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THE CITY RECORD

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Citywide Administrative Services

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOROUGH PRESIDENT - BROOKLYN

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Brooklyn Borough President has scheduled a hearing on Thursday, November 2, 2023, 6:00 P.M., at Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, NY 11201, to review a proposal submitted by the Prospect Park Alliance to reconstruct



the Boathouse, an early 1900s Helmle Hudswell and Huberty structure on the east bank of the Lullwater in Prospect Park. The reconstruction will include repair of glaze spalls, replacement of lead joint covers at upward facing joints, resetting displaced terra cotta units, and repointing mortar to match historic intent. The interior flooring will be restored through composite patching. Conduits at the cornice will be reset to allow adequate water drainage. The stone baluster at the dock terrace will be stabilized. A new HVAC system will be also installed.

Accessibility questions: Carol-Ann.Church@brooklynbp.nyc.gov, by: Thursday, October 26, 2023, 3:00 P.M.



o20-n2

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

The City Planning Commission will hold a public hearing accessible both in-person and remotely via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, November 1, 2023, regarding the calendar items listed below. The public hearing will be held in person in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY. Anyone attending the meeting in-person is encouraged to wear a mask.

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://www.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/429103/1>

Members of the public attending remotely should observe the meeting through DCP's website. Testimony can be provided verbally by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

877 853 5247 US Toll-free
888 788 0099 US Toll-free

253 215 8782 US Toll Number
213 338 8477 US Toll Number

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

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

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

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

**BOROUGH OF MANHATTAN
Nos. 1 - 3
2226 THIRD AVENUE
No. 1**

CD 11 **C 230344 ZMM**
IN THE MATTER OF an application submitted by REEC Third Ave LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b:

- changing from an R7B District to a C4-6 District property bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street, and a line 150 feet westerly of Third Avenue;
- establishing a Special East Harlem Corridors District (EHC) bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street and a line 150 feet westerly of Third Avenue;

as shown on a diagram (for illustrative purposes only) dated July 10, 2023, and subject to the conditions of CEQR Declaration E-713.

No. 2

CD 11 **N 230345 ZRM**
IN THE MATTER OF an application submitted by REEC Third Ave 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 regulations for floor area and loading in Article XIII, Chapter 8 (Special East Harlem Corridors District) and modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) 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 XIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 8
Special East Harlem Corridors District**

* * *

**138-20
SPECIAL BULK REGULATIONS**

* * *

**138-21
Floor Area Regulations**

* * *

**138-211
Special floor area regulations**

- In certain #Commercial Districts# and in #Manufacturing Districts# paired with a #Residence District#, as shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential# #floor area#, the maximum #residential# #floor area ratio# shall be modified as follows:

- for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary Housing) or, for #affordable independent residences for seniors#, the maximum #residential# #floor area ratio# set forth on Map 2 shall apply;
- for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential# #floor area ratio# shall apply as modified in the table below:

Maximum #residential# #floor area ratio# shown on Map 2	Modified maximum #residential# #floor area ratio#
8.5	7.52
9.0	7.52
10.0	9.0

- except in C2 Districts subject to the provisions of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and
 - in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.
- In C2 Districts mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #community facility# #floor area ratio# shall be 6.5, except that the applicable provisions of paragraph (d) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations) shall apply to #zoning lots# containing philanthropic or non-profit institutions with sleeping accommodations or #long-term care facilities#.
 - In the C4-6 District that is located on the west side of Third Avenue between East 121st Street and East 122nd Street, the maximum #commercial# #floor area ratio# shall be 7.2.
 - For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

* * *

**138-40
OFF-STREET PARKING AND LOADING REGULATIONS**

* * *

**138-41
Accessory Off-street Parking Spaces for Residences**

* * *

**138-42
Special Permit for Accessory Off-street Commercial Loading Spaces**

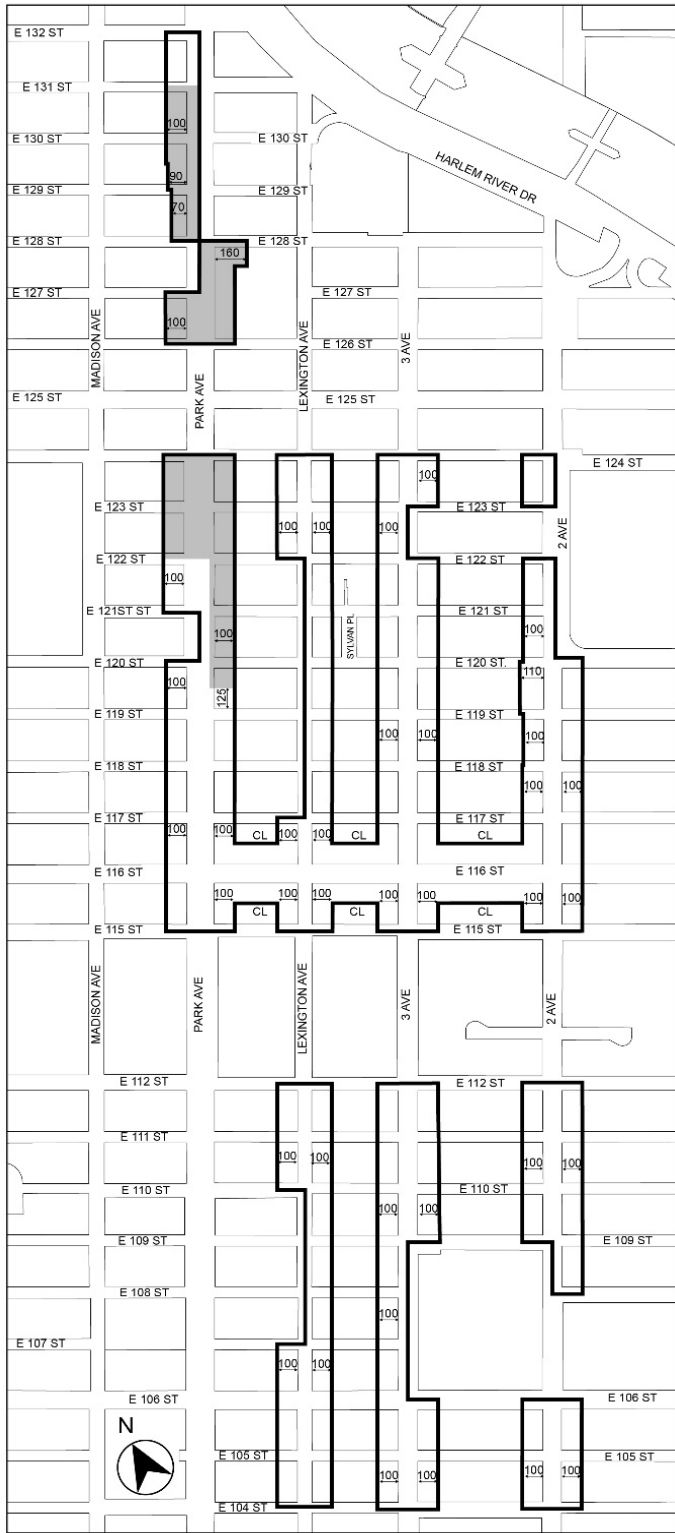
Within C4-6 Districts, the City Planning Commission may, by special permit, allow a reduction or waiver in the number of required loading berths, provided that:

- curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#; and
- an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment.

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

**Appendix
SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN**

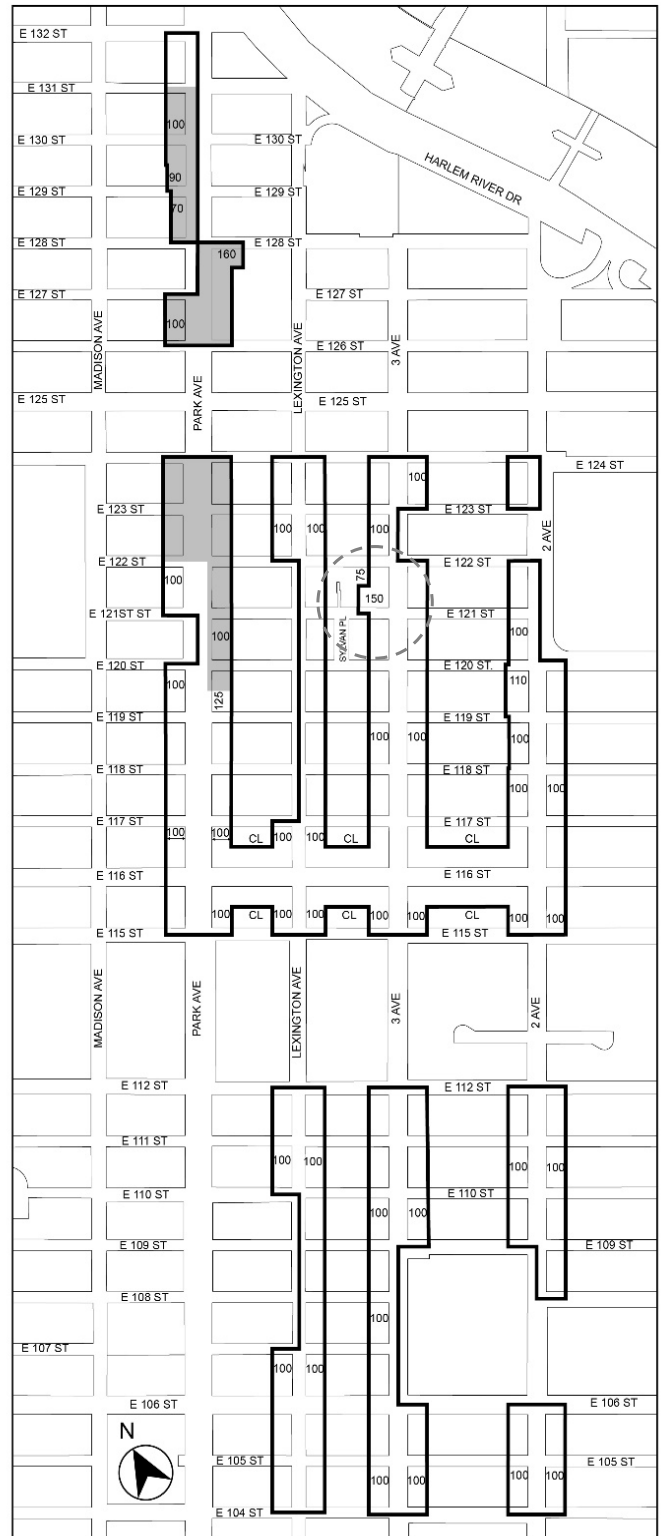
Map 1: Special East Harlem Corridors District and Subdistrict
[EXISTING MAP]



EAST HARLEM DISTRICT PLAN
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

Special East Harlem Corridors District
 Park Avenue Subdistrict

[PROPOSED MAP]

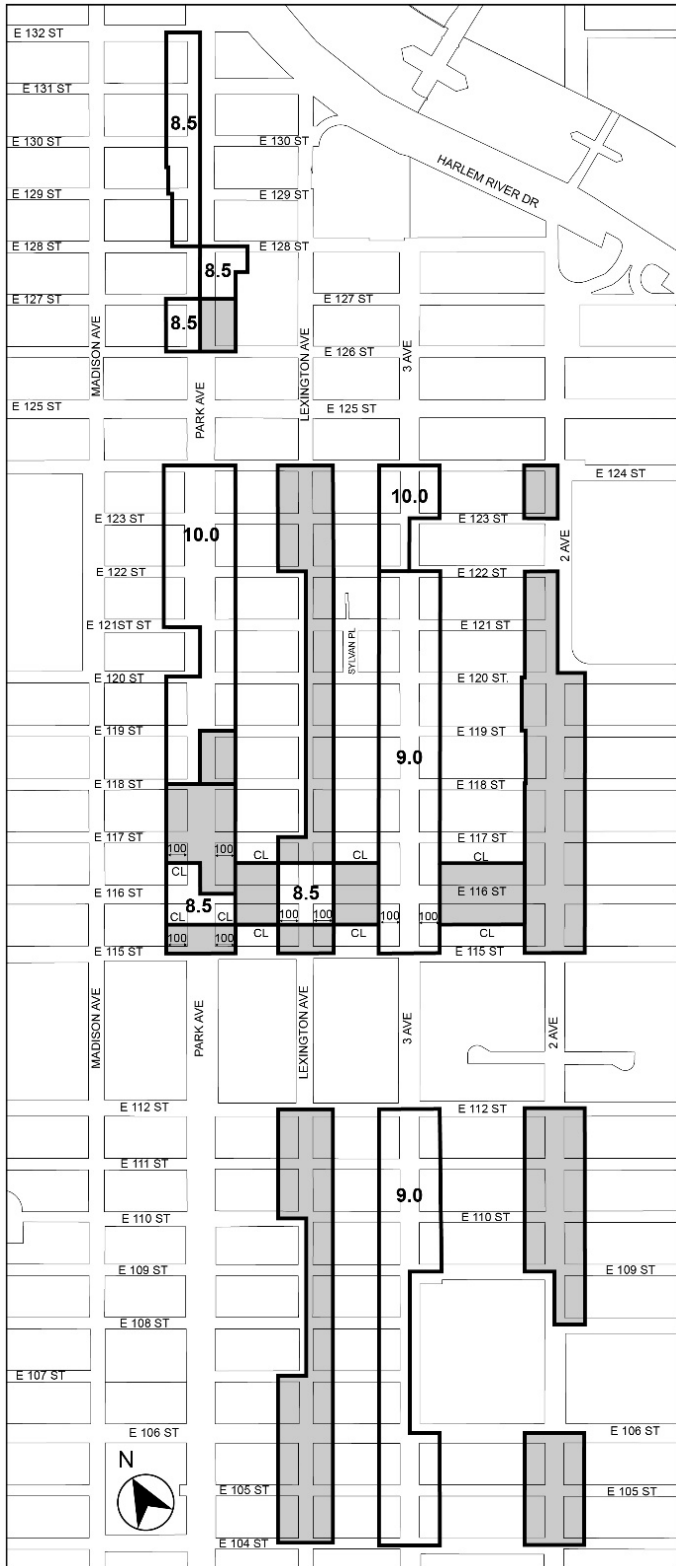


EAST HARLEM DISTRICT PLAN
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

Special East Harlem Corridors District
 Park Avenue Subdistrict

Map 2: Maximum Residential Floor Area Ratio

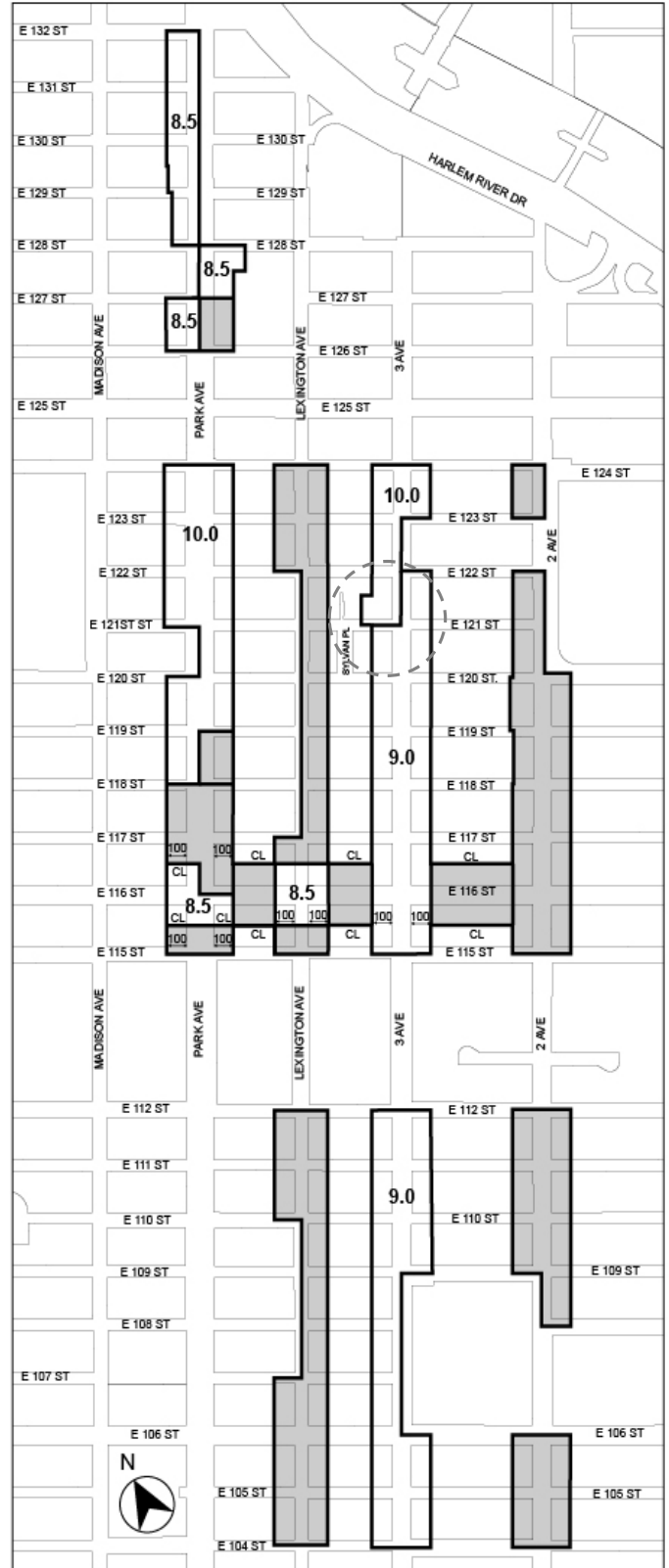
[EXISTING MAP]



