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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### ADMINISTRATIVE TRIALS AND HEARINGS

#### MEETING

Pursuant to S. 50001 Part E (N.Y. 2021), available at <https://www.nysenate.gov/legislation/bills/2021/s50001>, the New York City Environmental Control Board (the "Board") Meeting scheduled for October 5, 2021, at 9:30 A.M., will be held electronically via WebEx, instead of a public meeting open for the public to attend in person. Members of the public may view the Board meeting by connecting

through WebEx, with meeting number (access code) 2340 125 5066, password: QrJ4S8gpJD4. Minutes of the Board Meeting will be transcribed and posted on the Office of Administrative Trials and Hearings website.

s27-29

### 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, October 6, 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/290345/1>.

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 PM, 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] or made by calling [212-720-3508]. Requests must be submitted at least five business days before the meeting.

CITYWIDE
No. 1

OPEN RESTAURANTS TEXT AMENDMENT

CITYWIDE N 210434 ZRY

IN THE MATTER OF an application submitted by the New York City Department of Transportation and the 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, removing Article I, Chapter 4 (Sidewalk Cafe Regulations) and modifying 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 2
Construction of Language and Definitions

\* \* \*

12-10
DEFINITIONS

\* \* \*

Dwelling unit

A "dwelling unit" contains at least one #room# in a #residential building#, #residential# portion of a #building#, or #non-profit hospital staff dwelling#, and is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which #dwelling unit# includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

Enclosed sidewalk cafe — see Sidewalk cafe, enclosed

Enlargement, or to enlarge

\* \* \*

Side yard — see Yard, side

Sidewalk cafe

A "sidewalk cafe" is a portion of an eating or drinking place that is located on a public sidewalk and is either an #enclosed#, #unenclosed# or #small sidewalk cafe#. #Sidewalk cafes# are further defined in Section 20-223, subdivision (a), of the Administrative Code.

Sidewalk cafe, enclosed

An "enclosed sidewalk cafe" is a #sidewalk cafe# that is contained within a structure constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal.

Sidewalk cafe, small

A "small sidewalk cafe" is an #unenclosed sidewalk cafe# containing no more than a single row of tables and chairs adjacent to the #street line# where such tables and chairs occupy a space on the sidewalk no greater than 4 feet, 6 inches from the #street line#.

Sidewalk cafe, unenclosed

An "unenclosed sidewalk cafe" is a space on the sidewalk that contains readily removable tables, chairs or railings with no overhead coverage other than umbrellas or a retractable awning that is affixed to the #building# wall and does not extend further than the width of the #unenclosed sidewalk cafe#.

Sign

\* \* \*

Two-family residence

A "two-family residence" is a #building# containing not more than two #dwelling units#, and occupied by only two #families#.

Unenclosed sidewalk cafe — see Sidewalk cafe, unenclosed

Urban plaza — see Plaza, urban

\* \* \*

Chapter 4
Sidewalk Cafe Regulations

14-00
GENERAL PURPOSES

The sidewalk cafe regulations as established in this Resolution are citywide regulations, designed to encourage sidewalk cafes in locations where they are appropriate, discourage them in locations where they are inappropriate, and promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) To ensure adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes.
(b) To promote sidewalk cafes as visual amenities that better relate to the streetscape.
(c) To preserve and enhance the character of neighborhoods throughout the City.
(d) To simplify administrative regulations and strengthen enforcement procedures for sidewalk cafes and ensure that such requirements are effective, efficient and enforceable.
(e) To promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

14-01
General Provisions

In harmony with the general purpose and intent of this Resolution, and the general purposes of the #sidewalk cafe# regulations, certain specified regulations concerning area eligibility, sidewalk locational criteria and physical criteria for #sidewalk cafes#, in general, and specifically for #enclosed sidewalk cafes#, are herein established.

The three types of #sidewalk cafes# that are permitted by the regulations of this Chapter and defined in Section 12-10 (DEFINITIONS) are #enclosed sidewalk cafes#, #unenclosed sidewalk cafes# and #small sidewalk cafes#.

The amendments to Article I, Chapter 4, adopted by the City Council on January 29, 2003, shall become effective March 27, 2003.

Physical criteria, including structural and operational requirements for #sidewalk cafes#, and #unenclosed sidewalk cafes# in particular, shall be regulated by the Department of Consumer Affairs and found in Title 6, Chapter 2, Subchapter F., of the Rules of the City of New York.

Licenses for all #sidewalk cafes# must be obtained from the Department of Consumer Affairs, or its successor.

14-011
Sidewalk cafe locations

#Sidewalk cafes# may be located in all R10H Districts, in all #Commercial Districts# other than C3 Districts and in all #Manufacturing Districts# only where eating or drinking establishments are permitted, as modified by special eligibility regulations set forth in Sections 14-40 through 14-45, inclusive. These sections identify #streets#, areas, special districts and malls or portions of #streets# for which special area eligibility regulations apply.

Section 14-40 — (AREA ELIGIBILITY FOR SIDEWALK CAFES)

Section 14-41 — (Locations Where Certain Sidewalk Cafes Are Not Permitted)

Section 14-42 — (Locations Where Enclosed Sidewalk Cafes Are Not Permitted)

Section 14-43 — (Locations Where Only Small Sidewalk Cafes Are Permitted)

Section 14-44 — (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted)

Section 14-45 — (Street Malls Where Certain Sidewalk Cafes Are Permitted).

#Sidewalk cafes# shall be permitted in Historic Districts or in designated landmark #buildings# only if such #sidewalk cafe# is approved by the Landmarks Preservation Commission.

14-10
ENCLOSED SIDEWALK CAFES

#### 14-11 Locational Criteria for Enclosed Sidewalk Cafes

The regulations of this Section, governing clear path, clearance at intersection of #streets#, clearance from large obstructions and minimum distance between two cafes shall apply to all #enclosed sidewalk cafes#.

##### (a) — Clear path

There shall be a minimum of 8 feet, 0 inches clear distance or 50 percent of the sidewalk width, whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement.

The minimum distance shall be measured from the portion of the #enclosed sidewalk cafe# frontage that is nearest either the curb line or the nearest obstruction. In no event may recesses in the #enclosed sidewalk cafe# frontage be used to satisfy this unobstructed width requirement, except that the corners of the #enclosed sidewalk cafe# may be rounded or mitered. A clearance of 8 feet, 0 inches shall be maintained around the corners of #enclosed sidewalk cafes#, measured in radius.

For the purpose of the minimum clear path, but not the clearance from corners of #enclosed sidewalk cafes#, parking meters, traffic signs, and trees that have gratings flush to grade, without fences or guards, shall not count as obstructions.

In the case of a #street# for which a mall plan or other special plan has been adopted, the clear path requirements pursuant to this Section shall be deemed satisfied if there is not less than an 8 feet, 0 inches clear path.

##### (b) — Clearance at intersections of street line

There shall be a minimum of 9 feet, 0 inches clearance, free of all obstructions with no exception, measured from the outer edge of the #enclosed sidewalk cafe# to the curbside obstacle. The corner of the #enclosed sidewalk cafe# wall may be rounded or mitered. Such distance shall be measured from the outer edge of the #enclosed sidewalk cafe# to either the curb line or the nearest obstruction.

##### (c) — Clearance from large obstructions

All #enclosed sidewalk cafes# shall be a minimum of 15 feet from large obstructions. For the purposes of this Section, large obstructions shall be bus stop shelters, newsstands, subway entrances or any other object greater than 15 square feet in area. The closed end of a subway entrance located along the #front lot line# may #abut# an #enclosed sidewalk cafe#.

##### (d) — Minimum distance between enclosed sidewalk cafes

There shall be a minimum distance of 40 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor #commercial use#, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

There shall be a minimum distance of 15 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor non-#commercial use#, or a #use# located above or below the ground floor, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

#### 14-12 Physical Criteria for Enclosed Sidewalk Cafes

##### 14-121 Structural requirements for enclosed sidewalk cafes

The regulations of this Section governing certain structural and operational requirements shall apply to all #enclosed sidewalk cafes#.

##### (a) — Ceiling

The ceiling of an #enclosed sidewalk cafe# shall be of incombustible materials, including colored or colorless safety glass or fabric which has been treated to be fire resistant as approved by the Department of Buildings.

At no point shall the height of the ceiling of an #enclosed sidewalk cafe# be lower than 7 feet, 0 inches above the floor of the #sidewalk cafe#.

##### (b) — Transparency — exterior walls

An #enclosed sidewalk cafe# may provide a base wall of opaque material up to a maximum height of 12 inches from the finished floor level. The base wall shall include any horizontal structural members that support transparent materials above.

All enclosing walls, doors and windows, except for the structural members, above finished floor level or base wall as provided in this Section, up to a height of 7 feet, 0 inches above finished floor level, must be of colorless, untinted, non-reflective, transparent material, as approved by the Department of Buildings. In order

to maximize transparency, the horizontal as well as vertical structural members shall not be sized more than 10 inches wide.

At least 50 percent of the walls, up to a height of 7 feet, 0 inches above finished floor level, shall consist of operable transparent windows.

##### (e) — Elevation

The #enclosed sidewalk cafe# floor shall not be more than seven inches above the level of the adjoining sidewalk.

In the event of a major grade change, however, the City Planning Commission may, by certification, permit the floor level to be more than seven inches above the level of the adjoining sidewalk.

##### (d) — Designated boundaries

No portion of #enclosed sidewalk cafes#, such as doors, windows, walls or any objects placed within an #enclosed sidewalk cafe#, shall swing or project beyond the designated exterior perimeter of the #enclosed sidewalk cafe#. However, fire exit doors that are used exclusively as emergency fire exit doors shall be exempt from this provision.

##### (e) — Fixtures

The furnishings of the interior of an #enclosed sidewalk cafe# shall consist solely of moveable tables, chairs and decorative accessories. No objects, except lighting fixtures and HVAC installations, may be permanently affixed onto any portion of the wall of the #enclosed sidewalk cafe#. In no event shall such objects penetrate the exterior perimeter of the wall or the roof of the #enclosed sidewalk cafe# or impede the transparency as required by this Chapter. The exhaust for such HVAC installations on the adjacent walls shall not be less than 10 feet above #curb level#.

##### (f) — Refuse storage area

No structure or enclosure to accommodate the storage of garbage may be erected or placed adjacent to or separate from the #enclosed sidewalk cafe# on the public right-of-way.

#### 14-122 Access for persons with physical disabilities

An #enclosed sidewalk cafe# or its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the #enclosed sidewalk cafe# shall be accessible to persons with disabilities from the interior of the restaurant.

In order to ensure access for persons with physical disabilities:

- (a) — at least one door leading into the #enclosed sidewalk cafe# or restaurant from the adjoining sidewalk shall be not less than three feet wide, clear; and
- (b) — a ramp with non-skid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than 1 in 12, shall be provided. Such ramp may be of portable type for #enclosed sidewalk cafes# that are six feet wide or less, except if such #sidewalk cafe# is at least 180 square feet in area.

#### 14-123 Signage

No #signs# are permitted on an #enclosed sidewalk cafe#, except that the name and type of establishment may be placed upon the glass wall but shall not obscure the required transparency.

#### 14-124 Music and noise amplification

Musical instruments or sound reproduction devices shall not be operated or used within an #enclosed sidewalk cafe# for any purpose.

#### 14-13 Special Permit Modifications of Locational or Physical Criteria for Enclosed Sidewalk Cafes

In all #Commercial# or #Manufacturing Districts#, where #enclosed sidewalk cafes# are permitted in accordance with the provisions of this Chapter, the City Planning Commission may permit, upon application, modifications to the locational or physical criteria regulations for #enclosed sidewalk cafes#, except that there shall be no modification of Sections 14-41 (Locations Where Certain Sidewalk Cafes Are Not Permitted), 14-42 (Locations Where Enclosed Sidewalk Cafes Are Not Permitted), 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted) and 14-45 (Street Malls Where Certain Sidewalk Cafes Are Permitted), provided the Commission finds that:

- (a) — the #enclosed sidewalk cafe# is developed consistent with the general purposes and objectives of this Chapter;
- (b) — any proposed modification to the requirements of this Chapter will result in good overall design and enhance the general character of the #street# and the neighborhood;

- (c) any proposed modifications to the requirements of this Chapter will not cause a serious adverse effect on pedestrian traffic;
- (d) the restaurant or #enclosed sidewalk cafe# provides access for persons with disabilities;
- (e) where a proposed #enclosed sidewalk cafe# is located between two existing stoops, it will not project beyond the stoops; and
- (f) modifications to the provisions of paragraph (a) of Section 14-11 (Locational Criteria for Enclosed Sidewalk Cafes) shall be limited to the minimum clear path for a proposed #enclosed sidewalk cafe# that would be located on a #street# with a special pedestrian plan.

**14-20****UNENCLOSED SIDEWALK CAFES**

Physical criteria for #unenclosed sidewalk cafes#, including structural and operational requirements, shall be regulated by the Department of Consumer Affairs pursuant to the Rules of the City of New York as described in Section 14-01 (General Provisions). #Small sidewalk cafes#, however, shall also conform to the requirements of Section 14-30.

**14-30****SMALL SIDEWALK CAFES**

#Small sidewalk cafes# shall be subject to the regulations of Section 14-01 (General Provisions) and, in addition, shall comply with the requirements for the definition of #small sidewalk cafes# in Section 12-10 as well as the following physical criteria:

- (a) no form of serving station or any other type of furniture, other than the single row of tables and chairs set adjacent to the #street line#, may be placed within that space occupied by a #small sidewalk cafe#;
- (b) there shall be no railing, structure or other form of barrier between a #small sidewalk cafe# and the remaining area of the sidewalk; and
- (c) there shall be no overhead coverage other than a retractable awning that is affixed to the #building# wall and does not extend further than 4 feet, 6 inches.

#Small sidewalk cafes# are permitted wherever #sidewalk cafes# may be located pursuant to the requirements of Section 14-011. Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted) lists specific #streets# and areas where no #sidewalk cafes# other than #small sidewalk cafes# may be located.

**14-40****AREA ELIGIBILITY FOR SIDEWALK CAFES**

Sections 14-40 through 14-45 identify those locations where specific area eligibility regulations apply.

For the purposes of Sections 14-40 through 14-45, the length of a #street# shall run the full #block# to the nearest intersections with cross #streets#, unless otherwise stated.

Areas bounded by #streets# shall include both sides of such #streets# and shall be subject to the regulations of this Chapter pertaining to such areas. When a #street# forms the boundary of a special district, however, only that side of the #street# located within the special district shall be subject to the regulations pertaining to the special district.

#Sidewalk cafes# shall only be allowed to locate along the length of a #street# or within the area bounded by #streets#, as set forth in Sections 14-40 through 14-45, where the applicable #use# regulations of the district allow eating and drinking establishments, either as-of-right, by certification or by authorization or special permit.

**14-41****Locations Where Certain Sidewalk Cafes Are Not Permitted**

No #enclosed# or #unenclosed sidewalk cafes# shall be permitted on any of the following #streets#, portions of #streets# and areas, except that #small sidewalk cafes# may be permitted pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

**Citywide:**

All #streets# with elevated rail transit lines, unless specifically permitted in Section 14-43.

**Manhattan:**

All #streets# bounded by 38th Street on the south, 59th Street on the north, Third Avenue on the east and Eighth Avenue on the west  
All #streets# within the M1-5A and M1-5B Districts south of Houston Street

Bowery — from East Broadway to Canal Street  
Elizabeth Street — from Bayard Street to Canal Street  
Pell Street — the entire length  
Mott Street — from Park Row to Canal Street  
Mulberry Street — from Worth Street to Canal Street

Bayard Street — the entire length  
Doyers Street — the entire length  
All streets facing Chatham Square  
Canal Street — the entire length  
Orchard Street — from Canal Street to Houston Street  
Delancey Street — from Norfolk Street to the Bowery  
Eighth Street — from Avenue A to Sixth Avenue  
14th Street — from Second Avenue to Eighth Avenue  
23rd Street — from the East River to Eighth Avenue  
31st Street — from Fifth Avenue to Eighth Avenue  
32nd Street — from Fifth Avenue to Eighth Avenue  
33rd Street — from Fifth Avenue to Eighth Avenue  
34th Street — from the East River to Eighth Avenue  
42nd Street — from the East River to Eighth Avenue  
All #streets# or portions of #streets# bounded by 43rd Street on the south, 45th Street on the north, Eighth Avenue on the east and, on the west, a line 150 feet west of Eighth Avenue  
57th Street — from the East River to Eighth Avenue  
58th Street — from the East River to Eighth Avenue  
59th Street — from the East River to Fifth Avenue  
59th Street — from Sixth Avenue to Columbus Circle  
All #streets# bounded by 59th Street on the south, 61st Street on the north, Fifth Avenue on the west and, on the east, a line 125 feet east of Fifth Avenue  
60th Street — from Third Avenue to Fifth Avenue  
61st Street — from Third Avenue to Fifth Avenue  
62nd Street — from Second Avenue to Fifth Avenue  
63rd Street — from Second Avenue to Fifth Avenue  
68th Street — from First Avenue to Fifth Avenue  
72nd Street — from the East River to Fifth Avenue  
77th Street — from First Avenue to Fifth Avenue  
79th Street — from the East River to Fifth Avenue  
86th Street — from the East River to Fifth Avenue, south side only  
86th Street — from the East River to 125 feet east of York Avenue, north side only, and from York Avenue to Fifth Avenue, north side only  
116th Street — from Malcolm X Boulevard to Frederick Douglass Boulevard  
First Avenue — from 48th Street to 59th Street  
Third Avenue — from 59th Street to 62nd Street  
Lexington Avenue — the entire length  
Park Avenue — the entire length from 38th Street, northward  
Madison Avenue — the entire length  
Fifth Avenue — from Washington Square North to 61st Street  
Sixth Avenue — from 31st Street to 38th Street  
Broadway — from 31st Street to 38th Street  
Seventh Avenue — from 31st Street to 38th Street  
Eighth Avenue — from 31st Street to 38th Street  
Herald Square.

