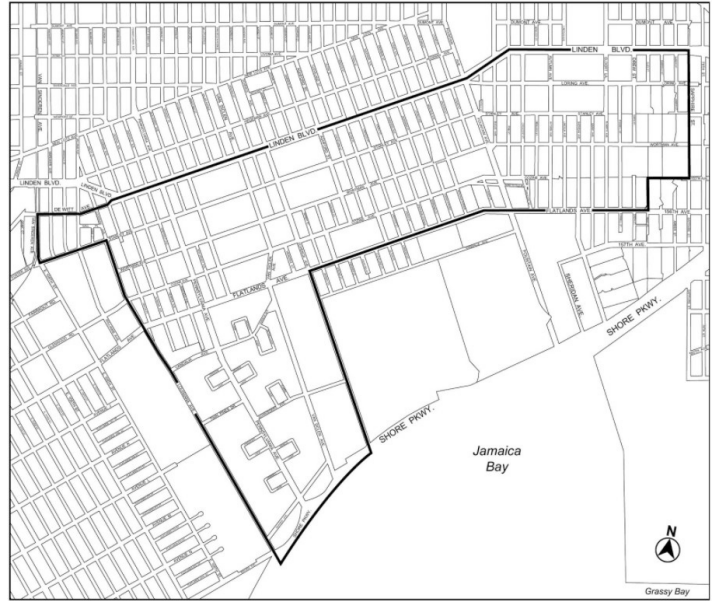
The FRESH food store designated areas are listed by community district and borough in Section 63-02 (Applicability). When a FRESH food store designated area occupies only a portion of a community district, the included portions of such community districts are shown on the following maps:

Map 1. Included portions of Community District 1, Queens

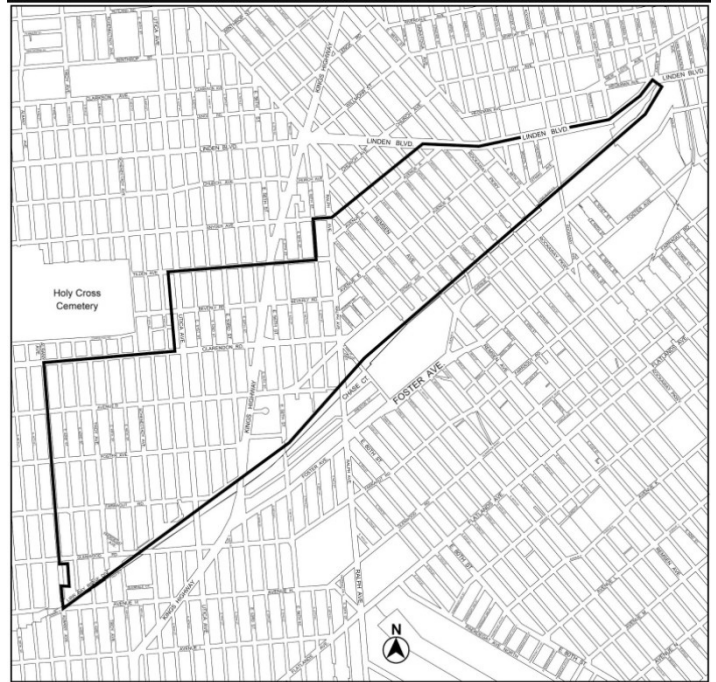
[EXISTING MAP – TO BE DELETED]



Map 2: Map 1. Excluded portions of Community District 5, Brooklyn



Map 3: Map 2. Excluded portions of Community District 16 and 17, Brooklyn

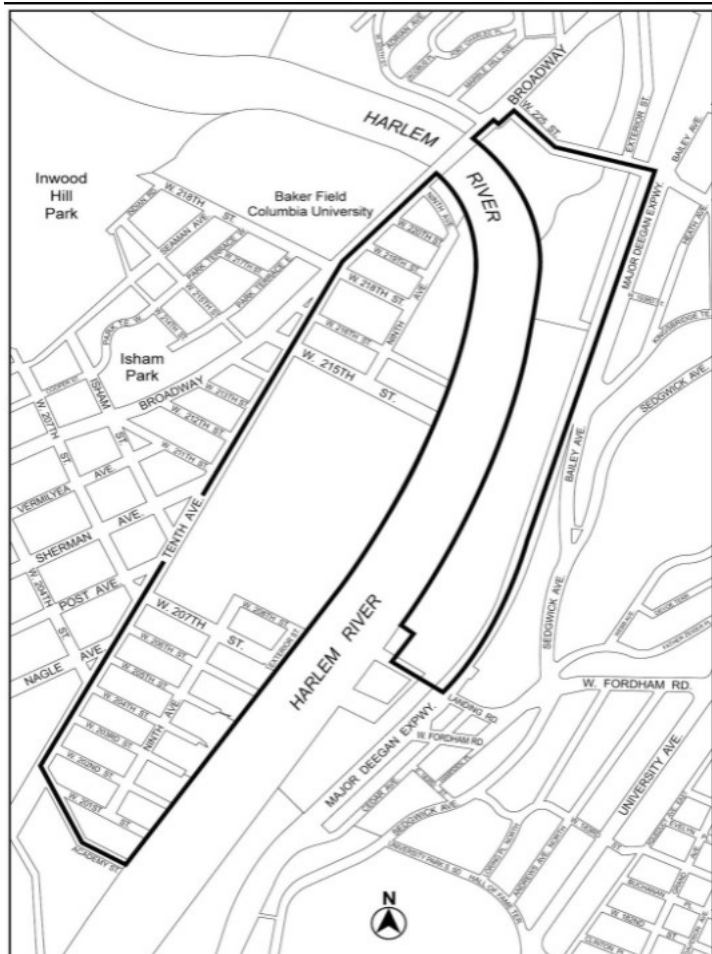


**Appendix C Appendix B**

**Required Off-Street Accessory Parking Exceptions**

Map 1. Excluded portions of Community District 12, Manhattan and a portion of Community District 7, the Bronx

[EXISTING MAP 1 – TO BE DELETED]



\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

**Chapter 7  
Special 125th Street District**

\* \* \*

**97-40  
SPECIAL BULK REGULATIONS**

\* \* \*

**97-41  
Special Floor Area Regulations**

\* \* \*

**97-412  
Maximum floor area ratio in the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

- (a) Maximum #floor area ratio#  
The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:
  - (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel# pursuant, to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or
  - (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission, to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

Where the provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) apply, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #floor area# of a #FRESH food store#, as defined by Article VI, Chapter 3, up to 20,000 square feet.

- (b) Modified maximum #floor area ratio# for certain #zoning lots#  
For #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject, to the provisions of paragraph (d)(4) of Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:
  - (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before November 30, 2017, with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
  - (2) for #zoning lots#, subject, to the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
  - (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant, to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses). For #zoning lots# utilizing the provisions of paragraph (b)(2) of this Section, such maximum #floor area ratio# may also be increased pursuant, to the provisions of Article VI, Chapter 3.

\* \* \*

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

**Chapter 8  
Special Hunts Point District**

\* \* \*

**108-01  
General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and

#enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #floor zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

The provisions of Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) shall apply in the Residential Buffer Subdistrict, and shall not apply in the Food Industry Subdistrict. For any food store subject, to the provisions of Article VI, Chapter 3, the parking regulations of Section 63-24 (Required Accessory Off-street Parking Spaces in Certain Districts) shall supersede the provisions of Section 108-20 (MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT).

\* \* \*

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 6  
Special Stapleton Waterfront District**

\* \* \*

**116-20  
SPECIAL BULK REGULATIONS FOR SUBAREAS A, B, AND C,  
THE ESPLANADE, PIER PLACE AND THE COVE**

\* \* \*

**116-22  
Maximum Floor Area Ratio**

\* \* \*

**116-221  
Special floor area regulations for mixed buildings**

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths; and
- (c) limitations on #floor area# occupied by certain #uses#; and
- (d) satisfying requirements for #FRESH food stores# as defined in Article VI, Chapter 3, and the special #floor area# regulations of that Chapter.

In #floor zones#, the #floor area# exclusion permitted by this Section shall also apply, to the area occupied by non-#residential uses# on the #lowest occupiable floor#, as defined in Section 64-11.

\* \* \*

**No. 3  
CAPA FRESH RULE CHANGE**

**CITYWIDE  
(Proposed modification of Title 62 of the Rules of the City of New York, pursuant to Sections 1043 and 191(b)(2) and ZR Section 63-00, et seq. (as amended by proposed N 210380 ZRY) of the City Charter to facilitate the implementation of the Food Retail Expansion to Support Health Program (FRESH) program as well as to correct aspects of the fee structure for certain applications.**

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"), proposes to amend rules within Chapter 3 and establish new Chapter 12 of Title 62 of the Rules of the City of New York.

This proposed rule was not included in the Department of City Planning's regulatory agenda for this Fiscal Year because it was not contemplated when the Department of City Planning published the agenda.

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

DATE: September 22, 2021  
TIME: 10:00 A.M.  
LOCATION: Remote

In support of the City's efforts to contain the spread of COVID-19, the City Planning Commission will hold this public hearing remotely. To join the meeting and comment, please visit NYC Engage at <https://www1.nyc.gov/site/nycengage/events/city-planning-commission-public>

meeting/287262/1 or dial 877-853-5247 (US Toll-free), 888-788-0099 (US Toll-free), (253) 215-8782 (Toll number) or (213) 338-8477 (Toll number). If calling into the meeting, please use the following Meeting ID 618 237 7396, and when prompted for a participation code, please enter “#” followed by the password “1” when prompted. Instructions on how to participate, as well as materials relating to the meeting, will be posted on NYC Engage in advance of the meeting. To help the meeting host effectively manage the meeting, those who do not intend to actively participate are invited to watch the meeting through the livestream/LINK provided on NYC Engage or the recording that will be posted after the meeting on DCP’s website.

Any person in, attendance, at this hearing (remotely or in person) 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 September 8, 2021. In addition, written statements may be submitted to City Planning, at the address stated below, provided the comments are received by 5:00 P.M. on September 22, 2021:

New York City Department of City Planning  
Office of the Counsel  
120 Broadway, 31<sup>st</sup> 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, 31<sup>st</sup> 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 3: Fees and Contributions**

\* \* \*

**§ 3-07 Schedule of Charges**

\* \* \*

(e) Applications for zoning certifications and zoning authorizations:

(1) For certification for public school space, pursuant to § 107 – 121 [123] of Article X, Chapter 7 (Special South Richmond Development District) of the Zoning Resolution, the fee shall be \$160.