EAST HARLEM DISTRICT PLAN
MAP 2. MAXIMUM RESIDENTIAL FAR

Underlying FAR Applies

[PROPOSED MAP]

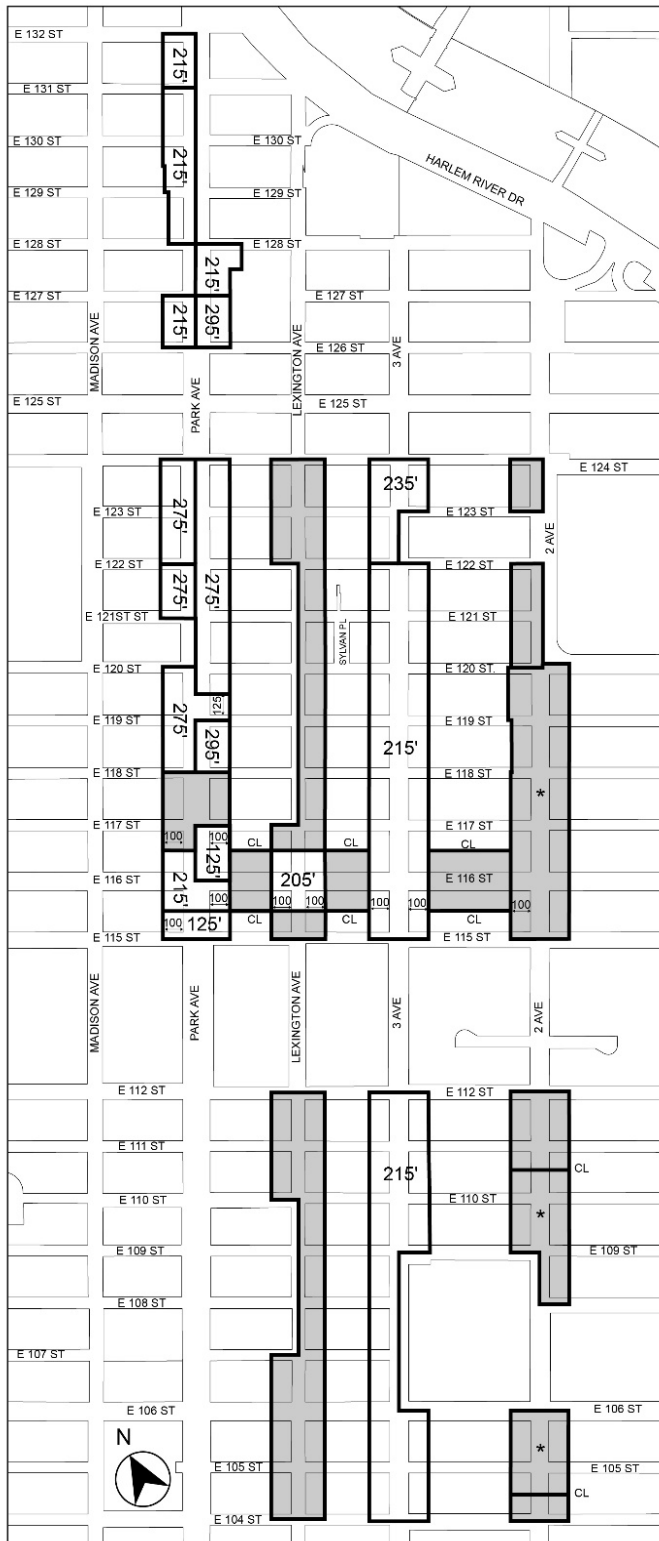


EAST HARLEM DISTRICT PLAN
MAP 2. MAXIMUM RESIDENTIAL FAR

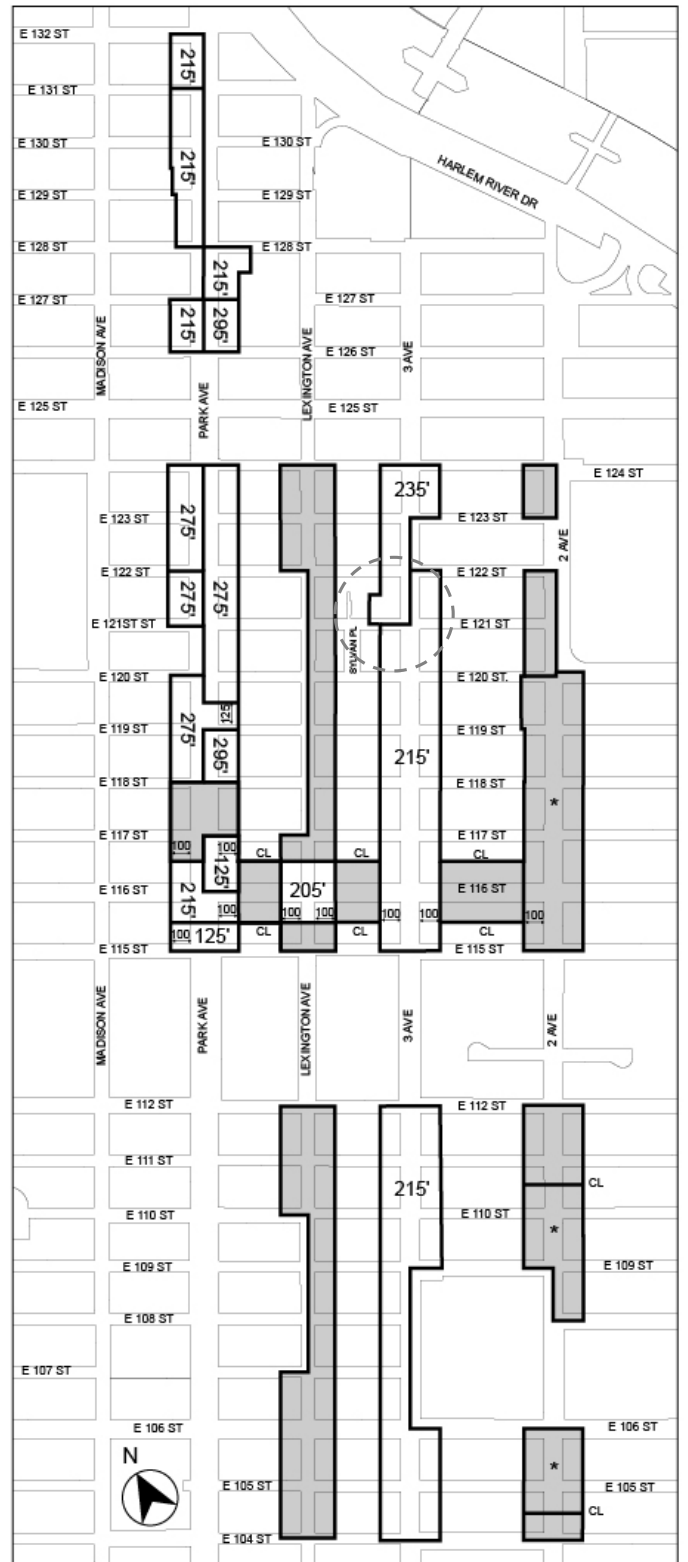
Underlying FAR Applies

Map 3: Maximum Height

[EXISTING MAP]



[PROPOSED MAP]



EAST HARLEM DISTRICT PLAN
MAP 3. MAXIMUM HEIGHT

* Subject to Section 138-23(b)(3)(ii)

Underlying Maximum Height Applies

EAST HARLEM DISTRICT PLAN
MAP 3. MAXIMUM HEIGHT

* Subject to Section 138-23(b)(3)(ii)

Underlying Maximum Height Applies

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory
Inclusionary Housing Areas

* * *

MANHATTAN

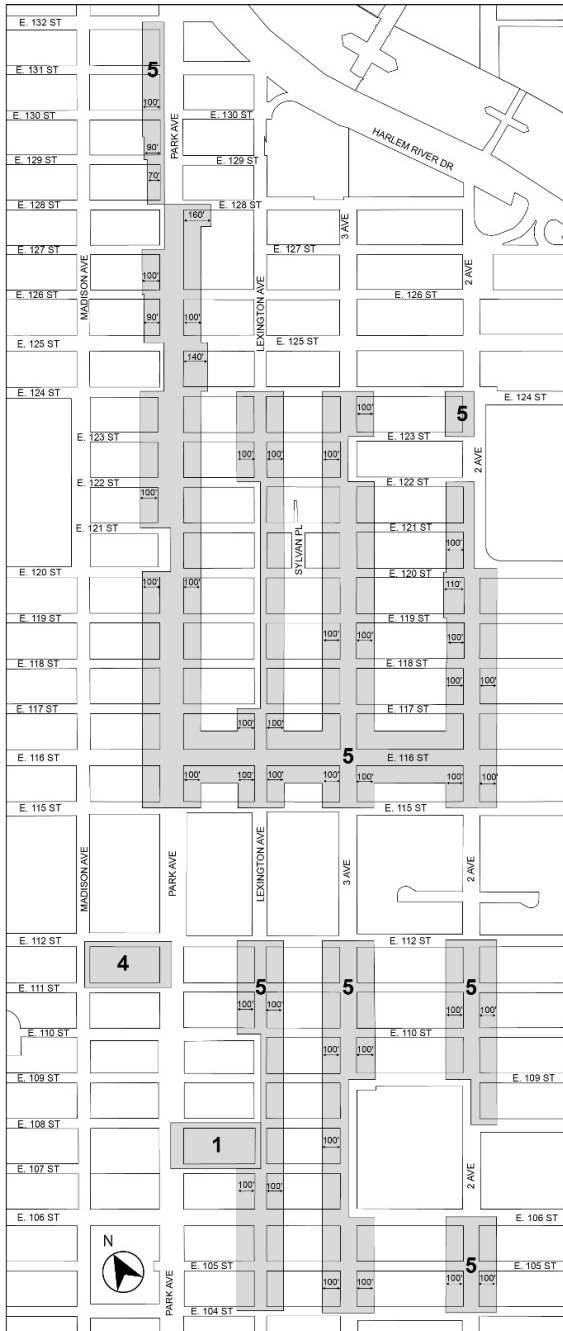
* * *

Manhattan Community District 11

* * *

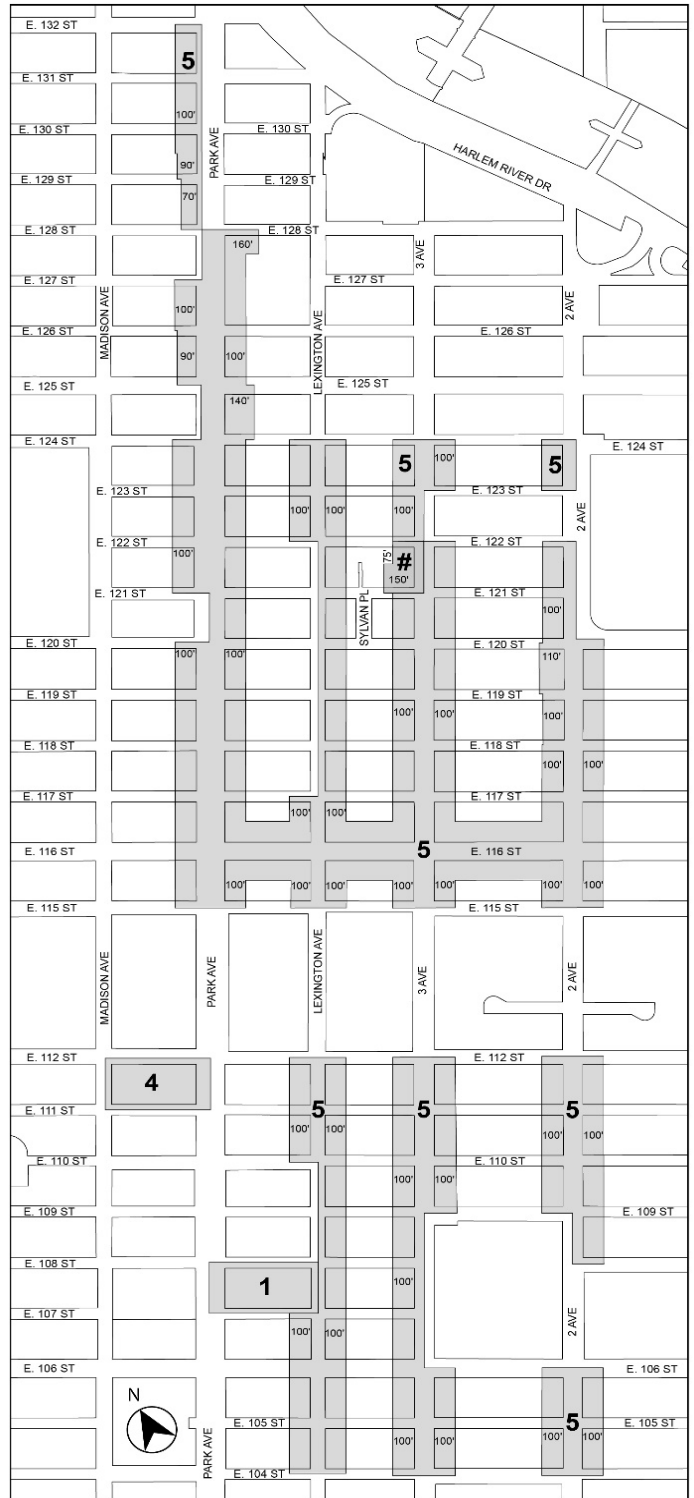
Map 5 – [date of adoption]

[EXISTING MAP]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
 Area 1 – 11/29/16 MIH Program Option 1
 Area 4 – 11/30/17 MIH Program Option 1 and Deep Affordability Option
 Area 5 – 11/30/17 MIH Program Option 1 and Deep Affordability Option

[PROPOSED MAP]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
 Area 1 – 11/29/16 MIH Program Option 1
 Area 4 – 11/30/17 MIH Program Option 1 and Deep Affordability Option
 Area 5 – 11/30/17 MIH Program Option 1 and Deep Affordability Option
 Area # – [date of adoption] MIH Program Option 1 and Deep Affordability Option

Portion of Community District 11, Manhattan

* * *
No. 3

CD 11 C 230346 ZSM
IN THE MATTER OF an application submitted by REEC Third Ave
LLC pursuant to Sections 197-c and 201 of the New York City Charter

for the grant of a special permit pursuant to Section 138-42* of the Zoning Resolution to allow a reduction in the number of required loading berths from three to one loading berth, in connection with a proposed commercial building on property located at 2226 Third Avenue (Block 1770, Lot 36), in a C4-6** District, within the Special East Harlem Corridors District (EHC)**.

* Note: a zoning text amendment is proposed to create a new special permit (Special Permit for Accessory Off-street Commercial Loading Spaces) under a concurrent related application (N 230345 ZRM).