**Brooklyn:**

13th Avenue — from 39th Street to New Utrecht Avenue  
86th Street — from Third Avenue to Gowanus Expressway  
Court Street — from Schermerhorn Street to Montague Street.

**Queens:**

82nd Street — from 34th Avenue to 41st Avenue  
Austin Street — from Yellowstone Boulevard to Ascan Avenue  
Junction Boulevard — from Northern Boulevard to 41st Avenue  
Roosevelt Avenue — from Union Street to Prince Street  
Skillman Avenue — from 43rd Street to 56th Street.

**14-42****Locations Where Enclosed Sidewalk Cafes Are Not Permitted**

No #enclosed sidewalk cafe# shall be permitted on any of the following #streets#.

**Manhattan:**

Bleecker Street — from Bank Street to Mercer Street  
Central Park South — from Fifth Avenue to Sixth Avenue  
Park Avenue South and Park Avenue — from 31st Street to 38th Street  
86th Street — from the East River to Fifth Avenue.

**14-43****Locations Where Only Small Sidewalk Cafes Are Permitted**

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted. In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, notwithstanding any regulations set forth in Sections 14-41 or 14-42 prohibiting certain #sidewalk cafes# on such #streets#.

**Manhattan:**

Orchard Street — from Canal Street to Houston Street  
Delancey Street — from Norfolk Street to the Bowery  
Centre Street — from Canal Street to Spring Street  
Lafayette Street — from Canal Street to Houston Street  
Sixth Avenue — from Canal Street to a line 100 feet south of Spring Street  
Special Union Square District†

14th Street — from Second Avenue to Irving Place  
 14th Street — from a line 100 feet west of University Place to Eighth Avenue  
 23rd Street — from the East River to Eighth Avenue  
 31st Street — from Fifth Avenue to a line 200 feet east of Broadway  
 34th Street — from the East River to Fifth Avenue  
 35th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet east of Sixth Avenue  
 36th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue  
 37th Street — from a line 150 feet east of Fifth Avenue to a line 150 feet west of Fifth Avenue  
 37th Street — from a line 150 feet east of Sixth Avenue to Broadway  
 38th Street — from Third Avenue to Seventh Avenue  
 39th Street — from Exit Street to Seventh Avenue  
 40th Street — from a line 100 feet east of Exit Street to Broadway  
 41st Street — from a line 100 feet east of Exit Street to Third Avenue  
 42nd Street — from First Avenue to Third Avenue  
 42nd Street — from Fifth Avenue to a line 275 feet east of Sixth Avenue  
 All #streets# bounded by 43rd Street on the south, 46th Street on the north, a line 200 feet east of Third Avenue on the east and Third Avenue on the west  
 43rd Street — from Fifth Avenue to Sixth Avenue  
 44th Street — from Fifth Avenue to Sixth Avenue  
 45th Street — from Fifth Avenue to Sixth Avenue  
 46th Street — from Fifth Avenue to Sixth Avenue  
 47th Street — from a line 200 feet east of Third Avenue to Third Avenue  
 48th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west  
 49th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west  
 50th Street — from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west  
 51st Street — from a line 150 feet east of Third Avenue to Eighth Avenue  
 52nd Street — from a line 160 feet east of Third Avenue to Eighth Avenue  
 53rd Street — from a line 160 feet east of Third Avenue to Eighth Avenue  
 54th Street — from a line 150 feet east of Third Avenue to Eighth Avenue  
 55th Street — from a line 100 feet west of Second Avenue to Eighth Avenue  
 56th Street — from a line 100 feet west of Second Avenue to Eighth Avenue  
 57th Street — from the East River to Eighth Avenue  
 58th Street — from the East River to Eighth Avenue  
 59th Street — from the East River to Second Avenue  
 59th Street (Central Park South) — from Sixth Avenue to Columbus Circle  
 60th Street — from Lexington Avenue to Fifth Avenue  
 61st Street — from Third Avenue to Fifth Avenue  
 62nd Street — from Second Avenue to Fifth Avenue  
 63rd Street — from Second Avenue to Fifth Avenue  
 86th Street — from First Avenue to a line 125 feet east of Second Avenue, south side only  
 116th Street — from Malcolm X Boulevard to Frederick Douglass Boulevard  
 Special 125th Street District — only as set forth in Section 97-13 (Permitted Small Sidewalk Cafe Locations)  
 First Avenue — from 48th Street to 56th Street  
 Third Avenue — from 38th Street to 62nd Street  
 Lexington Avenue — from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street  
 Lexington Avenue — the entire length from a line 100 feet north of 96th Street, northward  
 Park Avenue — from 38th Street to 40th Street  
 Park Avenue — from 48th Street to 60th Street  
 Park Avenue — the entire length from a line 100 feet north of 96th Street, northward  
 Madison Avenue — from 23rd Street to 38th Street  
 Madison Avenue — from 59th Street to 61st Street  
 Special Madison Avenue Preservation District<sup>2</sup>  
 Madison Avenue — the entire length from a line 100 feet north of 96th Street, northward  
 Fifth Avenue — from 12th Street to 33rd Street  
 Fifth Avenue — from 59th Street to 61st Street  
 Sixth Avenue — from 36th Street to 42nd Street  
 Sixth Avenue — from a line 150 feet north of 42nd Street to 48th Street  
 Sixth Avenue — from 50th Street to Central Park South  
 Seventh Avenue — from 50th Street to Central Park South  
 Broadway — from 36th Street to 40th Street  
 Broadway — from 50th Street to Columbus Circle  
 Columbus Circle — from Eighth Avenue, westward, to Broadway.

<sup>1</sup> — #Small sidewalk cafes# are not allowed on 14th Street

<sup>2</sup> — #Small sidewalk cafes# are not allowed on 86th Street within the #Special Madison Avenue District#

Queens:

Jackson Avenue, north side — from 44th Drive to the prolongation of Dutch Kills Street  
 Queens Boulevard — from a line 100 feet west of 39th Place to 48th Street  
 Queens Plaza North — from 23rd Street to Northern Boulevard  
 Queens Plaza South — from 23rd Street to Jackson Avenue  
 Skillman Avenue, north side — from 45th Street to a line 100 feet east of 51st Street, including that portion within the #Special Planned Community Preservation District#  
 Skillman Avenue, south side — from 45th Street to 51st Street, excluding that portion within the #Special Planned Community Preservation District#.

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):

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
125th Street District	No	No <sup>4</sup>
Battery Park City District	Yes	Yes
Clinton District	No	Yes
East Harlem Corridors District	No	Yes
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes
Enhanced Commercial District 3 (Broadway/Upper West Side)	Yes	Yes
Hudson Square District	Yes	Yes
Inwood District	No	Yes
Limited Commercial District	No	No <sup>1</sup>
Lincoln Square District	No	Yes
Little Italy District	No	Yes
Lower Manhattan District	No	Yes <sup>3</sup>
Manhattanville Mixed Use District	No <sup>2</sup>	Yes
Transit Land Use District	Yes	Yes
Tribeca Mixed Use District	Yes	Yes
United Nations Development District	No	Yes
West Chelsea District	No	Yes <sup>5</sup>

<sup>1</sup> — #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue

<sup>2</sup> — #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway

<sup>3</sup> — #Enclosed sidewalk cafes# are allowed in Subdistrict B

<sup>4</sup> — #Unenclosed sidewalk cafes# are allowed on the east side of Malcolm X Boulevard between West 125th and West 126th Streets, on the west side of Malcolm X Boulevard between West 124th and West 125th Streets and on the east side of Fifth Avenue between East 125th and East 126th Streets

<sup>5</sup> — #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

Brooklyn	#Enclosed-Sidewalk-Cafe#	#Unenclosed-Sidewalk-Cafe#
Bay Ridge District	Yes	Yes
Coney Island District	No	Yes
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Enhanced Commercial District 1 (Fourth Avenue)	No	Yes
Enhanced Commercial District 4 (Broadway-Bedford-Stuyvesant)	No	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District <sup>1</sup>	Yes	Yes
Sheepshead Bay District	No	Yes

<sup>1</sup>— #Sidewalk cafes# are not allowed on Ocean Parkway

The Bronx	#Enclosed-Sidewalk-Cafe#	#Unenclosed-Sidewalk-Cafe#
City Island District	No	Yes
Harlem River Waterfront District	No	Yes
Jerome Corridor District	No	Yes

Queens	#Enclosed-Sidewalk-Cafe#	#Unenclosed-Sidewalk-Cafe#
Downtown Far Rockaway District	No	Yes
Downtown Jamaica District	No	Yes
Flushing Waterfront District	No	Yes
Forest Hills District <sup>1</sup>	No	Yes
Long Island City Mixed Use District <sup>2</sup>	No	Yes
Southern Hunters Point District	No	Yes
Wilets Point District	No	Yes

<sup>1</sup>— #Sidewalk cafes# are not allowed on Austin Street

<sup>2</sup>— See Appendix A in Article XI, Chapter 7

Staten Island	#Enclosed-Sidewalk-Cafe#	#Unenclosed-Sidewalk-Cafe#
Bay Street Corridor District	Yes	Yes
South Richmond Development District	Yes	Yes
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

**14-45 Street Malls Where Certain Sidewalk Cafes Are Permitted**

#Sidewalk cafes# are permitted as indicated in the following malls where allowed by the underlying zoning.

Manhattan	#Enclosed-Sidewalk-Cafe#	#Unenclosed-Sidewalk-Cafe#
Mulberry Street Mall	No	Yes
Nassau Street Mall	No	Yes

Brooklyn	#Enclosed-Sidewalk-Cafe#	#Unenclosed-Sidewalk-Cafe#
Fulton Street Mall <sup>1</sup>	No	Yes

<sup>1</sup>— #Enclosed sidewalk cafes# are allowed along DeKalb Avenue

Queens	#Enclosed-Sidewalk-Cafe#	#Unenclosed-Sidewalk-Cafe#
Far Rockaway Beach 20th Street	No	Yes

\* \* \*

**ARTICLE II RESIDENCE DISTRICT REGULATIONS**

**Chapter 2 Use Regulations**

**22-00 GENERAL PROVISIONS**

\* \* \*

Use Group 6C, limited to docks for ferries and water taxis, as specified in Section 22-15, is permitted in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn.

In R10H Districts, an eating or drinking establishment, permitted pursuant to Section 72-21 (Findings Required for Variances), that operates a #sidewalk cafe# pursuant to the provisions of Article I, Chapter 4, may be #enlarged# into any open area that may exist between the #street wall# and the #street line#.

For the purposes of this Chapter, any #residence# and any #accessory building abutting# such #residence# on the same #zoning lot# shall be considered a single #building#.

\* \* \*

**ARTICLE III COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2 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), 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#.

**32-411 In C1, C5, C6-5 or C6-7 Districts**

C1 C5 C6-5 C6-7

In the districts indicated, all such #uses# shall be located within #completely enclosed buildings# except for store fronts or store windows, associated with eating and drinking establishments, which may be opened to serve customers outside the #building#.

**32-412 In other Commercial Districts**

C2 C3 C4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C8

In the districts indicated, all such #uses# shall be located within #completely enclosed buildings# or within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

\* \* \*

**Chapter 3 Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

**33-00 APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS**

\* \* \*

**33-05 Outdoor Table Service Areas**

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth by the Department of Transportation shall be permitted within any required sidewalk widening areas.

\* \* \*

ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS

Chapter 3
Bulk Regulations

43-00
APPLICABILITY AND GENERAL PROVISIONS

\* \* \*

43-03
Outdoor Table Service Areas

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth by the Department of Transportation shall be permitted within any required sidewalk widening areas.

\* \* \*

ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter 2
Non-Conforming Uses

\* \* \*

52-30
CHANGE OF NON-CONFORMING USE

\* \* \*

52-34
Commercial Uses in Residence Districts

In all #Residence Districts#, a #non-conforming use# listed in Use Group 6, 7, 8, 9, 10, 11B, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or to a #use# listed in Use Group 6. In the case of any such change, the limitation on #floor area# set forth in Section 32-15 (Use Group 6) shall not apply. Eating or drinking places, establishments with musical entertainment, but not dancing, thus permitted as a change of #use#, shall be limited exclusively to the sale of food or drink for on-premises consumption by seated patrons within a #completely enclosed building# subject to the enclosure provisions of Section 32-411.

\* \* \*

ARTICLE VII
ADMINISTRATION

Chapter 3
Special Permits by the Board of Standards and Appeals

\* \* \*

73-24
Eating or Drinking Places

\* \* \*

73-243
In C1-1, C1-2 and C1-3 Districts

In C1-1, C1-2 and C1-3 Districts, (except in Special Purpose Districts) the Board of Standards and Appeals may permit eating or drinking places (including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, and those which provide outdoor table service) with #accessory# drive-through facilities for a term not to exceed five years, provided that the following findings are made:

\* \* \*

- (d) that in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C5, M1-5A and M1-5B Districts, such #use# shall take place in a #completely enclosed building# be subject to the enclosure provisions of Section 32-411; and

\* \* \*

In connection therewith, the Board may modify the requirement of Section 32-411 (In C1, C5, C6-5 or C6-7 Districts) insofar as it relates to the #accessory# drive-through facility. The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

Article VIII - Special Purpose Districts
Chapter 3
Special Limited Commercial District

\* \* \*

83-00
GENERAL PURPOSES

\* \* \*

(10/9/69)

83-05
Enclosure of Uses

All permitted #uses# shall be located within #completely enclosed buildings# be subject to the enclosure provisions of Section 32-411.

\* \* \*

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special 125th Street District

97-00
GENERAL PURPOSES

\* \* \*

97-03
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and Subdistricts) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

\* \* \*

97-10
SPECIAL USE AND LOCATION REGULATIONS

\* \* \*

97-13
Permitted Small Sidewalk Cafe Locations

#Small sidewalk cafes# shall be permitted in the #Special 125th Street District# as indicated on Map 2 (Permitted Small Sidewalk Cafe Locations) in Appendix A of this Chapter, subject to all applicable regulations of Article I, Chapter 4 (Sidewalk Cafe Regulations).

97-14
Transient Hotels Within the Park Avenue Hub Subdistrict

\* \* \*

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 97-1413 (Transient Hotels Within the Park Avenue Hub Subdistrict); or

\* \* \*

Appendix A
Special 125th Street District Plan

\* \* \*

Map 2: Permitted Small Sidewalk Cafe Locations (97A.2)

[TO BE DELETED]



Special 125th Street District boundary
Locations where only small sidewalk cafes are permitted

\* \* \*

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 9
Special Little Italy District

109-00
GENERAL PURPOSES

\* \* \*

109-02
General Provisions

\* \* \*

The use of the public #streets# and sidewalks for the maintenance of #sidewalk cafes#, outdoor cafes or any other structures shall require the separate approval of the Board of Estimate, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate.

\* \* \*

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Long Island City Mixed Use District

117-00
GENERAL PURPOSES

\* \* \*

117-03
District Plan and Maps

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B and C:

- Appendix A Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk-Cafe Locations

\* \* \*

117-05
Permitted Sidewalk-Cafe Locations

#Unenclosed sidewalk cafes#, including #small sidewalk cafes#, shall be permitted in the #Special Long Island City Mixed Use District# only on the #streets# indicated on the map in Appendix A (Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk-Cafe Locations) of this Chapter, except that such #unenclosed sidewalk cafes# may also extend up to 100 feet along the non-designated #street# frontage of a #corner lot#, subject to all other applicable regulations of Article I, Chapter 4.

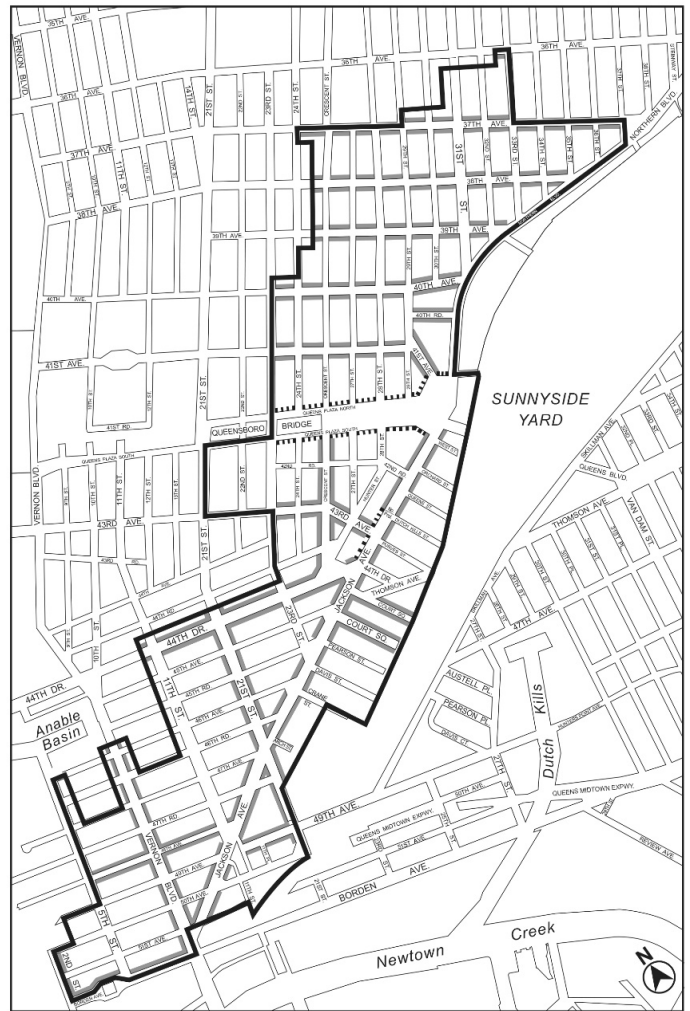
\* \* \*

Appendix A
Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk-Cafe Locations

\* \* \*

Permitted Sidewalk-Cafe Locations

[TO BE DELETED]



Unenclosed Sidewalk Cafes
Small Sidewalk Cafes Only

\* \* \*

BOROUGH OF THE BRONX
No. 2

CASTLE HILL BUSINESS IMPROVEMENT DISTRICT
CDs 9 & 10
IN THE MATTER OF an application submitted by New York City Department of Small Business Services on behalf of the Castle Hill Business Improvement District Steering Committee pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning the establishment of the Castle Hill Business Improvement District.