\* \* \*

(g) Supplemental Fee for Large Projects. In addition to all applicable fees as set forth above, a supplemental fee shall be required for the following applications:

Applications that may result in the development of 500,000 to 999,999 square feet of floor area	\$80,000
Applications that may result in the development of 1,000,000 to 2,499,000 square feet of floor area	\$120,000
Applications that may result in the development of, at least 2,500,000 square feet of floor area	\$160,000

\* \* \*

**Chapter 12: Rules for the Processing of Applications for FRESH Certifications, pursuant to Section 63-30 of the Zoning Resolution of the City of New York**

**§ 12-01 Scope**

This chapter governs the queuing of applications for the Food Retail Expansion to Support Health Program (“FRESH”), pursuant to section 63-00 *et seq.* of the Zoning Resolution as well as the effect such queuing has on closed projects, terminated applications, and lapsed certifications related to such program.

**§ 12-02 Definitions**

For the purposes of this chapter:

Application. The term “Application” means materials filed with the Department, pursuant to section 10-09 of these rules to obtain a Certification in connection with a project.

Certification. The term “Certification” means a Certification by the Chair of the Commission, pursuant to section 63-30 of the Zoning Resolution for a FRESH food store.

Commission. The term “Commission” means the City Planning Commission.

Department. The term “Department” means the Department of City Planning.

FRESH. The term “FRESH” means the Food Retail Expansion to Support Health Program, pursuant to section 63-00 *et seq.* of the Zoning Resolution.

FRESH Application Statement (“FAS”). The term “FRESH Application Statement” or “FAS” means a PAS in accordance with section 10-04 of this title or, if the Department determines that such statement is not necessary, a draft land use application in accordance with section 10-07 of this title, both of which are submitted in connection with a prospective Application.

FRESH Food Store. The term “Fresh Food Store” shall have the same meaning as that term is defined in section 63-01 of the Zoning Resolution.

FRESH Residential Floor Area. The term “FRESH Residential Floor Area” means the additional residential floor area permitted in accordance with this chapter and section 63-21 of the Zoning Resolution as a result of the provision of “FRESH Food Store Floor Area,” as that term is defined in section 63-01 of the Zoning Resolution.

Pre-Application Statement (“PAS”). The term “Pre-Application Statement” or “PAS” means the Pre-Application Statement described in section 10-04 of this title.

Queue. The term “Queue” means a list of projects ranked relative to each other in the order in which the Department received the FAS for each such project, subject, to the provisions of this chapter.

Radius. The term “Radius” means a half-mile radius measured from zoning lots of the proposed FRESH Food Store where the total FRESH Residential Floor Area for all FRESH Food Stores within such radius may not exceed more than 40,000 sq ft. A FRESH Food Store with FRESH Residential Floor Area will be deemed to be included in such radius if any portion of such store’s zoning lot is located within such radius.

**§ 12-03 Review and Queuing of Applications**

(a) The Department shall queue all projects in the order that their respective FAS was received by the Department, provided that, with respect to an FAS that is a PAS, such PAS has been determined by the Department to be complete in accordance with section 10-04(b) of this title.

(b) When two or more projects, including the proposed project, are located within a Radius and the total of FRESH Residential Floor Area among them exceeds 40,000 sq ft, the project for which an FAS was first received and is deemed in compliance with this title shall have priority to obtain all of its requested FRESH Residential Floor Area. The project that is next in the Queue shall then have priority to obtain all the remaining FRESH Residential Floor Area within such Radius which has not been claimed by a project earlier in the Queue. The use of remaining FRESH Residential Floor Area unclaimed by projects earlier in the Queue shall continue in this manner for subsequent projects until there is no additional unclaimed FRESH Residential Floor Area within the Radius.

(c) After a project has been added, to the Queue, if there is no response from the project sponsor within two (2) months after the interdivisional meeting, held in accordance with section 10-05 of this title, or the last communication of instructions from the Department, whichever is later, the Department will notify the project sponsor that its project will be placed on hold if it does not respond within a specified period of time from such notice. If the project sponsor responds within the specified timeframe but does not provide the requested materials, if any, within thirty (30) days of such response, the project will be placed on hold. If a project is on hold for twelve (12) months, the project record will be closed or the corresponding Application terminated, whichever is applicable, and the project will be removed from the Queue. The previously claimed FRESH Residential Floor Area corresponding, to the removed project will now be available to projects remaining in the Queue. For terminated Applications, if the Department permits the applicant to proceed directly to filing a new Application, the Department shall place such Application in the Queue in accordance with subdivision (a) of this section as if such Application were a new FAS.

**§ 12-04 Effect of Lapse of Certification**

If a Certification lapses, pursuant to section 63-30 of the Zoning Resolution, the amount of FRESH Residential Floor Area permitted by such Certification shall become available for other projects within the same Radius as the project with the lapsed building permit. The project sponsor may reapply for FRESH Residential Floor Area but must submit a new FAS Queued in accordance with section 12-03 of this chapter.



Resolution for adoption scheduling September 22, 2021 for a public hearing.

BOROUGH OF THE BRONX
Nos. 4 & 5
WIN POWERS
No. 4

CD 1 C 210398 ZSX
IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property, located, at 346 Powers Avenue (Block 2572, Lot 6) in an R6 District.

Plans for this proposal are on file with the City Planning Commission and may be seen, at 120 Broadway, 31st Floor, New York, NY 10271.

No. 5

CD 1 C 210399 HAX
IN THE MATTER OF an application submitted by the NYC 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 346 Powers Avenue (Block 2572, Lot 6), as an Urban Development Action Area; and
b. an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of two new buildings containing approximately 221 supportive housing units, 95 shelter units, and community facility space.

No. 6
CB 8 OFFICE SPACE

CD 8 N 220033 PXX
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 185 West 231st Street (Block 3267, Lot 76) (Bronx Community Board 8 Office).

BOROUGH OF BROOKLYN
Nos. 7 & 8
506 THIRD AVENUE
No. 7

CD 6 C 210119 ZMK
IN THE MATTER OF an application submitted by PAB 3rd Avenue Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, by changing from an existing M2-1 District to a C4-4A District property, bounded by 11th Street, 3rd Avenue, 13th Street, and a line 100 feet northwesterly of 3rd Avenue, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject, to the conditions of CEQR Declaration E-617.

No. 8

CD 6 N 210120 ZRK
IN THE MATTER OF an application submitted by PAB 3rd Avenue Holdings LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

BROOKLYN

Brooklyn Community District 6

Map 3- [date of adoption]
102
Portion of Community District 6, Brooklyn

BOROUGH OF MANHATTAN
Nos. 9 & 10
STARRETT-LEHIGH + TERMINAL WAREHOUSE REZONING
No. 9

CD 4 C 210408 ZMM
IN THE MATTER OF an application submitted by Terminal Fee Owner LP and RXR SL Owner LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b:

- 1. changing from an M2-3 District to an M2-4 District property, bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue; and
2. establishing a Special West Chelsea District (WCh), bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue;

as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject, to the conditions of CEQR Declaration E-625.

No. 10

CD 4 N 210409 ZRM
IN THE MATTER OF an application submitted by Terminal Fee Owner LP and RXR SL Owner LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections.

Matter underlined is new, to be added;
Matter struck out is to be deleted;
Matter within # # is defined in Section 12-10;
\*\*\* indicates where unchanged text appears in the Zoning Resolution.

ARTICLE I - GENERAL PROVISIONS

Chapter 4 - Sidewalk Cafe Regulations

\* \* \*

14-44

Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

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

Table with 3 columns: Manhattan, #Enclosed Sidewalk Cafe#, #Unenclosed Sidewalk Cafe#. Rows include Manhattan (\*\*\*), West Chelsea District (No, Yes5).

\* \* \*

5 #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street. #Unenclosed sidewalk cafes# shall also be allowed on West 27th Street between Eleventh Avenue and Joe DiMaggio Highway.

\* \* \*

ARTICLE IX - SPECIAL PURPOSE DISTRICTS

Chapter 8 - Special West Chelsea District

98-00
GENERAL PURPOSES

\* \* \*

98-04
Subareas and High Line Transfer Corridor

In order to carry out the provisions of this Chapter, Subareas A through J and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

\* \* \*

98-10
SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

\* \* \*

98-12
Modification of Use Regulations

The #use# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

\* \* \*

**98-122  
Location within buildings  
In Subarea K**

[Relocated to Section 98-124 below]

In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:

- (a) are located in a portion of the #building# that has separate direct access, to the #street# with no access, to the #residential# portion of the #building# at any #story#; and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
  - (1) #residential# lobby space below or on the same #story# as #commercial uses#; or

(2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

In Subarea K, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT), inclusive, shall be modified as follows:

- (a) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:
  - (1) from Use Groups 3 and 4, all #uses#, not otherwise permitted by the underlying regulations, other than those with sleeping accommodations;
  - (2) from Use Group 6A, food stores, including supermarkets, grocery stores or delicatessen stores, larger than 10,000 square feet;
  - (3) from Use Groups 6C, 9A, and 12B, all #uses# not otherwise permitted by the underlying regulations; or
  - (4) from Use Group 10A, all #uses#, not otherwise permitted by the underlying regulations, provided that the floor space allocated to such #uses# does not exceed 15 percent of the total #floor area# of the #building#.

**98-123  
Adult establishments**

\* \* \*

**98-124  
Location within buildings**

[Relocated from Section 98-122 above]

In any C6 District the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:

- (a) are located in a portion of the #building# that has separate direct access, to the #street# with no access, to the #residential# portion of the #building#, at any #story#; and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
  - (1) #residential# lobby space below or on the same #story# as #commercial uses#; or
  - (2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

\* \* \*

**98-15  
Signs**

\* \* \*

**98-151  
Modification of sign regulations in Subarea K**

Within Subarea K, the #sign# regulations of the underlying district shall apply. However, within 15 feet of the intersection of two #streets#, the provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply.