** Note: a portion of this site is proposed to be rezoned by changing an R7B District to a C4-6 District and establishing a Special East Harlem Corridors District (EHC) under a concurrent related application for a Zoning Map change (C 230344 ZMM).

Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2021M0192> or at 120 Broadway, 31st Floor, New York, NY 10271-0001.

BOROUGH OF QUEENS
Nos. 4 & 5
WHITESTONE LANES REZONING
No. 4

CD 7 **C 230091 ZMQ**
IN THE MATTER OF an application submitted by Mar Mar Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, changing from an M1-1 District to an R7A District property bounded by the southeasterly service road of the Whitestone Expressway, Linden Place, a line 240 feet northerly of 31st Road, a line 60 feet easterly of Farrington Street, 31st Road, and Farrington Street and its northerly centerline prolongation, as shown on a diagram (for illustrative purposes only) dated July 10, 2023, and subject to the conditions of CEQR Declaration E-719.

No. 5

CD 7 **N 230092 ZRQ**
IN THE MATTER OF an application submitted by Mar Mar Realty, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

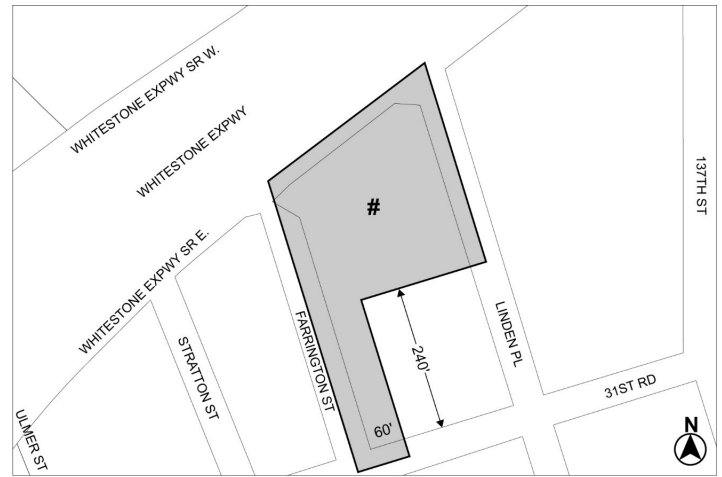
* * *

Queens Community District 7

* * *

[PROPOSED MAP]

Map 4 – [date of adoption]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area # — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 7, Queens

* * *

Sara Avila, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3366

Accessibility questions: (212) 720-3508, AccessibilityInfo@planning.nyc.gov, by: Thursday, October 26, 2023, 5:00 P.M.



o18-n1

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 05 - Wednesday, October 25, 2023 at 5:00 P.M., Davidson Community Center, 2038 Davidson Avenue, Bronx, NY 10453.

A Public Hearing on Fiscal Year 2025 Capital and Expense Budget Priorities.

The community board welcomes your input of the City's Fiscal Year 2025 Capital and Expense Budgets to be presented at this Public Hearing.

The Public Hearing will take place prior to the General Board Meeting.

Accessibility questions: Ken Brown, District Manager, (718) 364-2030, bx05@cb.nyc.gov, by: Monday, October 23, 2023, 5:00 P.M.



o18-25

COMPTROLLER

MEETING

The City of New York Audit Committee Meeting is scheduled for Monday, October 23, 2023 at 9:30 A.M. at 1 Centre Street, Room 1005 North. The meeting will be open to the general public.

o16-23

BOARD OF EDUCATION RETIREMENT SYSTEM

MEETING

The Board of Education Retirement System Board of Trustees Meeting will be held in-person at our 55 Water Street office (50th Floor) on Tuesday, October 24, 2023 from 4:00 P.M. - 6:00 P.M. If you would like to attend this meeting, please contact BERS Executive Director, Sanford Rich, at Srich4@bers.nyc.gov.

o16-24

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN that the Franchise and Concession Review Committee, will hold a public meeting, on Wednesday, November 8, 2023, at 2:30 P.M., at 22 Reade Street, Spector Hall, New York, NY 10007.

For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via email at DisabilityAffairs@mocs.nyc.gov or via phone at (212) 298-0734. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

Accessibility questions: (212) 298-0734, by: Wednesday, November 1, 2023, 2:30 P.M.



o20

HOUSING AUTHORITY

MEETING

The next Board Meeting of the New York City Housing Authority is scheduled for Tuesday, October 24, 2023 at 10:00 A.M., in the Ceremonial Room on the 5th Floor, of 90 Church Street, New York, NY (unless otherwise noted). Copies of the Calendar will be available on NYCHA's Website or may be picked up at the Office of the Corporate Secretary at 90 Church Street, 5th Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes will also be available on NYCHA's Website or may be picked up at the Office of the Corporate Secretary no earlier than 3:00 P.M., on the Wednesday following the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's Website at <https://www1.nyc.gov/site/nycha/about/board-meetings.page> to the extent practicable at a reasonable time before the meeting.

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

Accessibility questions: Office of the Corporate Secretary (212) 306-6088, by: Tuesday, October 10, 2023, 5:00 P.M.



o6-24

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, October 31, 2023, at 9:30 A.M., a public hearing will be held in the public hearing room at 1 Centre Street, 9th Floor, Borough of Manhattan, with respect to the following properties, and then followed by a public meeting. Participation by videoconference may be available

as well. Please check the hearing page on LPC's website (<https://www.nyc.gov/site/lpc/hearings/hearings.page>) for updated hearing information.

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. An overflow room is located outside of the primary doors of the public hearing room. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact Gregory Cala, Community and Intergovernmental Affairs Coordinator, at gcala@lpc.nyc.gov or (212) 602-7254 no later than five (5) business days before the hearing or meeting. Members of the public not attending in person can observe the meeting on LPC's YouTube channel at www.youtube.com/nyclpc 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, on the Monday before the public hearing. Finally, please be aware: COVID-19 safety protocols are in effect at the location; all attendees over the age of two who are medically able to tolerate a face covering will be required to wear a face covering, regardless of vaccination status.

331 West 250th Street - Fieldston Historic District LPC-24-00954 - Block 5829 - Lot 3601 - Zoning: R1-2 CERTIFICATE OF APPROPRIATENESS

A Dutch Colonial Revival style house designed by Dwight James Baum and built in 1918-19. Application is to replace the sunroom infill.

366 Atlantic Avenue - Boerum Hill Historic District Extension LPC-23-03811 - Block 183 - Lot 17 - Zoning: R6A CERTIFICATE OF APPROPRIATENESS

An Italianate style residential building with commercial ground floor, built c. 1860. Application is to construct a rear yard addition, remove and relocate interior floors, and excavate the cellar.

398 Pacific Street - Boerum Hill Historic District LPC-22-08821 - Block 190 - Lot 7 - Zoning: R6B CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse built in 1851-52, and a vacant lot. Application is to construct rooftop and rear yard additions, and construct a new building.

340 Malcolm X Boulevard, aka 340-344 Malcolm X Boulevard and 188-202 Bainbridge Street - Bedford-Stuyvesant/Expanded LPC-23-11767 - Block 1686 - Lot 37, 40, 42 - Zoning: 17A CERTIFICATE OF APPROPRIATENESS

A commercial building designed by Tobias Goldstone, and built in 1921, and a store and flats building designed by Morris Rothstein and built in c. 1923, both reclad and modified post-1980 as a church and an empty lot. Application is to demolish the existing buildings and construct a new building.

183 Amity Street - Cobble Hill Historic District LPC-23-11810 - Block 292 - Lot 46 - Zoning: R6 CERTIFICATE OF APPROPRIATENESS

A rowhouse built 1852-1855. Application is to construct rooftop and rear yard additions, replace windows, and modify window openings at the rear.

32 Avenue of the Americas - Individual and Interior Landmark LPC-24-02387 - Block 192 - Lot 1 - Zoning: C6-2A CERTIFICATE OF APPROPRIATENESS

An Art Deco style skyscraper and interior lobby designed by McKenzie, Voorhees and Gmelin, built in 1911-14, and enlarged in 1914-16 and 1930-32 by Voorhees, Gmelin & Walker. Application is to modify a Master Plan to alter ground floor openings and install storefront infill, marquees, and signage; and to construct an addition, install lighting and paving, and replace interior doors.

Central Park - Scenic Landmark LPC-24-01925 - Block 1111 - Lot 1 - Zoning: park BINDING REPORT

A concession and restroom building, built in 1959, within an English Romantic style public park, designed in 1857-1858 by Frederick Law Olmsted and Calvert Vaux. Application is to construct a partially enclosed pergola assembly and modify walls and paving.

75 Varick Street - Individual Landmark LPC-24-01502 - Block 226 - Lot 1 - Zoning: M1-6, HSQ CERTIFICATE OF APPROPRIATENESS

A Modern Classical style lofts building designed by Ely Jacques Kahn and built in 1930. Application is to replace window assemblies and install a railing.

27 East 11th Street - Greenwich Village Historic District LPC-24-01158 - Block 569 - Lot 30 - Zoning: R7-2 CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse built in 1845. Application is to modify window openings at the rear facade.

**104 East 10th Street - St. Mark's Historic District Extension
LPC-23-08875 - Block 465 - Lot 109 - Zoning: C6-2A
CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style rowhouse built in 1879. Application is to legalize the removal of ironwork without Landmarks Preservation Commission permit(s).

**22 Marion Avenue - St. Paul's Avenue-Stapleton Heights
Historic District**

**LPC-24-03209 - Block 582 - Lot 12 - Zoning: R3X
CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style free-standing house with later alterations built c. 1886-87. Application is to install hardboard siding.

o18-31

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE OF A JOINT PUBLIC HEARING of the Franchise and Concession Review Committee and the New York City Department of Transportation ("DOT") to be held at 22 Reade Street, Spector Hall, New York, NY 10007, on November 6, 2023, at 2:30 P.M. relative to:

INTENT TO AWARD as a concession a Sole Source License Agreement ("License") to the Village Alliance District Management Association, Inc. d/b/a Village Alliance, whose address is 8 East 8th Street, New York, NY 10003, to provide for the operation, management, and maintenance of a pedestrian plaza located at Astor Place, Lafayette Street, East 9th Street and 4th Avenue, in the borough of Manhattan ("Licensed Plaza"), including through City-approved plaza events, sponsorships, gifts, and subconcession(s), including but not limited to providing for the sale of any of the following: prepared food, beverages, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts), and other similar merchandise within the Licensed Plaza. Subconcessions would be awarded based on solicitations issued by the Village Alliance in the basic form of a Request for Proposals or Request for Bids, subject to DOT's prior written approval of both solicitation and award. The Village Alliance will be required to invest any revenue generated by this concession into the maintenance and/or repair, including reasonable administrative costs, of the Licensed Plaza.

The License will provide for one (1) five-year initial term, commencing upon written Notice to Proceed, which may be renewed for up to two (2) additional five-year terms, exercisable at the sole discretion of DOT.

Written testimony may be submitted in advance of the hearing electronically to fcrc@mocs.nyc.gov. All written testimony can be submitted up until the close of the public hearing and will be distributed to the FCRC after the hearing. In addition, the public may also testify in person.

A draft copy of the agreement may be obtained at no cost by any of the following ways:

1. Submit a written request to DOT at concessions@dot.nyc.gov through November 2, 2023.
2. Submit a written request by mail to Rachel Frumin, NYC Department of Transportation, 55 Water Street, 9th Floor, New York, 10041. Written requests must be received by October 27, 2023. For mail-in requests, please include your name, return address and reference the "Astor Place Concession Agreement".

A transcript of the hearing will be posted on the FCRC website at <https://www.nyc.gov/site/mocs/opportunities/franchises-concessions.page>

For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via e-mail at DisabilityAffairs@mocs.nyc.gov or via phone at (212) 298-0734. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

Accessibility questions: DisabilityAffairs@mocs.nyc.gov, (212) 298-0734, by: Monday, October 30, 2023, 5:00 P.M.



o20

PROPERTY DISPOSITION

The City of New York in partnership with PublicSurplus.com posts online auctions. All auctions are open to the public.

Registration is free and new auctions are added daily. To review auctions or register visit <https://publicsurplus.com>

CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York in partnership with IAAI.com posts vehicle and heavy machinery auctions online every week at:

<https://iaai.com/search?keyword=dcas+public>
All auctions are open to the public and registration is free.

Vehicles can be viewed in person at:
Insurance Auto Auctions, Green Yard
137 Peconic Avenue, Medford, NY 11763
Phone: (631) 207-3477

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

jy29-j17

PROCUREMENT

"Compete To Win" More Contracts!

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

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

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

HHS ACCELERATOR 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. 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

■ INTENT TO AWARD

Human Services/Client Services

HOMEMAKER SERVICES - Renewal - Due 10-30-23 at 4:00 P.M.

- 06821P8323KXLR001
- 06821P8324KXLR001
- 06821P8325KXLR001
- 06821P8326KXLR001
- 06821P8327KXLR001
- 06821P8329KXLR001

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. Peter (212) 341-3450; peter.pabon@acs.nyc.gov

◀ o20

■ AWARD

Services (other than human services)

TO PROVIDE MEALS AT THE NSCC - Competitive Sealed Bids - PIN# 06823B0001001 - AMT: \$670,687.50 - TO: D & D Duet Inc., 6181 Strickland Avenue, Duet Restaurant, Brooklyn, NY 11234.

Provide Breakfast Meals to youth at the Nicholas Scoppetta Children's Center (NSCC), and lunch + dinner meals to toddlers residing at the NSCC.

The anticipated number of daily meals (breakfasts, as well as lunch and dinner to toddlers) that will be served to approximately 100 youth at the Nicholas Scoppetta Children's Center necessitates taking multiple factors into consideration besides price alone. Best Value bidding will ensure that ACS receives competitive pricing while also finding the most qualified vendor possible that can meet ACS' nutrition standards, while also having the experience to provide and deliver the sought meals in a timely and professional manner.

◀ o20

FAMILY COURT LEGAL SERVICES

■ AWARD

Services (other than human services)

3-MONTH NAE FOR PROCESS SERVERS - Negotiated Acquisition - Other - PIN# 06824N0003001 - AMT: \$90,000.00 - TO: Nationwide Court Services Inc National Process SE, 761 Koehler Avenue, Suite A-B, Ronkonkoma, NY 11779-7433.

Process Server Services arise primarily in the context of child protective cases filed in the New York City Family Court, Civil Court, the Civil Arm of the New York State Supreme Court, and Administrative Proceedings. In Family Court cases, the Court orders ACS to serve court documents such as subpoenas, petitions, and orders of protection within a short timeframe to ensure that a determination of child abuse or neglect can be made quickly while ensuring the safety and well-being of the child. Process Server services are a necessity and vital in every child protective proceeding. A 3-month NAE with our current provider of Process Servers is necessary to maintain continuity of service until services resulting from a new CSB are put in place.

A new bid for process server is currently in progress. ACS anticipates that the current contract will have to be extended by 3 months until the new contract is registered.

◀ o20

BUILDINGS

STRATEGIC PLANNING AND POLICY

■ AWARD

Construction Related Services

BUILDING ASSESSMENT/DISASTER READINESS AND MOBILIZATION PLAN - Competitive Sealed Proposals - Other - PIN# 81021P0005001 - AMT: \$1,000,000.00 - TO: Gilsanz Murray Steficek, LLP, 129 West 27th Street, 5th Floor, New York, NY 10001.

In a large-scale emergency, the Contractor will perform damage assessments of buildings (structure and equipment) and their life protective systems impacted by a disaster through task orders.

◀ o20

COMPTROLLER

ASSET MANAGEMENT

■ INTENT TO AWARD

Services (other than human services)

NOTICE OF INTENT TO ENTER INTO NEGOTIATION - GLOBAL SECURITIES LENDING AGENCY SERVICES - Negotiated Acquisition - Other - PIN# 015-128-153-03 CA-NAE - Due 11-7-23 at 3:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules, the New York City Comptroller's Office (the "Comptroller's Office"), acting on behalf of the New York City Retirement Systems, is seeking to extend the existing Global Securities Lending Agency Agreement with Citibank, N.A. ("Citibank"), from November 1, 2023, to October 31, 2024. The agent is a banking institution and provides global securities lending services.