BOROUGH OF BROOKLYN
Supplemental Cal. No. 1 - 6

RIVER RING
Supplemental Cal. No. 1

CD 1
IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c:

- 1. changing from an M3-1 District to a C6-2 District property bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, a northeasterly boundary line of Grand Ferry Park, and the U.S. Pierhead Line; and
2. changing from an M3-1 District to an M1-4 District property bounded by North 3rd Street, Kent Avenue, North 1st Street, and River Street;

as shown on a diagram (for illustrative purposes only) dated August 16, 2021, and subject to the conditions of CEQR Declaration E-636.

Supplemental Cal. No. 2

CD 1
IN THE MATTER OF an application submitted by River Street Partners 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 Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying Large-scale General Development provisions, and 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.

ARTICLE VII ADMINISTRATION

Chapter 4 Special Permits by the City Planning Commission

74-74 Large-scale General Development

\* \* \*

74-742 Ownership

\* \* \*

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

\* \* \*

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

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

(e) within Manhattan Community District 2, where the City Planning Commission has approved a special permit under Section 74-74 for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest to:

\* \* \*

- (2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#; or

(f) partially under State or City ownership, and is located within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership.

\* \* \*

74-743 Special provisions for bulk modification

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

\* \* \*

(11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District and within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.

\* \* \*

- (ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

\* \* \*

(b) a letter that shall include:

\* \* \*

(ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement; or

(12) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Hallets Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large-scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

\* \* \*

(ii) the existing light industrial #buildings# on the separate parcel of land are demolished; or

(13) within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, portions of the land, #piers# or #platforms# projecting seaward of the bulkhead line and existing on [date of adoption] may be replaced or reconstructed with #new piers# or #new platforms#, as follows:

(i) any such existing land projecting seaward of the bulkhead line may be replaced or reconstructed with #new platforms# and such #new platforms# may be included as part of the #upland lot#. In no event shall the #lot area# generated by such #new platforms# exceed the #lot area# of the land projecting seaward of the bulkhead line, as it existed on [date of adoption];

(ii) any other such #new piers# or #new platforms# may be considered #lot area# for the purposes of determining allowable #floor area# or number of #dwelling units#, or to satisfy any other #bulk# regulations, in accordance with the provisions of paragraphs (b) and (c) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots). In no event shall the #floor area# generated by such #new piers# or #new platforms# exceed the #floor area# generated by #piers# or #platforms# projecting seaward of the bulkhead line, as they existed on [date of adoption]; and

(iii) such #new piers# or #new platforms# that are subject to the provisions of paragraph (a)(13)(ii) of this Section need not meet the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers) or 62-63 (Design Requirements for Public Access on Piers and Floating Structures), inclusive.

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

\* \* \*

(12) where #new piers# or #new platforms# are constructed, replaced or reconstructed in accordance with the provisions of paragraph (a)(13) of this Section, such #new piers# and #new platforms# are an integral part of such #large-scale general development#, result in a superior site plan and appropriate relationship with adjacent #waterfront public access areas# and #shorelines#, and provide significant public access to or within the #seaward lot# portion of the #waterfront zoning lot#.

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

\* \* \*

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

BROOKLYN

\* \* \*  
\* \* \*  
\* \* \*

Brooklyn Community District 1

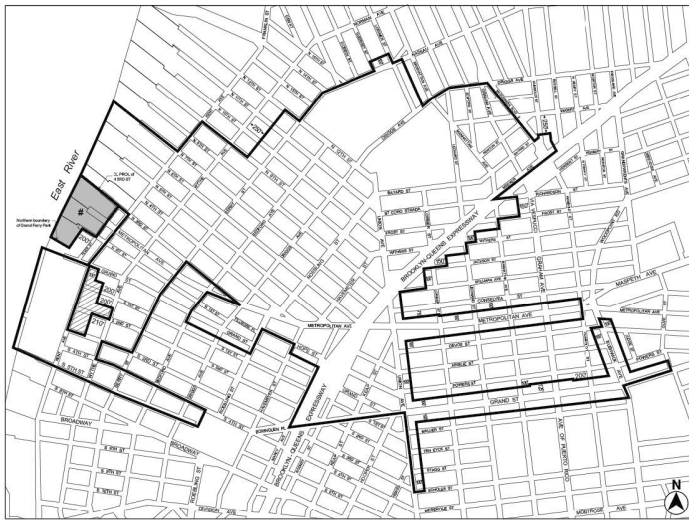
Map 2 - [date of adoption]

[EXISTING MAP]



□ Inclusionary Housing designated area  
▨ Excluded Area

[PROPOSED MAP]



□ Inclusionary Housing designated area  
▨ Mandatory Inclusionary Housing Program area see Section 23-154(d)(3)  
Area # - [date of adoption] MIH Program Option 1  
▨ Excluded Area

Portion of Community District 1, Brooklyn

\* \* \*

Supplemental Cal. No. 3

CD 1 C 220064 ZSM

IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Sections 197-c and 201 of the New York City Charter for, for the grant of special permits pursuant to the following Sections of the Zoning Resolution:

- 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 requirements of Section 62-341 (Developments on land and platforms); and
- 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 Section 62-31(b) & (c) (Bulk Computations on Waterfront Zoning Lots); and
- to waive the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers, and Section 62-63 (Design Requirements for Public Access on Piers and Floating Structures);

in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3<sup>rd</sup> Street, River Street, North 1<sup>st</sup> Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue\*\* and North 1<sup>st</sup> Street\*\*), in a C6-2 District\*\*\*.

\* Note: Section 74-743 is proposed to be changed under a concurrent related application for a Zoning Text Change (N 220063 ZRK).

\*\* Note: Portions of Metropolitan Avenue and North 1<sup>st</sup> Street are proposed to be demapped under a concurrent related application for a City Map change (C 210425 MMK).

\*\*\* Note: This site is proposed to be rezoned by changing an existing M3-1 District to a C6-2 District under a concurrent related application for a Zoning Map change (C 220062 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271-0001.

Supplemental Cal. No. 4

CD 1 C 220070 ZSK

IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution 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, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3<sup>rd</sup> Street, River Street, North 1<sup>st</sup> Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue\*\* and North 1<sup>st</sup> Street\*\*), in C6-2 District\*\*\*.

\* Note: Section 74-743 is proposed to be changed under a concurrent related application for a Zoning Text Change (N 220063 ZRK).

\*\* Note: Portions of Metropolitan Avenue and North 1<sup>st</sup> Street are proposed to be demapped under a concurrent related application for a City Map change (C 210425 MMK).

\*\*\* Note: This site is proposed to be rezoned by changing an existing M3-1 District to a C6-2 District under a concurrent related application for a Zoning Map change (C 220062 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271-0001.

Supplemental Cal. No. 5

CD 1 C 220061 MLK

IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Section 197-c of the New York City Charter for a landfill of approximately 6,230 square feet located in the East River, in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3<sup>rd</sup> Street, River Street, North 1<sup>st</sup> Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue\*\* and North 1<sup>st</sup> Street\*\*), in C6-2 District\*\*\*.

\* Note: Section 74-743 is proposed to be changed under a concurrent related application for a Zoning Text Change (N 220063 ZRK).

\*\* Note: Portions of Metropolitan Avenue and North 1<sup>st</sup> Street are proposed to be demapped under a concurrent related application for a City Map change (C 210425 MMK).

\*\*\* Note: This site is proposed to be rezoned by changing an existing M3-1 District to a C6-2 District under a concurrent related application for a Zoning Map change (C 220062 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271-0001.

Supplemental Cal. No. 6

CD 1 C 210425 MMK

IN THE MATTER OF an application submitted by River Street Partners LLC, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- 1) the elimination, discontinuance and closing of Metropolitan Avenue between River Street and the United States Pierhead Line;
- 2) the elimination, discontinuance and closing of a portion of North 1<sup>st</sup> Street from a point 200 feet west of River Street and the United States Pierhead Line;
- 3) 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 Borough President.

#### NOTICE

**On Wednesday, October 6, 2021, a public hearing is being held by the City Planning Commission (CPC), accessible remotely, in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by River Street Partners, LLC (the Applicant). The Applicant is seeking a series of land use applications including a city map change, a landfill application, zoning map amendment, zoning text amendments, zoning authorizations and special permits (the Proposed Actions) from the City Planning Commission (CPC) to facilitate the development of two mixed-use towers with mixed income residential, commercial, and community facility uses, and waterfront public spaces (the "Proposed Development") on the proposed development site comprised of Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20, and 21; Block 2376, Lot 50; and portions of Metropolitan Avenue and North 1<sup>st</sup> Street (collectively known as the "Proposed Development Site") in the Williamsburg neighborhood of Brooklyn, Community District 1. The Project Area also includes two non-Applicant owned blocks to the east of the Proposed Development Site (Blocks 2356 and 2362).**

The Proposed Development would contain approximately 1.336 million gsf, comprised of approximately 1.12 million gsf of residential space (approximately 1,250 dwelling units, of which 313 units (25%) would be affordable pursuant to the MIH program), 50,000 gsf of community facility space, 83,000 gsf of commercial space (including 60,000 gsf of office and 23,000 gsf of local retail), and approximately 83,000 gsf of below-grade parking (up to 250 accessory attended parking spaces).

The Applicant is also requesting an extension of term of special permit and authorization approvals to a period of ten years during which substantial construction of the phased project would be completed. In addition, a Joint Permit Application from the NYS Department of Environmental Conservation (NYSDEC) and the US Army Corps of Engineers (USACE) is being sought in conjunction with the publicly accessible open space proposed along the waterfront.

Written comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, October 18, 2021 by 5:00 P.M.

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. 21DCP157K.

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



s22-o6

## COMMUNITY BOARDS

### ■ PUBLIC HEARINGS

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

#### BOROUGH OF QUEENS

COMMUNITY BOARD NO. 08 - Thursday, September 30, 2021, at 7:30 P.M., **virtual** Public Hearing. This is to seek NEW ITEMS for our Fiscal Year 2023 Capital and Expense Budget Priorities for Queens Community District 8. Please go to our website for a listing of the current budget priorities, at [nyc.gov/queenscb8](http://nyc.gov/queenscb8). Please call us at (718) 264-7895, Monday through Friday (9:00 A.M. to 5:00 P.M.) to sign up for speaking time.

Link to join: <https://nycwb.webex.com/nycwb/j.php?MTID=m44fbbc031d231adb9d05aa7c5ed48a90>  
Event number (access code): 2398 919 6248  
Event password: cb8q (2287 from phones)  
Join by phones: 1 646 992 2010 (NYC)  
Join by phones: 1 408 418 9388 (USA)

s24-28

## HOUSING AUTHORITY

### ■ MEETING

#### CORRECTED NOTICE

Because of the on-going COVID-19 health crisis and in relation to Chapter 417 of the Laws of 2021, the Board Meeting of the New York City Housing Authority, scheduled for Wednesday, September 29, 2021, at 10:00 A.M., will be limited to viewing live-stream or listening via phone, instead of attendance in person.

For public access, the meeting will be streamed live on NYCHA's YouTube Channel, <http://nyc.gov/nycha>, and NYCHA's Website, [nyc.gov/](http://nyc.gov/) boardmeetings, or can 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, pre-registration is required, via email, to [corporate.secretary@nycha.nyc.gov](mailto: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. 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 draft 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 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 in order 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@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.gov), no later than Tuesday, September 28, 2021, at 5:00 P.M.

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@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.gov).

s10-28

## INDEPENDENT BUDGET OFFICE

### ■ NOTICE

The New York City Independent Budget Office Advisory Board, will hold a meeting on Thursday, October 7th, beginning at 8:30 A.M., via video conference. There will be an opportunity for the public to address the advisory board during the public portion of the meeting. For a link to the meeting, please email [ibonews@ibo.nyc.ny.us](mailto:ibonews@ibo.nyc.ny.us).

Accessibility questions: Lisa Neary, [lisan@ibo.nyc.ny.us](mailto:lisan@ibo.nyc.ny.us), by: Wednesday, October 6, 2021, 5:00 P.M.



s22-o7

## 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 [anfahre@lpc.nyc.gov](mailto:anfahre@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 facade.

**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 31 Zonin 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**

**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, October 5, 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 [anfahre@lpc.nyc.gov](mailto:anfahre@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.

**282 Park Place - Prospect Heights Historic District**

**LPC-21-06781 - Block 1165 - Lot 15 - Zoning: R6B**

**CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style rowhouse with Romanesque Revival elements, designed by William H. Reynolds and built c. 1897. Application is to construct a stoop.

**749 5th Avenue - Individual Landmark**

**LPC-22-01811 - Block 655 - Lot 31 - Zoning: M1-1D**

**CERTIFICATE OF APPROPRIATENESS**

A Victorian style commercial greenhouse, designed by George Curtis Gillespie and, built in 1895. Application is to remove the remainder of a previously demolished building adjoining the greenhouse, and to install portions of fencing and a new entrance courtyard, pathway, and vestibule associated with new fencing and signage and a new building located off the landmark site.

**295-297 Hicks Street - Brooklyn Heights Historic District**

**LPC-22-00050 - Block 261 - Lot 111, 9, 110 - Zoning: R6**

**CERTIFICATE OF APPROPRIATENESS**

Three vacant lots. Application is to construct two new buildings.

**1423 Albemarle Road - Prospect Park South Historic District**

**LPC-22-00018 - Block 5095 - Lot 46 - Zoning: R1-2**

**CERTIFICATE OF APPROPRIATENESS**

A Queen Anne style house, with Medieval French, English Tudor, Shavian, and American Colonial style influences, designed by John J. Petit and built in 1899. Application is to construct a side-yard addition, create and modify masonry openings, and install a balcony railing.

**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.

**69 Gansevoort Street - Gansevoort Market Historic District**  
**LPC-22-01806** - Block 644 - Lot 64 - **Zoning:** M1-5  
**CERTIFICATE OF APPROPRIATENESS**

A 19th century building, modified in the Moderne style by George H. Suess in 1949. Application is to construct a rooftop addition.

**163 East 69th Street - Upper East Side Historic District**  
**LPC-21-06111** - Block 1404 - Lot 31 - **Zoning:** 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 rooftop and rear yard additions, modify masonry openings, replace windows and doors, and install balconies.

s21-o5

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## OFFICE OF THE MAYOR

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### ■ PUBLIC HEARINGS

OFFICE OF THE MAYOR  
 NOTICE OF A PUBLIC HEARING

PURSUANT TO STATUTORY REQUIREMENT, NOTICE IS HEREBY GIVEN that a public hearing as part of Local Law 24 of 2021 will be held by remote means on Friday, October 1, 2021, at 1:00 P.M. To obtain information on how to access the hearing, or to register to speak at the hearing, please email [cityleg@cityhall.nyc.gov](mailto:cityleg@cityhall.nyc.gov), or call 311. Please note that, if you require special accommodations to participate, you must request it 3 days in advance of the hearing by sending an email to the aforementioned email address or by calling 311. The hearing can be viewed live on NYC.gov.