\* \* \*

**98-17  
Modification of Parking and Loading Regulations in Subareas H**

[Relocated to Section 98-171 below]

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
- (b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted, at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and
- (c) no more than 377 spaces are provided within such facility. For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

The underlying provisions of Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply within the #Special West Chelsea District#, subject to modification by the regulations of this Section, inclusive.

**98-171  
Parking regulations in Subarea H**

[Relocated from Section 98-17 above]

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
- (b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted, at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and
- (c) no more than 377 spaces are provided within such facility.

For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

**98-172  
Waiver of accessory off-street loading berths in Subarea K**

In Subarea K, the provisions of Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to changes of #use#.

\* \* \*

**98-20  
FLOOR AREA AND LOT COVERAGE REGULATIONS**

\* \* \*

**98-22  
Maximum Floor Area Ratio and Lot Coverage in Subareas**

For all #zoning lots#, or portions thereof, located in Subareas A through J K, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted, pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required to be transferred <sup>1</sup> (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	— <sup>2</sup>	2.65	2.85	12.0
B	5.0	2.5	— <sup>2</sup>	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D <sup>5</sup>	5.0	2.5 <sup>3</sup>	2.5 <sup>3</sup>	1.25	1.25	7.5
E	5.0	1.0 <sup>3</sup>	1.0 <sup>2,3</sup>	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 <sup>3</sup>	1.0 <sup>3</sup>	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I <sup>4</sup>	5.0	NA	2.5	NA	NA	7.5

J <sup>6</sup>	5.0	NA	2.5	NA	NA	7.5
K	5.0	NA	NA	NA	NA	5.0

- 1 Minimum #floor area ratios# required to be transferred, pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized
- 2 In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)
- 3 For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject, to the provisions of Section 98-241 (In Subareas D, E and G)
- 4 For #zoning lots# over which the #High Line# passes
- 5 For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted
- 6 Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

\* \* \*

**98-40  
SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS**

\* \* \*

**98-42  
Special Height and Setback Regulations**

\* \* \*

**98-423  
Street wall location, minimum and maximum base heights and maximum building heights**

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (g) through (h) of this Section.

\* \* \*

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph (g) shall apply.

\* \* \*

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back, at least 10 feet from the West 15th and West 16th Street #street lines#, and, at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back, at least 25 feet from the West 15th and West 16th Street #street lines#, and, at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back, at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed, pursuant to Section 33-42 shall be permitted.

(h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

**MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT  
BY DISTRICT OR SUBAREA**

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	— <sup>1</sup>
	between 50 and 100 feet of a #wide street#	15	85	— <sup>1</sup>
	for #zoning lots# with only #narrow street# frontage	40	60	— <sup>1</sup>
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105 <sup>2</sup>	125 <sup>2</sup>	125 <sup>2</sup>
	for #zoning lots# with Eleventh Avenue frontage	125 <sup>2</sup>	145 <sup>2</sup>	145 <sup>2</sup>
Subarea D		60	90	250 <sup>1</sup>
Subarea E		60	105 <sup>3</sup>	120 <sup>3</sup>
Subarea F		60 <sup>2</sup>	80 <sup>2</sup>	80 <sup>2</sup>
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105 <sup>2</sup>	120 <sup>2</sup>	120 <sup>2</sup>
Subarea H		60 <sup>4</sup>	85 <sup>4</sup>	— <sup>4</sup>
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120 <sup>5</sup>
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110 <sup>6</sup>	130 <sup>6</sup>
	Ninth Avenue Zone	NA	130 <sup>6</sup>	135 <sup>6</sup>
	Tenth Avenue Zone	NA	185 <sup>6</sup>	230 <sup>6</sup>
Subarea K		NA <sup>7</sup>	NA <sup>7</sup>	NA <sup>7</sup>

<sup>1</sup> See Section 98-423, paragraph (b)

<sup>2</sup> See Section 98-423, paragraph (c)

<sup>3</sup> See Section 98-423, paragraph (d)

<sup>4</sup> See Section 98-423, paragraph (e)

<sup>5</sup> See Section 98-423, paragraph (f)

<sup>6</sup> See Section 98-423, paragraph (g)

<sup>7</sup> See Section 98-423, paragraph (h)

\* \* \*

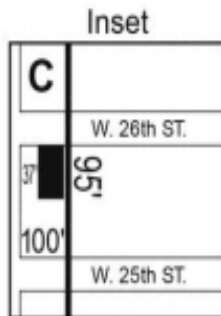
**Appendix A**

**Special West Chelsea District and Subareas**

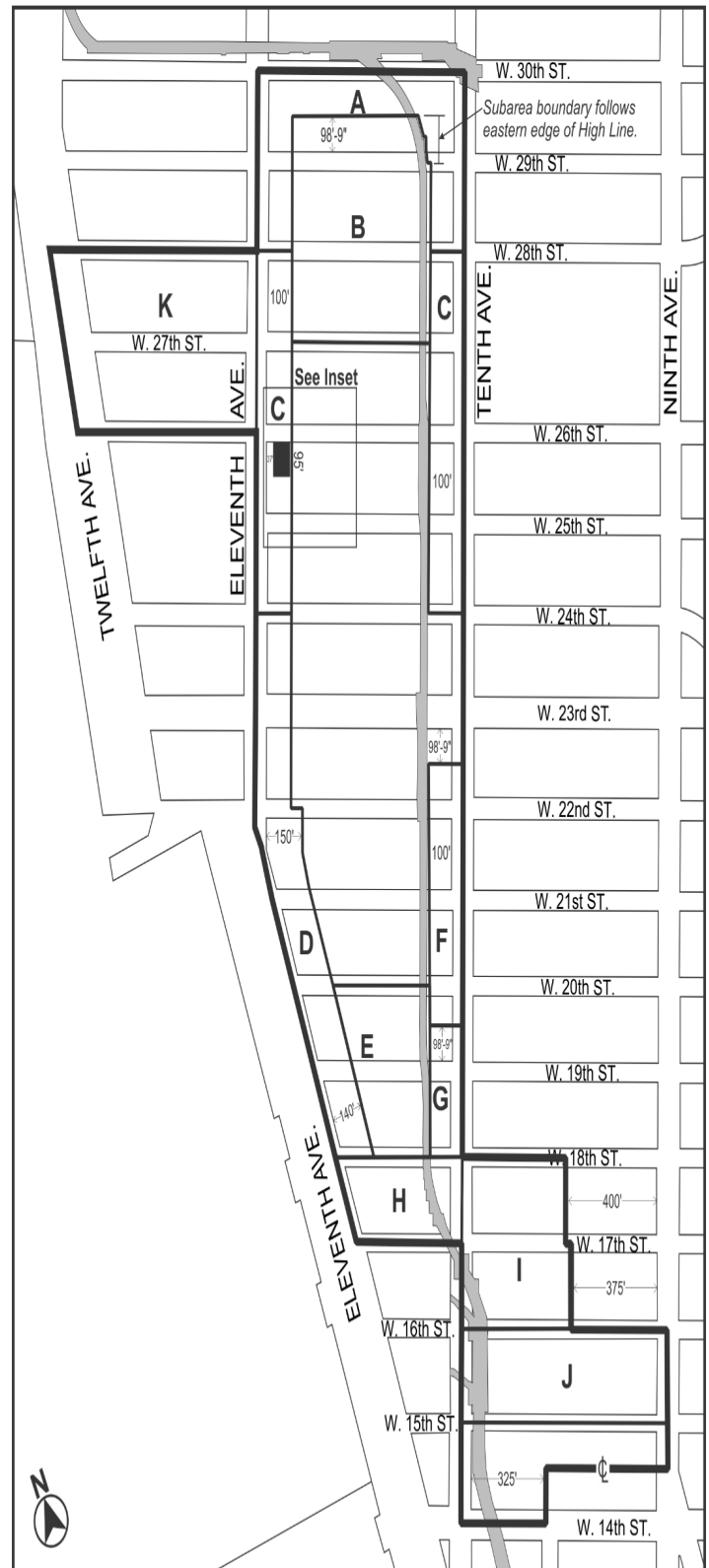
[EXISTING MAP]



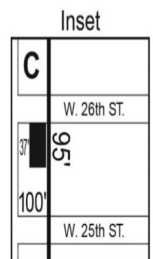
- Special West Chelsea District boundary
- Subarea boundary
- High Line
- Transit Facility



[PROPOSED MAP]






- Special West Chelsea District boundary
- Subarea boundary
- High Line
- Transit Facility



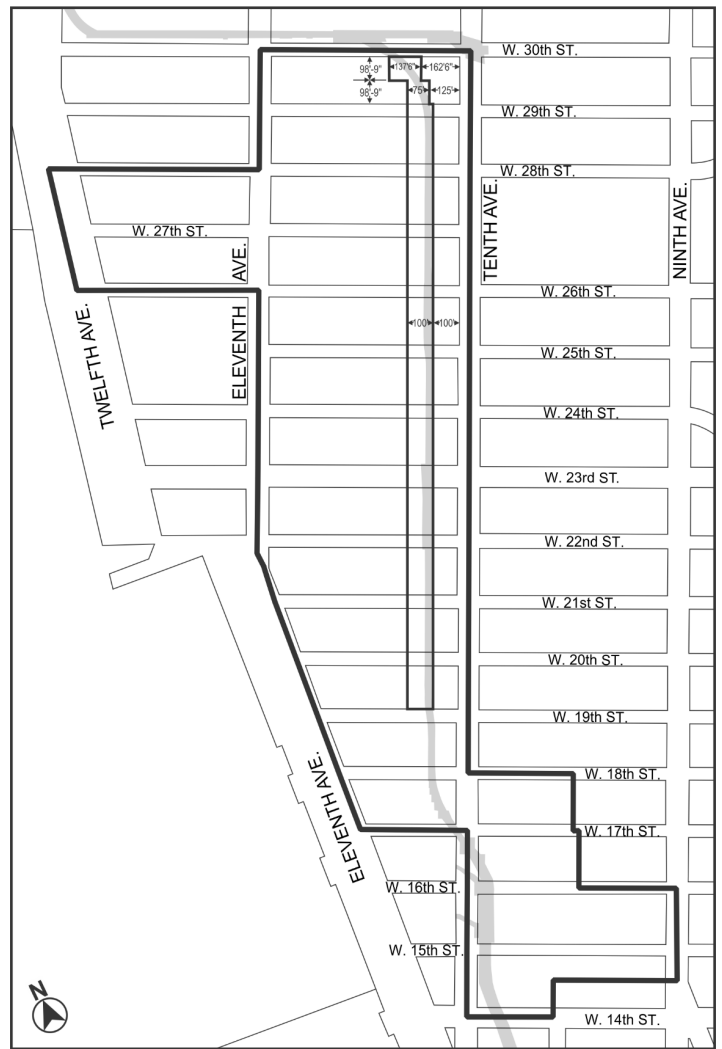
Appendix B  
High Line Transfer Corridor Location