Vendors that are interested in expressing interest in similar procurements in the future may contact John Gawarecki-Maxwell via email.

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

Comptroller, 1 Centre Street, 8th Floor South, New York, NY 10007. John Gawarecki-Maxwell (212) 669-1261; jgaware@comptroller.nyc.gov

◀ o20-26

CORRECTION

TELECOMMIT DIVISION

■ INTENT TO AWARD

Services (other than human services)

IT CONSULTING SERVICES FOR TIME MATTERS SOFTWARE - Negotiated Acquisition - Other - PIN# 07223N0009 - Due 10-30-23 at 4:00 AM.

The New York City Department of Correction will utilize the Negotiated Acquisition procurement method to obtain services of Esquire Consultant Group LTD to provide IT Consulting Services for Time Matters Software to assist with the Department's Legal Division.

The term of the contract will be from July 1, 2022 through June 30, 2024; with a one-year renewal option from July 1, 2024 to June 30, 2025.

Time Matters is a solution that requires customization to be useful to its customers. Esquire Consultant Group LTD is the company that DOC hired years ago, when DOC first purchased the perpetual licenses for Time Matters, to be customize for the Department.

DOC cannot afford to have a gap in this service, due to the threat of a federal receiver. The consent order and Action Plan in *Nunez* require DOC to expeditiously impose discipline for egregious conduct by staff that resulted in the risk of serious harm to incarcerated individuals. Disciplinary cases against staff must be processed and adjudicated within 35 business days of the case being filed. Further, the federal Monitor in *Nunez* conducts comprehensive evaluations of DOC's disciplinary practices and procedures, including notice provided to staff

and the imposition of meaningful discipline, and informs the court of DOC's compliance. The Time Matters software is an essential tool for DOC's compliance with the requirements of the federal consent order and Action Plan. Time Matters is a complex database that requires frequent consultations with Esquire to keep it functioning optimally. Esquire also assists DOC with providing proof of practice to the federal monitor.

While there are other firms offering IT Consulting Services for Time Matters Software, it is not in the agency's best interest to replace Esquire Consulting, LLC. Selecting a new vendor to provide Services for Time Matters Software would be a massive effort for both the vendor and DOC. To start from scratch with a new vendor would carry great risk. See attached for the CCPO approval.

o19-25

ECONOMIC DEVELOPMENT CORPORATION

CONTRACTS

■ SOLICITATION

Goods and Services

CONSULTANT SERVICES, HUNTS POINT FOOD SECURITY MITIGATION PROJECT - Request for Proposals - PIN# 10293-0001 - Due 12-4-23 at 11:59 P.M.

New York City Economic Development Corporation (NYCEDC) seeks a consultant to design dry-floodproofing measures for the Hunts Point Cooperative Meat Market in addition to 600 Food Center Drive facility. This will include but not limited to: overall Project coordination; community outreach; surveying (topographic and utility); structural, civil and related engineering services; architectural services; coordination of contract documents; sustainable design and other environmental initiatives; permitting from relevant Agencies, including PDC; cost estimating and value engineering; and assistance in strategic efforts to develop construction phases for the Project.

These services are expected to be funded with grant funding provided by the Federal Emergency Management Administration's Building Resilient Infrastructure and Communities (BRIC) program, administered by FEMA and the New York State Division of Homeland Security and Emergency Services (DHSES). The FEMA BRIC grant will also fund future construction of an eligible project designed under the scope of work.

NYCEDC plans to select a consultant on the basis of factors stated in the RFP which include but are not limited to: the quality of the proposal, experience of key staff identified in the proposal, experience and quality of any subcontractors proposed, demonstrated successful experience in performing services similar to those encompassed in the RFP, and the proposed fee.

It is the policy of NYCEDC to comply with all federal, state and City laws and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, age, disability, marital status and other protected category and to take affirmative action in working with contracting parties to ensure certified Minority and Women-owned Business Enterprises (M/WBEs) share in the economic opportunities generated by NYCEDC's projects and initiatives. Please refer to the Equal Employment and Affirmative Compliance for Non-Construction Contracts Addendum in the RFP.

This project has Minority and Women Owned Business Enterprise ("M/WBE") participation goals, and all respondents will be required to submit an M/WBE Participation Proposal with their response. To learn more about NYCEDC's M/WBE program, visit <http://edc.nyc/opportunity-mwdb>. For the list of companies who have been certified with the New York City Department of Small Business Services as M/WBE, please go to the <https://sbsconnect.nyc.gov/certification-directory-search/>.

NYCEDC established the Contract Financing Loan Fund programs for Minority, Women and Disadvantaged Business Enterprise (M/W/DBE) interested in working on public construction projects. Contract Financing Loan Fund facilitates financing for short-term mobilization needs such as insurance, labor, supplies and equipment. Bidders/subcontractors are strongly encouraged to visit the NYCEDC website at <http://edc.nyc/opportunity-mwdb> to learn more about the program.

Respondents may submit questions and/or request clarifications from NYCEDC no later than 5:00 P.M., on Friday, November 10, 2023. Questions regarding the subject matter of this RFP should be directed to HuntsPointsFoodSecurityMitigation@edc.nyc. Answers to all questions will be posted by Friday, November 17, 2023, to <https://edc.nyc/rfps>. Questions regarding the subject matter of this RFP will not be accepted after 5:00 P.M., on Friday, November 10, 2023, however, technical questions pertaining to downloading and submitting

proposals to this RFP may be directed to RFPREQUEST@edc.nyc on or before Monday, December 4, 2023.

To download a copy of the solicitation documents please visit <https://edc.nyc/rfps>. RESPONSES ARE DUE NO LATER THAN Monday, December 4, 2023. Please upload a zip file with RFP title and your company name. Please click the link in the "Deadlines" section of this project's web page (which can be found on <https://edc.nyc/rfps>) to electronically upload a proposal for this solicitation.

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.

Economic Development Corporation, One Liberty Plaza, 165 Broadway, 14th Floor Mailroom, New York, NY 10006. Irene Maropakis (212) 312-3533; imaropakis@edc.nyc

o20

ENVIRONMENTAL PROTECTION

FACILITIES MANAGEMENT & CONSTRUCTION

■ AWARD

Services (other than human services)

FMC ASBESTOS & MOLD ABATEMENT 4200014X - M/WBE Noncompetitive Small Purchase - PIN# 82624W0005001 - AMT: \$108,450.00 - TO: Alpha Environmental Services Inc., 185 Merrick Road, Suite LLA, Lynbrook, NY 11563.

o20

HOUSING AUTHORITY

PROCUREMENT

■ SOLICITATION

Goods

SMD_MATERIALS_ELEVATOR_PARTS_(HOLLISTER WHITNEY) - Competitive Sealed Bids - PIN# 483049 - Due 11-3-23 at 10:59 A.M.

The materials to be provided by the successful vendor are described in greater detail in the RFQ Number: 483049.

Interested vendors are invited to obtain a copy of the opportunity at NYCHA's website by going to the <http://www.nyc.gov/nychabusiness>. On the left side, click on "iSupplier Vendor Registration/Login" link.

- (1) If you have an i-Supplier account, then click on the "Login for registered vendors" link and sign into your i-Supplier account.
- (2) If you do not have an i-Supplier account you can Request an account by clicking on "New suppliers register in i-Supplier" to apply for log-in credentials. Once you have accessed your i-Supplier 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:

Location: CityWide/L.I.C. Warehouse

A non-mandatory virtual Pre-Bid Conference will be held on Thursday, July 27, 2023, at 3:00 P.M., and will be conducted remotely via Microsoft Teams meeting. Although attendance is not mandatory at the Pre-Bid Conference, it is strongly recommended that all interested Bidders attend, and that bidders thoroughly review bid documents in advance of the meeting. To participate in the Pre-Bid Conference, please follow the instructions below:

Microsoft Teams meeting Join on your computer, mobile app or room device Meeting ID: 287 169 382 705 Passcode: dS3cza. Download Teams | Join on the web or call in (audio only) +1 646-838-1534,673272644# United States, New York City Phone Conference ID: 673 272 644#. Find a local number | Reset PIN Learn More | Meeting options.

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. Miguel Lamarche (212) 306-3904; miguel.lamarche@nycha.nyc.gov



o20

VENDOR LIST

Goods and Services

PRE-QUALIFIED LIST (PQL) PROGRAM FOR VARIOUS TRADES

NYCHA is currently accepting applications for Pre-Qualified List (PQL) program for various trades.

A PQL is a tool that NYCHA will use to qualify vendors and contract goods or services for its developments, streamlining the process for both vendors and NYCHA. NYCHA will publish contracting opportunities, and the PQL will predominantly be used to procure goods or services for those contracts. Vendors who apply to those bids must pre-qualify according to specific criteria, and vendors who are admitted to the PQL can bid on contracts.

Currently NYCHA has established four (4) PQL lists for the Closed-Circuit Television (CCTV), Carpentry, Painting and Lead Based Paint (Assessment and Abatement, Inspection and Assessment & Lab Analysis).

All vendors interested in NYCHA's PQLs must follow two (2) important steps:

First, vendors must prepare and submit applications to the PQL: To pre-qualify, vendors must meet the minimum requirements listed on the Request for Qualification of the select PQL. Applications will be evaluated by NYCHA on a rolling basis.

Second, vendors who are admitted to the PQL can then bid on solicitations for services on the PQL. Vendors must bid on each contract award, as these are not guaranteed.

For more information regarding PQLs and to obtain applications, please visit NYCHA's website at: https://www.nyc.gov/site/nycha/business/nycha-pql.page.

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. (929) 502-6107; PQL@nycha.nyc.gov

a8-d29

SUPPLY MANAGEMENT

VENDOR LIST

Construction / Construction Services

PRE-QUALIFIED LIST (PQL) PROGRAM FOR PLUMBING SERVICES

NYCHA is currently accepting applications for Pre-Qualified List (PQL) program for the assessment, testing, repair, maintenance, and replacement of plumbing, heating, and gas piping systems within the Plumbing Services trade, throughout NYCHA developments.

A PQL is a tool that NYCHA will use to qualify vendors and contract goods or services for its developments, streamlining the process for both vendors and NYCHA. NYCHA will publish contracting opportunities, and the PQL will predominantly be used to procure goods or services for those contracts. Vendors who apply to those bids must pre-qualify according to specific criteria, and vendors who are admitted to the PQL can bid on contracts.

An informational session will be hosted, Thursday, November 2, 2023 at 11:00 A.M., and will be conducted remotely via Microsoft Teams meetings. Attendance is strongly encouraged. To join the informational session, please follow the options below: Microsoft Teams meeting (Join on your computer, mobile app or room device).

Option 1: Copy and paste the below into your browser: https://teams.microsoft.com/j/meetup-join/19%3ameeting_NjU4NWNiZWEtNmY0My00OWRhLThlZTEtYmE0OWJkYjlkMGY5%40thread.v2/0?context=%7b%22Tid%22%3a%22709ab558-a73c-48f8-98ad-20bb096cd0f8%22%2c%22Oid%22%3a%2292c19fd3-18fd-485b-8edd-ad168781c0dd%22%7d

Option 2: Join by entering a meeting ID. Meeting ID: Meeting ID: 216 471 546 782 Passcode: MFVbUL

Option 3: Call in (audio only) +1 646-838-1534,,656659588# United States, New York City Phone Conference ID: 656 659 588#

Note: In response to the COVID-19 outbreak, we are accepting only electronic applications. This PQL is available only online, for free, through NYCHA's Website. Instructions can be found at: https://www1.nyc.gov/site/nycha/business/nycha-pql.page

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. PQL@nycha.nyc.gov; (929) 502-6107.

o18-24

HUMAN RESOURCES ADMINISTRATION

INTENT TO AWARD

Services (other than human services)

PROFESSIONAL AND SUPPORT SERVICES FOR NYC HRA JOBS PLUS PROGRAM - Request for Information - PIN# 06924Y0216 - Due 11-8-23 at 3:00 P.M.

Pursuant to Section 3.05 of the PPB rules, the DSS / Information Technology Services (ITS) intends to enter into negotiations for a Sole Source contract with Arbola, Inc. to provide Professional and Support Services for NYC HRA Jobs Plus Program by conducting quarterly reviews, tracking, monitoring, assisting, updating dashboard and reporting for the effective managing of program performance during the period of 01/01/2024 to 12/31/2025.

DSS has determined that Arbola, Inc. is the sole provider for the required services because Arbola, Inc. is the creator of the JOBS-Plus application at HRA, and for several years now, has continued to provide technical assistance, enhancements, and ongoing support for the agency and its users. Arbola, Inc. retains all the institutional knowledge and resources associated with the application and remains the Sole provider of its ongoing support.

Any firm or organization that believes it can also provide these services, is invited to respond to the RFI 06924Y0216 Sole Source Professional and Support Services for NYC HRA Jobs Plus Program. Please indicate your interest by responding to the RFI EPIN: 06924Y0216 in PASSPort no later than November 8, 2023, 3:00 P.M.

If you have any questions, please submit these through the Discussion Forum of the EPIN: 06924Y0216 in PASSPort system.

o18-24

POLICE DEPARTMENT

MANAGEMENT AND BUDGET

AWARD

Services (other than human services)

MAINTENANCE, SUPPORT & UPGRADE OF MOBILESIGHT EQUIPMENTS - Sole Source - Other - PIN# 05623S0010001 - AMT: \$550,000.00 - TO: Wireless Video Security Inc., 54 Danbury Road, Suite 254, Ridgefield, CT 06877.

NYPD's Technical Assistance Response Unit (TARU) MobileSight Company is the sole source provider of MobileSight Systems and MobileSight Support services. MobileSight Systems are manufactured, sold, distributed and supported exclusively by MobileSight.

MobileSight Systems must be purchased by institutions from MobileSight directly. There are no agents or dealers authorized to represent or maintain these products.

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TRAUMA INFORMED SEXUAL ASSAULT INTERVIEW AND INVESTIGATION TRAINING FOR NYPD SPECIAL VICTIMS DIVISION - Renewal - PIN# 05621U0003001R001 - AMT: \$50,400.00 - TO: Thomas Tremblay, 16605 Lake Circle Drive, Unit 337, Fort Myers, FL 33908.

The training goal is to ensure that NYPD Personnel providing service to sexual assault victims / survivors recognize and understand victim trauma and utilize effective approaches and interview skills to enhance response, investigations, and prosecutions.

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SANITATION

AGENCY CHIEF CONTRACTING OFFICE

■ SOLICITATION

Goods and Services

OFFICIAL REFUSE AND RECYCLING BINS CONCESSION ID: DSNY2024C1 - Request for Proposals - PIN# R104-R-2023 - Due 11-27-23 at 12:00 P.M.

The Department of Sanitation is seeking to implement a requirement that all New York City residential properties with nine (9) or fewer units place their putrescible solid waste out for collection in containers with tight fitting lids, and do so exclusively in City-approved bins ("NYC Waste Bins") in line with waste management best practices found around the world. The Department of Sanitation is seeking a Concessionaire that shall mass produce, sell and distribute standardized, official NYC Waste Bins for all 1-9-unit residential properties in New York City as part of the plan to get trash bags off the streets.

A paper copy of the RFP can be provided upon request for no additional fee.

Last day of questions: Friday, November 24, 2023.

Non-Mandatory. Virtual Pre-Proposal Conference: Tuesday, October 31, 2023 at 2:00 P.M. EST Meeting link: <https://departmentofsanitationnewyork.my.webex.com/departmentofsanitationnewyork.my/j.php?MTID=ma911028fba0613b0997f785d18d427bf>. Meeting number: 2631 956 1920. Password: 12345
Join by video system Dial 26319561920@webex.com.