Bill de Blasio  
 Mayor

s24-29

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## BOARD OF STANDARDS AND APPEALS

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### ■ PUBLIC HEARINGS

**October 18, 2021 and October 19, 2021, 10:00 A.M. and 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of teleconference public hearings, Monday, October 18, 2021, at 10:00 A.M. and 2:00 P.M., and Tuesday, October 19, 2021, at 10:00 A.M. and 2:00 P.M., to be streamed live through the Board's website ([www.nyc.gov/bsa](http://www.nyc.gov/bsa)), with remote public participation, on the following matters:

### SPECIAL ORDER CALENDAR

**837-85-AIII**

**APPLICANT** – William Gati, for Cesar A Linares, owner.  
**SUBJECT** – Application December 14, 2020 - Extension of term to allow the continued operation of a medical office (UG4) in an existing frame structure, contrary to Section C26-254.0 of the 1938 Building Code which expired on December 17, 2020. R2 Zoning District.  
**PREMISES AFFECTED** – 166-78 73rd Avenue, Block 6974, Lot 19, Borough of Queens.  
**COMMUNITY BOARD #8Q**

**914-86-BZ**

**APPLICANT** – Klein Slowik, PLLC, for Union Temple of Brooklyn, owner; Eastern Atlantic Inc., lessee.  
**SUBJECT** – Application – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a Physical Culture Establishment (Eastern Athletic) which expired on May 19, 2017; Extension of Time to obtain a Certificate of Occupancy which expired on December 14, 2011; Amendments to the Board's conditions on term, Amendment to enlarge the mezzanine; Waiver of the Rules. R8X zoning district.  
**PREMISES AFFECTED** – 19 Eastern Parkway, Block 1172, Lot 6, Borough of Brooklyn.  
**COMMUNITY BOARD #8BK**

**13-01-BZ**

**APPLICANT** – Greenberg Traurig LLP, for Extra Spaces Properties Two LLC, owner.  
**SUBJECT** – Application March 22, 2021 – Amendment of a previously approved Variance (§72-21) which permitted a five-story (UG 16) self-storage facility which will expire on July 17, 2021. Amendment to legalize minor deviations from the BSA approved plans for parking, landscaping, interior floor plans, and accessory building signs. Request for an extension of Term for twenty (20) years. R4 zoning district.  
**PREMISES AFFECTED** – 2875 Edson Avenue, Block 4800, Lot 6, Borough of Bronx.  
**COMMUNITY BOARD # 12BX**

**36-11-BZII**

**APPLICANT** – Rothkrug Rothkrug & Spector LLP, for 270 Greenwich Street Associates, owner for Soul Cycle Tribeca lessee.  
**SUBJECT** – Application January 13 2021 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of a Physical Culture Establishment (SoulCycle) which expired on January 15, 2020. Waiver of the Board's Rules of Practice and Procedures. C6-3 zoning district.  
**PREMISES AFFECTED** – 270 Greenwich Street, Block 142, Lot 7501, Borough of Manhattan.  
**COMMUNITY BOARD #1M**

**2016-4337-BZIII**

**APPLICANT** – Eric Palatnik, P.C., for Dr. Joshua Schiller and Ms. Vivian Lee, owners  
**SUBJECT** – Application May 7, 2021 – Extension of Time to Complete Construction of a previously approved Special Permit (§73-69) to permit the enlargement of an existing single-family home which expires on September 19, 2021. R5 zoning district.  
**PREMISES AFFECTED** – 127 Vanderbilt Street, Block 5264, Lot 51, Borough of Brooklyn.  
**COMMUNITY BOARD #7BK**

### APPEALS CALENDAR

**2020-67-A**

**APPLICANT** – Rothkrug Rothkrug & Spector LLP, Carol & Jean Perrotto, owners.  
**SUBJECT** – Application September 4, 2020 – Application filed pursuant to General City Law ("GCL") §35, to allow the proposed development of a property within the mapped but unbuilt portion of a street; Waiver of the applicable height and setback regulations pursuant to 72-01 (g). R3X Special Richmond District.  
**PREMISES AFFECTED** – 1 Ballard Avenue, Block 6046, Lot 3, Borough of Staten Island.  
**COMMUNITY BOARD #3SI**

### ZONING CALENDAR

**2019-179-BZ**

**APPLICANT** – Eric Palatnik, P.C., for Lee Yuen Fung Trading Co., Inc., owner.  
**SUBJECT** – Application June 20, 2019 – Variance (§72-21) to permit the development of a twelve (12) story mixed-use building, containing commercial use at the ground floor and twelve residential condominium units above, contrary to ZR §42-00. M1-6 zoning district.  
**PREMISES AFFECTED** – 118 West 28th Street, Block 00803, Lot 0051, Borough of Manhattan.  
**COMMUNITY BOARD #5M**

**2020-77-BZ**

**APPLICANT** – AMP Architecture, PLLC Anthony Portillo & Douglas Scharadin for Gerald Maya, owner.  
**SUBJECT** – Application September 29, 2020 – Variance (§72-21) to permit the enlargement of an existing building, contrary to ZR 23-45 (front yard setback). R3-1 zoning district.  
**PREMISES AFFECTED** – 68 Austin Avenue, Block 3116, Lot 89, Borough of Staten Island.  
**COMMUNITY BOARD #2SI**

**2020-81-BZ**

**APPLICANT** – Michael Scaduto AIA, PLLC, for Beerinder Rodey, owner.  
**SUBJECT** – Application October 9, 2020 – Variance (§72-21) to permit parking, contrary to ZR §25-20 for a two-family (2) home. R5 zoning district.  
**PREMISES AFFECTED** – 220 East 2nd Street, Block 5324, Lot 28, Borough of Brooklyn.  
**COMMUNITY BOARD #12BK**

*Margery Perlmutter, Chair/Commissioner*

s27-28

**TRANSPORTATION**

■ NOTICE

**LEGAL NOTICE**

**NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
D/B/A EMPIRE STATE DEVELOPMENT  
NOTICE OF PUBLIC HEARING TO BE HELD TUESDAY, OCTOBER  
19, 2021, PURSUANT TO SECTION 16 OF THE NEW YORK STATE  
URBAN DEVELOPMENT CORPORATION ACT IN CONNECTION  
WITH THE PROPOSED HIGH LINE MOYINHAN CONNECTOR  
CIVIC PROJECT**

**PLEASE TAKE NOTICE** that a public hearing, open to all persons, will be held, on Tuesday, October 19, 2021, from 6:00 P.M. until 8:00 P.M., by the New York State Urban Development Corporation d/b/a Empire State Development (“ESD”), pursuant to Section 16 of the New York State Urban Development Corporation Act (Chapter 174, Section 1, Laws of 1968, as amended; the “UDC Act”), to consider the General Project Plan (the “General Project Plan”), for the proposed High Line Moynihan Connector Civic Project (the “Project”). Due to the COVID-19 pandemic and restrictions on public gatherings, the public hearing will be conducted as a virtual hearing utilizing the Zoom video communications and teleconferencing platform. Detailed instructions for participation in the virtual hearing can be downloaded, at <https://esd.ny.gov/high-line-connector>.

The public hearing is for the purpose of: (1) informing the public about the Project; (2) giving all interested persons an opportunity to provide comments on the General Project Plan, pursuant to Section 16 of the UDC Act; and (3), pursuant to Chapter 14 of the City Charter and Title 34, Chapter 7 of the Rules and Regulations of the City of New York, giving all interested persons an opportunity to provide comments on the granting of a revocable consent by the City of New York (the “City”), to allow the Project to span a City right-of-way.

Project Site

The proposed Project would be located primarily on property, owned by the Port Authority of New York and New Jersey (“PANYNJ”), on Manhattan Tax Block 728, Lot 1 in Community District 4, and portions of it would extend over West 30<sup>th</sup> Street and West 31<sup>st</sup> Street, which are City-Owned streets.

Project Description

The Project is described in detail in the General Project Plan, available to the public as set forth below. The Project involves the design and construction of two new elevated bridges connecting the present terminus of the High Line spur, at West 30<sup>th</sup> Street and Tenth Avenue, to the privately-owned public open space at Manhattan West, a mixed-use development, located north of West 31<sup>st</sup> Street between Ninth and Tenth Avenues. The Project would create a seamless, safe pedestrian connection from Moynihan Train Hall to destinations on the Far West Side of Midtown, including Hudson Yards, the Javits Center and the Hudson River waterfront. The Project is anticipated to be completed in 2023.

The Project would be designed and built through a public-private partnership among ESD, PANYNJ, Friends of the High Line (“FHL”) and a Brookfield Properties affiliate (“Brookfield”). FHL, which will act as the grantee for the Project, is a nonprofit organization that operates the High Line and works with the surrounding community. The grantee for purposes of the GPP will be responsible for daily maintenance and cleanliness of the Project. FHL is devoted to reimagining the role public spaces play in creating connected, healthy neighborhoods and cities. Brookfield, which will act as developer of the Project, is a global commercial real estate firm and developer, and the owner of Manhattan West. Brookfield would manage the design and construction of the Project. The budget for the Project is \$50 million and will be funded by a \$20 million State grant administered by ESD and contributions of \$20 million from Brookfield and \$10 million from FHL.

Public Purpose

The purpose of the Project is to provide a new public amenity to improve public access, connectivity and pedestrian safety between Penn Station – North America’s largest transportation hub – and destinations on Manhattan’s Far West Side. The Project would create two connected public bridges linking the High Line to publicly accessible open space at Manhattan West, providing an ADA-accessible passage from the High Line spur to Ninth Avenue directly across from the Farley Office Building and Moynihan Train Hall. This new elevated pathway would provide a safe, seamless, and inviting connection for pedestrians through a heavily trafficked and uninviting area, and would improve public access, pedestrian safety and pedestrian mobility for residents, commuters, and visitors between transportation hubs to the east (Moynihan Train Hall and Pennsylvania Station) and Hudson Yards, the High Line, and Manhattan’s Far West Side. In doing so, the proposed Project would also complement and support the recent public and private investments that are transforming Manhattan’s Far West Side.

Discretionary Actions

A number of ESD discretionary actions are subject to review, pursuant to the UDC Act. These actions include awarding a \$20 million grant to FHL for the design and construction of the Project and affirming the General Project Plan. After a public hearing is held on the draft General Project Plan and a subsequent 30-day public comment period is concluded, it is expected that if appropriate, ESD will modify and/or affirm the General Project Plan and enter into a grant disbursement agreement with FHL to administer the State’s \$20 million Project grant. In addition, to effectuate the Project, as described in the General Project Plan, ESD would exercise its statutory authority to override the New York City Charter, the New York City Zoning Resolution, the New York City Administrative Code and the Rules of the City of New York to the extent they are inconsistent with the Project and the procedures for implementation of ESD projects under the UDC Act. This override includes, but is not limited to, the applicability of the Uniform Land Use Review Procedure (“ULURP”) insofar as it otherwise would be applicable to the Project, Public Design Commission review, and procedures for the issuance of revocable consents by the New York City Department of Transportation and any other local laws which are inconsistent with the design/construction of the Project and the General Project Plan. Subject to such overrides, the New York State Uniform Fire Prevention and Building Code (the “Building Code”) will apply, including with respect to all construction, structures and infrastructure on the Project site.

Availability of the General Project Plan

The General Project Plan, which contains a detailed description of the Project, is on file at the office of ESD, 633 Third Avenue, New York, NY 10017, and is available for inspection by the general public between the hours of 9:30 A.M. to 5:00 P.M., Monday through Friday, public holidays excluded.

The General Project Plan is available at the ESD website, at <https://esd.ny.gov/high-line-connector>. The public may also inspect and/or obtain copies of the General Project Plan, by emailing [HighLineMoynihan@esd.ny.gov](mailto:HighLineMoynihan@esd.ny.gov), or calling (212) 803-2477. Pursuant to Section 16(2) of the UDC Act, ESD also has filed a copy of the General Project Plan, including the findings required under Section 10 of the UDC Act, in the office of the New York City Clerk and has provided a copy thereof to the Mayor of the City of New York, the Manhattan Borough President, the Chair of the New York City Planning Commission and the Chair of Manhattan Community Board 4.

Comments

Comments on the General Project Plan are requested. Participants who wish to provide verbal comment during the virtual meeting will have an opportunity to sign up to speak during registration and/or once the meeting has started. Comments may also be delivered in writing to ESD, 633 Third Avenue, 37<sup>th</sup> Floor, New York, NY 10017 (Attention: Stacey Teran), up until 5:00 P.M., on Friday, November 19, 2021, or sent by email to [HighLineMoynihan@esd.ny.gov](mailto:HighLineMoynihan@esd.ny.gov), up until 5:00 P.M., on Friday, November 19, 2021. Written or emailed comments received after 5:00 P.M., on November 19, 2021, will not be considered.

All verbal comments made at the public hearing and all written comments received by ESD up to 5:00 P.M., on November 19, 2021, will be considered by ESD prior to final consideration of the General Project Plan.

Dated: September 17, 2021  
New York, NY

NEW YORK STATE URBAN  
DEVELOPMENT CORPORATION  
D/B/A EMPIRE STATE DEVELOPMENT

By: Debbie Royce  
Corporate Secretary

◀ s28-o19

**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](https://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>.

## ADMINISTRATION FOR CHILDREN’S SERVICES

### ADMINISTRATION

#### ■ SOLICITATION

#### *Goods and Services*

**CONCESSION BID FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF APPROXIMATELY TWENTY-ONE (21) BEVERAGE AND SNACK VENDING MACHINES AT FACILITIES CITYWIDE - Competitive Sealed Bids - PIN# 068-22-ADM-0006 - Due 11-5-21 at 3:00 P.M.**

The New York City Administration for Children’s Services (ACS), will accept sealed bids for ONE (1) award for the above-referenced PIN, at its Office of Procurement, 150 William Street, 9th Floor, New York, NY 10038, at the date and time specified below. ACS, is requesting concession bids for the installation, operation, and maintenance of approximately twenty-one (21) beverage and snack vending machines (“Vending Machines”), at various Agency facilities throughout the five boroughs of the City. ACS, is seeking bidders with a background in the vending machine industry to install, operate, and maintain the Vending Machines.

ACS, is seeking a Concessionaire for one five-year term, with one five-year renewal option, exercisable at ACS’ sole discretion. No longer term will be considered. Bidders should be aware that as a concession bid, the resulting contract will be a revenue contract, and as such ACS will be basing the award on the highest guaranteed flat fee for the license term, which is thus the most favorable bid price.

Pre-Bid Conference Date (Optional): Wednesday, October 13, 2021, from 10:00 A.M. to 12:00 P.M., remotely, via Webex. Vendors wishing to attend the conference should use the following link:

<https://nycacs.webex.com/nycacs/onstage/g.php?MTID=e07597c4ca6d0619b9f5d9a6c873f5356>

(If Webex is not installed on your computer, you will receive a prompt to install or join from your browser upon following the link). After following the link, vendors can access the Pre-Bid conference using the following event number and password:

Event Number: 2335 083 4554 Event Password: CJq9mgAkc93

Bid Due Date (Bid Opening): Friday, November 5, 2021, at 3:00 P.M., remotely, via Webex. Vendors wishing to attend the bid opening should use the following link:

<https://nycacs.webex.com/nycacs/onstage/g.php?MTID=ef420103cf94d12571aecd6553a6606>

(If Webex is not installed on your computer, you will receive a prompt to install or join from your browser upon following the link). After following the link, vendors can access the Pre-Bid conference using the following event number and password:

Event Number: 2346 703 2996 Password: iFGKWvcn427

OBTAINING THE SOLICITATION MATERIALS: Bid forms and specifications may be obtained in one of three ways:

1. From the ACS website, any time before the bid due date (recommended method). Prospective bidders must register at the ACS website, to download the bid book. Copy the following link into your browser to go to the appropriate page, <http://nyc.gov/html/acs/html/business/business.shtml>. You will then be brought to the “Doing Business with ACS” page. On that page, scroll to the bottom and then click “Go to RFP Online” under the “ACS Business Opportunities” heading. On the “RFP Online” page, click “Bids” and you will be directed to the “Bids” page where the Bid can be downloaded following registration with your company information.
2. Email: In the event that you are unable to download this bid, you may request that ACS send you the bid package. via email. All email requests should be addressed to [Doron.Pinchas@acs.nyc.gov](mailto:Doron.Pinchas@acs.nyc.gov). Please include the PIN above and type of service in the subject line. Also, type the name of the vendor, including company name, complete address, name of contact person, phone and email address into the body of the email.
3. In person: Vendors may pick up Bid materials in person from ACS, at 150 William Street, 9th Floor, New York, NY. Vendors wishing to pick up materials in person, must either call [Doron Pinchas](tel:6468893919), at (646) 889-3919, or send an email, to [Doron.Pinchas@acs.nyc.gov](mailto:Doron.Pinchas@acs.nyc.gov), providing the following information, at least 24 hours prior to picking up bid materials: Company Name, Company mailing address, Company primary contact person, Email address of primary contact person, Telephone number of primary contact person, Time of Day that bidder would like to visit, 150 William Street, to obtain a copy of the Bid Book. \*Bidders that choose to pick up a Bid Book in person, from 150 William Street, must

adhere to the following Covid-19 protocol, prior to entering the building:

1. Ensure 6 feet of distance (or otherwise appropriate distance) between individuals and ACS Staff.
2. Wear an acceptable face covering at all times while inside the building. Acceptable face coverings include, but are not limited to, cloth - e.g. homemade sewn, quick cut, bandana, surgical masks, N95 respirators, and face shields.

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

Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038. Doron Pinchas (212) 341-3488; doron.pinchas@acs.nyc.gov



s28

COMPROLLER

AWARD

Services (other than human services)

THE INFLATION-LINKED FIXED INCOME SECURITIES INVESTMENT MANAGEMENT AGREEMENT - Renewal - PIN#015-148-157-01 TP-R2 - AMT: \$4,543,000.00 - TO: BlackRock Financial Management, Inc., 40 East 52nd Street, New York, NY 10022.

s28

HOMELESS SERVICES

INTENT TO AWARD

Human Services/Client Services

07122N0004-BRIARWOOD NEGOTIATED ACQUISITION EXTENSION - Negotiated Acquisition - Other - PIN# 07122N0004 - Due 10-1-21 at 12:00 A.M.

The New York City Department of Homeless Services (DHS), is requesting an approval for a 6 month of Negotiated Acquisition Extension in the amount of \$1,866,744.00, for repairs at Briarwood Family Residence. The site services Families with Children.

This NAE, is being requested to allow the continuity of critical services until a new RFP is processed.

s24-30

DHS SECURITY

INTENT TO AWARD

Services (other than human services)

CONTINUED SERVICES AND GOODS REQUIRED FOR DHS SECURITY OPERATIONS-AXON - Request for Information - PIN#07122Y0022 - Due 10-1-21 at 2:00 P.M.

The Department of Homeless Services (DHS) Security and Emergency Operations, intends to enter into a 3 years Sole Source contract with Axon Enterprise, Inc., for purchase of Axon Body 2 Video Cameras, storage of data and maintenance of equipment, starting from 11/1/2021 to 10/31/2024, including one 2-year renewal option. These equipments and services are only manufactured and available for purchase from Axon. The requested Sole Source solicitation would ensure a continuance of goods and services required to satisfy the agency's security needs.

Any firm or organization which believes they can also provide this service, is invited to respond to the RFI "07122Y0022-Continued services and goods required for DHS Security Operations-Axon" on PASSPort. If you have any questions, please email "frazierjac@dss.nyc.gov", with the subject line "07122Y0022-Continued services and goods required for DHS Security Operations-Axon". Please indicate your interest, by responding to the RFI EPIN: 07122Y0022 in PASSPort, no later than October 1, 2021, 2:00 P.M.

s23-30

HOUSING AUTHORITY

PROCUREMENT

SOLICITATION

Construction/Construction Services

SMD\_SERVICES\_INSTALLATION OF V/C FLOOR TILE IN APTS.-VARIOUS DEVELOPMENTS, MANHATTAN AND BROOKLYN - Competitive Sealed Bids - Due 10-21-21 at 12:00 A.M.