[EXISTING MAP]



-  Special West Chelsea District
-  High Line Transfer Corridor
-  High Line

[PROPOSED MAP]



-  Special West Chelsea District boundary
-  High Line Transfer Corridor
-  High Line

\* \* \*

**NOTICE**

On September 22, 2021 a remote public hearing is being held by the City Planning Commission (CPC), in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by RXR SL Owner LLC and Terminal Fee Owner LP (the Applicants). The Applicants are seeking a zoning map amendment and zoning text amendment (the Proposed Actions) affecting the two blocks bounded by West 28th Street to the north, Eleventh Avenue to the east, West 26th Street to the south, and Twelfth Avenue/Route 9A to the west (Block 672, Lot 1 and Block 673, Lot 1); these blocks contain the Starrett-Lehigh Building and the Terminal Warehouse (the project area), located in the West Chelsea neighborhood of Manhattan, Community District 4. The zoning map amendment would extend the Special West Chelsea District (WCh) over the project area and change the underlying zoning district from M2-3 to M2-4. The proposed zoning text amendments would create new subarea (Subarea K) in WCh and, within such subarea, modify certain use, signage, sidewalk café, and loading requirements. The Proposed Actions would allow the Applicants to lease space in the Starrett-Lehigh Building and Terminal Warehouse to a more diverse range of tenant types, allowing for flexibility needed to respond to changes in the economy over the long term.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, October 4, 2021.

For instructions on how to submit comments and participate remotely, please refer, to the instructions, at the beginning of this agenda.

This hearing is being held, pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 21DCP103M.

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



s8-22

COMMUNITY BOARDS

NOTICE

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

BOROUGH OF BROOKLYN

Community Board No. 10 - Monday September 20, 2021, at 7:00 P.M., via Zoom. Register for Zoom meeting at: https://us02web.zoom.us/webinar/register/WN\_18zi2tBWSyqpo8IZfbNHOW.

Public Hearing to review the proposed DCP Open Restaurants Text Amendment which would create a permanent, streamlined Open Restaurants program. As part of this program, the Department of City Planning and Department of Transportation propose a zoning text amendment to remove geographic restrictions on where sidewalk cafes can be located within NYC. The zoning amendment would make thousands of restaurants eligible for a sidewalk cafe.

s13-20

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 18 - Wednesday, September 22, 2021, 7:00 P.M., Board Office Meeting Room, 1097 Bergen Avenue and via Zoom for participants who wish to participate online.

N 210434ZRY - Open Restaurants/Sidewalk Cafes - The New York City Department of Transportation (DOT) and Department of City Planning (DCP) are proposing a citywide zoning text amendment that will allow the DOT to administer the Permanent Open Restaurant program (POR). The proposal will remove sidewalk cafe regulations from the Zoning Resolution to increase geography eligibility as sidewalk cafes will become part of a unified sidewalk and roadway outdoor dining program administered at DOT. This Statutory Public Hearing has been duly advertised in the City Record. The Proposal Information is available at: https://www1.nyc.gov/site/planning/plans/open-restaurants/open-restaurants-overview.page.

Please Note:

- The allowable occupancy for the Board Office Meeting Room (e.g. 70 members of the public will be permitted in the room).
Videoconferencing information for those who wish to participate online, is as follows:

Brooklyn Community Board 18 is inviting you to a scheduled Zoom meeting.

Topic: REGULAR MONTHLY BOARD MEETING - SEPTEMBER 22, 2021, 7:00 P.M.

Time: September 22, 2021, 7:00 P.M. Eastern Time (US and Canada)

Join Zoom Meeting

https://zoom.us/j/99482142049?pwd=QWhWOVdYUzI3cEg0VGxPeWxLeWxrzd09

Meeting ID: 994 8214 2049

Passcode: 8Zmasp

All meeting attendees will be required to practice physical distancing and all attendees over the age of two who are medically able to tolerate a face covering will be required to wear a face covering, regardless of vaccination status.



s9-22

EMPLOYEES' RETIREMENT SYSTEM

MEETING

Please be advised, that the next Common Investment Meeting of the Board of Trustees of the New York City Employees' Retirement System, is Friday, September 17, 2021, at 9:00 A.M.

Due to the Covid-19 pandemic and for everyone's safety, the NYCERS Regular Board of Trustees no longer meet in person and instead the meeting is held over Zoom. However, you can still view only the public session online, at https://comptroller.nyc.gov/services/financialmatters/pension/common-investment-meeting/.

Melanie Whinnery, Executive Director

s10-16

ENVIRONMENTAL PROTECTION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to Title 5, Chapter 3, Subchapter 3 of the Administrative Code of the City of New York, a Real Property A&D Public Hearing will be held, on Wednesday, September 29, 2021, at 10:00 A.M. The Public Hearing will be held via Conference Call. Call-in #: 1-646-992-2010, Access Code: 717-876-299:

REAL PROPERTY PUBLIC HEARING IN THE MATTER OF the acquisition by the City of New York of Fee Simple (Fee) interests, including properties in the Streamside Acquisition Program (SAP) and in the New York City-Funded Flood Buyout Program (FBO) on the following real estate in the Counties of Delaware, Greene, Ulster and Westchester for the purposes of providing for the continued supply of water, and for preserving and preventing the contamination or pollution of the New York City water supply system:

Table with 6 columns: NYC ID, County, Municipality, Type, Tax Lot ID, Acres (+/-). Rows include properties in Delaware, Greene, Ulster, and Westchester counties.

A copy of the Mayor's Preliminary Certificate of Adoption and maps of the real estate to be acquired are available for public inspection upon request. Please call (914) 749-5410.

In order to access the Public Hearing and testify, please call 1-646-992-2010, Access Code: 717-876-299 no later than 9:55 A.M. If you need further accommodations, please let us know, at least five business days in advance of the Public Hearing via email, at DisabilityAffairs@mocs.nyc.gov.

s16

HOUSING AUTHORITY

MEETING

The next Board Meeting of the New York City Housing Authority, scheduled for Wednesday, September 29, 2021, at 10:00 A.M., will be held in-person in the Ceremonial Room, on the 5th Floor of 90 Church Street, New York, NY, and will be streamed live on NYCHA's YouTube Channel, http://nyc.gov/nycha, and NYCHA's Website, on.nyc.gov/boardmeetings.

Because of capacity limitations, the Board Meeting may also be accessed, via Zoom, by calling (646) 558-8656 using Webinar ID: 816 5138 6482 and Passcode: 5692103421.

For those wishing to provide public comment, either in-person or via Zoom, pre-registration is required via email, to corporate.secretary@nycha.nyc.gov, or by contacting (212) 306-6088, no later than 5:00 P.M.,

on the day prior to the Board Meeting. No in-person registration will be conducted. When pre-registering, please provide your name, development, or organization name, contact information and item you wish to comment on. You will then be contacted with instructions for providing comment. Comments are limited to the items on the Calendar.

Speaking time will be limited to three (3) minutes. Speakers will provide comment in the order in which the requests to comment are received. The public comment period will conclude upon all speakers being heard or at the expiration of thirty (30) minutes allotted for public comment, whichever occurs first.

Copies of the Calendar are available on NYCHA's Website, at <http://www1.nyc.gov/site/nycha/about/board-calendar.page>, to this web page, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes are available on NYCHA's Website, at <http://www1.nyc.gov/site/nycha/about/board-calendar.page>, no earlier than 3:00 P.M., on the Thursday following the Board Meeting.

Any changes to the schedule will be posted here on NYCHA's Website, at <http://www1.nyc.gov/site/nycha/about/board-calendar.page>, to this web page and via social media, to the extent practicable, at a reasonable time before the meeting.

Any person requiring a reasonable accommodation to participate in the Board Meeting, should contact the Office of the Corporate Secretary, by phone, at (212) 306-6088, or by email, at [corporate.secretary@nychanyc.gov](mailto:corporate.secretary@nychanyc.gov), no later than Wednesday, September 22, 2021, at 5:00 P.M.

This meeting is open to the public.

- Members of the public attending the Board Meeting, **regardless of vaccination status**, must wear face coverings while indoors.

For additional information regarding the Board Meeting, please contact the Office of the Corporate Secretary, by phone, at (212) 306-6088, or by email, at [corporate.secretary@nychanyc.gov](mailto:corporate.secretary@nychanyc.gov).

s10-28

## 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, September 28, 2021, at 9:30 A.M., the Landmarks Preservation Commission (LPC or agency) will hold a public hearing by teleconference with respect to the properties list below, and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Please note that the order and estimated times are subject to change. The teleconference will be by the Zoom app and will be live streamed on the LPC's YouTube channel [www.youtube.com/nyclpc](http://www.youtube.com/nyclpc). Members of the public should observe the meeting on the YouTube channel and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's website, under the "Hearings" tab <https://www1.nyc.gov/site/lpc/hearings/hearings.page>, on the Monday before the public hearing. Any person requiring language assistance services or other reasonable accommodation in order to participate in the hearing or attend the meeting should contact the LPC by contacting Anthony Fabre, Director of Community and Intergovernmental Affairs, at [anfibre@lpc.nyc.gov](mailto:anfibre@lpc.nyc.gov), at least five (5) business days before the hearing or meeting. Please note: Due to the City's response to COVID-19, this public hearing and meeting is subject to change and/or cancellation.

**95 Prospect Park West, Prospect Park - Individual Landmark**  
**LPC-22-01205** - Block 1117 - Lot 1 - **Zoning:** Park  
**BINDING REPORT**

An Italianate style mansion, designed by Alexander J. Davis built c. 1850 within a primarily naturalistic style park designed in 1865 by Frederick Law Olmsted and Calvert Vaux. Application is to construct a ramp, replace a door, and install flagpoles.