You can also dial 173.243.2.68 and enter your meeting number. Join by phone +1-408-418-9388 United States Toll Access code: 2631 956 1920

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.
Sanitation, 125 Worth Street, New York, NY 10013. Francesca Haass (929) 496-6172; FHaass@dsny.nyc.gov

o11-24

TRANSPORTATION

■ AWARD

Services (other than human services)

LEADERSHIP DEVELOPMENT AND ASSESSMENT - M/WBE Noncompetitive Small Purchase - PIN# 84124W0005001 - AMT: \$200,000.00 - TO: Patricia Harmon LLC, 385 Janes Lane, Stamford, CT 06903.

o20

IT&TELECOMM

■ AWARD

Services (other than human services)

NYC OPEN DINING REGISTRATION LICENSE APPLICATION - M/WBE Noncompetitive Small Purchase - PIN# 84124W0018001 - AMT: \$99,325.00 - TO: Spruce Technology Inc., 1149 Bloomfield Avenue, Suite G, Clifton, NJ 07012.

o20

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

■ NOTICE

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9260
FUEL OIL AND KEROSENE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 10/16/2023
4287148	1	#2DULS	CITYWIDE BY TW	GLOBAL MONTELLO	0.0071 GAL.	3.3271 GAL.
4287148	2	#2DULS	RACK PICK-UP	GLOBAL MONTELLO	0.0071 GAL.	3.2101 GAL.
4287148	3	#2DULS	CITYWIDE BY TW	GLOBAL MONTELLO	0.0071 GAL.	3.3653 GAL.
4287148	4	#2DULS	RACK PICK-UP	GLOBAL MONTELLO	0.0071 GAL.	3.2483 GAL.
4287149	5	#2DULS	CITYWIDE BY TW	SPRAGUE	0.0071 GAL.	3.6117 GAL.
4287149	6	#2DULS	CITYWIDE BY TW	SPRAGUE	0.0071 GAL.	3.8247 GAL.
4287149	7	B100	CITYWIDE BY TW	SPRAGUE	-0.0156 GAL.	5.6282 GAL.
4287149	8	#2DULS	RACK PICK-UP	SPRAGUE	0.0071 GAL.	3.4617 GAL.
4287149	9	#2DULS	RACK PICK-UP	SPRAGUE	0.0071 GAL.	3.6747 GAL.
4287149	10	B100	RACK PICK-UP	SPRAGUE	-0.0156 GAL.	5.4782 GAL.
4287149	11	#1DULS	CITYWIDE BY TW	SPRAGUE	0.0033 GAL.	4.2117 GAL.
4287149	12	B100	CITYWIDE BY TW	SPRAGUE	-0.0156 GAL.	5.6522 GAL.
4287149	13	#1DULS	RACK PICK-UP	SPRAGUE	0.0033 GAL.	4.0617 GAL.
4287149	14	B100	RACK PICK-UP	SPRAGUE	-0.0156 GAL.	5.5022 GAL.
4287149	15	#2DULS	BARGE DELIVERY	SPRAGUE	0.0071 GAL.	3.3611 GAL.
4287149	16	#2DULS	BARGE DELIVERY	SPRAGUE	0.0071 GAL.	3.4271 GAL.
4287149	17	#2DULSB50	CITYWIDE BY TW	SPRAGUE	0.0071 GAL.	4.2359 GAL.
4287149	18	#2DULSB50	CITYWIDE BY TW	SPRAGUE	-0.0156 GAL.	5.2424 GAL.
4287149	19	#2DULSB50	RACK PICK-UP	SPRAGUE	0.0071 GAL.	4.0859 GAL.
4287149	20	#2DULSB50	RACK PICK-UP	SPRAGUE	-0.0156 GAL.	5.0924 GAL.
4287126	1	JET	FLOYD BENNETT	SPRAGUE	0.0388 GAL.	4.1501 GAL.

Non-Winterized Apr 1 - Oct 31

4287149	#2DULSB5	95% ITEM 5.0	5% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0060 GAL.	3.7125 GAL.
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4287149	#2DULSB10	90% ITEM 5.0	10% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0048 GAL.	3.8133 GAL.
4287149	#2DULSB20	80% ITEM 5.0	20% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0026 GAL.	4.0150 GAL.
4287149	#2DULSB5	95% ITEM 8.0	5% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0060 GAL.	3.5625 GAL.
4287149	#2DULSB10	90% ITEM 8.0	10% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0048 GAL.	3.6634 GAL.
4287149	#2DULSB20	80% ITEM 8.0	20% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0026 GAL.	3.8650 GAL.
4287149	#2DULSB50	50% ITEM 17.0	50% ITEM 18.0	CITYWIDE BY TW	SPRAGUE	-0.0042 GAL.	4.7392 GAL.
4287149	#2DULSB50	50% ITEM 19.0	50% ITEM 20.0	RACK PICK-UP	SPRAGUE	-0.0042 GAL.	4.5892 GAL.
4387181	HDRD NW1	HDRD 95%+B100 5% (TW)		CITYWIDE BY TW	APPROVED OIL COMPANY	0.0000 GAL.	4.8109 GAL.
4387181	HDRD NW2	HDRD 95%+B100 5% (P/U)		RACK PICK-UP	APPROVED OIL COMPANY	0.0000 GAL.	4.6609 GAL.

Winterized		Nov 1 - Mar 31					
4287149	#2DULSB5	95% ITEM 6.0	5% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0060 GAL.	3.9149 GAL.
4287149	#2DULSB10	90% ITEM 6.0	10% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0048 GAL.	4.0050 GAL.
4287149	#2DULSB20	80% ITEM 6.0	20% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.0026 GAL.	4.1854 GAL.
4287149	#2DULSB5	95% ITEM 9.0	5% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0060 GAL.	3.7649 GAL.
4287149	#2DULSB10	90% ITEM 9.0	10% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0048 GAL.	3.8550 GAL.
4287149	#2DULSB20	80% ITEM 9.0	20% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.0026 GAL.	4.0354 GAL.
4387181	HDRD W1	HDRD 95%+B100 5% (TW)		CITYWIDE BY TW	APPROVED OIL COMPANY	0.0000 UNIT.	0.0000 UNIT.
4387181	HDRD W2	HDRD 95%+B100 5% (P/U)		RACK PICK-UP	APPROVED OIL COMPANY	0.0000 UNIT.	0.0000 UNIT.

Non-Winterized/ Winterized		Year-Round					
4287149	#1DULSB20	80% ITEM 11.0	20% ITEM 12.0	CITYWIDE BY TW	SPRAGUE	-0.0005 GAL.	4.4998 GAL.
4287149	#1DULSB20	80% ITEM 13.0	20% ITEM 14.0	RACK PICK-UP	SPRAGUE	-0.0005 GAL.	4.3498 GAL.
4287149	#1DULSB5	95% ITEM 11.0	5% ITEM 12.0	CITYWIDE BY TW	SPRAGUE	0.0024 GAL.	4.2837 GAL.
4287149	#1DULSB5	95% ITEM 13.0	5% ITEM 14.0	RACK PICK-UP	SPRAGUE	0.0024 GAL.	4.1337 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9261
FUEL OIL, PRIME AND START**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 10/16/2023
4287030	1	#4B5	MANHATTAN	UNITED METRO	0.0108 GAL.	2.9525 GAL.
4287030	2	#4B5	BRONX	UNITED METRO	0.0108 GAL.	2.9725 GAL.
4287030	3	#4B5	BROOKLYN	UNITED METRO	0.0108 GAL.	2.9125 GAL.
4287030	4	#4B5	QUEENS	UNITED METRO	0.0108 GAL.	2.9425 GAL.
4287031	5	#4B5	RICHMOND	APPROVED OIL COMPANY	0.0108 GAL.	3.1325 GAL.
4187014	1	#2B5	MANHATTAN	SPRAGUE	0.0060 GAL.	3.4194 GAL.
4187014	3	#2B5	BRONX	SPRAGUE	0.0060 GAL.	3.3714 GAL.
4187014	5	#2B5	BROOKLYN	SPRAGUE	0.0060 GAL.	3.3844 GAL.
4187014	7	#2B5	QUEENS	SPRAGUE	0.0060 GAL.	3.3924 GAL.
4187014	9	#2B5	STATEN ISLAND	SPRAGUE	0.0060 GAL.	3.4714 GAL.
4187014	11	#2B10	CITY WIDE BY TW	SPRAGUE	0.0048 GAL.	3.4444 GAL.
4187014	12	#2B20	CITY WIDE BY TW	SPRAGUE	0.0026 GAL.	3.5484 GAL.
4187015	2	#2B5	MANHATTAN(RACK PICK-UP)	APPROVED OIL COMPANY	0.0060 GAL.	3.1847 GAL.
4187015	4	#2B5	BRONX(RACK PICK-UP)	APPROVED OIL COMPANY	0.0060 GAL.	3.1847 GAL.
4187015	6	#2B5	BROOKLYN(RACK PICK-UP)	APPROVED OIL COMPANY	0.0060 GAL.	3.1847 GAL.
4187015	8	#2B5	QUEENS(RACK PICK-UP)	APPROVED OIL COMPANY	0.0060 GAL.	3.1847 GAL.
4187015	10	#2B5	STATEN ISLAND(RACK PICK-UP)	APPROVED OIL COMPANY	0.0060 GAL.	3.1847 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9262
FUEL OIL AND REPAIRS**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 10/16/2023
20211200451	1	#2B5	All Boroughs (Pickup under delivery)	APPROVED OIL	0.0060 GAL	3.5988 GAL.
20211200451	2	#4B5	All Boroughs (Pickup under delivery)	APPROVED OIL	0.0108 GAL	3.2029 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9263
GASOLINE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 10/16/2023
4387063	1.0	Reg UL	CITYWIDE BY TW	GLOBAL MONTELLO	-0.0478 GAL	2.4328 GAL.
4387063	2.0	Prem UL	CITYWIDE BY TW	GLOBAL MONTELLO	-0.0502 GAL	2.9815 GAL.
4387063	3.0	Reg UL	RACK PICK-UP	GLOBAL MONTELLO	-0.0478 GAL	2.3306 GAL.
4387063	4.0	Prem UL	RACK PICK-UP	GLOBAL MONTELLO	-0.0502 GAL	2.8843 GAL.
3787121	5.0	E85	CITYWIDE BY DELIVERY	UNITED METRO	-0.0146 GAL	2.8482 GAL.
3787121	6.0	E70	CITYWIDE BY DELIVERY	UNITED METRO	-0.0213 GAL	2.8554 GAL.

NOTE:

1. Federal excise taxes are imposed on taxable fuels, (i.e., gasoline, kerosene, and diesel), when removed from a taxable fuel terminal. This fuel excise tax does not include Leaking Underground Storage Tank (LUST) tax. LUST tax applies to motor fuels for both diesel and gasoline invoices. Going forward, LUST Tax will appear as an additional fee at the rate of \$0.001 per gallon and will be shown as a separate line item on your invoice.
2. The National Oil Heat Research Alliance (NORA) has been extended until February 6, 2029. A related assessment of \$.002 per gallon has been added to the posted weekly fuel prices and will appear as a separate line item on invoices. This fee applies to heating oil only and since

2015 has included #4 heating oil. All other terms and conditions remain unchanged.

3. Items 1 - 4 on contract 4287148 and 5 - 20 on contract 4287149 are effective as of June 1st, 2022.
4. Items 1 - 4 on contract 4387063 are effective as of December 19, 2022.
5. Federal Superfund Tax is included in the DCAS weekly pricing schedule, and it should not show as an additional fee.

REMINDER FOR ALL AGENCIES:

All entities utilizing DCAS fuel contracts are reminded to pay their invoices **on time** to avoid interruption of service. Please send inspection copy of receiving report for all gasoline (E70, UL PREM) delivered by tank wagon to OCP/Bureau of Quality Assurance (BQA), 1 Centre Street, 18th Floor, New York, NY 10007.

o20

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 10/25/2023 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
3	2349	107

Acquired in the proceeding entitled: LOWER CONCOURSE NEIGHBORHOOD WATERFRONT PARK subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

BRAD S. LANDER
Comptroller

o11-24

HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

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

Notice Date: **October 16, 2023**

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

Property:	Address	Application #	Inquiry Period
	41 West 89 th Street, Manhattan	77/2023	September 12, 2018 to Present
	725 Miller Avenue, Brooklyn	83/2023	September 20, 2018 to Present

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

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

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

for an in-person statement, please call (212) 863-5277 or (212) 863-8211.

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

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

Fecha de notificación: **October 16, 2023**

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

Propiedad:	Dirección:	Solicitud #:	Período de consulta:
	41 West 89 th Street, Manhattan	77/2023	September 12, 2018 to Present
	725 Miller Avenue, Brooklyn	83/2023	September 20, 2018 to Present

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

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

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038** por carta con matasellos no mas tarde que **45 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al **(212) 863-5277 o (212) 863-8211**.

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

o16-24

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

Notice Date: **October 16, 2023**

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

Property:	Address	Application #	Inquiry Period
	312 East 140 th Street, Bronx	46/2023	September 22, 2020 to Present
	207 West 121 st Street, Manhattan	48/2023	September 25, 2020 to Present

161 Hancock Street, Brooklyn	49/2023	September 22, 2020 to Present
636 West 158 th Street, Manhattan	78/2023	September 13, 2020 to Present
123 West 118 th Street, Manhattan	79/2023	September 14, 2020 to Present
638 West 158 th Street, Manhattan	81/2023	September 13, 2020 to Present
154 West 122 nd Street, Manhattan	82/2023	September 19, 2020 to Present
2299 Adam Clayton Powell Blvd, Manhattan	84/2023	October 2, 2020 to Present
550 West 188 th Street, Manhattan	86/2023	October 2, 2020 to Present

Authority: SRO, Administrative Code §27-2093

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

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

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

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

Fecha de notificación: October 16, 2023

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad: Dirección:	Solicitud #:	Período de consulta:
312 East 140 th Street, Bronx	46/2023	September 22, 2020 to Present
207 West 121 st Street, Manhattan	48/2023	September 25, 2020 to Present
161 Hancock Street, Brooklyn	49/2023	September 22, 2020 to Present
636 West 158 th Street, Manhattan	78/2023	September 13, 2020 to Present
123 West 118 th Street, Manhattan	79/2023	September 14, 2020 to Present
638 West 158 th Street, Manhattan	81/2023	September 13, 2020 to Present
154 West 122 nd Street, Manhattan	82/2023	September 19, 2020 to Present
2299 Adam Clayton Powell Blvd, Manhattan	84/2023	October 2, 2020 to Present
550 West 188 th Street, Manhattan	86/2023	October 2, 2020 to Present

Autoridad: SRO, Código Administrativo §27-2093

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación

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

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

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

o16-24

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

Notice Date: October 16, 2023

To: Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
	698 9 th Avenue, Manhattan	47/2023	September 25, 2008 to Present
	404 West 51 st Street, Manhattan	87/2023	October 2, 2008 to Present
	406 West 51 st Street, Manhattan	91/2023	September 26, 2008 to Present

Authority: Special Clinton District, Zoning Resolution §96-110

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

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

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

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

Fecha de notificación: October 16, 2023

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad:	Dirección:	Solicitud #:	Período de consulta:
	698 9 th Avenue, Manhattan	47/2023	September 25, 2008 to Present
	404 West 51 st Street, Manhattan	87/2023	October 2, 2008 to Present
	406 West 51 st Street, Manhattan	91/2023	September 26, 2008 to Present

Autoridad: Special Clinton District District, Zoning Resolution Código Administrativo §96-110

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

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

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

o16-24

HUMAN RESOURCES ADMINISTRATION

■ NOTICE

Notice of Concept Paper

The purpose of this concept paper is to describe how HRA intends to enhance its employment services in 2025 with new approaches, decreasing sites and vendors working with clients, increased efficiencies, and focus on education and training, and a sectoral based approach to work force development.

The Concept Paper will be posted in PASSPort. EPIN: 06924Y0218 Career Services Workforce Development Program https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public. Instructions on how to submit written comments will be included in the PASSPort posting as well as the concept paper itself.

The Career Services Workforce Development Program Concept Paper will be also be posted on the HRA/DSS website <https://www.nyc.gov/hra/contracts>.