PIN# 339884 - Marcy Houses, Brooklyn - Due at 10:00 A.M.

PIN# 339885 - Isaacs Houses, Holmes Towers, Robbins Plaza, Manhattan - Due at 10:05 A.M.

PIN# 339886 - Baruch Houses, Baruch Houses Addition, Manhattan - Due at 10:10 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: installation of vinyl-composition floor tile, over existing floor tile, installation of vinyl-composition floor tile, over the existing properly prepared concrete floor, the removal and replacement of existing/or missing vinyl cove base molding and, 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.

Interested vendors are invited to obtain a copy of the opportunity at NYCHA's website, by going to http://www.nyc.gov/nychabusines. 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) 339884, 339885, and 339886.

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, 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. JoAnn Park (212) 306-4511; joann.park@nycha.nyc.gov

s28

HUMAN RESOURCES ADMINISTRATION

INTENT TO AWARD

Goods

SOLE SOURCE PROCUREMENT WITH AXON BWC - Request for Information - PIN#06922Y0071 - Due 10-15-21 at 3:00 P.M.

The Human Resources Administration (HRA) General Support Services, intends into Sole Source negotiation with Axon Enterprise, Inc., for the purchase of Body Worn Cameras (BWC) for HRA Special Officers. Their current contract includes the operation, storage of data and maintenance of equipment which expires on October 31, 2021. The requested Sole Source solicitation will ensure a continuance of operations by establishing a new contract through October 31, 2026. This Sole Source purchase with Axon Enterprises, Inc., is being requested because they are the only company currently able to address the HRA Office of Police Operations immediate hardware and software needs. Axon Enterprises, Inc., is a responsible company maintaining a



high standard of integrity relating to all web based and internet security requirements. Their services which includes a cloud-based storage site would not be functional or accessible should Axon not continue to be the provider. The contract amount is \$567,324.01. The contract term is 11/1/2021 - 10/31/2026. Any firm or organization which believes they can also provide this service is invited to respond to the RFI "06922Y0071 - "Sole Source procurement with Axon BWC for HRA Special Officers" on PASSPort. If you have any questions, please email "frazierjac@dss.nyc.gov", with the subject line "06922Y0071 - "Sole Source procurement with Axon BWC for HRA Special Officers". Please indicate your interest by responding to the RFI EPIN: 06922Y0071 in PASSPort, no later than October 1, 2021, 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
 Human Resources Administration, Jacques Frazier (929) 221-5554; frazierjac@dss.nyc.gov

s23-30

AWARD

Human Services/Client Services

**VOLUNTEERS OF AMERICA GREATER NEW YORK RENEWAL: DOVE HOUSE** - Renewal - PIN#06917N8291KXLR001 - AMT: \$4,946,311.85 - TO: Volunteers of America Greater New York Inc, 135 West 50th Street, 9th Floor, New York, NY 10020.

Renewal of Emergency Shelter for Survivors of Domestic Violence - Dove House.

s28

**SRO SERVICES AT 159 EAST 102ND STREET, NEW YORK NY** - Required/Authorized Source - PIN#06921R0294001 - AMT: \$772,806.00 - TO: Lenox Hill Neighborhood House Inc., 331 East 70th Street, New York, NY 10021-8601.

This is a State Mandated required/authorized source contract. The funding is approved by the New York State Office of Temporary and Disability Assistance (OTDA), under the New York State Supportive Housing Program. The services will be provided, at 159 East 102nd Street, New York, NY 10029.

s28

NYC HEALTH + HOSPITALS

SUPPLY CHAIN SERVICES

SOLICITATION

Services (other than human services)

**DIVERSITY AND INCLUSION TRAINING RFP** - Request for Proposals - PIN#2565 - Due 9-30-21 at 3:00 P.M.

On behalf of the System, the HR Office of Diversity and Inclusion, invites qualified vendors to submit proposals, to provide customized learning solutions and training services, using various modes of instruction (Services). The System understands that Proposer(s) may not be able to provide all subjects and/or training styles, therefore the System reserves the right to award contracts for these services, to multiple vendors, and does not guarantee any minimum services, or exclusive rights, to any one contractor.

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

s28

PARKS AND RECREATION

REVENUE AND CONCESSIONS

SOLICITATION

Services (other than human services)

**FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF BICYCLE RENTALS AND OTHER RECREATIONAL EQUIPMENT RENTALS ON STATEN ISLAND** - Competitive

Sealed Proposals - Judgment required in evaluating proposals - PIN#R46-BR-2021 - Due 10-21-21 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks"), is issuing, as of the date of this notice, a non-significant Request for Proposals ("RFP") proposals, for the development, operation and maintenance of bicycle rentals and other recreational equipment rentals, at various locations, on Staten Island, with the option for future Staten Island locations.

There will be a recommended remote proposer meeting, on Friday, October 1, 2021, at 1:00 P.M. If you are considering responding to this RFP, please make every effort to attend this recommended remote proposer meeting.

The Microsoft Teams link for the remote proposer meeting is as follows:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_Y2ZhMjFhYTMtMGE4Zi00ODY0LTg4ZWYtZTBIN2ExMDkzZDk3%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%22d47d17ec-c51f-4e53-ad23-fce00dfe3654%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_Y2ZhMjFhYTMtMGE4Zi00ODY0LTg4ZWYtZTBIN2ExMDkzZDk3%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%22d47d17ec-c51f-4e53-ad23-fce00dfe3654%22%7d)

You may also join the remote proposer meeting by phone using the following information:

Dial: +1 646-893-7101 Phone Conference ID: 579 956 151#

Subject to availability and by appointment only, we may set up a meeting at the proposed pre-approved concession site, at the FDR Boardwalk and Sand Lane.

All proposals submitted in response to this RFP, must be submitted no later than Thursday, October 21, 2021, at 3:00 P.M. Hard copies of the RFP can be obtained at no cost, commencing Monday, September 20, 2021 through Thursday, October 21, 2021, by contacting Eric Weiss, Senior Project Manager, at (212) 360-3483, or at, Eric.Weiss@parks.nyc.gov.

The RFP is also available for download, on Monday, September 20, 2021 through Thursday, October 21, 2021, on Parks' website. To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities>, and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

For more information, or if you cannot attend the remote proposer meeting, prospective proposers may contact Eric Weiss, Senior Project Manager, at (212) 360-3483, or at, Eric.Weiss@parks.nyc.gov.

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

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

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

s20-o1

**AGENCY RULES**

**HEALTH AND MENTAL HYGIENE**

NOTICE

**ORDER OF THE COMMISSIONER OF HEALTH AND MENTAL HYGIENE REQUIRING COVID-19 VACCINATION FOR INDIVIDUALS WORKING IN CERTAIN CHILD CARE PROGRAMS**

**WHEREAS**, on March 12, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 98 declaring a state of emergency in the City to address the threat posed by COVID-19 to the health and welfare of City residents, and such order remains in effect; and

**WHEREAS**, on March 25, 2020, the Commissioner of Health and Mental Hygiene declared the existence of a public health emergency within the City to address the continuing threat posed by COVID-19 to the health and welfare of City residents, and such declaration and public health emergency continue to be in effect; and

**WHEREAS**, pursuant to Section 558 of the New York City Charter (the "Charter"), the Board of Health may embrace in the Health Code all matters and subjects to which the power and authority of the Department of Health and Mental Hygiene (the "Department") extends; and

**WHEREAS**, pursuant to Section 556 of the Charter and Section 3.01(c) of the Health Code, the Department is authorized to supervise the control of communicable diseases and conditions hazardous to life and health and take such actions as may be necessary to assure the maintenance of the protection of public health; and

**WHEREAS**, the U.S. Centers for Disease Control and Prevention ("CDC") reports that new variants of COVID-19, identified as "variants of concern" have emerged in the United States, and some of these new variants which currently account for the majority of COVID-19 cases sequenced in New York City, are more transmissible than earlier variants; and

**WHEREAS**, the CDC has stated that vaccination is an effective tool to prevent the spread of COVID-19 and benefits both vaccine recipients and those they come into contact with, including persons who for reasons of age, health, or other conditions cannot themselves be vaccinated; and

**WHEREAS**, the CDC has recommended that school teachers and staff be "vaccinated as soon as possible" because vaccination is "the most critical strategy to help schools safely resume full operations [and] is the leading public health prevention strategy to end the COVID-19 pandemic;" and

**WHEREAS**, on September 9, 2021, President Joseph Biden announced that staff who work in Head Start programs and in schools run by the Bureau of Indian Affairs and Department of Defense will be required to be vaccinated in order to implement the CDC's recommendations; and

**WHEREAS**, on August 26, 2021, New York State Department of Health adopted emergency regulations requiring staff of inpatient hospitals and nursing homes to receive the first dose of a vaccine by September 27, 2021, and staff of diagnostic and treatment centers, hospices, home care and adult care facilities to receive the first dose of a vaccine by October 7, 2021; and

**WHEREAS**, Section 17-104 of the Administrative Code of the City of New York directs the Department to adopt prompt and effective measures to prevent the communication of infectious diseases such as COVID-19, and in accordance with Section 17-109(b), the Department may adopt vaccination measures to effectively prevent the spread of communicable diseases; and

**WHEREAS**, the City is committed to safe, in-person learning in all schools, following strong public health science; and

**WHEREAS**, the CDC notes that early childhood programs such as child care centers, school-based child care, and home-based child care, as well as afterschool programs and other child care programs, serve children under the age of 12 who are not eligible for vaccination at this time, making implementation of layered prevention strategies in such programs critical to protecting children; and

**WHEREAS**, child care programs serve hundreds of thousands of children and families across the City, including those in communities that have been disproportionately affected by the COVID-19 pandemic; and

**WHEREAS**, the City Department of Education ("DOE") and Department of Youth and Community Development ("DYCD") contract with community-based providers for early care and education programs, Universal Pre-Kindergarten, Early Learn, Head Start, family and group family day care, pre-school special education services, and afterschool, Beacon, and Cornerstone programs; and

**WHEREAS**, a system of vaccination for individuals working in child care centers, school-based child care, and home-based child care, as well as afterschool programs and other child care programs, will potentially save lives, protect public health, and promote public safety; and

**WHEREAS**, pursuant to Section 3.01(d) of the Health Code, I am authorized to issue orders and take actions that I deem necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat and a public health emergency has been declared pursuant to such section; and

**WHEREAS**, on August 24, 2021 I issued, and on September 12, 2021 I updated, an Order requiring COVID-19 vaccination for DOE employees, contractors, visitors, and others who work in-person at or visit a DOE school setting or DOE building;

**NOW THEREFORE** I, Dave A. Chokshi, MD, MSc, Commissioner of Health and Mental Hygiene, finding that a public health emergency within New York City continues, and that it is necessary for the health and safety of the City and its residents, do hereby exercise the power of

the Board of Health to prevent, mitigate, control and abate the current emergency, and hereby order that:

1. No later than September 27, 2021, every covered child care program must exclude from the premises any staff person who has not provided proof of vaccination against COVID-19, as defined in this Order.
2. All staff persons newly hired on or after the effective date of this order by a covered childcare program must provide proof of vaccination against COVID-19 to their employer on or before their start date.
3. Each covered child care program must securely maintain records of staff persons' proof of vaccination against COVID-19. Records may be kept electronically or on paper and must be made available to the Department immediately upon request. Records must include the following information:
  - a. Each staff person's name and start date at the covered child care program.
  - b. The type of proof of vaccination submitted; the date such proof was collected by the covered child care program; the brand of vaccine administered; and whether the person is fully vaccinated, as defined in this Order.
  - c. For any staff person who submits proof of the first dose of a two-dose vaccine, the date by which proof of the second dose must be provided, which must be no later than 45 days after the first dose.
4. For the purposes of this Order:

"Covered child care program" means early childhood programs or services provided under contract with DOE for Birth-to-5 and Head Start services for infants, toddlers, and preschoolers including 3-k and pre-k services as well as early education programs serving young children with disabilities, Early Learn, pre-school special education pursuant to section 4410 of the Education Law, or by family home-based family childcare providers contracted through family child care networks, or programs under contract with DYCD for after school, Beacon, and Cornerstone.

"Fully vaccinated" means at least two weeks have passed after an individual received a single-dose of a vaccine that requires only one dose or the second dose in a two-dose series of a COVID-19 vaccine authorized or approved for use by the U.S. Food and Drug Administration or authorized for emergency use by the World Health Organization.

"Premises" means locations where children are regularly present at covered child care programs.

"Proof of vaccination against COVID-19" means one of the following documents demonstrating that an individual has either (a) been fully vaccinated against COVID-19; (b) received one dose of a single-dose COVID-19 vaccine; or (c) received the first dose of a two-dose COVID-19 vaccine, provided that a staff person providing proof of only such first dose provides proof of receiving the second dose of that vaccine within 45 days after receiving the first dose:

- i. A CDC COVID-19 Vaccination Record Card or other official immunization record from the jurisdiction, city, state, or country where the vaccine was administered that provides the person's name, vaccine brand, and date administered. Such card or record may be shown in original paper copy or by digital or physical photo of such a card or record, including a photo shown on the New York City COVID Safe Pass; or
- ii. A New York State Excelsior Pass populated as required with valid identification and vaccination proof.

"Staff person of a child care program" means an employee, contractor, volunteer or intern of the covered child care program who works in-person on the premises; a graduate, undergraduate or high school student placed by their educational institution at the covered child care program as part of an academic program and who works in-person on the premises; a specialist providing support services, therapy, special education or other services at the covered child care program to an individual child pursuant to a mandate for the child and who works in-person on the premises; or a person employed by a contractor of the covered child care program, including independent contractors, who works in-person on the premises. "Staff person" does not include a person who is onsite briefly for a limited purpose, such as to make a delivery or pick-up or perform a repair.

5. This Order shall be effective immediately and remain in effect until rescinded, subject to the authority of the Board of

Health to continue, rescind, alter, or modify this Order, pursuant to Section 3.01(d) of the Health Code.

Dated: September 12, 2021

/s/ Dave A. Chokshi, M.D., MSc  
Commissioner

• s28

**ORDER OF THE COMMISSIONER OF HEALTH AND MENTAL HYGIENE TO REQUIRE COVID-19 VACCINATION FOR DEPARTMENT OF EDUCATION EMPLOYEES, CONTRACTORS, VISITORS, AND OTHERS**

**WHEREAS**, on March 12, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 98 declaring a state of emergency in the City to address the threat posed by COVID-19 to the health and welfare of City residents, and such order remains in effect; and

**WHEREAS**, on March 25, 2020, the New York City Commissioner of Health and Mental Hygiene declared the existence of a public health emergency within the City to address the continuing threat posed by COVID-19 to the health and welfare of City residents, and such declaration and public health emergency continue to be in effect; and

**WHEREAS**, pursuant to Section 558 of the New York City Charter (the "Charter"), the Board of Health may embrace in the Health Code all matters and subjects to which the power and authority of the Department of Health and Mental Hygiene (the "Department") extends; and

**WHEREAS**, pursuant to Section 556 of the Charter and Section 3.01(c) of the Health Code, the Department is authorized to supervise the control of communicable diseases and conditions hazardous to life and health and take such actions as may be necessary to assure the maintenance of the protection of public health; and

**WHEREAS**, the U.S. Centers for Disease Control and Prevention ("CDC") reports that new variants of COVID-19, identified as "variants of concern" have emerged in the United States, and some of these new variants which currently account for the majority of COVID-19 cases sequenced in New York City, are more transmissible than earlier variants; and

**WHEREAS**, the CDC has stated that vaccination is an effective tool to prevent the spread of COVID-19 and benefits both vaccine recipients and those they come into contact with, including persons who for reasons of age, health, or other conditions cannot themselves be vaccinated; and

**WHEREAS**, the CDC has recommended that school teachers and staff be "vaccinated as soon as possible" because vaccination is "the most critical strategy to help schools safely resume full operations [and] is the leading public health prevention strategy to end the COVID-19 pandemic;" and

**WHEREAS**, on September 9, 2021, President Joseph Biden announced that staff who work in Head Start programs and in schools run by the Bureau of Indian Affairs and Department of Defense will be required to be vaccinated in order to implement the CDC's recommendations; and

**WHEREAS**, on August 26, 2021, New York State Department of Health adopted emergency regulations requiring staff of inpatient hospitals and nursing homes to receive the first dose of a vaccine by September 27, 2021, and staff of diagnostic and treatment centers, hospices, home care and adult care facilities to receive the first dose of a vaccine by October 7, 2021; and

**WHEREAS**, Section 17-104 of the Administrative Code of the City of New York directs the Department to adopt prompt and effective measures to prevent the communication of infectious diseases such as COVID-19, and in accordance with Section 17-109(b), the Department may adopt vaccination measures to effectively prevent the spread of communicable diseases; and

**WHEREAS**, the City is committed to safe, in-person learning in all pre-school to grade 12 schools, following public health science; and

**WHEREAS**, the New York City Department of Education ("DOE") serves approximately 1 million students across the City, including students in the communities that have been disproportionately affected by the COVID-19 pandemic and students who are too young to be eligible to be vaccinated; and

**WHEREAS**, a system of vaccination for individuals working in school settings, including DOE buildings and charter school buildings, will potentially save lives, protect public health, and promote public safety; and

**WHEREAS**, pursuant to Section 3.01(d) of the Health Code, I am authorized to issue orders and take actions that I deem necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an

existing threat and a public health emergency has been declared pursuant to such section; and

**WHEREAS**, on August 24, 2021, I issued an order requiring COVID-19 vaccination for DOE employees, contractors, and others who work in-person in a DOE school setting or DOE building, which was amended on September 12, 2021; and

**WHEREAS**, unvaccinated visitors to public school settings could spread COVID-19 to students and such individuals are often present in public school settings and DOE buildings;

**NOW THEREFORE** I, Dave A. Chokshi, MD, MSc, Commissioner of Health and Mental Hygiene, finding that a public health emergency within New York City continues, and that it is necessary for the health and safety of the City and its residents, do hereby exercise the power of the Board of Health to prevent, mitigate, control and abate the current emergency, to

**RESCIND and RESTATE** my September 12, 2021 Order relating to COVID-19 vaccination for DOE employees, contractors, visitors, and others; and

I hereby order that:

1. No later than September 27, 2021, or prior to beginning employment, the following individuals must provide proof of vaccination as described below:
  - a. DOE staff must provide proof of vaccination to the DOE.
  - b. City employees who work in-person in a DOE school setting, DOE building, or charter school setting must provide proof of vaccination to their employer.
  - c. Staff of contractors of DOE or the City, as defined below, must provide proof of vaccination to their employer, or if self-employed, to the DOE.
  - d. Staff of any charter school serving students up to grade 12, and staff of contractors hired by charter schools co-located in a DOE school setting to work in person in a DOE school setting or DOE building, must provide proof of vaccination to their employer, or if self-employed, to the contracting charter school.
2. An employer to whom staff must submit proof of vaccination status, must securely maintain a record of such submission, either electronically or on paper, and must demonstrate proof of compliance with this Order, including making such records immediately available to the Department upon request.
3. Beginning September 13, 2021, all visitors to a DOE school building must show prior to entering the building that they have:
  - a. Been fully vaccinated; or
  - b. Received a single dose vaccine, or the second dose of a two-dose vaccine, even if two weeks have not passed since they received the dose; or
  - c. Received the first dose of a two-dose vaccine.
4. Public meetings and hearings held in a DOE school building must offer individuals the opportunity to participate remotely in accordance with Part E of Chapter 417 of the Laws of 2021.
5. For the purposes of this Order:
 

"Charter school setting" means a building or portion of building where a charter school provides instruction to students in pre-kindergarten through grade 12 that is not collocated in a DOE building.