**189 Argyle Road - Prospect Park South Historic District**  
**LPC-21-09930** - Block 5117 - Lot 56 - **Zoning:** R1-2  
**CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style house, designed by Slee & Bryson and built in 1906, and altered in 1924. Application is to replace windows, install skylights and a patio, remove a rear porch and overhang, and demolish a garage.

**15 Shore Road - Douglaston Historic District**  
**LPC-21-08857** - Block 8044 - Lot 5 - **Zoning:** R1-1  
**CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style house, designed by George Hardway and built in 1910. Application is to enlarge an extension, construct a porch and patio, modify the entrance, install a skylight, relocate a driveway and curb cut, and excavate and regrade portions of the site.

**1 Clarkson Street (aka 2-8 Seventh Avenue South) - Greenwich Village Historic District Extension II**  
**LPC-21-00211** - Block 582 - Lot 50 - **Zoning:** C2-6  
**BINDING REPORT**

A Colonial Revival style public bath house, designed by Renwick, Aspinwall & Tucker and built in 1906-1907, and altered by Jaros Kraus in 1922 and Mitchell Bernstein in 1929. Application is to reconstruct an entrance ramp and stairs.

**275 Mulberry Street - Individual Landmark**  
**LPC-22-01500** - Block 510 - Lot 7502 - **Zoning:** C6-3  
**CERTIFICATE OF APPROPRIATENESS**

A Romanesque Revival style commercial building, designed by Albert Wagner and built in 1885-86 with alterations in 1892-93 and 1897-99. Application is to install an awning, flagpole, and signage and to create a vitrine.

**657 Greenwich Street - Greenwich Village Historic District**  
**LPC-21-10893** - Block 605 - Lot 8 - **Zoning:** R6  
**MISCELLANEOUS - AMENDMENT**

A school building, designed by Thomas M. Bell and built in the early 1950's, with additions built in 2012 and 2015. Application is to modify the play cage, railings, and flue extensions approved under Certificate of Appropriateness 16-5387.

**134 Spring Street - SoHo-Cast Iron Historic District**  
**LPC-22-01928** - Block 486 - Lot 11 - **Zoning:** M1-5A  
**CERTIFICATE OF APPROPRIATENESS**

A Beaux-Arts style commercial building, designed by Albert Wagner and built in 1895-96. Application is to establish a Master Plan governing the future installation of painted wall signs.

**77 Greene Street - SoHo-Cast Iron Historic District**  
**LPC-21-10696** - Block 486 - Lot 21 - **Zoning:** M1-5A  
**CERTIFICATE OF APPROPRIATENESS**

A store and loft building designed by Henry Fernbach and built in 1877. Application is to paint the cast iron façade.

**23 8th Avenue - Greenwich Village Historic District**  
**LPC-21-10703** - Block 625 - Lot 38 - **Zoning:** C1-6  
**CERTIFICATE OF APPROPRIATENESS**

A rowhouse with commercial ground floor, built in 1845. Application is to legalize and modify a rooftop addition constructed in non-compliance with Certificate of Appropriateness 10-6193, and to install new window openings and a balcony at the lot line facade.

**134 East 38th Street - Murray Hill Historic District**  
**LPC-21-09885** - Block 893 - Lot 271 - **Zoning:** R10  
**CERTIFICATE OF APPROPRIATENESS**

An altered Second Empire style rowhouse, designed by D. & J. Jardine and built in 1868-69, and altered in 1958 by Thomas F. Hennessy. Application is to install shutters and a flagpole.

**330 West End Avenue - West End - Collegiate Historic District Extension**  
**LPC-21-10227** - Block 1167 - Lot 64 - **Zoning:** R10A  
**CERTIFICATE OF APPROPRIATENESS**

An Arts & Crafts style apartment building, designed by Robert M. Farrington and built in 1915-1916. Application is to replace greenhouse structures on balconies.

**780 West End Avenue - Riverside - West End Historic District Extension II**  
**LPC-21-08658** - Block 1869 - Lot 7502 - **Zoning:** R8  
**CERTIFICATE OF APPROPRIATENESS**

An Arts and Crafts style apartment building, designed by George & Edward Blum and built in 1912-14. Application is to replace windows.

**163 East 69th Street - Upper East Side Historic District**  
**LPC-21-06111** - Block 1404 - Lot 31Zonin R8B  
**CERTIFICATE OF APPROPRIATENESS**

A Neo-Georgian style garage and house, designed by Albro & Lindeberg and built in 1909, and later altered in 1954. Application is to construct a rooftop addition, modify a masonry opening, and replace windows and doors.

**300 West End Avenue - West End - Collegiate Historic District Extension**  
**LPC-21-06251** - Block 1166 - Lot 1 - **Zoning:** R10A  
**CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style apartment building, designed by Schwartz & Gross and built in 1916. Application is to extend a rooftop bulkhead.

s14-28

## PUBLIC DESIGN COMMISSION

### MEETING

#### Agenda

Monday, September 20, 2021

**Meeting Location Notice:** On September 2, 2021, Governor Hochul signed into law Chapter 417 of the Laws of 2021, which suspends the in-person meeting requirement of the Open Meetings Law (Public Officers Law Article 7, secs. 100 et seq.) through January 15, 2022. Unless otherwise noted, Public Design Commission meetings will be held remotely through December 2021, and the public may attend such meetings by remote means.

Members of the public can view the meeting live on the Design Commission's YouTube channel at <http://www.youtube.com/nycdesigncommission>.

Members of the public who wish to give testimony on public hearing items can sign-up in advance using this form: <https://tinyurl.com/PDCmeetingform> and join the meeting via Zoom at <https://us02web.zoom.us/j/85813699502> or by calling 1 (646) 558 8656 and using the meeting ID: 858 1369 9502

Full instructions for participating in the hearing can be found on our website here: <https://tinyurl.com/PDC-remote>

#### Committee Meeting

9:50 A.M. Construction of a golf clubhouse (Drive Shack) and adjacent site work, Randall's Island Park, Bronx Shore Road between Randall's Island Greenway and Robert F. Kennedy Bridge, Manhattan. (Conceptual) (CC 8, CB 11) DPR

<https://www1.nyc.gov/assets/designcommission/downloads/pdf/09-20-2021-pres-DPR-c-R1-Golf.pdf>

#### Public Meeting

10:20 A.M. Consent Items

- 27859: Installation of louvers (Suite 601), Building 303 (formerly Building 399), Sands Street between Navy Street, Third Street, and Chauncey Avenue, Brooklyn Navy Yard Industrial Park, Brooklyn. (Preliminary and Final) (CC 33, CB 2) BNYDC
- 27860: Reconstruction of Berths 10 and 11 and the Small Boat Basin, between Dry Dock 6 and Pier G, Brooklyn Navy Yard Industrial Park, Brooklyn. (Preliminary and Final) (CC 33, CB 2) BNYDC
- 27861: Installation of *Questions Worth Having Answers To* by Kameelah Janan Rasheed, Abolitionist Place (formerly Willoughby Square Park), Willoughby Street, Abolitionist Place (Duffield Street) and Gold Street, Brooklyn. (Conceptual) (CC 33, CB 2) DCLA%/EDC
- 27862: Installation of roll-up doors, Brooklyn Districts 1 & 4 Garage, 161 Varick Avenue, Brooklyn. (Preliminary and Final) (CC 34, CB 1) DDC
- 27863: Construction of a portion of the Jamaica Bay Greenway (Paerdegat Avenue North Connector), Flatlands Avenue from Ralph Avenue to East 76th Street, Paerdegat Avenue North from Flatlands Avenue to Paerdegat 2nd Street, Paerdegat Avenue North from Paerdegat 14th Street to Seaview Avenue, Brooklyn. (Preliminary and Final) (CC 46, CB 18) DDC/DOT
- 27864: Construction of a parking garage and community facility as part of the Borough-Based Jails Program, Union Turnpike between 126th Street and 132nd Street, Kew Gardens, Queens. (Final) (CC 29, CB 9) DDC/DOT
- 27865: Construction of The Breakneck Bridge over the Metro-North Railroad, Hudson Highlands Fjord Trail, Breakneck Point adjacent to Route 9D, Dutchess County. (Preliminary) DEP
- 27866: Installation of an emergency generator hook-up system, Communications Center, Tallman Island Wastewater Resource Recovery Facility, 127-01 Powell's Cove Boulevard, Queens. (Preliminary and Final) (CC 19, CB 7) DEP
- 27867: Installation of rooftop photovoltaic panels, 201-15 115th Avenue, Roy Wilkins School, Jamaica, Queens. (Preliminary and Final) (CC 27, CB 12) DOE
- 27868: Installation of sports lighting, Curtis High School, 105 Hamilton Avenue, Staten Island. (Preliminary and Final) (CC 49, CB 1) DOE
- 27869: Construction of a fenced-in area and stairs, 224 West 22nd Street, Manhattan. (Preliminary and Final) (CC 3, CB 4) DOT
- 27870: Construction of an ADA ramp, 5502 5th Avenue, Brooklyn. (Preliminary and Final) (CC 38, CB 7) DOT
- 27871: Construction of an air intake totem, Penn Station, 392 Seventh Avenue and 4 Penn Plaza at West 33rd Street between Seventh Avenue and Eighth Avenue, Manhattan. (Preliminary and Final) (CC 3, CB 5) DOT
- 27872: Reconstruction of steps and a handrail, Coignet Building, 360 3rd Avenue, Brooklyn. (Preliminary and Final) (CC 39, CB 6) DOT
- 27873: Reconstruction of streetscape, including green infrastructure swales and tree pits, Edgemere Avenue (Shore Front Parkway) between Beach 32nd and Beach 38th, Arverne East, Far Rockaway, Queens. (Preliminary and Final) (CC 31, CB 14) DOT/HPD
- 27874: Conservation of *Lafayette and Washington* (1890) by Frederic-Auguste Bartholdi, Lafayette Square, Morningside Avenue, West 114th Street, and Manhattan Avenue, Manhattan. (Preliminary) (CC 9, CB 10) DPR
- 27875: Construction of a parking lot and adjacent site work, Cary Leeds Tennis Center, Crotona Avenue between Claremont Parkway and Crotona Park North, Crotona Park, Bronx. (Preliminary) (CC 17, CB 3) DPR
- 27876: Construction of a restaurant, parking lot, and adjacent site work, 2 Soundview Avenue, Clason Point Park, Bronx River Avenue, East River, Bronx. (Preliminary) (CC 18, CB 9) DPR
- 27877: Construction of dunes, ramps, and accessible pathways, Rockaway Beach between Beach 9th Street and Beach 149th Street, Rockaway Park, Queens. (Preliminary) (CC 31 & CC 32, CB 14) DPR
- 27878: Installation of a flagpole, benches, and adjacent site work (9/11 Memorial Grove) Ferry Point Park west of the Whitestone Bridge, between the Hutchinson River Parkway and the East River, Bronx. (Preliminary) (CC 13, CB 10) DPR
- 27879: Installation of handrails, Morningside Park, near Morningside Drive and West 113th Street, Manhattan. (Preliminary) (CC 7, CB 9) DPR
- 27880: Reconstruction of a portion of Detective Keith L. Williams Park (formerly Liberty Park), Liberty Avenue, 173rd Street, and 172nd Street, Jamaica, Queens. (Preliminary) (CC 27, CB 12) DPR
- 27881: Reconstruction of Woodlawn Playground, Van Cortlandt Park, Van Cortlandt Park East between Oneida Avenue and Kepler Avenue, Bronx. (Preliminary) (CC 11, CB 12) DPR
- 27882: Rehabilitation of the Hammonds Cove Marina, 140 Reynolds Avenue, Bronx. (Preliminary) (CC 13, CB 10) DPR
- 27883: Installation of a marker (NYC Marathon), West 67th Street east of West Drive, Central Park, Manhattan. (Preliminary and Final) (CC 6, CB 7) DPR
- 27884: Construction of a café kiosk (German Doner Kebab), Columbus Park, Joralemon Street between Court Street and Brooklyn Bridge Boulevard, east of Brooklyn Borough Hall, Brooklyn. (Final) (CC 33, CB 2) DPR
- 27885: Reconstruction of Captain Dermody Triangle, 216th Street and 48th Avenue, Oakland Gardens, Queens. (Final) (CC 23, CB 11) DPR
- 27886: Rehabilitation of the Arverne East Nature Preserve, Rockaway Beach between Beach 44th Street and Beach 56th Place, Arverne, Queens. (Final) (CC 31, CB 14) DPR/DOT
- 27887: Installation of signage (Shake Shack), High Line Park, 820 Washington Street at Gansevoort Street, Manhattan. (Preliminary and Final) (CC 3, CB 2) DPR/FHL
- 27888: Construction of two soundstage buildings, a parking structure and lot, rehabilitation of two industrial buildings, and adjacent site work, (Steiner Studios Sequel), Made in NY-South Campus, Bush Terminal, between 43rd Street, 1st Avenue, and 51st Street, Brooklyn. (Preliminary) (CC 38, CB 7) EDC
- 27889: Installation of gas-line conduit, 472 2nd Avenue, Brooklyn. (Preliminary and Final) (CC 38, CB 7) EDC
- 27890: Reconstruction of a guardrail, 3960 Broadway, Manhattan. (Preliminary and Final) (CC 10, CB 12) EDC