HRA Career Services Concept Paper Information Session Hosted by Office of Contracts

<https://nyc-dss.webex.com/nyc-dss/j.php?MTID=m119db7343cd77a70cf196161a1829601>

Tuesday, October 31, 2023 10:00 A.M. | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 2356 401 7675

Password: U2VhPf2ih3e

Join by video system

Dial 23564017675@nyc-dss.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-646-992-2010 United States Toll (New York City)

+1-408-418-9388 United States Toll

Access code: 235 640 17675

o18-24

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Issue New Solicitation Not Included in FY24 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2024 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Environmental Protection
Description of services to be provided: NYCDEP is seeking a contractor to maintain and repair Air Conditioning Systems located at various Wastewater Resource and Recovery Facilities, Pump Stations and associated facilities (North Region).
Anticipated Contract Start Date: 6/17/2024
Anticipated Contract End Date: 6/16/2027
Anticipated Procurement Method: Competitive Sealed Bid
Job titles: None
Headcounts: 0

Agency: Department of Environmental Protection
Description of services to be provided: NYCDEP is seeking a contractor to maintain and repair Air Conditioning Systems located at various Wastewater Resource and Recovery Facilities, Pump Stations and associated facilities (South Region).
Anticipated Contract Start Date: 6/17/2024
Anticipated Contract End Date: 6/16/2027
Anticipated Procurement Method: Competitive Sealed Bid
Job titles: None
Headcounts: 0

o20

Notice of Intent to Extend Contract(s) Not Included in FY24 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be entering into the following extension(s) of (a) contract(s) not included in the FY 2024 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: NYC Department of Environmental Protection
Vendor: EMA, Inc.
Description of Services to be Provided: CRM-CIS (REN-1), Utility billing system and customer service expert consultants to create standard operating procedures, identify process improvement opportunities, and support the implementation of initiatives that bring the Department of Environmental Protection's Bureau of Customer Services in line with industry best practice. This requires individuals with broad experience in the water/wastewater utility billing industry that cannot be sourced in-house.
Anticipated Procurement Method: Amendment
Anticipated New Start Date: 11/27/23
Anticipated New End Date: 11/26/24
Anticipated Modifications to Scope: Additional time and dollars for existing scope.
Reason for Renewal/Extension: Additional time is needed due to the extension of the post go-live stabilization period due to high staff turnover and impacts to the overall duration of the efforts needed to stabilize the UMAX billing system implementation. In addition, more time and funding is required to complete best practices review.
Job Titles: None
Headcounts: 0

o20

TRANSPORTATION

■ NOTICE

On October 12, 2023, pursuant to Section 1-11(b)(i)(A) of the rules found at Title 12 of the Rules of the City of New York ("Concession Rules"), the City Chief Procurement Officer ("CCPO") ratified a minor Concession Rules violation request made on October 11, 2023 by the New York City Department of Transportation ("DOT") for Concession No. #2021Con1, for 21st Associates LLC ("Concessionaire") for the Development, Operation, and Maintenance of a Food, Beverage and/or Merchandise Concession at Kiosk 3 at Fordham Plaza in the Borough of the Bronx ("Licensed Premises"). DOT and the CCPO have determined that the minor rules violation, which occurred with regard to DOT's Publication Requirement in complying with § 1-09 of the Concession Rules, resulted in no significant or adverse impact on the notification of award of the concession agreement to the public and that ratification of the Concession award will not violate any law applicable to the concession process.

DOT has determined that it would be in the best interest of the City to ratify this minor rules violation. The term of the License will provide for one (1) five-year term, commencing upon written Notice to Proceed, with three (3) five-year renewal options, exercisable at the sole discretion of DOT. In lieu of a fee, Concessionaire shall use the revenue generated from the concession to offset the cost of providing the operation and maintenance (including repair) of the Licensed Premises.

o20

CHANGES IN PERSONNEL

POLICE DEPARTMENT FOR PERIOD ENDING 08/04/23

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Police Department ending 08/04/23.

POLICE DEPARTMENT FOR PERIOD ENDING 08/04/23

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Police Department ending 08/04/23.

POLICE DEPARTMENT FOR PERIOD ENDING 08/04/23

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Police Department ending 08/04/23.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Police Department ending 08/04/23.

POLICE DEPARTMENT FOR PERIOD ENDING 08/04/23

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Police Department ending 08/04/23.

LATE NOTICE

HEALTH AND MENTAL HYGIENE

NOTICE

NOTICE IS HEREBY GIVEN that the Board of Health will hold a meeting on Tuesday, October 24, 2023 at 10:00 A.M., The meeting will be held at Gotham Center, 42-09 28th Street, 8 Floor, Room 8-25, in Long Island City, NY. This meeting will be live-streamed and can be viewed on the NYC DOHMH YouTube channel: https://www.youtube.com/nychealth.

NYC HEALTH + HOSPITALS

CONTRACT SERVICES

SOLICITATION

Construction / Construction Services

WOODHULL ROOF REPLACEMENT - Competitive Sealed Bids - PIN# 48202203 - Due 11-21-23 at 1:30 P.M.

NYC Health + Hospitals is requiring all vendors and contractors to maintain proof of COVID-19 vaccination for all of their employees who spend time at a NYC Health + Hospitals facility. Proof of COVID-19 vaccination is completion of the vaccination series as outlined by the manufacturer.

Only Bidders who attend one of the mandatory Pre-Bid Meetings will be allowed to bid. At the mandatory Pre-Bid Meetings, you must request the Section "A" Bid Forms be sent to you. Bidders are encouraged to arrive at least 30 minutes before Mandatory Pre-Bid Meetings start time.

All Bids shall be in accordance with the terms of the NYC Health and Hospitals (HHC) Project Labor Agreement.

Technical Questions must be submitted in writing by email, no later than five (5) calendar days after the Mandatory Pre-Bid Meetings to Mclaughc@nychhc.org. Mandatory Meetings/site tours are scheduled for 10/30, at 10:00 A.M., 3rd Floor, Conference Room #1, and 10/31 at 10:00 A.M., 3rd Floor, Conference Room #3, 760 Broadway, Brooklyn, NY.

Under Article 15A of The State of New York, the following M/WBE 35% Goal Applies to this project. The Goal Applies to any Bid Submitted of \$500,000 or more.

Bidders not complying with these Terms will have their bids declared Non-Responsive.

Required Trade Licensed where applicable.

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, 55 Water Street, 25th Floor, New York, NY 10041. Clifton Mc Laughlin (212) 442-3658; Clifton.Mclaughlin@nychhc.org

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OFFICE OF THE MAYOR

■ NOTICE

MAYOR'S OFFICE OF CITYWIDE EVENT COORDINATION AND MANAGEMENT

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Mayor's Office of Citywide Event Coordination and Management (CECM) is establishing rules for the Open Culture Program, and about Open Street Events and street fairs.

When and where is the Hearing? CECM will hold a public hearing on the proposed rule online. The public hearing will take place on November 20th, 2023, at 9:00am.

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: https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%23%2F1%2Fmeetup-join%2F19%3Ameeting_MzY4M2U4ZmMtOWE0Yi00NzI5LTlhN2UtMzRlMDk1MWVkYmZi%40thead.v2%2F0%3Fcontext%3D%257b%2522tid%2522%253a%252235c82816-6c56-443b-baf6-8312163cadc1%2522%252c%2522oid%2522%253a%2522d189482e-ba88-4728-b5b5-d2a20dacc86b%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=2b9e607c-29df-424e-bd88-42bccb7823a1&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true Then follow the prompts.

- When prompted enter the following meeting password: N/A

Join via phone only:

- To join the meeting by phone, use the following information to connect:
Phone: +1 332-910-6701,,854226244#
Phone Conference ID: 854226244

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

- **Website.** You can submit comments to CECM through the NYC rules Web site at www.nyc.gov/nycrules.
- **Email.** You can email written comments to saorules@cityhall.nyc.gov.

- **Mail.** You can mail written comments to Raynard Edwards, Director of Street Activity Permit Office, Mayor's Office of Citywide Event Coordination and Management, at 253 Broadway, 6th Floor, New York, NY 10007.
- **By Speaking at the Hearing.** Anyone wishing to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing saorules@cityhall.nyc.gov by November 19th (A DAY BEFORE THE HEARING) 2023 at 5:00pm. You can speak for up to three minutes. Each speaker will be timed.

Is there a deadline to submit written comments? Written comments must be received no later than 1pm on November 20th, 2023 (THE HEARING DATE).

Do you need assistance to participate in the Hearing? Please inform CECM if you need reasonable accommodation, such as a sign language interpreter. Request these services by email or mail at the address given above no later than November 13th (A WEEK BEFORE THE HEARING) 2023 at 5:00pm.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at www.nyc.gov/nycrules. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at CECM.

What authorizes CECM to make this rule? Section 1043 of the City Charter, Local Law 8 of 2021, as well as Executive Order No. 105 of 2007 authorize CECM to make this proposed rule. This proposed rule was not included in CECM's regulatory agenda for this Fiscal Year because it was not contemplated when CECM published the agenda.

Where can I find the CECM rules? The CECM rules are in title 50 of the Rules of the City of New York.

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

Statement of Basis and Purpose of Proposed Rule

The Mayor's Office of Citywide Events Coordination and Management (CECM), which oversees the Street Activity Permit Office (SAPO), has been designated under Local Law No. 80 of 2023 to administer the rules governing the issuance of permits for the Open Culture Program.

Section 19-107.1 of the Administrative Code, as added by Local Law 55, requires the Department of Transportation to promulgate rules for the Open Streets Program. The Department of Transportation has designated CECM to promulgate rules relating to the issuance of an Open Streets event permit for activities taking place on a designated Open Street.

Open Culture Program

Section 2509 of the Charter as added by Local Law No. 80 of 2023 directs CECM to establish an Open Culture Program, pursuant to which an eligible art and cultural institution may utilize a roadway for an artistic or cultural event. The law further directs CECM to establish eligibility and use guidelines and policies for such program and promulgate any necessary rules. The proposed rules would establish an application process and create requirements for the Open Culture Program and allow SAPO to issue street activity permits for this program in accordance with Local Law No. 80 of 2023.

Open Street Event

Section 19-107.1 of the Administrative Code as added by Local Law No. 55 of 2021 requires DOT to promulgate rules relating to its permanent Open Street Program. This program allows for various activities and supports local businesses and schools to embrace new public spaces. These proposed SAPO rules would maximize opportunities for the public to hold events on Open Street locations while also ensuring that the City has advance notice of all Open Street activity so that events may happen in an orderly fashion while also ensuring that the Open Streets remain available for everyday use and enjoyment by the public. In addition, these proposed rules would govern the issuance of permits to hold events on Open Streets, including rules regarding submission and processing of event applications, approval or denial of event applications, appeals of denials of Open Street event permits and fees for the use of Open Streets.

Street Fair Moratorium

To more effectively deploy police resources and control overtime costs, the New York City Police Department has recommended that SAPO exercise its discretion to deny permit applications for new multi-block/multi day street fair events in calendar year 2024. The proposed rules would authorize SAPO to deny permit applications for street fairs if the street fair was not held in the calendar year 2023. Events that received permits in calendar year 2023 may be eligible to receive permits again in calendar year 2024.

Each year SAPO issues permits to over 200 street fairs and over 6,000 other events, most of which include the use of multiple blocks over

several days, the erection of structures, the vending of food, apparel and other goods and the use of amplified sound and the performance of music. Events like these require additional police officers which increases overtime costs to the City. These events also divert police officers from core crime fighting, public safety and counterterrorism duties.

CECM authority for these rules is found in section 1043 of the New York City Charter, Local Law 8 of 2021, and Executive Order Nos. 100 and 105 of 2007, which established and conferred rulemaking authority upon the Coordinator of Citywide Special Events.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

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

Section 1. The definitions of “Civic event”, “Cultural Venue”, “Open Culture Event” and “Open Culture Street”, as set forth in Section 1-01 of chapter 1 of title 50 of the Rules of the City of New York, are amended, and new definitions of “Open Street,” “Open street event” and “Open street partner” are added, to read as follows:

“**Civic event**” means a Plaza, Open Street or Street event that is sponsored by a documented not-for-profit organization that is open to the public, may offer free services or information to the community, and does not have a fundraising component or include the sale of goods or services. Civic events include, but are not limited to, artistic/cultural performances, classes, religious worship or educational gatherings that support the mission of the sponsoring, documented not-for-profit organization. Civic events may not include signs or banners displaying sponsors or supporter logos that exceed ten percent (10%) of the face of the sign or banner.

“**Cultural Venue**” means an entertainment facility in the city of New York intended or designed to be used for a performance in front of a live audience.]

“**Open Culture Event**” means an event where the applicant or sponsor is an art and cultural institution [or cultural venue] including, but not limited to, cultural performances, rehearsals, and classes, that is free and open to the public and offers free services or information to the community and where the activity will take place in the roadway [on an Open Culture street] and obstruct the regular use of the location by pedestrian or vehicular traffic but shall not include activities conducted pursuant to a parade or construction permit. An Open Culture Event shall not be considered a Street event or Plaza event for the purposes of these rules.

“**Open Culture Street**” means a street designated by the Department of Transportation for inclusion in the Open Culture program.]

“**Open Street**” means one or more streets or segments of one or more streets designated as an Open Street by the Department of Transportation, on which motor vehicle access is controlled by barriers and signage or other traffic calming measures, and on which priority is given to pedestrians, individuals using bicycles, and other non-vehicular street users.

“**Open street event**” means a Street event small, Street event medium, Street event large, Extra-large event or Civic event, within an Open Street where the activity will interfere with or obstruct the regular use of such Open Street, but shall not include activities conducted pursuant to a valid film, parade or construction permit.

“**Open street partner**” means an organization selected by the Department of Transportation to assist with functions related to the implementation of Open Streets, pursuant to a management agreement with the Department of Transportation, pursuant to Chapter 4 of Title 34 of the Rules of the City of New York. Such functions may include, but are not limited to, the design, daily management, maintenance, programming, and the provision of funding to support such functions.

§ 2. Paragraph 6 of subdivision c of section 1-03 of chapter 1 of title 50 of the Rules of the City of New York is amended to read as follows:

(6) plans outlining components of the proposed Street event, Plaza event, [or] Open Culture or Open street event.

§ 3. Subdivisions (i) and (j) of section 1-03 of chapter 1 of title 50 of the Rules of the City of New York are amended to read as follows

(i) For Open Culture Events, the Director of SAPO may establish guidelines that restrict certain event elements, as well as activities that would require additional agency permits. [Unless otherwise provided by law, the Open Culture program shall remain in effect until March 31, 2022, and the final application deadline for any Open Culture event shall be March 16, 2022.]

(j) The Director of SAPO may establish guidelines that set limits on the frequency of Open Culture events from a single applicant or sponsor to ensure that numerous applicants and sponsors are able to utilize [Open Streets] roadways for Open Culture Events. Such guidelines may take into consideration the concentration of events in certain neighborhoods, and the provision of equitable access to all groups.

§ 4. Subdivisions c, d, g, i, and j of section 1-04 of chapter 1 of Title 50 of the Rules of the City of New York are amended to read as follows:

(c) SAPO will make available applications for Plaza event and Open street event permits to the community board(s) for the community district(s) that encompass(es) the Pedestrian plaza(s) or Open street(s) in which the proposed Plaza or Open street event is to take place and to the Pedestrian plaza partner(s) or Open street partner(s) for the Pedestrian plaza(s) or Open street(s) in which the proposed Plaza event or Open street event is to take place.

(d) There shall be a non-refundable twenty-five dollar processing fee for all applications [with the exception of applications for Open Culture events which shall have a fee of twenty dollars]. Online submissions may be subject to an additional convenience fee.

(g) For Street events, Block parties, Farmer’s markets, Open Culture events, Clean-ups, Open street events and for Pedestrian plaza events, SAPO shall notify the community board in which the proposed event will take place that the application is available for agency review and comment on the CEMS database. SAPO shall notify the Pedestrian plaza partner for the Pedestrian plaza in which a proposed Plaza event will take place that the application is available for review in the CEMS database. SAPO will notify the Open street partner for the Open Street in which a proposed Open street event will take place that the application is available for review in the CEMS database.

(i) The Pedestrian plaza partner or Open street partner shall forward its recommendation for approval or denial of a Plaza event application to SAPO for further processing. If the Pedestrian plaza or Open street partner has recommended approval with conditions or recommended denial of a Plaza event or Open street event permit application, SAPO shall also notify the Applicant of the Applicant’s opportunity to comment on such recommendation to SAPO.

(1) If the Pedestrian plaza or Open street partner recommends approval with conditions or recommends denial of the permit application, an Applicant shall have five (5) business days from the receipt of the notification to file written comments with SAPO.