"DOE school setting" includes any indoor location where instruction is provided to DOE students in public school pre-kindergarten through grade 12, including but not limited to locations in DOE buildings, and including residences of students receiving home instruction and places where care for children is provided through DOE's LYFE program. DOE school settings include buildings where DOE and charter schools are co-located.

"DOE staff" means (i) full or part-time employees of the DOE, and (ii) DOE interns (including student teachers) and volunteers.

"Fully vaccinated" means at least two weeks have passed after an individual received a single dose of a COVID-19 vaccine that only requires one dose, or the second dose of a two-dose series of a COVID-19 vaccine approved or authorized for use by the Food and Drug Administration or World Health Organization.

"Proof of vaccination" means proof that an individual:
 
  - a. Has been fully vaccinated;
  - b. Has received a single dose vaccine, or the second dose of a two-dose vaccine, even if two weeks have not passed since they received the dose; or

- c. Has received the first dose of a two-dose vaccine, in which case they must additionally provide proof that they have received the second dose of that vaccine within 45 days after receipt of the first dose.

“Staff of contractors of DOE or the City” means a full or part-time employee, intern or volunteer of a contractor of DOE or another City agency who works in-person in a DOE school setting, a DOE building, or a charter school, and includes individuals working as independent contractors.

“Visitor” means an individual, not otherwise covered by Paragraph 1 of this Order, who will be present in a DOE school building, except that “visitor” does not include:

- a. Students attending school or school-related activities in a DOE school setting;
- b. Parents or guardians of students who are conducting student registration or for other purposes identified by DOE as essential to student education and unable to be completed remotely;
- c. Individuals entering a DOE school building for the limited purpose to deliver or pick up items;
- d. Individuals present in a DOE school building to make repairs at times when students are not present in the building;
- e. Individuals responding to an emergency, including police, fire, emergency medical services personnel, and others who need to enter the building to respond to or pick up a student experiencing an emergency;
- f. Individuals entering for the purpose of COVID-19 vaccination;
- g. Individuals who are not eligible to receive a COVID-19 vaccine because of their age; or
- h. Individuals entering for the purposes of voting or, pursuant to law, assisting or accompanying a voter or observing the election.

“Works in-person” means an individual spends any portion of their work time physically present in a DOE school setting, DOE building, or charter school setting. It does not include individuals who enter such locations for the limited purpose to deliver or pick up items unless the individual is otherwise subject to this Order. It also does not include individuals present such locations to make repairs at times when students are not present in the building unless the individual is otherwise subject to this Order.

- 6. Nothing in this Order shall be construed to prohibit any reasonable accommodations otherwise required by law.
- 7. This Order shall be effective immediately and remain in effect until rescinded, subject to the authority of the Board of Health to continue, rescind, alter or modify this Order pursuant to Section 3.01(d) of the Health Code.

Dated: September 15, 2021 /s/ Dave A. Chokshi, M.D., MSc  
Commissioner

← s28

**ORDER OF THE COMMISSIONER OF HEALTH AND MENTAL HYGIENE TO REQUIRE COVID-19 VACCINATION FOR PARTICIPATION IN HIGH RISK EXTRACURRICULAR ACTIVITIES**

**WHEREAS**, on March 12, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 98 declaring a state of emergency in the City to address the threat posed by COVID-19 to the health and welfare of City residents, and such order remains in effect; and

**WHEREAS**, on March 25, 2020, the New York City Commissioner of Health and Mental Hygiene declared the existence of a public health emergency within the City to address the continuing threat posed by COVID-19 to the health and welfare of City residents, and such declaration and public health emergency continue to be in effect; and

**WHEREAS**, pursuant to Section 3.01(d) of the New York City Health Code (“Health Code”), the existence of a public health emergency within the City as a result of COVID-19, for which certain orders and actions are necessary to protect the health and safety of the City of New York and its residents, was declared; and

**WHEREAS**, pursuant to Section 558 of the New York City Charter (the “Charter”), the Board of Health may embrace in the Health Code all matters and subjects to which the power and authority of the Department of Health and Mental Hygiene (the “Department”) extends; and

**WHEREAS**, pursuant to Section 556 of the Charter and Section 3.01(c) of the Health Code, the Department is authorized to supervise the control of communicable diseases and conditions hazardous to life and health and take such actions as may be necessary to assure the maintenance of the protection of public health; and

**WHEREAS**, the U.S. Centers for Disease Control and Prevention (“CDC”) reports that new variants of COVID-19, identified as “variants of concern” have emerged in the United States, and some of these new variants which currently account for the majority of COVID-19 cases sequenced in New York City, are more transmissible than earlier variants; and

**WHEREAS**, on August 5, 2021, the CDC issued updated guidance stating that vaccination is the leading public health prevention strategy to end the COVID-19 pandemic and that promoting vaccination can help schools safely return to in-person learning as well as extracurricular activities and sports; and

**WHEREAS**, the updated CDC guidance further states, “High-risk sports and extracurricular activities should be virtual or canceled in areas of high community transmission unless all participants are fully vaccinated”;<sup>1</sup> and

**WHEREAS**, under the CDC criteria, New York City is an area of high community transmission;<sup>2</sup> and

**WHEREAS**, on August 12, 2021, the New York State Education Department (“NYSED”) issued guidance for the 2021–2022 school year that recognizes the importance of school-sponsored sports and extracurricular activities for providing students with enrichment opportunities that can help them learn and achieve and support their social, emotional, and mental health, provided however, that high-risk sports and extracurricular activities should be virtual or canceled in areas of high community transmission unless all participants are fully vaccinated;<sup>3</sup> and

**WHEREAS**, on August 20, 2021, the New York City Schools Chancellor issued a declaration that all participants in Public Schools Athletic League (“PSAL”) sports designated as high risk, or PSAL sports otherwise requiring vaccination because they take place in spaces subject to New York City Mayor Emergency Executive Order No. 225 (including any extensions and revisions of such order), are required to be vaccinated against COVID-19 as a condition of participation, absent a duly granted exemption from such vaccination requirement; and

**WHEREAS**, on August 24, 2021 I issued, and on September 12, 2021 I updated, an Order requiring COVID-19 vaccination for New York City Department of Education (“DOE”) employees, contractors, visitors and others who work in-person in or visit a DOE school setting or DOE building; and

**WHEREAS**, on September 2, 2021, the New York State Department of Health (“NYSDOH”) issued guidance reiterating the CDC guidance that extracurricular activities that are high risk or elevated risk, such as activities that involve singing, shouting, band, and exercise that could lead to increased exhalation, should be conducted virtually or cancelled in areas of high community transmission unless all participants are fully vaccinated;<sup>4</sup> and

**WHEREAS**, Section 17-104 of the Administrative Code of the City of New York directs the Department to adopt prompt and effective measures to prevent the communication of infection diseases such as COVID-19, and in accordance with Section 17-109(b), the Department may adopt vaccination measures in order to most effectively prevent the spread of communicable diseases; and

**WHEREAS**, DOE serves approximately 1 million students across the City, including students in the communities that have been disproportionately affected by the COVID-19 pandemic and students who are too young to be eligible to be vaccinated; and

**NOW THEREFORE** I, Dave A. Chokshi, MD, MSc, Commissioner of Health and Mental Hygiene, finding that a public health emergency within New York City continues, and that it is necessary for the health and safety of the City and its residents, do hereby exercise the power of

- 1 CDC Guidance for COVID Prevention in K-12 Schools, update August 5, 2021, available online, at: [https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html#anchor\\_1625662058182](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html#anchor_1625662058182).
- 2 CDC, COVID Data Tracker available online, at <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>.
- 3 New York State Department of Health, Health and Safety Guide for the 2021 – 2022 School Year, available online, at <http://www.nysed.gov/common/nysed/files/programs/back-school/nysed-health-and-safety-guide-for-the-2021-2022-school-year.pdf>.
- 4 New York State Department of Health, Interim NYSDOH Guidance for Classroom Instruction in P-12 Schools During the 2021-2022 Academic Year, available online, at [https://coronavirus.health.ny.gov/system/files/documents/2021/09/school-guidance\\_0.pdf](https://coronavirus.health.ny.gov/system/files/documents/2021/09/school-guidance_0.pdf).

the Board of Health to prevent, mitigate, control and abate the current emergency, and hereby order that:

1. All participants in high risk extracurricular sports and other high risk extracurricular activities who are eligible to be vaccinated must be fully vaccinated to participate.
2. Where participants in high risk extracurricular sports and other high risk extracurricular activities are not eligible to be vaccinated because of age, schools must implement mitigation measures to maximize the safety of all people, including players, coaches, and spectators.
3. For the purposes of this Order:
  - a. "High risk extracurricular sports" means sports, including PSAL sports, designated by DOE as high risk using criteria established by the CDC, NYSED, or NYSDOH.
  - b. "Other high risk extracurricular activities" means extracurricular activities that involve increased exhalation, such as singing, shouting, band, orchestra, chorus, musical theatre, dance/dance team, marching band, cheerleading, step teams and flag teams.
  - c. "Participants" means DOE students, and charter school students who participate in the PSAL.
  - d. "Fully vaccinated" means at least two weeks have passed after an individual received a single-dose of a vaccine that requires only one dose or the second dose in a two-dose series of a COVID-19 vaccine authorized for use by the U.S. Food and Drug Administration or the World Health Organization, *provided that*:
    - i. For extracurricular activities that are scheduled to start in September or October, a student will be deemed to have satisfied the requirement to be fully vaccinated if the student receives the first dose by September 27, 2021, with the second dose, if required, completed in accordance with the applicable schedule for the type of vaccine received (*e.g.*, currently 3 weeks after first dose for Pfizer and 4 weeks after first dose for Moderna). For extracurricular activities scheduled to start later in the school year, the student must be fully vaccinated by the start of the activity;
    - ii. For fall PSAL sports, a student will be deemed to have satisfied the requirement to be fully vaccinated if the student receives the first dose by the first day of competitive play of the applicable sport, with the second dose, if required, completed in accordance with the applicable schedule for the type of vaccine received (*e.g.*, currently 3 weeks after first dose for Pfizer and 4 weeks after first dose for Moderna). For winter and spring PSAL sports, the student must be fully vaccinated by the start of practices for the applicable sport; and
    - iii. For students who turn 12 during the school year, a student will be deemed to have satisfied the requirement to be fully vaccinated if the student receives the first dose within 2 weeks of their birthday and completes the second dose, if required, in accordance with the applicable schedule for the type of vaccine received (*e.g.*, currently 3 weeks after first dose for Pfizer and 4 weeks after first dose for Moderna or such other timeline if authorization is given for other vaccines).

Dated: September 15, 2021

/s/ Dave A. Chokshi, M.D., MSC  
Commissioner

◀ s28

#### Notice of Adoption of Amendments to Article 173 of the New York City Health Code

At the April 13, 2021 meeting of the New York City Board of Health ("Board"), the Department presented a notice of intention ("NOI") to amend Article 173 of the New York City Health Code ("the Health Code"). The Board approved the NOI as presented for publication. In compliance with section 1043(b) of the New York City Charter ("the Charter") and pursuant to the authority granted to the Board by section 558 of the Charter, the NOI was published in the New York City Record on April 20, 2021. A public hearing was held on May 21, 2021. No one testified at the hearing and no written comments were received. After consideration of the comments made by the Board, changes have been made to improve clarity of the amendments and provide the City's children further protection against the dangers of

lead-based and unsafe lead paint. At its meeting on September 17, 2021, the Board of Health adopted the following resolutions.

#### Statement of Basis and Purpose

New York City has been on the forefront of action to protect its residents from lead paint hazards since 1960. Most recently, in 2019, the Board amended Article 173 of the Health Code with significant new safeguards for children by, among other things, lowering both the childhood blood lead level triggering mandatory Department investigations and the lead dust action level for paint that is not intact in the homes of children with elevated blood lead levels (EBLL).<sup>1</sup>

On August 20, 2020, the Board received a petition, submitted pursuant to Health Code Article 9, to amend Article 173 with respect to lead-based paint. The petition proposed (1) to make explicit that the Department's investigations of places where a child spends five or more hours per week be conducted for children with a blood lead level at or above five mcg/dL, rather than 15 mcg/dL, and (2) to clarify in the Health Code that the Department has the authority to order abatement or remediation of lead-based paint and dust in locations frequented by children under age six other than their homes. Both proposals would bring the Health Code into alignment with Department practice. Indeed, for over 25 years, it has been Department practice to investigate all locations frequented by children with known EBLLs to identify and order remediation of lead-based paint hazards. And for many years, these investigations have included locations where children spend more five or more hours per week.

In addition, the City Council recently adopted new lead poisoning prevention provisions that become effective in October of 2022. Pursuant to these changes, Administrative Code § 27-2056.2(7)(c) will provide that the more protective unsafe lead paint standard of 0.5 milligram per square centimeter applies to any location regulated under Health Code Article 43 or 47 where a child under the age of six with an elevated blood lead level spends 10 or more hours per week.

At its April 30, 2021 meeting, members of the Board commented on the use of different age thresholds for Department investigation proposed in sections 173.13(a) and 173.13(d)(1) of the Health Code; the former used the age of 18 years while the latter used the age of six years. Similarly, the Board commented on the use of the phrase "primarily used or occupied by children under the age of six years" twice in section 173.13(d)(1) as unnecessarily limiting the Department's scope of authority to investigate locations where lead-based paint might be present. After consideration of these comments and to provide greater protection to New York City's children, the phrase in section 173.13(d)(1) is changed to "used or occupied by children under the age of 18" in both instances.

In addition, to align the Health Code with the recent change to the Local Law, as well as with Department practice for investigations as requested by the petition, the Board is adding a new definition of "supplemental address" to mean locations where a child with an EBLL spends five or more hours, and amending the definition of "unsafe lead paint hazard" as of October 17, 2022, to include such hazards in supplemental addresses regulated by Articles 43 and 47 of the Health Code. The Board is also removing provisions regarding lead dust action levels that will no longer be applicable as of June 1, 2021. The new, more protective lead dust action levels were already added to the Health Code in 2019 with a June 1, 2021 effective date.

#### Statutory Authority

These amendments to the Health Code are promulgated pursuant to Sections 558 and 1043 of the New York City Charter. Section 558 empowers the Board to amend the Health Code and to include in the Health Code all matters to which the authority of the Department extends. Section 1043 grants the Department rulemaking authority.

The proposal is as follows:

New material is underlined.

[Deleted material is in brackets.]

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

**RESOLVED**, that subdivision (a) of section 173.13 of Article 173 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended to add a new paragraph as follows:

- (4) Investigations. Whenever a report has been made to the Department of a child under 18 years of age with a blood lead level of five (5) micrograms per deciliter or higher, the Department shall conduct such investigation as may be necessary to identify potential sources of the elevated blood lead level, including but not limited to, an inspection of the dwelling unit where such child resides and any supplemental address of that child.