27891: Reconstruction of the esplanade Harlem River Greenway as part of the Manhattan Waterfront Greenway, Harlem River Drive between East 125th Street and East 132nd Street, Manhattan. (Preliminary) (CC 8 & 9, CB 11) EDC/DPR/DOT

**Public Hearing**

10:25 A.M.

27892: Construction of a boathouse, and adjacent site work, Sherman Creek Park, 3725 Tenth Avenue, Harlem River Drive, Academy Street, and Sherman Creek, Manhattan. (Final) (CC 10, CB 12) DPR

<https://www1.nyc.gov/assets/designcommission/downloads/pdf/09-20-2021-pres-DPR-f-Sherman-Creek-Boathouse.pdf>

11:15 A.M.

27893: Construction of Rego Park Library, 91-41 63rd Drive, Rego Park, Queens. (Preliminary) (CC 29, CB 6) DDC

27894: Installation of *The Fore* by Katrín Sigurdardóttir, Rego Park Library, 91-41 63rd Drive, Rego Park, Queens. (Conceptual) (CC 29, CB 6) DCLA%/DDC/QL

<https://www1.nyc.gov/assets/designcommission/downloads/pdf/09-20-2021-pres-DDC-DCLA-QL-c-p-Rego-Park-Library-and-Art.pdf>

12:00 P.M. Break

12:15 P.M.

27895: Construction of an education building, Queens Botanical Garden, 43-50 Main Street, Elder Avenue between 134th Street and 136th Street, Flushing, Queens. (Preliminary) (CC 20, CB 7) DDC/DPR/DCLA

27896: Installation of *Water Offering* by William Lamson, Queens Botanical Garden, 43-50 Main Street, Elder Avenue between 134th Street and 136th Street, Flushing, Queens. (Conceptual) (CC 20, CB 7) DCLA%/DDC/DPR/DCLA

<https://www1.nyc.gov/assets/designcommission/downloads/pdf/09-20-2021-pres-DDC-DPR-DCLA-c-p-QBG-Bldg-and-Art.pdf>

1:00 P.M.

27897: Installation of *Reflections* by Oasa DuVerney, Eastern Parkway Library, 1044 Eastern Parkway, Brooklyn. (Conceptual) (CC 35, CB 9) DCLA%/DDC/BPL

<https://www1.nyc.gov/assets/designcommission/downloads/pdf/09-20-2021-pres-DCLA-DDC-BPL-c-Eastern-Pkwy-Reflections.pdf>

1:30 P.M.

27898: Installation of *Emanativ* by Eto Otitigbe, Harlem River Greenway as part of the Manhattan Waterfront Greenway, Harlem River Drive between East 125th Street and East 132nd Street, Manhattan. (Conceptual) (CC 8 & 9, CB 11) EDC/DPR

<https://www1.nyc.gov/assets/designcommission/downloads/pdf/09-20-2021-pres-EDC-DPR-c-MN-Greenway-Emanativ.pdf>

All times are approximate and subject to change without notice, and those who are testifying should follow along on the live-streamed meeting on the Design Commission's YouTube channel to know when to join the meeting.

**Items on the consent agenda are not presented.** If you wish to testify regarding a design-related issue of a project on the consent agenda, please notify staff as soon as possible.

If you would like to virtually attend this meeting by viewing it at the web address listed above and request free reasonable accommodations such as interpretation into a language other than English; American Sign Language Interpreting (ASL); Captioning in Real-Time (CART); or the meeting agenda in Braille, large print, or electronic format, please contact the Public Design Commission at least three business days before the meeting.

Public Design Commission  
 City Hall, Third Floor  
 Phone: 212-788-3071  
 Fax: 212-788-3086  
[www.nyc.gov/designcommission](http://www.nyc.gov/designcommission)  
[designcommission@cityhall.nyc.gov](mailto:designcommission@cityhall.nyc.gov)



# PROPERTY DISPOSITION

## CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

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

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

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

No previous arrangements or phone calls are needed to preview. Hours are Monday and Tuesday from 10:00 A.M. – 2:00 P.M.

f23-a4

## HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property appear in the Public Hearing Section.

j4-d30

# PROCUREMENT

*“Compete To Win” More Contracts!*

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

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

*“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed, to the City’s prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”*

### HHS ACCELERATOR PREQUALIFICATION

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 HHS Accelerator Prequalification Application using the City’s PASSPort system. The PASSPort system is a web-based system maintained by the City of New York for use by its Mayoral Agencies to manage procurement. Important business information collected in the Prequalification Application is 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 and organizational capacity. Approved organizations will be eligible to compete and would submit electronic proposals through the PASSPort system. The PASSPort Public Portal, which lists all RFPs, including HHS RFPs that require HHS Accelerator Prequalification, may be viewed at [https://passport.cityofnewyork.us/page.aspx/en/rfp/request\\_browse\\_public](https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public). All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding. For additional information about HHS Accelerator Prequalification and PASSPort, including background materials, user guides and video tutorials, please visit <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>.

**ENVIRONMENTAL PROTECTION**

■ INTENT TO AWARD

*Services (other than human services)*

**82622Y0091-EXEC INNOVYZE INFOWORKS LICENSE RENEWAL 2080011X** - Request for Information - PIN# 82622Y0091 - Due 9-22-21 at 2:00 P.M.

NYC Environmental Protection, intends to enter into a sole source negotiation, with Innovyze Inc., for the renewal of Innovyze InfoWorks Licenses. Any firm which believes they can also provide this services are invited to respond to this RFI.

s9-16

**ENGINEERING, DESIGN AND CONSTRUCTION**

■ SOLICITATION

*Construction Related Services*

**82621P0016-BEDC - RO-2-DES** - Competitive Sealed Proposals - Other - PIN#82621P0016 - Due 10-28-21, at 2:00 P.M.

For facility planning, design phase services, design services during construction and closeout services to reconstruct and upgrade the Rockaway Wastewater Resource Recovery Facility (WRRF) Main Sewage Pumping System, to ensure reliable, resilient and cost effective wastewater treatment services for the Rockaway drainage area for the next 35 to 40 years. Facility Planning, Design Services and Design Services During Construction for the Reconstruction of the Main Sewage Pump System, at Rockaway Wastewater Resource Recovery Facility.

This Request for Proposal ("RFx"), is being released through PASSPort, New York City's online procurement portal. Responses to this RFx should be submitted via PASSPort. To access the solicitation, vendors should visit the PASSPort Public Portal, at <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page> and click on the "Search Funding Opportunities in PASSPort" blue box. This will take you, to the Public Portal of all procurements in the PASSPort system. To quickly locate the RFx, insert the EPIN 82621P0016 in, to the Keywords search field. If you need assistance submitting a response, please contact [help@mocs.nyc.gov](mailto:help@mocs.nyc.gov).

☛ s16

**WATER SUPPLY**

■ INTENT TO AWARD

*Construction Related Services*

**82621T0011-BWS - CRO-625 - CITY OF YONKERS WATER DEMAND MGMT ASSISTANCE AGREEMENT - REQ. 6/18/2021** - Government to Government - PIN# 82621T0011 - Due 10-4-21 at 12:00 A.M.