(2) If the Pedestrian plaza or Open street partner recommends denial and the Applicant fails to file written comments within the time provided, then the application shall be deemed denied. If the Pedestrian plaza or Open street partner gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.

(j) Upon receipt of an event application, the application will be available for review via the Citywide Event Management Systems “CEMS” database by the Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Community Board and the Pedestrian plaza or Open street partner if a Plaza or Open street event is involved. Additional copies may also be sent to other agencies, including, but not limited to, the Department of Health and Mental Hygiene, the Department of Consumer Affairs, the New York City Transit Authority, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency.

§ 5. Subdivisions a, b, c, d, g, h, and i of section 1-05 of chapter 1 of Title 50 of the Rules of the City of New York are amended to read as follows:

(a) The Director of SAPO shall take into consideration any recommendations or comments received from community boards and Pedestrian plaza or Open street partners, where applicable, or City agencies or other government agencies in determining whether to approve, approve with conditions, or deny a Street event permit application, Plaza event permit application, Open street event permit or Open Culture event permit application. At any time during the review of an application for a street activity permit, Plaza event permit or Open Culture event permit, the Director of SAPO or Executive Director of CECM or his or her designee may require the submission by the Applicant of such additional information that he or she deems

necessary to evaluate the application or the qualifications of the Applicant or to implement the requirements of these rules.

(b) The Director shall have the authority to deny an application, to condition the approval of an application, or to revoke a Street event, Plaza event, Open street event or Open Culture event permit, based on the following:

- (1) Applicant's past or present failure to make payment of the processing fee; or
- (2) Applicant's past or present failure to make payment to, or reach satisfactory agreement with all agencies, (e.g., the Department of Sanitation regarding a clean-up deposit); or
- (3) Applicant's past or present failure to present proof that all necessary and proper licenses, permits, insurance or authorizations have been received; or
- (4) Applicant's past or present failure to make payment to, or reach satisfactory agreement with, SAPO regarding a Street event fee, Plaza event fee, Open street event, or Open Culture Event fee; or
- (5) Applicant's past or present failure to comply with applicable laws or rules; or
- (6) Applicant's past or present failure to comply with a condition imposed on a permit issued previously to the Applicant; or
- (7) Applicant proposes activities that would be in violation of law, rule or regulation; violate subdivisions 1, 4, 5, 6 or 7 of § 240.00 of the Penal Law; or would otherwise present an unreasonable danger to the health or safety of the applicant, event participants or other members of the public or cause damage to public or private property; or
- (8) Applicant's past or present failure to provide the Director or Executive Director of CECM with any additional information which he or she has determined to be necessary to evaluate the application or the qualifications of the Applicant; or

(9) Applicant for an Open Culture Event proposes activities that would violate the applicable guidelines for the Open Culture program.

(c) In addition to the provisions of subdivision (b) of this section, the Director shall have the authority to deny an application, condition the approval of an application or revoke a Street event permit, Plaza event permit, Open street event permit, or Open Culture event permit on any or all of the following grounds:

- (1) The Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Department of Health and Mental Hygiene, the Department of Buildings, the Department of Consumer Affairs, the New York City Transit, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency that received a copy of a Street event permit application or a Plaza event application for comment, has notified the Director of SAPO of its disapproval and the reasons therefor; or
- (2) the proposed activity, when considered in conjunction with other proposed activities, would produce an excessive burden on the community, City services or City personnel; or
- (3) the information provided on the application or forms or documentation required to be submitted is false, misleading, incomplete or inaccurate; or
- (4) approval of the application is not in the best interest of the community, City or general public for reasons that may include, but are not limited to, lack of good character, honesty, integrity or financial responsibility of the Applicant. If the Director determines that the application shall be denied on the ground that the Applicant lacks good character, honesty, integrity or financial responsibility, the Director shall notify the Applicant that the application has been denied and shall specify the reason for such denial. The Applicant may thereafter respond to the Director's determination and appeal such denial pursuant to the provisions of 50 RCNY § 1-06.

(d) For the calendar year [2023] 2024, the Director will deny applications for Street event permits for street fairs not held in the calendar year [2022] 2023.

(g) [The Director will deny applications submitted for Open Culture event permits for any location that is not an Open Culture Street.

(h) Notwithstanding anything in this section, this Director shall not deny an application for a Press Conference/Rally/Stationary Demonstration other than under paragraph 7 of subdivision b of this section or unless the requested time or location conflicts with another permit, in which case the applicant shall be offered an alternative time

or location for the Press Conference/Rally/Stationary Demonstration.

(i) (h) Notwithstanding any other time period for review provided by these rules, notification of the approval or denial of an Open Culture event application shall be made within 5 days of receipt of a complete application.

§ 6. The table contained in subdivision c of section 1-08 of chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

Event Type	Fee	Deadline
Block Party	[Processing] \$25 processing fee only	60 Days
Charitable Event	20% of the event fee charged based on the event size and location	30 Days
Civic Event	[Processing] \$25 processing fee only	14 Days
Clean-up	[Processing] \$25 processing fee only	60 Days
Day fee (as per 50 RCNY § 1-08(a))	\$35 each day after the first day	
Extra Large Event, Street or Plaza	Up to \$66,000 per location	
Farmers Market	\$15 per day	60 Days
Health Fair	[Processing] \$25 processing fee only	30 Days
Open Culture Event	[Processing] \$25 processing fee only	15 Days
Plaza Event (Pedestrian plaza Level A)	Fee per Plaza block	45 Days (1 Plaza block)
	\$31,000 Large	60 days (Multiple Plaza blocks)
	\$15,500 Small or Medium	
Plaza Event (Pedestrian plaza Level B)	MN Plaza Event Fees per Plaza block	30 Days (1 Plaza block)
	\$20,000 Large	
	\$10,000 Medium	
	\$5,000 Small	45 days (Multiple Plaza blocks)
	SI, QN, BX, BK Plaza Event Fees per Plaza block	
\$8,000 Large		
\$4,000 Medium		
\$2,000 Small		
Plaza Event (Pedestrian plaza Level C)	MN Plaza Event Fees per Plaza block	30 Days
	\$11,000 Large	
	\$5,500 Medium	
	\$2,500 Small	
	SI, QN, BX, BK Plaza Event Fees per Plaza block	
\$5,000 Large		
\$2,500 Medium		
\$1,000 Small		

Plaza Event (Pedestrian plaza Level D)	MN Plaza Event Fees \$2,500 Large \$1,250 Medium or Small SI, QN, BX, BK Plaza \$2,000 Large \$1,000 Medium or Small	14 Days
Press Conference/ Rally/Stationary Demonstration	[Processing] \$25 processing fee only	10 Days unless need for event could not be anticipated in advance
Production Event	\$290 (with curb lane or sidewalk) \$700 (with curb lane and sidewalk)	10 Days
Street event	Street event, Large \$25,000	45 Days
	Street event, Medium \$11,000	30 Days
	Street event, Small \$3,100	14 Days
Street Fair	20% of the total fee paid by vendors to participate	December 31st of the preceding year. Applications for 1 day/1 block, 90 days

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

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

RULE TITLE: Rules Regarding Issuance of Permits for Open Culture and Open Streets Programs, and Proposed Extension of Street Fair Moratorium

REFERENCE NUMBER: 2023 RG 079

RULEMAKING AGENCY: Citywide Event Coordination & Management

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
Senior Counsel

Date: October 18, 2023

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

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

RULE TITLE: Rules Regarding Issuance of Permits for Open Culture and Open Streets Programs, and Proposed Extension of Street Fair Moratorium

REFERENCE NUMBER: CECM-SAPO-16

**RULEMAKING AGENCY: Citywide Event Coordination
Management - Street Activity
Permits Office**

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

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

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

October 18, 2023
Date

o20

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 to amend title 34 of the Rules of the City of New York to add a new chapter 5 to establish rules relating to DOT's Dining Out NYC program.

When and where is the hearing? DOT will hold a public hearing on the proposed rule online. The public hearing will take place on November 20, 2023 at 10:00 am.

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/94117065380?pwd=M0xUVGhpVzFFVlF3S3NrUnA0NHhtQT09>

Meeting ID: 941 1706 5380
Password: 384818

- 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: +1 646 518 9805
- Meeting ID: 941 1706 5380
- Password: 384818

How do I comment on the proposed rules? Anyone can comment on the proposed rules by any of the following methods:

- **Website.** You can submit comments to DOT through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@dot.nyc.gov.
- **Mail.** You can mail comments to Michelle Craven, Assistant Commissioner, Office of Cityscape and Franchises, New York City Department of Transportation, 55 Water Street, 9th Floor, New York, NY 10041.
- **Fax.** You can fax comments to 212-839-9685.
- **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 or calling 212-839-6500 by November 17, 2023, and providing 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 5pm on November 20, 2023.

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. You must tell us if you need a sign language interpreter. You can tell us by e-mailing at rules@dot.nyc.gov or by calling 212-839-6500 by November 13, 2023.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online, copies of all written comments, and a recording of the hearing may be requested by emailing rules@dot.nyc.gov.

What authorizes DOT to make this rule? Sections 1043 and 2903(a) of the New York City Charter (“City Charter”) authorize DOT to make this proposed rule. This rule was included in DOT’s regulatory agenda for this Fiscal Year.

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 promulgate rules regarding parking and traffic operations in the City pursuant to section 2903(a) of the New York City Charter.

In accordance with Local Law No. 121 for the year 2023 (“Local Law 121”), DOT is proposing rules relating to its permanent outdoor dining program. In 2020, the temporary Open Restaurants program was established pursuant to an emergency executive order in response to the COVID-19 pandemic. During the height of the pandemic, the temporary Open Restaurants program was a critical lifeline for communities and businesses as they navigated the effects of this devastating crisis. The program aided restaurants in recovering from this difficult economic time, enhanced social distancing and promoted open space. It quickly evolved from a response to the COVID-19 pandemic to a reimagining of the city’s streetscape to support small businesses, while creating vibrant public spaces that improve quality of life for all New Yorkers.

This proposed rule would set forth requirements for the granting of licenses and revocable consents for sidewalk and roadway cafes, establish siting and design criteria for sidewalk and roadway seating areas, and set forth the compensation required to be paid for the granting of a revocable consent for the operation of sidewalk and roadway cafes. Specifically, the amendments being proposed would:

- Repeal the entirety of subchapter F of chapter 2 of title 6 of the Rules of the City of New York, relating to the granting of revocable consents and licenses to operate a sidewalk cafe.
- Add a new chapter 5 to title 34 of the Rules of the City of New York in relation to the administration and operation of an outdoor dining program. Specifically, among other things, the proposed rule would:
 - Establish the application requirements and set forth the application process for the granting of licenses and revocable consents for sidewalk cafes and roadway cafes in accordance with Local Law 121;
 - Set forth the annual compensation for revocable consents for sidewalk cafes and roadway cafes in accordance with Local Law 121;
 - Set forth the annual compensation for revocable consents for enclosed sidewalk cafes in accordance with Local Law 121;
 - Set forth operational and management requirements for sidewalk cafes and roadway cafes in accordance with Local Law 121, including but not limited to requirements relating to hours of operation, alcohol consumption, and seasonal operating restrictions for roadway cafes;
 - Establish operational and management requirements for sidewalk cafes and roadway cafes, including but not limited to requirements related to maintenance, noise, lighting, abandonment, and accessibility;
 - Establish siting and design requirements for sidewalk cafes and roadway cafes, including but not limited to clear path requirements for sidewalk cafes, required clearances, requirements for lighting and electrical connections, barrier and flooring requirements for roadway cafes, and requirements for awnings, coverings, umbrellas, and screenings; and
 - Establish enforcement procedures, such as processes for corrective action requests, suspensions and revocation, and removals.

- Amend section 3-01 of chapter 3 of title 34 of the Rules of the City of New York to set forth penalties for violations of rules relating to the outdoor dining program in accordance with Local Law 121.
- Establish requirements for temporary outdoor dining setups authorized to continue operating pursuant to Local Law 121, which were previously adopted on an emergency basis pursuant to subdivision i of section 1043 of the Charter.

These proposed rules would replace the rules in subchapter F of chapter 2 of title 6 of the Rules of City of New York, relating to the granting of revocable consents and licenses to operate sidewalk cafes.

New material is underlined.

§ 1. Subchapter F of chapter 2 of title 6 of the Rules of the City of New York is REPEALED.

§ 2. Title 34 of the Rules of the City of New York is amended by adding a new chapter 5 to read as follows:

CHAPTER 5

LICENSES AND REVOCABLE CONSENTS FOR SIDEWALK AND ROADWAY CAFES

§ 5-01 Definitions.

For purposes of this chapter, the following terms have the following meanings:

Administrative Code. The term “Administrative Code” means the Administrative Code of the City of New York.

Barrier. The term “barrier” means an object placed on all sides of a roadway cafe, other than the side that fronts the restaurant, to protect patrons of a roadway cafe, that has a fully built interior wall and bottom to hold water or such other filler approved by the Department and that is removable.

Clear Path. The term “clear path” means a straight unobstructed path on the sidewalk or sidewalk widening for pedestrian circulation.

Commissioner. The term “Commissioner” means the Commissioner of Transportation, or their authorized designee.

Consent. The term “consent” means an authorization, revocable at will, to an owner of real property or, with permission of the owner, to a tenant of real property to use the adjacent sidewalk widening to construct and operate a sidewalk cafe subject to the terms applicable thereto.

Corrective action request or CAR. The term “corrective action request” or “CAR” means written notice by the Department that a condition created or maintained within a sidewalk cafe or roadway cafe is in violation of a provision of section 19-160 through 19-160.6 of the Administrative Code, these rules, or a term or condition of a license issued pursuant to this chapter, with a request that action be taken by the person to whom such notice is addressed to correct such condition.

Department. The term “Department” means the Department of Transportation.

Enclosed sidewalk cafe. The term “enclosed sidewalk cafe” means a sidewalk cafe that is constructed predominantly of light materials such as glass, slow-burning plastic or lightweight metal pursuant to a permit issued by the Department of Buildings.

Fee rate. The term “fee rate” means the compensation to be paid per square foot to the city during the continuance of a revocable consent or a consent in an amount equal to the applicable sector rate, reduced, as determined by the Department, to account for factors including, but not limited to, the impact historical weather patterns may have on the operation of a sidewalk cafe or roadway cafe and any area of such roadway cafe occupied by barriers demarcating such cafe from the curb lane or parking lane.

Floating parking lane. The term “floating parking lane” means a parking lane that is separated from the curb by a protected bicycle lane that is adjacent to the curb.

Furnishing zone. The term “furnishing zone” means an area of a sidewalk that is parallel to the curb line and in which streetscape elements, such as street furniture and trees, are located.

Ground floor. The term “ground floor” means visible from the street and directly accessible to the public from the street.

Ground floor restaurant. The term “ground floor restaurant” means any ground floor premises that is operated pursuant to a food service establishment permit issued by the Department of Health and Mental Hygiene.

Landmarks Preservation Commission or LPC. The term “Landmarks Preservation Commission” or “LPC” means the New York City Landmarks Preservation Commission.

Petitioner. The term “petitioner” means a person who submits a petition for a revocable consent for a sidewalk cafe or a roadway cafe.

Revocable consent. The term “revocable consent” means a grant of a right, revocable at will, to an owner of real property or, with the consent of such owner, to a tenant of real property to use adjacent inalienable property to construct and to operate a sidewalk cafe or roadway cafe subject to the terms and conditions applicable thereto.

Roadway. The term “roadway” means that portion of a street designed, improved, or ordinarily used for vehicular travel, exclusive of the shoulder and slope.

Roadway cafe. The term “roadway cafe” means an open-air portion of a ground floor restaurant containing readily removable tables, chairs, and other removable decorative items, which is located in the curb lane or parking lane of a roadway fronting the restaurant and is designed and operated pursuant to sections 5-02 through 5-12 of this chapter.

Sector. The term “sector” means an area of the city, as determined by the Department, where the median annual rent charged for a square foot of a ground floor commercial premises, in accordance with information published by the Department of Finance pursuant to subdivision h of section 11-3101 of the Administrative Code, is similar.