<sup>1</sup> New York City Record, June 19, 2019, at 3049 *et seq.*

**RESOLVED**, that paragraphs (1) and (2) of subdivision (d) of section 173.13 of Article 173 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended to read as follows:

- (1) *Generally*. When the Department finds that there is lead-based paint, or dust with a lead content in excess of the clearance levels specified in § 173.14(e) of this Code, on the interior of any dwelling, supplemental address, or other premises, such premises including but not limited to, child care services, schools, and recreational facilities used or occupied by children under the age of 18, or concentrations of lead in the paint on the exterior of a dwelling, that may be creating a danger to health, it may in such cases as it deems essential, order the abatement or remediation of any such condition in a manner and under such safety conditions as it may specify. The Department may also order the removal or covering of soil appurtenant to any dwelling or other premises, including but not limited to, child care services, schools, and recreational facilities [primarily] used or occupied by children under the age of [six years] 18 when it determines that there are concentrations of lead in such soil which exceed allowable limits of the U.S. Environmental Protection Agency found in 40 C.F.R. Part 745, or successor regulations, and further determines that such concentrations may be dangerous to health.
- (2) *In [a] the dwelling [where] of a child with a blood lead level of five (5) micrograms per deciliter or greater[ resides]*. When the Department finds that [there is] the interior of any dwelling of a child under 18 years of age with a blood lead level of five (5) micrograms per deciliter or higher [residing in any dwelling and further finds that the interior of such dwelling] has a lead-based paint hazard because of its condition, location or accessibility to children, the Department shall order the abatement of any such condition in a manner and under such safety conditions as it may specify; in addition, until HPD adopts regulations described by paragraph (b) of subdivision (7) of section 27-2056.2 of the Administrative Code, the Department is authorized to order abatement when an unsafe lead paint hazard is present in such dwelling.

**RESOLVED**, that the definitions of “dwelling” and “unsafe lead paint hazard” in subdivision b of section 173.14 of Article 173 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, and a definition of “supplemental address” be added in alphabetical order, to read as follows:

**Dwelling.** “Dwelling” shall mean any building or structure or portion thereof, which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings. For the purpose of investigations and orders issued by the Commissioner pursuant to § 173.13 of this Code, dwelling shall include exteriors, yards or other areas of the building[, and shall also include any structure in which a child with a blood lead level equal to or in excess of 15 micrograms per deciliter spends more than five hours per week].

**Supplemental address.** “Supplemental address” shall mean any location where a child with a blood lead level equal to or in excess of five (5) micrograms per deciliter spends five (5) or more hours per week.

**Unsafe lead paint hazard.** “Unsafe lead paint hazard” shall mean any condition in a dwelling, [or] dwelling unit, or on or after October 17, 2022, any supplemental address of a child of applicable age that is regulated by Article 43 or 47 of this Code, that causes exposure to lead from unsafe lead paint that is peeling or present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces that could result in adverse human health effects.

**RESOLVED**, that subdivision e of section 173.14 of Article 173 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended to read as follows:

- (e) *Occupant protection.* All requirements of this subdivision that apply to lead-based paint or lead-based paint hazards shall also apply to unsafe lead paint and unsafe lead paint hazards, respectively.
  - (1) *Work ordered by the Department, or work that disturbs over 100 square feet of lead-based paint per room, regardless of whether such work is ordered by the Department, which is conducted in a child care service or kindergarten pursuant to § 47.63 or § 43.23 of this Code or § 17-911 of the Administrative Code, or work ordered by HPD in accordance with § 27-2056.11(a)(1) of the Administrative Code, or work performed pursuant to § 27-2056.11 (a)(2)(ii) of the Administrative Code:*

- ...
  - (I) *Clean-up and lead-contaminated dust clearance testing procedures.*
  - ...
    - (iv) *Clearance for permanent re-occupancy after completion of work.* Dust lead levels in excess of the following constitute contamination and require repetition of the clean-up and testing process in all areas where such levels are found. [Until May 31, 2021, areas where every sample result if below the following dust lead levels may be cleared for permanent re-occupancy:
 

Floors:	10 micrograms of lead per square foot.
Window Sills:	50 micrograms of lead per square foot.
Window Wells:	100 micrograms of lead per square foot.

 On and after June 1, 2021, areas] Areas where every sample result if below the following dust lead levels may be cleared for permanent re-occupancy:
 

Floors:	5 micrograms of lead per square foot.
Window Sills:	40 micrograms of lead per square foot.
Window Wells:	100 micrograms of lead per square foot.

Provided that, if EPA or HUD adopts lower definitions of lead-contaminated dust, those definitions shall apply for purposes of this subdivision. Only upon receipt of laboratory test results showing that the above dust lead levels are not exceeded in the dwelling may the work area be cleared for permanent re-occupancy. However, temporary access to work areas may be allowed, provided that clean-up is completed, and dust test samples have been collected, in compliance with § 173.14(e)(1)(D)(i),(ii) and (iii). The owner shall provide a copy of all lead-contaminated dust clearance test results to the occupants of the dwelling or dwelling unit. Copies of lead-contaminated dust wipe clearance test results shall be submitted to the Department whenever abatement or remediation of lead-based paint hazards has been ordered by the Department or Commissioner.

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**ORDER OF THE COMMISSIONER OF HEALTH AND MENTAL HYGIENE TO REQUIRE COVID-19 VACCINATION OR TESTING FOR STAFF IN RESIDENTIAL AND CONGREGATE SETTINGS**

**WHEREAS**, on March 12, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 98 declaring a state of emergency in the City to address the threat posed by COVID-19 to the health and welfare of City residents, and such order remains in effect; and

**WHEREAS**, on March 25, 2020, the New York City Commissioner of Health and Mental Hygiene declared the existence of a public health emergency within the City to address the continuing threat posed by COVID-19 to the health and welfare of City residents, and such declaration and public health emergency continue to be in effect; and

**WHEREAS**, pursuant to Section 3.01(d) of the New York City Health Code (“Health Code”), the existence of a public health emergency within the City as a result of COVID-19, for which certain orders and actions are necessary to protect the health and safety of the City of New York and its residents, was declared; and

**WHEREAS**, pursuant to Section 558 of the New York City Charter (the “Charter”), the Board of Health may embrace in the Health Code all matters and subjects to which the power and authority of the Department of Health and Mental Hygiene (the “Department”) extends; and

**WHEREAS**, pursuant to Section 556 of the Charter and Section 3.01(c) of the Health Code, the Department is authorized to supervise the control of communicable diseases and conditions hazardous to life and health and take such actions as may be necessary to assure the maintenance of the protection of public health; and

**WHEREAS**, the U.S. Centers for Disease Control (“CDC”) reports that new variants of COVID-19, identified as “variants of concern” have

emerged in the United States, and some of these new variants which currently account for the majority of COVID-19 cases sequenced in New York City, are more transmissible than earlier variants; and

**WHEREAS**, the CDC has stated that vaccination is an effective tool to prevent the spread of COVID-19 and benefits both vaccine recipients and those they come into contact with, including persons who for reasons of age, health, or other conditions cannot themselves be vaccinated; and

**WHEREAS**, section 17-104 of the Administrative Code of the City of New York directs the Department to adopt prompt and effective measures to prevent the communication of infectious diseases such as COVID-19; and

**WHEREAS**, in accordance with section 17-109(b) of such Administrative Code, the Department may adopt vaccination measures in order to most effectively prevent the spread of communicable diseases; and

**WHEREAS**, pursuant to Section 3.07 of the Health Code, no person “shall do or assist in any act which is or may be detrimental to the public health or to the life or health of any individual” or “fail to do any reasonable act or take any necessary precaution to protect human life and health;” and

**WHEREAS**, residential and congregate care settings operated by the City and its contractors provide services to all New Yorkers that are critical to the health, safety, and well-being of City residents, and should take reasonable measures to reduce the transmission of COVID-19 in providing such services; and

**WHEREAS**, a system of vaccination for individuals working in congregate settings will potentially save lives, protect public health, and promote public safety; and

**WHEREAS**, pursuant to Section 3.01(d) of the Health Code, I am authorized to issue orders and take actions that I deem necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat and a public health emergency has been declared pursuant to such section; and

**WHEREAS**, on July 21, 2021, I issued an order requiring staff in public healthcare settings to demonstrate proof of COVID-19 vaccination or undergo weekly testing;

**NOW THEREFORE** I, Dave A. Chokshi, MD, MSc, Commissioner of Health and Mental Hygiene, finding that a public health emergency within New York City continues, and that it is necessary for the health and safety of the City and its residents, do hereby exercise the power of the Board of Health to prevent, mitigate, control and abate the current emergency, and hereby order that:

1. Effective August 16, 2021, each staff member or contractor working at a residential or a congregate setting who has not submitted proof of full vaccination against COVID-19 to the agency or contractor for which they work must provide proof of a negative COVID-19 PCR diagnostic test (not an antibody test) at least once per week, to be provided in accordance with city policy.
2. A staff member who provides proof of full vaccination, in accordance with city policy, does not need to submit such proof of a negative test.
3. Within 90 days, the Department shall report to the Board of Health on the implementation of the requirements of this Order and any recommendations to further limit the spread of COVID-19 infection in congregate settings.

For the purposes of this Order:

- (i) “Full vaccination” means at least two weeks have passed after a person received a single-dose of an FDA- or WHO-approved one-dose COVID-19 vaccine or the second dose of an FDA- or WHO-approved two-dose COVID-19 vaccine, except that, for the purposes of this Order, a staff member who provides documentation of having received one dose of any COVID-19 vaccine before August 16, 2021 will be considered fully vaccinated even though two weeks have not passed since their final dose, so long as, if such staff member received a two-dose vaccine, the staff member provides documentation that the second dose has been administered before September 16, 2021.
- (ii) “Residential or congregate setting” means locations where City operated or contracted services are provided in a residential or congregate group setting, and are the following:
  - a. Shelters, including but not limited to family shelters, adult shelters, and safe havens, operated by the Department of Homeless Services or its contractors.

- b. Drop-in centers operated by the Department of Homeless Services or its contractors.
  - c. Domestic violence shelters operated by the Human Resources Administration or its contractors.
  - d. HIV/AIDS Services Administration shelters and supportive housing operated by the Human Resources Administration or its contractors.
  - e. Supportive housing operated by:
    - i. the Human Resources Administration or its contractors; or
    - ii. the Department of Health and Mental Hygiene or its contractors.
  - f. Reentry hotels operated by the Mayor’s Office of Criminal Justice or its contractors.
  - g. Transitional housing sites operated by the Mayor’s Office of Criminal Justice or its contractors.
  - h. Runaway and homeless youth shelters operated by the Department of Youth and Community Development or its contractors.
  - i. Drop-in centers operated by the Department of Youth and Community Development or its contractors.
  - j. Residential juvenile justice programs, including but not limited to secure and non-secure detention and Close to Home programs operated by the Administration for Children’s Services or its contractors.
  - k. Residential foster care operated by the Administration for Children’s Services or its contractors.
  - l. Children’s centers operated by the Administration for Children’s Services or its contractors.
  - m. Senior centers operated by the Department for the Aging or its contractors.
  - n. Naturally occurring retirement community programs operated by the Department for the Aging or its contractors.
  - o. Social adult day cares operated by the Department for the Aging or its contractors.
  - p. Jails operated by the Department of Corrections.
- (iii) “Staff member” means (i) a full or part-time employee of a City agency, or a contractor of a City agency, who works in a residential or congregate setting, and (ii) an intern or volunteer who works in-person with such City employee or contractor or with a recipient of services in a residential or congregate setting.

This Order shall be effective immediately and remain in effect until rescinded, subject to the authority of the Board of Health to continue, rescind, alter or modify this Order pursuant to Section 3.01(d) of the Health Code.

Dated: August 10<sup>th</sup>, 2021 /s/ Dave A. Chokshi, M.D., MSc  
Commissioner

• s28

**TRANSPORTATION**

■ NOTICE

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

**What are we proposing?** The New York City Department of Transportation (“DOT”) is proposing an amendment to DOT’s Traffic Rules prohibiting the operation of any moped share system in New York City without DOT’s prior written authorization, and more specifically establishing a permit process for moped share systems.

**When and where is the hearing?** DOT will hold a public hearing on the proposed rule online. The public hearing will take place on Thursday, October 28, 2021 at 2pm.

**Join through Internet:**

- To join the hearing via your browser either click on the following URL link or copy and paste it into your browser’s address bar.

Join Zoom Meeting  
<https://zoom.us/j/92363833889?pwd=WnNpVXM1QndXTWdNnXN1QzNtNXFTUT09>

Meeting ID: 923 6383 3889  
 Passcode: 129032

One tap mobile  
 +19292056099, 92363833889# US (New York)  
 +16465189805, 92363833889# US (New York)

Dial by your location  
 +1 929 205 6099 US (New York)  
 +1 646 518 9805 US (New York)

Meeting ID: 923 6383 3889  
 Find your local number: <https://zoom.us/u/abwtGOFBAb>

- Then follow the prompts.
- If you have low bandwidth or inconsistent Internet connection, we suggest you use the phone option below for the hearing.

#### Join via phone only:

- To join the meeting only by phone, use the following information to connect:
- Phone: 1-929-205-6099
- Meeting ID: 923 6383 3889
- Password: 129032

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

- **Website.** You can submit comments to DOT through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov).
- **Mail.** You can mail comments to Will Carry, 9th Floor, New York City Department of Transportation, 55 Water Street, New York, NY 10041.
- **Fax.** You can fax comments at 212-839-9685.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov) or calling 212-839-6500 by Wednesday, October 27, 2021 and including your name and affiliation. While you will be given an opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, the deadline for written comments is at 5:00 P.M. on Thursday, October 28, 2021.

**What if I need assistance to participate in the Hearing?** You must tell the DOT Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing other than the one(s) indicated above. You must tell us if you need a sign language interpreter. You can tell us by e-mailing at [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov) or calling 212-839-6500 by Thursday, October 21, 2021.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online and copies of all written comments concerning the proposed rule will be available through the DOT Freedom of Information Law (FOIL) Office, 55 Water Street, 4th Floor, New York, NY 10041.

**What authorizes DOT to make this rule?** Sections 1043 and 2903(a) of the New York City Charter (City Charter) authorizes DOT to make this proposed rule. This rule was not included in DOT's regulatory agenda as it was not anticipated when the agenda was published.

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

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

#### Statement of Basis and Purpose of Proposed Rule

The Commissioner of the New York City Department of Transportation ("DOT") is authorized to issue rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter.

Under the New York State Vehicle and Traffic Law, mopeds are considered limited use motorcycles that must be registered with the New York State Department of Motor Vehicles. Shared moped services have recently gained popularity as a mode of transportation. The growth in popularity of shared moped services has also created a number of safety concerns for New Yorkers. Therefore, in June 2021,

Local Law 67 of 2021 was enacted prohibiting the operation of a moped share system without DOT approval, and requiring providers to adhere to rules promulgated by DOT regarding operations, safety, and data sharing.

This proposed rule will establish a permit process for moped share systems pursuant to such local law. Specifically, the amendments to the DOT Traffic Rules would:

- Add a new Section 4-19 to Chapter 4 of Title 34 describing the permitting process for moped share systems.
- Add new subdivision (n) to Section 4-07 prohibiting the operation of all mopeds on the Brooklyn Bridge, Manhattan, Williamsburg, and Ed Koch Queensboro Bridges; or on any limited access highway; or on any bicycle lane or path.
- Amend Section 3-01 to add penalties associated with this rule.

New material is underlined.

[Deleted material is in brackets.]

**Section 1. Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new section 4-19 to read as follows:**

#### § 4-19. Permit for Moped Share Systems.

- (a) **Definitions.** For the purposes of this section, these are the meanings of the following terms:

**Moped.** The term "moped" means any limited use motorcycle as defined in section 121-b of the Vehicle and Traffic Law.

**Moped share system.** The term "moped share system" means a network of self-service and publicly available class B or class C limited use motorcycles that are registered in accordance with the New York State Vehicle and Traffic Law, and any related infrastructure, in which a trip begins and/or ends on any public highway in the City of New York. All mopeds in such a share system must be electric powered.