BWS - CRO-625 - City of Yonkers Water Demand Mgmt Assistance Agreement - Req. 6/18/2021.

s15-21

*Services (other than human services)*

**82621N0006-BWS - WMP-16(REN-1) NEGOTIATED ACQUISITION EXTENSION - MANAGEMENT OF WATERFOWL AT NYC DEP UPSTATE RESERVOIRS** - Negotiated Acquisition - Other - PIN# 82621N0006 - Due 10-4-21 at 4:00 P.M.  
BWS - WMP-16(REN-1) Negotiated Acquisition Extension - Management of Waterfowl at NYC DEP Upstate Reservoirs.

The existing contract, HDR, P.C., received the WMP-16 contract through a successful bid in 2015 for a three (3) year plus two (2) additional years of renewal (WMP-16R). DEP executed an additional two (2) six-month extension periods which terminates on July 29, 2021. HDR's has received an "outstanding" performance evaluation by the DEP Project Manager for WMP-16. We have evaluated a cost proposal increase based on the hourly rates for specific staff titles provided by

HDR as proposed in the Negotiated Acquisition Extension and determined that the price arrived upon is fair and reasonable. The existing contract, HDR, P.C., received the WMP-16 contract through a successful bid in 2015 for a three (3) year plus two (2) additional years of renewal (WMP-16R). DEP executed an additional two (2) six-month extension periods which terminates on July 29, 2021. HDR's has received an "outstanding" performance evaluation by the DEP Project Manager for WMP-16. We have evaluated a cost proposal increase based on the hourly rates for specific staff titles provided by HDR as proposed in the Negotiated Acquisition Extension and determined that the price arrived upon is fair and reasonable.

s15-21

**HEALTH AND MENTAL HYGIENE**

**ENVIRONMENTAL HEALTH**

■ INTENT TO AWARD

*Services (other than human services)*

**21EN041201R0X00/ GROVEWARE ENTERPRISE TECHNOLOGIES INC** - Negotiated Acquisition - Other - PIN#81622N0003 - Due 9-28-21 at 11:00 A.M.

The New York City Department of Health and Mental Hygiene intends to enter into a Negotiated Acquisition with GroveWare Enterprise Technologies Inc for two years, to continue to provide Public Health inspection for module services: Radiological/X Ray, Bathing Establishment, Complaint Materials, Tanning Salon, Sanitary, and Rooftop Tank inspections. DOHMH determined that this procurement is deemed a Negotiated Acquisition limited to GroveWare, as they are the only viable vendor and is uniquely positioned to expand and make changes to DOHMH's existing inspection application to interface with the NYS DOH inspection system. Potential vendors who are interested in future procurements as such services, can submit an expression of interest via email to [mnapolitano@health.nyc.gov](mailto:mnapolitano@health.nyc.gov) no later than 9/16/21 at 11:00 A.M.

The Agency has determined that it is in the best interest of the City to utilize the negotiated acquisition method of source selection, because GroveWare is not a sole source provider, however there is a limited pool of vendors that can provide these services. GroveWare is qualified and uniquely positioned to expand and make changes to DOHMH's existing inspection application to interface with the NYS DOH inspection system.

s15-21

**FAMILY AND CHILD HEALTH**

■ INTENT TO AWARD

*Services (other than human services)*

**81622T0001-RUTGERS THE STATE UNIVERSITY OF NEW JERSEY** - Government to Government - PIN#81622T0001 - Due 9-22-21 at 10:00 A.M.

For PRAMS data collection and operations based on the standard protocol set by Center for Disease Control (CDC).

s15-21

**HOUSING AUTHORITY**

**PROCUREMENT**

■ SOLICITATION

*Services (other than human services)*

**SMD SERVICES INSTALLATION OF VINYL COMPOSITION FLOOR TILE IN APARTMENTS - VARIOUS DEVELOPMENTS WITHIN THE FIVE BOROUGHES OF NEW YORK CITY** - Competitive Sealed Bids - Due 10-7-21 at 12:00 A.M.

- 336884 - Johnson Houses, Manhattan - Due at 10:00 A.M.
- 336885 - Ingersoll Houses, Brooklyn - Due at 10:05 A.M.
- 336886 - Redfern Houses, Queens - Due at 10:10 A.M.
- 336887 - Marcus Garvey Plaza & Reverend Brown Houses, Brooklyn - Due at 10:15 A.M.

The work shall consist of furnishing all labor, materials, equipment and all other incidental items necessary and required to perform the subject work as follows: 1. Installation of vinyl-composition floor tile, over existing floor tile. 2. Installation of vinyl-composition floor tile, over the existing properly prepared concrete floor. 3. The removal and replacement of existing/or missing vinyl cove base molding (See Section VIII). 4. As directed, remove Non-Asbestos Containing floor coverings, including but not limited to vinyl composition floor tile, linoleum, self-adhesive floor tile, carpet, ceramic floor tile, wood flooring, etc. The work as described above shall be performed in occupied and unoccupied

(“move-out”) apartments, as designated by the Development Superintendent. The contractor will be required to perform this work in complete apartments or complete individual/rooms within apartments. However, the contractor will not be required to do a portion of a room. The work will be done in any apartment or in any individual room of any apartment in any of the various buildings of the Development(s) as listed in the Form of Proposal.

Interested vendors are invited to obtain a copy of the opportunity, at NYCHA’s website by going to the <http://www.nyc.gov/nychabusiness>. On the left side, click on “iSupplier Vendor Registration/Login” link. (1) If you have an iSupplier account, then click on the “Login for registered vendors” link and sign into your iSupplier account. (2) If you do not have an iSupplier account you can Request an account by clicking on “New suppliers register in iSupplier” to apply for log-in credentials. Once you have accessed your iSupplier account, log into your account, then choose under the Oracle Financials home page, the menu option “Sourcing Supplier”, then choose “Sourcing”, then choose “Sourcing Homepage”; and conduct a search in the “Search Open Negotiations” box for RFQ Number(s) 336884, 336885, 336886, and 336887.

Note: In response, to the COVID-19 outbreak, we are accepting only electronic bids submitted online via iSupplier. Paper bids will not be accepted or considered. Please contact NYCHA Procurement, at [procurement@nycha.nyc.gov](mailto:procurement@nycha.nyc.gov), for assistance.

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.  
Mimose Julien (212) 306-8141; [mimose.julien@nycha.nyc.gov](mailto:mimose.julien@nycha.nyc.gov)

☛ s16

**HUMAN RESOURCES ADMINISTRATION**

■ AWARD

*Human Services/Client Services*

**CASE MANAGEMENT SUPPORT PROGRAM** - Renewal - PIN# 06919P8215KXLR001 - AMT: \$10,743,559.85 - TO: University Behavioral Associates, Inc., 111 East 210th Street, Bronx, NY 10467.

Contract Term from 7/1/2021 to 6/30/2024.

☛ s16

**SNAP OUTREACH** - Required/Authorized Source - PIN# 06921R0309001 - AMT: \$762,805.00 - TO: Hunger Free America Inc., 50 Broad Street, Suite 1103, New York, NY 10004-2307.

Hunger Free America will increase SNAP participation among low-income NYC residents, by maximizing accessibility to SNAP Outreach Services and case mediation. The Funding is through OTDA.

☛ s16

**RENEWAL - SHELTER SERVICES FOR HOMELESS FAMILIES WITH CHILDREN AT 1138 TELLER AVENUE, BRONX, NY 10456 AND 828 COURTLANDT AVENUE, BRONX, NY 10451** - Renewal - PIN# 07117P8280KXLR001 - AMT: \$12,733,670.00 - TO: Bronx Parent Housing Network Inc., 488 East 164th Street, Bronx, NY 10456.

Contract Term from 7/1/2021 to 6/30/2025

☛ s16

**MANAGEMENT AND BUDGET**

■ INTENT TO AWARD

*Services (other than human services)*

**00222N0005-MARSH NAE - OMB** - Negotiated Acquisition - Other - PIN# 00222N0005 - Due 9-23-21 at 2:00 P.M.

Extension of Marsh contract to bridge gap until new vendor is procured and registered with Comptroller.

This is a NAE, for an existing contract from 2014. It is in the best interest of the City to extend the existing contract until new procurements result in new replacement contracts.

☛ s16-22

**NYC HEALTH + HOSPITALS**

■ SOLICITATION

*Services (other than human services)*

**EITS PROFESSIONAL STAFFING SERVICES** - Request for Proposals - PIN# 2568 - Due 11-15-21 at 5:00 P.M.

NYC Health + Hospitals’ Enterprise IT Services (EITS) department, is responsible for all of NYC Health + Hospitals’ information systems and technology infrastructure; providing comprehensive IT services and programs to support the organization. EITS manages over 1,700 applications, two parallel processing data centers, and infrastructure distributed across NYC Health + Hospitals’ eleven hospitals, five long-term care sites, six diagnostic & treatment centers, and 80 plus clinics. EITS is engaged in hundreds of initiatives, programs, and tactical projects every year to support the System’s strategic goal and objectives, improve the care experience, support growth and change initiatives and regulations, and proactively position the organization for the future. In addition to implementing new technologies, EITS is responsible for maintaining the existing IT environment and sustaining day-to-day operations. Providing exceptional IT Services to support high-quality health care outcomes for our community is, at the core of our work.

EITS, is seeking to enter into requirement contracts with multiple vendors, to obtain IT supplemental staffing services on an as-needed basis for a three-year term from July 1, 2022 to June 30, 2025 with two one-year options to renew, at the discretion of NYC Health + Hospitals. These services will enable the System to meet its information technology needs by contracting with vendors that will provide competitive pricing and that have the expertise in providing sufficient, well performing supplemental staff with the requisite technical skill and expertise in healthcare information systems.

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.

NYC Health + Hospitals, 50 Water Street, 5th Floor, New York, NY 10007-1602. Nishant Kondamudi (332) 215-1558; [kondamun@nychhc.org](mailto:kondamun@nychhc.org)

☛ s16

**PARKS AND RECREATION**

**CAPITAL PROGRAM MANAGEMENT**

■ SOLICITATION

*Construction/Construction Services*

**84621B0017-Q211-117M-MAPLE PLAYGROUND RECONSTRUCTION** - Competitive Sealed Bids - PIN# 84621B0017 - Due 10-11-21 at 3:30 P.M.