- (b) **Permit required.** Any operator of a moped share system must first obtain a permit from the Department for the use of or operation on any public highway (as defined in section 4-01 of these rules). This permit establishes the operator as a qualified moped share system operator and it also specifies the particular mopeds in the qualified operator's fleet that it is authorized to operate under this share system. Such permit shall constitute the moped share system permit authorized by the Department. However, such permit shall expire, by operation of law, if the Department exercises its option, pursuant to subdivision h of section 19-176.3 of the Administrative Code, to establish a moped share system through a procurement and contracting process.
- (c) **Moped share system permit fees.** In order to operate a moped share system, an operator must pay to the Department a moped share system permit fee of \$1,050 every six (6) months. Subject to paragraph (vi) below, if the moped share system permit is renewed, a permit holder must pay to the Department a moped share system permit renewal fee of \$4,100 every six (6) months.
- (d) **Application.** An application for a moped share system permit must be submitted on a form prescribed by the Department which will include, but not be limited to, the following information:
- (1) Legal name of the operator; its "Doing Business As" (DBA) certificate; certified copy of the Certificate of Incorporation and proof of registration with the New York State Department of State; company address; contact name; contact telephone number; contact e-mail address;
  - (2) Proof that all mopeds intended for use in the moped share system are registered with the New York State Department of Motor Vehicles and have a maximum speed of thirty miles per hour;
  - (3) Proof of automobile insurance for all mopeds intended for use in the moped share system;
  - (4) Make, model, length, weight, and battery range of all mopeds intended for use in the moped share system;
  - (5) Operating plan including proposed fleet size, rate structure, parking policies, and service area;
  - (6) Safety plan;
  - (7) Vehicle maintenance and inspection plan;
  - (8) Rider accountability and compliance plan;
  - (9) Community outreach plan;



- (10) Equity plan;
- (11) User terms and conditions; and
- (12) Any other information as specified in the application.
- (e) **Review of applications for and issuance of moped share system permits.**
- (1) The Department may decline to issue a share system permit to an applicant that:
- i. Is in arrears to the City of New York for an amount totaling more than one thousand dollars; or
  - ii. Does not provide proof of insurance; or
  - iii. Uses mopeds that are not owned or leased by the moped share system operator or rents mopeds to customers utilizing an application that is not owned by, or leased for the exclusive use of, the moped share system operator; or
  - iv. Has a demonstrated unsafe record in the City of New York or any other city where it operates a moped share system; or
  - v. Does not adhere to the conditions of any previously issued permit.
- (2) If the Department declines to issue such a permit because of any of the conditions described in paragraph (3) of subdivision (e) of this section or if the application is incomplete, the applicant will have fifteen days from receipt of the denial to appeal the determination to the Commissioner. The Department will make a final determination on the appeal within thirty days.
- (3) Conditions of moped share system permit. The permit holder must:
- i. Provide to the Department an operating plan outlining moped share system's service area, fee structure, parking policies, moped model specifications, and fleet size.
  - ii. Provide to the Department a safety plan outlining user safety and operating training, user helmet compliance measures, and other safety measures, which may include but are not limited to:
    - A. providing to users the option of in-person safety and operating training classes;
    - B. providing to users in-app safety and operating training;
    - C. submitting to the Department for review and approval its safety curricula and related materials; and
    - D. instituting a probationary period for new users with additional riding restrictions, unless the user takes an in-person safety and operating training class.
  - iii. Provide to the Department a user accountability and compliance plan outlining user monitoring measures which may include but are not limited to:
    - A. a community reporting tool enabling members of the public to report violations of traffic rules by users of the moped share system through the system's mobile application, website and e-mail;
    - B. a user sanctioning policy that does not include user monetary penalties; and
    - C. account sharing prevention measures;
  - iv. Provide to the Department a maintenance and inspection plan outlining the applicant's moped inspection, preventative maintenance, and repair program.
  - v. Provide to the Department a community outreach plan to stakeholders within the proposed area of operation.
  - vi. Provide to the Department an equity plan outlining measures to provide access to the moped share system to low- and moderate-income residents.
  - vii. Ensure that all mopeds in the permit holder's fleet are equipped with a helmet, including a helmet for any passengers (if applicable);
  - viii. Include no binding arbitration clause and no waiver of class action rights relating to personal injury
- claims in its customer terms of service, liability waiver, or any equivalent user agreement.
- ix. Protect the data of users, including but not limited to not sharing or selling of personal data with third parties, and providing data privacy when accessing any moped share system application.
  - x. Operate only during the hours of operation approved by the Department;
  - xi. Operate only within area(s) approved by the Department.
  - xii. Operate only a Department-approved number of mopeds in the moped share system.
  - xiii. Not operate in areas where mopeds are proscribed by law from being operated. This includes parks, bridges or any limited access highways where such usage is prohibited by the Department by rule.
  - xiv. Indemnify the City against legal liabilities associated with the use, operation, and occupancy of the public highway in its operations
  - xv. Track all crashes involving its moped share system.
  - xvi. Notify the Department of any crashes involving property damage and injuries and issues which could affect public safety, including but not limited to reports of criminal activity involving the moped share system, and incidents involving responses from the Police and Fire Departments.
  - xvii. Provide the Department with a thirty-day notice if a permit holder decides to discontinue its operations.
  - xviii. Clearly display the permit holder's name or logo and contact information prominently on each of its mopeds, however, no other logo or any kind of advertisement shall be allowed.
  - xix. Promptly notify the Department of any changes to the information provided in its application.
  - xx. Share and regularly report to the Department the data specified in subdivision (h) of this section.
  - xxi. Provide a performance bond to cover all costs and expenses that may be incurred by the City as a result of the authorized activity for which the permit is issued or for the purpose of otherwise safeguarding the interests of the City. The bond shall be in the form prescribed by the Department. Such performance bond described above shall cover all permitted activities described herein.
  - xxii. Comply with any terms and conditions of the permit issued by the Department, including but not limited to levels of service.
  - xxiii. Comply with all applicable laws, rules and regulations related to the operation of the moped share system.
- (f) **Term and renewal of permits.** Each moped share system permit will be issued for a term of six (6) months and may be renewed. The moped share system permit renewal process may include but will not be limited to a review of the utilization data and maintenance of the mopeds in the qualified operator's fleet.
- (g) **Suspension and revocation of share system permits.**
- (1) The Department may suspend or revoke a moped share system permit or reduce the authorized fleet size of the moped share system for failure to comply with any of the terms and conditions of the share system permit, these rules, or other applicable law or rule.
  - (2) Prior to suspending or revoking a moped share system permit or reducing the authorized fleet size of the moped share system, the permit holder will be provided with an opportunity to be heard within five business days.
  - (3) In the event that the Department revokes a moped share system permit, the permit holder must remove all of its mopeds within 24 hours of revocation.
  - (4) In the event that the Department reduces the authorized fleet size of the moped share system, the permit holder must remove the required number of mopeds within five business days of notification.
- (h) **Data sharing requirements.**

- (1) Each permit holder must provide to the Department, datasets that may include but are not limited to the following:
  - i. Vehicle data;
  - ii. Trip summary data;
  - iii. Trip telematics data;
  - iv. Membership and user data;
  - v. Crash and injury data;
  - vi. Rebalancing actions data;
  - vii. Vehicle/battery recharging/swapping data;
  - viii. Safety and training data;
  - ix. Vehicle maintenance and repair data;
  - x. User compliance data;
  - xi. Company Enforcement Actions data;
  - xii. Community reporting data;
  - xiii. Customer service data;
  - xiv. Vehicle and battery vandalism/damage/theft data;
  - xv. Any other dataset included in the terms and conditions of the permit or requested by the Department.
- (2) Data specified in paragraph (1) of this subdivision must be transmitted to the Department in real time, through a live application programming interface (API) such as those described in the Mobility Data Specification v1.0.0 or later, or comparable platforms. Other data is expected on at minimum a weekly basis. Crash and safety data should be relayed earlier, whenever possible.
- (3) Each permit holder must provide a public-facing Generalized Bikeshare Feed Specification (GBFS) API endpoint. An additional private GBFS endpoint will be provided for use by the Department, which does not rotate vehicle IDs, but rather employs static ones consistent with data described in (A) of this subdivision.
- (4) Each permit holder shall conduct an annual user survey in a form prescribed by the Department.

§2. Section 4-07 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new subdivision (n) to read as follows:

(n) **Mopeds restricted.** No moped as defined in section 4-19(a) of these rules shall operate on the Brooklyn Bridge, Manhattan Bridge, Williamsburg Bridge, and Ed Koch Queensboro Bridge, or on any limited access highway, or on any bicycle lane or path.

§3. Section 3-01 of Chapter 3 of Title 34 of the Rules of the City of New York is amended to read as follows:

Section	Description	Penalty (\$)	Default (\$)
Admin. Code 19-176.3	Operation of a moped share system without authorization from the department.	25,000	25,000
34 RCNY 4-19(d)(6)	Failure to provide or comply with a safety plan	5,000	15,000
34 RCNY 4-19(d)(7)	Failure to provide or comply with a vehicle maintenance and inspection plan;	5,000	15,000
34 RCNY 4-19(d)(8)	Failure to provide or comply with a rider accountability and compliance plan	5,000	15,000
34 RCNY 4-19(d)(9)	Failure to provide or comply with a community outreach plan	5,000	15,000
34 RCNY 4-19(d)(10)	Failure to provide or comply with an equity plan	5,000	15,000
34 RCNY 4-19(e)(3)	Failure to comply with the terms of a moped share system permit	5,000	15,000

Admin. Code 19-176.3; 34 RCNY 4-19	Any other violation of Administrative Code 19-176.3 or section 4-19 of these rules	500	1,000
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§4. Applications for a moped share system permit by any existing moped share operator must be submitted to the Department within 60 days from the effective date of this rule.

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

CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Permitting of Moped Share Companies

REFERENCE NUMBER: DOT-60

RULEMAKING AGENCY: Department of Transportation

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because the violations pose significant risks to public safety.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

September 20, 2021  
Date

NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028

CERTIFICATION PURSUANT TO  
CHARTER §1043(d)

RULE TITLE: Permitting of Moped Share Companies

REFERENCE NUMBER: 2021 RG 048

RULEMAKING AGENCY: Department of Transportation

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

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

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: September 20, 2021

Accessibility questions: rules@dot.nyc.gov or (212) 839-6500, by: Thursday, October 21, 2021, 5:00 P.M.



**SPECIAL MATERIALS**

**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 10/5/2021, 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
1	1790	44
3	1790	28
4	1790	46

Acquired in the proceeding entitled: FIFTEENTH AMENDED HARLEM-EAST HARLEM URBAN RENEWAL PLAN (EAST 125TH STREET), STAGES 1 AND 2 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  
s21-04

**OFFICE OF THE MAYOR**

■ NOTICE

**Emergency Executive Order 229  
August 30, 2021**

WHEREAS, the COVID-19 pandemic has severely impacted New York City and its economy, and is addressed effectively only by joint action of the City, State, and Federal governments; and

WHEREAS, the state of emergency to address the threat and impacts of COVID-19 in the City of New York first declared in Emergency Executive Order No. 98, and extended most recently by Emergency Executive Order No. 228, remains in effect; and

WHEREAS, additional reasons for requiring the measures continued in this Order are set forth in Emergency Executive Order No. 228;

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby direct that sections 2, 3, and 4 of Emergency Executive Order No. 228, dated August 25, 2021, are extended for five (5) days.

§ 2. I hereby direct the Fire and Police Departments, the Department of Buildings, the Sheriff, and other agencies as needed, to enforce the directives set forth in section 2 of Emergency Executive Order No. 228, as extended by this Order, in accordance with their lawful authorities, including Administrative Code sections 15-227(a), 28-105.10.1, and 28-201.1, and section 107.6 of the Fire Code. Violations of the directives set forth in section 2 of Emergency Executive Order 228, as extended by this Order, may be issued as if they were violations under the Health Code sections 3.07 and 3.11, and enforced by the Department of Health and Mental Hygiene or any other agency.

§ 3. This Emergency Executive Order shall take effect immediately, except that section 4(j) of Emergency Executive Order No. 228, as extended by this Order, shall take effect on September 13, 2021.

Bill de Blasio,  
MAYOR

☛ s28

EMERGENCY EXECUTIVE ORDER NO. 230  
DECLARATION OF LOCAL STATE OF EMERGENCY  
SEPTEMBER 1, 2021  
WEATHER EMERGENCY DECLARATION

WHEREAS, the public safety is imperiled by the remnants of Hurricane Ida that is expected to interrupt the flow of traffic, restrict the operation of emergency vehicles and impede the delivery of essential goods and services;

WHEREAS, the public safety is imperiled by a flash flood emergency that has flooded roads, impacted mass transit, and stranded motorists;

WHEREAS, heavy rain, thunderstorms, and flash flooding is expected to continue throughout tonight and until early Thursday morning; and

WHEREAS, it is necessary to restrict vehicular traffic as provided herein in order to protect life and property;

NOW THEREFORE, by the power vested in me as Mayor of the City of New York pursuant to law, including Executive Law § 24 and Vehicle and Traffic Law § 1602, I hereby proclaim a state of local emergency in the City of New York and order:

Section 1. Except as otherwise provided in section 2 of this order, for the duration of the current state of local emergency, the streets and highways of the City are closed for vehicular traffic, effective 11:45 P.M. on Wednesday, September 1, 2021 to 5:00 A.M. on Thursday, September 2, 2021.

§ 2. The following vehicles may operate on City streets and highways while the state of emergency remains in effect:

1. MTA buses, Access-a-Ride vehicles, and other vehicles used for purposes of any federal, state or local government agency, including vehicles operated by contractors hired by any government agency for the purpose of responding to this emergency;
2. Vehicles used for the purposes of any private agency, organization or group organized and functioning for the purpose of providing fire, medical, ambulance, rescue, housing, food or other services directed toward relieving human suffering, injury or loss of life or damage to property as a result of an emergency, including non-profit and governmentally-supported organizations;
3. Vehicles used to deliver food, medical supplies or fuel;
4. Vehicles used by utility companies to perform emergency repairs;
5. Vehicles used to transport persons employed in pharmacies, grocery stores (including all food and beverage stores), convenience stores, gas stations, laundromats, news media, restaurants/bars, hotels, and other places of accommodation, and hardware stores, to and from their places of employment;
6. Vehicles used to transport persons to hospitals or other medical facilities for medical care;
7. Other select commercial vehicles with prior approval of the City; and
8. Any other vehicles used to transport persons employed to perform any of the services described in this section to and from their places of employment.

§ 3. Any vehicle found to be blocking roadways shall be subject to towing.

§ 4. The Emergency Management, Fire, Police, Sanitation, and Transportation Commissioners shall take all appropriate and necessary steps to preserve public safety and to render all required and available assistance to protect the security, well-being and health of the residents of the City.

§ 5. In accordance with Executive Law §24, any person who knowingly violates the provisions of this order shall be guilty of a class B misdemeanor.

§ 6. This order shall take effect immediately and shall remain in effect for three days unless extended or sooner revoked.

Bill de Blasio  
MAYOR

☛ s28

EMERGENCY EXECUTIVE ORDER NO. 231  
SEPTEMBER 2, 2021

WHEREAS, the public safety is imperiled by a flash flood emergency caused by the remnants of Hurricane Ida that has flooded roads, impacted mass transit, and stranded motorists;

WHEREAS, it is necessary to take all measures to protect life and property; and

WHEREAS, on September 1, 2021 I declared a state of emergency to exist within the City of New York;

NOW THEREFORE, by the power vested in me as Mayor of the City of New York pursuant to law, including Executive Law § 24, I hereby order:

Section 1. Alternate side of the street parking rules shall be suspended on Thursday, September 2, 2021.

§ 2. This order shall take effect immediately.

Bill de Blasio  
MAYOR

◀ s28

EMERGENCY EXECUTIVE ORDER NO. 232  
SEPTEMBER 2, 2021  
DECLARATION OF LOCAL STATE OF EMERGENCY

WHEREAS, the public safety is imperiled by a flash flood emergency caused by the remnants of Hurricane Ida that has flooded roads, impacted mass transit, and stranded motorists;

WHEREAS, it is necessary to take all measures to protect life and property; and

WHEREAS, on September 1, 2021, I declared a state of emergency to exist within the City of New York;

NOW THEREFORE, by the power vested in me as Mayor of the City of New York pursuant to law, including Executive Law § 24, I hereby order:

Section 1. I hereby direct that the State of Emergency declared in Emergency Executive Order No. 230, dated September 1, 2021, is extended for three (3) days.

§ 2. Alternate side of the street parking rules shall be suspended on Friday, September 3, 2021 and Saturday, September 4, 2021.

§ 3. This order shall take effect immediately and shall remain in effect for three (3) days unless it is terminated or modified at an earlier date.

Bill de Blasio  
MAYOR

◀ s28

Emergency Executive Order 233  
September 4, 2021

WHEREAS, the COVID-19 pandemic has severely impacted New York City and its economy, and is addressed effectively only by joint action of the City, State, and Federal governments; and

WHEREAS, the state of emergency to address the threat and impacts of COVID-19 in the City of New York first declared in Emergency Executive Order No. 98, and extended most recently by Emergency Executive Order No. 228, remains in effect; and

WHEREAS, additional reasons for requiring the measures continued in this Order are set forth in Emergency Executive Order No. 228;

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby direct that section 1 of Emergency Executive Order No. 229, dated August 30, 2021, is extended for five (5) days.

§ 2. I hereby direct the Fire and Police Departments, the Department of Buildings, the Sheriff, and other agencies as needed, to enforce the directives set forth in section 2 of Emergency Executive Order No. 228, as extended by this Order, in accordance with their lawful authorities, including Administrative Code sections 15-227(a), 28-105.10.1, and 28-201.1, and section 107.6 of the Fire Code. Violations of the directives set forth in section 2 of Emergency Executive Order 228, as extended by this Order, may be issued as if they were violations under the Health Code sections 3.07 and 3.11, and enforced by the Department of Health and Mental Hygiene or any other agency.

§ 3. This Emergency Executive Order shall take effect immediately, except that section 4(j) of Emergency Executive Order No. 228, as extended by this Order, shall take effect on September 13, 2021.

Bill de Blasio,  
MAYOR

◀ s28

EMERGENCY EXECUTIVE ORDER NO. 234  
SEPTEMBER 5, 2021  
DECLARATION OF LOCAL STATE OF EMERGENCY

WHEREAS, the public safety is imperiled by a flash flood emergency caused by the remnants of Hurricane Ida that has flooded roads, impacted mass transit, and stranded motorists;

WHEREAS, it is necessary to take all measures to protect life and property; and

WHEREAS, on September 1, 2021, I declared a state of emergency to exist within the City of New York, and such declaration remains in effect for a period not to exceed thirty (30) days or until rescinded, whichever occurs first; and

NOW THEREFORE, by the power vested in me as Mayor of the City of New York pursuant to law, including Executive Law § 24, I hereby order:

Section 1. I hereby direct that the State of Emergency declared in Emergency Executive Order No. 230, dated September 1, 2021, and extended by Emergency Executive Order No. 232, is extended for thirty (30) days.

§ 2. Any vehicle found to be blocking roadways shall be subject to towing. This section shall be retroactive and deemed to have been in effect as of September 1, 2021.

§ 3. The State of Emergency shall remain in effect for a period not to exceed thirty days or until rescinded, whichever occurs first. Additional declarations to extend the State of Emergency for additional periods not to exceed thirty days will be issued if needed. The remainder of this Order shall remain in effect for five (5) days unless terminated at an earlier date. This Order may be extended for additional periods not to exceed five (5) days each during the pendency of the local state of emergency.

Bill de Blasio  
MAYOR

◀ s28

CHANGES IN PERSONNEL

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Title: MAYORS OFFICE OF CONTRACT SVCS FOR PERIOD ENDING 07/23/21.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Title: PUBLIC ADVOCATE FOR PERIOD ENDING 07/23/21.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Title: CITY COUNCIL FOR PERIOD ENDING 07/23/21.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Title: CITY CLERK FOR PERIOD ENDING 07/23/21.