Q211-117M - The reconstruction of Maple Playground located, at the intersection of Maple Avenue and Kissena Boulevard, Borough of Queens. Please note that date of Bid Submission is different than date of Bid Opening. Please refer to website for updated procedures due to pandemic. This procurement is subject to Apprenticeship Requirements • Participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013 • Apprenticeship Requirements Bid Submission: by Mail or Drop Box, at Olmsted Center Annex. Date of Bid Opening (via Zoom Conference): 10/13/21 Time: 10:30 A.M.

Via Zoom Link: [https://us02web.zoom.us/j/9573076290?](https://us02web.zoom.us/j/9573076290?pwd=cnVXVzN2Q014SjBlaktvVzIzWnlvUT09)

[pwd=cnVXVzN2Q014SjBlaktvVzIzWnlvUT09](https://us02web.zoom.us/j/9573076290?pwd=cnVXVzN2Q014SjBlaktvVzIzWnlvUT09)

Meeting ID: 957 307 6290

Passcode: 118035 or Conf. Number: +1 (929) 205-6099, 9573076290#, \*118035#

The Cost Estimate Range is: \$3,000,000 - \$5,000,000 Bid documents are available online for free through NYC PASSPort System <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport>. page. To download the bid solicitation documents (including drawings if any), you must have an NYC ID Account and Login.

☛ s16

**SMALL BUSINESS SERVICES**

**PROCUREMENT**

**■ INTENT TO AWARD**

*Services (other than human services)*

**GOVERNORS ISLAND SOLE SOURCE RFI - FY22** - Request for Information - PIN# 80122Y0038 - Due 9-30-21 at 12:00 A.M.

The New York City Department of Small Business Services, intends to enter into sole source negotiations to purchase the above services from Governors Island Corporation D/B/A The Trust for Governors Island, with experience and in-house expertise in a wide variety of economic development services. Any firm or organization that believes it is qualified and has the in-house expertise to provide such services or would like to provide such services in the future, is invited to respond to the RFI on PASSPort.

To access the Notice of Intent, vendors should visit the PASSPort Public Portal, at <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>, and click on the "Search Funding Opportunities in PASSPort" blue box. This will take you to the Public Portal of all procurements in the PASSPort system. To quickly locate the RFI, insert the EPIN 80122Y0038 into the Keywords search field. If you need assistance submitting a response, please contact [help@mocs.nyc.gov](mailto:help@mocs.nyc.gov).

If you have questions, please send an email to: [procurementhelp@pdsc.sbs.nyc.gov](mailto:procurementhelp@pdsc.sbs.nyc.gov), with the subject line "80122Y0038-GOVERNORS ISLAND SOLE SOURCE RFI - FY22."

Please indicate your interest by responding to the RFI EPIN:80122Y0038 in PASSPort no later than September 30, 2021 at 2:00 P.M.

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**CONTRACT AWARD HEARINGS**

**NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA E-MAIL AT [DISABILITYAFFAIRS@MOCS.NYC.GOV](mailto:DISABILITYAFFAIRS@MOCS.NYC.GOV) OR VIA PHONE AT (212) 788-0010. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.**



**EDUCATION**

**■ NOTICE**

The Department of Education ("DOE") Chancellor's Committee on Contracts has been asked for their recommendation to award contracts to following organization(s) for the services described below. Other organizations interested in providing these services to the DOE are invited to indicate their ability to do so in writing to, Alicia Saleh, at 65 Court Street, Room 1201, Brooklyn, NY 11201, or by email to [COCInterestedVendor@schools.nyc.gov](mailto:COCInterestedVendor@schools.nyc.gov). Responses should be received no later than 9:00 A.M., September 23, 2021. Any COC recommendation will be contingent upon no expressions of interest in performing services by other parties.

Item(s) for Consideration:

(1) Service(s): The Division of Contracts and Purchasing ("DCP") on behalf of District 75, is requesting a contract extension for Adaptive and Augmented Equipment.

Circumstances for use: Contract Extension  
Vendor(s): Ablenet, Inc.

(2) Service(s): The Division of Early Childhood Education (DECE), is requesting a Negotiated Service contracts to/for the vendors listed below to serve full-day 3-K and or/Pre-K for all Services.

Circumstances for use: Best Interest of the DOE  
Vendor(s):

1. Scorpio 11, Corp.,
2. Staten Island Skating Pavilion
3. Worldwide Entities, LLC DBA Staten Island Children's Academy

(3) Service(s): The Office of School Health ("OSH"), is requesting a contract extension with the vendors listed below for Mental Health and Prevention and Intervention Service to high need Schools.

Circumstances for use: Contract Extension  
Vendor(s):

1. Association to Benefit Children.
2. Astor Services for Children & Families
3. Brooklyn Center for Psychotherapy, Inc.
4. Counseling in Schools, Inc.
5. Good Shepherd Services.
6. Interborough Developmental & Consultation Center, Inc.
7. Jewish Board of Family and Children's Services, Inc.
8. Mental Health Providers of Western Queens, Inc.
9. Partnership with Children, Inc.
10. The Child Center of NY, Inc.
11. The Children's Aid Society.
12. The New York Foundling D/B/A the New York Founding.
13. Union Settlement Association, Inc.

(4) Service(s): The Division of Multilingual Learners ("DML"), seeks to enter into a negotiated service agreement with Immschools, Inc., to provide support services to foster a welcoming school environment and facilitate college and career planning for MLs/ELLs, immigrant youth and undocumented students.

Circumstances for use: Best Interest of the DOE  
Vendor(s): Immschools, Inc

◀ s16



**COMPTROLLER**

**■ NOTICE**

**NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH** cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on **9/22/2021**, to the person or persons legally entitled an amount as certified, to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
17A-3, 17A-4, 17A-5, 17A-6, 17A-7, 17A-8, 17A-9, 17A-10, 17A-11	ADJACENT TO 6146	ADJACENT TO 160, 166, 172, 183, 185, 186, 187, 188, 191

Acquired in the proceeding entitled: WEST CASTOR PLACE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer  
Comptroller

s8-21

**HOUSING PRESERVATION AND DEVELOPMENT**

**■ NOTICE**

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

Notice Date: September 14, 2021

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application #	Inquiry Period
169 Quincy Street, Brooklyn	60/2021	August 19, 2018 to Present
611 West 112 <sup>th</sup> Street, Manhattan	61/2021	August 19, 2018 to Present
337 West 84 <sup>th</sup> Street, Manhattan	71/2021	September 1, 2018 to Present
43 Monroe Street, Brooklyn	74/2021	September 1, 2018 to Present

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

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

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

*For the decision on the Certification of No Harassment Final Determination please visit our website at [www.hpd.nyc.gov](http://www.hpd.nyc.gov) or call 212-863-8266.*

**PETICIÓN DE COMENTARIO SOBRE UNA SOLICITUD PARA UN CERTIFICACIÓN DE NO ACOSO**

**Fecha de notificación: September 14, 2021**

**Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas**

Propiedad: Dirección:	Solicitud #:	Período de consulta:
169 Quincy Street, Brooklyn	60/2021	August 19, 2018 to Present
611 West 112 <sup>th</sup> Street, Manhattan	61/2021	August 19, 2018 to Present
337 West 84 <sup>th</sup> Street, Manhattan	71/2021	September 1, 2018 to Present
43 Monroe Street, Brooklyn	74/2021	September 1, 2018 to Present

**Autoridad: SRO, Código Administrativo §27-2093**

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** por carta con matasellos no mas tarde que **30 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al (212) 863-5277 o (212) 863-8211.

*Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en [www.hpd.nyc.gov](http://www.hpd.nyc.gov) o llame al 212-863-8266.*

s14-22

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

**Notice Date: September 14, 2021**

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

Property: Address	Application #	Inquiry Period
85 North 6 <sup>th</sup> Street, Brooklyn	73/2021	October 4, 2004 to Present

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

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

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

*For the decision on the Certification of No Harassment Final Determination please visit our website at [www.hpd.nyc.gov](http://www.hpd.nyc.gov) or call 212-863-8266.*

**PETICIÓN DE COMENTARIO SOBRE UNA SOLICITUD PARA UN CERTIFICACIÓN DE NO ACOSO**

**Fecha de notificación: September 14, 2021**

**Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas**

Propiedad: Dirección:	Solicitud #:	Período de consulta:
85 North 6 <sup>th</sup> Street, Brooklyn	73/2021	October 4, 2004 to Present

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

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** por carta con matasellos no mas tarde que **30 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al (212) 863-5277 o (212) 863-8211.

*Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en [www.hpd.nyc.gov](http://www.hpd.nyc.gov) o llame al 212-863-8266.*

s14-22

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

**Notice Date: September 14, 2021**

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

Property: Address Application # Inquiry Period

296 Schaefer Street, Brooklyn 75/2021 September 1, 2018 to Present

Authority: Pilot Program Administrative Code §27-2093.1, §28-505.3

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

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038, by letter postmarked not later than 45 days from the date of this notice or by an in-person statement made within the same period.

For the decision on the Certification of No Harassment Final Determination please visit our website at www.hpd.nyc.gov or call 212-863-8266.

PETICIÓN DE COMENTARIO SOBRE UNA SOLICITUD PARA UN CERTIFICACIÓN DE NO ACOSO PROGRAMA PILOTO

Fecha de notificación: September 14, 2021

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad: Dirección: Solicitad #: Período de consulta:

296 Schaefer Street, Brooklyn 75/2021 September 1, 2018 to Present

Autoridad: PILOT, Código Administrativo §27-2093.1, §28-505.3

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038 por carta con matasellos no mas tarde que 45 días después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en www.hpd.nyc.gov o llame al 212-863-8266.

s14-22

CHANGES IN PERSONNEL

DEPARTMENT OF EDUCATION ADMIN FOR PERIOD ENDING 07/09/21

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

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

DEPARTMENT OF EDUCATION ADMIN FOR PERIOD ENDING 07/09/21

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

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees including RICCO, RICCIBONONO, RICHARDS, etc.

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees including ROHR, ROJAS, ROMAGNUOLO, etc.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees including ROSEN, ROSENBERG, ROSENBLUM, etc.

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees including RUIZ, RUMANOV, RUSHING, etc.

DEPARTMENT OF EDUCATION ADMIN  
FOR PERIOD ENDING 07/09/21

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees including SAN JOSE, SAN JOSE STEFANY, etc.