Sector rate. The term “sector rate” means a dollar amount determined by the Department for each sector, based on the median annual rent for a square foot of a ground floor commercial premises in such sector, as determined in accordance with the information published by the Department of Finance pursuant to subdivision h of section 11-3101 of the Administrative Code, or other similar data that the Department determines accurately reflects such median annual rent in such sector.

Sidewalk. The term “sidewalk” means a portion of a street between curb lines, or lateral lines of a roadway, and the adjacent property lines, but not including the curb, intended for the use of pedestrians.

Sidewalk cafe. The term “sidewalk cafe” means an open-air portion of a ground floor restaurant containing only readily removable tables, chairs, and other removable decorative items, that is located on a public sidewalk or sidewalk widening in front of the restaurant and that is designed and operated pursuant to sections 5-02 through 5-12 of this chapter.

Sidewalk widening. The term “sidewalk widening” shall have the same meaning as provided in subdivision (f) of section 37-53, or a successor provision, of the zoning resolution of the city of New York.

Street. The term “street” shall have the meaning ascribed thereto in subdivision 13 of section 11-112 of the Administrative Code.

§ 5-02 General Requirements.

(a) Requirement for a License and Revocable Consent. Any person owning, leasing, managing or operating a ground floor restaurant upon property which abuts upon any street may establish and operate a sidewalk cafe upon the sidewalk or sidewalk widening of such street in an area immediately adjacent to its premises, or a roadway cafe upon the roadway adjacent to the curb in front of such ground floor restaurant, or both, provided that such sidewalk cafe or roadway cafe be granted a license and a revocable consent by the Commissioner, and provided further that a sidewalk cafe located entirely on a sidewalk widening shall be granted a license and consent for the use of such sidewalk widening as a sidewalk cafe by the Commissioner.

(b) Enclosed Sidewalk Cafes.

(1) Notwithstanding subdivision (a), no license shall be granted or renewed for the operation of an enclosed sidewalk cafe at any location other than a location where:

(i) An enclosed sidewalk cafe had been constructed pursuant to a permit issued by the Department of Buildings and in accordance with section 3111 of the New York City Building Code prior to March 16, 2020; and

(ii) An enclosed sidewalk cafe was lawfully operated as such on March 16, 2020 or at any time within four years prior to such date.

(2) Granting or renewal of any such license to operate an enclosed sidewalk cafe at such location shall be in accordance with subdivision (c) of section 5-03 of this chapter.

(c) Landmarks Preservation Commission Review.

(1) Approval by the Landmarks Preservation Commission of a license application is required where the petition for a revocable consent to operate a sidewalk cafe or roadway cafe includes work or improvements on a sidewalk cafe or roadway cafe that is:

- (i) Located within a historic district;
- (ii) Located on a landmark site;

(iii) Attached to a landmark; or

(iv) Attached to an improvement containing an interior landmark.

(2) LPC shall make a determination on such application no later than 10 business days after the date of receipt of a complete application, unless LPC determines that such sidewalk cafe or roadway cafe may have an effect on the exterior architectural features of a landmark or a building or buildings within a historic district and a public hearing is required.

(3) Where approval is required pursuant to paragraph (1) of this subdivision, LPC shall review and approve any element of a sidewalk cafe or roadway cafe, including but not limited to heaters, lighting, electrical connections, and awnings, that is physically attached to a building located within a historic district or located on a landmark site. Such elements that are physically attached to a building located within a historic district or located on a landmark site shall comply with all applicable rules and regulations of LPC.

(d) **Modification.** An application to modify a license must be submitted in accordance with section 5-03, and a petition to modify a revocable consent, with appropriate drawings, must be submitted in accordance with paragraph (2) of subdivision (c) of section 5-04 of this chapter. Such application and petition shall be reviewed pursuant to the process set forth in subdivision (c) of section 5-07 of this chapter, except that the Department shall hold a public hearing only when a licensee seeks approval (i) to increase the area of the sidewalk cafe or roadway cafe by ten (10) percent or greater, or (ii) to modify the location of a sidewalk cafe or roadway cafe.

(e) Except where expressly prohibited by law, the Commissioner may, in accordance with sections 19-160 through 19-160.6 of the Administrative Code, waive these rules, in the interest of public safety and convenience.

(f) **Compliance.** A licensee shall comply with all other applicable laws, rules, and regulations, including but not limited to the New York City Fire Code, New York City Building Code, New York City Health Code and the Department of Health and Mental Hygiene’s rules and regulations, as applicable.

§ 5-03 License Requirements.

(a) **Term.** The term of a license granted pursuant to this chapter shall be four years.

(b) **Prohibition on Sale, Lease, or Transfer.** A license to establish and operate a sidewalk cafe or a roadway cafe shall be personal to the applicant and may not be sold, leased or transferred. Such license shall not be deemed revoked by the sale or transfer of the lease or of title to the building or structure to which the sidewalk cafe or roadway cafe is related unless such sale or transfer materially alters the plans submitted for the license application or revocable consent. For purposes of this paragraph, “materially alter” shall mean to modify the location or increase the area of a sidewalk cafe or roadway cafe by ten (10) percent or greater.

(c) **License Applications.** An application for the granting of a license, or for renewal, modification, or assignment of a license, must be submitted electronically on the Department’s website and must include all materials required by the Department as set forth in these rules, including a completed application in a form prescribed by the Department and provided on the Department’s website.

(d) **License Application Fees.** There shall be separate fees for the granting, and renewal, of a sidewalk cafe license and a roadway cafe license. Such fees shall be non-refundable and are set forth in the chart below. Such license and license renewal fees shall be in addition to the amount required to be paid as compensation for a revocable consent, or renewal thereof, to establish and operate a sidewalk cafe or roadway cafe.

	Sidewalk Cafe	Roadway Cafe
Granting of license	\$1,050	\$1,050
Renewal of license	\$1,050	\$1,050

§ 5-04 Requirements for Revocable Consent of Sidewalk Cafes and Roadway Cafes.

(a) **Term.** The term of a revocable consent to operate a sidewalk cafe or roadway cafe shall be one license term (i.e., four years) and shall be concurrent with the term of the license granted pursuant to this chapter for the sidewalk cafe or roadway cafe.

(b) **Assignment or Transfer of a Revocable Consent.** Revocable consents may not be assigned, transferred, or otherwise conveyed

without the written permission of the Commissioner.

(c) Petition Requirements. A petition for the granting of a revocable consent, or for a renewal, modification, or assignment of a revocable consent, must be submitted electronically on the Department's website and must include:

(1) Petition Form. A completed and accurate petition form, which shall be made available on the Department's website, signed by the person to whom a food service establishment permit is issued from the Department of Health and Mental Hygiene to operate the ground floor restaurant that occupies the premises immediately adjacent to the sidewalk and/or roadway area for which the revocable consent is sought, or an authorized representative of such person.

(2) Site Plan and Drawings. A site plan comprised of an accurate drawing depicting required clearances, the space to be occupied, and the locations of tables, chairs, barriers and vertical elements in the form provided on the Department's website. Such site plan must delineate the property line where outdoor dining will be operated on private property adjacent to a sidewalk cafe, if applicable. Such drawings may be, but are not required to be, developed by an architect, engineer, or other professional third party.

(3) Photographs. One or more photographs that show the entire area of or to be occupied by the sidewalk cafe or roadway cafe, and one or more photographs that show the area adjacent to the sidewalk cafe or roadway cafe, in the form provided on the Department's website.

(4) Property Owner Consent. Where the petitioner is not the owner of the property in front of which the sidewalk cafe or roadway cafe is located, such owner's written, signed and notarized consent of such petition. Upon commencement of a new lease following a transfer in ownership of the building, the new owner's consent must be secured and filed with the Department.

(5) Pest Control Plan. A certification from the petitioner that they have entered into a contract with a licensed pest professional that includes pest control services for the sidewalk cafe or roadway cafe.

(6) Additional Information. Any additional supporting materials or information requested by the Department, including any documents, information or materials necessary to register the revocable consent agreement with the Comptroller.

(d) Additional Revocable Consent Requirements. Prior to executing the revocable consent agreement, the petitioner must submit proof of insurance and a security fee in the amounts and form set forth in the revocable consent agreement.

(e) Renewal. Petitions for renewal of a revocable consent granted pursuant to this chapter must include all forms and materials required by subdivision (c) of this section, together with all the supporting documents and correspondence, except that the consent of the owner shall not be necessary for the issuance of a renewal during the term of the lease for the premises, including any renewals of such lease.

(f) Order of Priority. When two or more ground floor restaurants share the same sidewalk and roadway frontage, the ground floor restaurant that first submits a complete and accurate petition for a revocable consent pursuant to this chapter shall have priority for the operation of a sidewalk cafe or a roadway cafe in such frontage.

§ 5-05 Sidewalk Cafe Revocable Consent Review Process.

(a) Department Notice. The petition filed with the Department must be complete and accurate, as determined by the Department. The Department shall, within 5 days of the filing of a complete and accurate petition, forward such petition by electronic mail to the Borough President of the borough in which the sidewalk cafe is proposed to be located, the Speaker of the Council and the Council Member of the district in which the sidewalk cafe is proposed to be located, for information purposes, and to the Community Board for the community district in which the sidewalk cafe is proposed to be located, for review pursuant to subdivision (b).

(b) Community Board Review. No later than 40 days after receipt of such petition, the Board must either:

(1) Notify the public of such petition, conduct a public hearing thereon, and submit a written recommendation to the Department, provided that where such recommendation is submitted later than 40 days after receipt of such petition, such recommendation may be accepted by the Department at the sole discretion of the Department; or

(2) Waive, by a written statement, its public hearing and recommendation on such petition in accordance with the requirements set forth in subdivision (b) of section 19-160.2 of the

Administrative Code.

(c) Department Review.

(1) If a public hearing is not required to be held by the Department pursuant to paragraph (3) of this subdivision, within 20 days after the expiration of the period described in subdivision (b), the Department shall:

(i) Approve the petition for a revocable consent for a sidewalk cafe, disapprove it or approve it with modifications; and

(ii) File with the Council any such decision to approve or approve with modifications, together with the petition. Such approval or approval with modifications shall be final approval of the revocable consent unless the Council and Mayor act pursuant to subdivision (d) of this section.

(2) If a public hearing is required to be held by the Department pursuant to paragraph (3) of this subdivision, within 30 days after the period described in subdivision (b), or within 45 days after such period if the Department plans to combine the public hearing on the petition with the public hearing required for one or more additional petitions, the Department shall:

(i) Hold a public hearing on the petition;

(ii) Approve the petition, disapprove it, or approve it with modifications; and

(iii) File with the Council any such decision to approve or approve with modifications, together with the petition. Such approval or approval with modifications shall be final approval of the revocable consent unless the Council and Mayor act pursuant to subdivision (d) of this section.

(3) The Department shall hold the public hearing when:

(i) A Community Board has submitted a recommendation to deny the petition;

(ii) A Community Board has submitted a recommendation to approve such petition with substantial modifications or conditions and the petitioner does not agree to adopt such modifications; or

(iii) The Department has determined that such a hearing would be beneficial to address a concern about the effect of a sidewalk cafe at the proposed location.

(4) During the Department's review period, the Department shall send the petition to city agencies whose operations may be affected by such petition for review and comment, including but not limited to the New York City Fire Department, the Mayor's Office for People with Disabilities, and LPC.

(5) Upon the Department's determination to disapprove a petition, the Department shall notify the petitioner, and the petitioner may submit a written statement to the Department within ten (10) days of such determination. The Department will consider any comments set forth in a timely delivered written statement. If the Department affirms its decision to disapprove the petition, such disapproval shall be a final determination of the Department.

(6) The Department may hear one or more petitions at the same public hearing upon a determination that doing so is in the public interest.

(7) Department Notice of Public Hearing.

(i) At least 15 days prior to the date of a hearing required to be held pursuant to paragraph (3) of this subdivision, the Department will give notice to the Community Board for the district in which the sidewalk cafe is proposed to be located, to the President of the Borough in which such cafe is proposed to be located and to the Council Member in whose district such cafe is proposed to be located.

(ii) Not less than five (5) calendar days prior to the date of any such hearing, notice of the hearing shall be published in the City Record, and in the print or online edition of one newspaper of local circulation in the community where such cafe is proposed to be located. The petitioner shall bear the cost of publication in the print or online edition of such newspaper.

(d) City Council and Mayoral Review. Upon receipt of such petition, the Council may resolve by majority vote of all the council members to review the petition in accordance with subdivisions (e) and (f) of section 19-160.2 of the Administrative Code. If the Council does not so resolve, the approval of the petition by the Department shall be forwarded to the Mayor unless the petition, or the category of such petition, is one for which the Mayor has determined that separate and additional mayoral approval is not required.

(e) Comptroller Registration. The Department shall notify the petitioner that its petition has been approved. Upon approval, the Department shall file the revocable consent agreement with the comptroller for registration pursuant to section 328 of the City Charter. Upon notification that the revocable consent agreement has been registered, DOT will issue the license along with a copy of the executed revocable consent agreement to the petitioner.

§ 5-06 Sidewalk Cafe Located Entirely in Sidewalk Widening Revocable Consent Review Process.

(a) Term. The term of the consent for a sidewalk cafe located entirely in a sidewalk widening shall be one license term (i.e., four years) and shall be concurrent with such license term.

(b) Assignment or Transfer of a Consent. A consent may not be assigned, transferred, or otherwise conveyed without the permission of the Commissioner.

(c) Petition Requirements. A petition for the granting of a consent, or for a renewal, modification, or assignment thereof, must be submitted electronically on the Department's website and must include all materials required by subdivision (c) of section 5-04, except that the site plan shall also delineate the property line that separates the sidewalk from the sidewalk widening.

(d) Sidewalk Widening Approval Process. Notwithstanding section 5-05 of these rules, a petition for a consent to establish a sidewalk cafe located entirely on a sidewalk widening, as demonstrated to the satisfaction of the Department, shall be reviewed and approved pursuant to section 5-07 of these rules, except that a public hearing is not required.

§ 5-07 Roadway Cafe Revocable Consent Review Process.

(a) Department Notice. The petition filed with the Department shall be complete and accurate, as determined by the Department. The Department shall, within 10 business days of the filing of a complete and accurate petition to operate a roadway cafe, forward such petition by electronic mail to the Council Member in whose district the roadway cafe is proposed to be located, and to the Community Board for the community district in which the roadway cafe is proposed to be located.

(b) Comment Period. The Community Board and the affected Council Member may submit comments to the Department not later than 30 days after receipt of such petition.

(c) Department Review.

(1) Prior to granting a petition for a revocable consent to operate a roadway cafe, or for renewal of such a revocable consent, or for modification to the location of a roadway cafe or to increase the area of a roadway cafe by ten (10) percent or greater, the Department shall hold a public hearing. Notice of such hearing shall be published by the Department at the expense of the petitioner in accordance with section 371 of the Charter.

(2) During the Department's review period, the Department shall send the petition to other agencies whose operations may be impacted by such petition for review and comment. The Department shall approve the petition, disapprove it, or approve it with modifications.

(3) Notwithstanding the foregoing, the Department may deny a petition for a revocable consent without a hearing if, in the sole judgement of the Commissioner, the granting of such revocable consent would interfere with the use of inalienable property of the City (including but not limited to roadways and sidewalks) for public purposes or would otherwise not be in the best interest of the City.

§ 5-08 Temporary Authorization to Operate.

(a) Lapsed or Terminated Revocable Consent. Where an applicant for a license to operate a sidewalk cafe or roadway cafe submits a complete and accurate petition for a revocable consent to operate a sidewalk cafe or roadway cafe for which a revocable consent granted to another person has lapsed or was terminated, such applicant may operate the sidewalk cafe or roadway cafe at such premises pending the approval such petition, provided all of the following requirements are satisfied:

(1) The plans for the cafe, submitted with the petition as required by paragraph (2) of subdivision (c) of section 5-04 of this chapter, are the same as the plans for the cafe for which a revocable consent to operate had been granted previously.

(2) Where the petition is for an enclosed sidewalk cafe, the structure of such enclosed sidewalk cafe is the same as the structure of the enclosed sidewalk cafe for which a consent had been granted previously.

(3) The petitioner makes a good faith effort to be granted a revocable consent to operate such sidewalk cafe or roadway cafe.

The Department may, in its sole discretion, determine that the applicant has not made a good faith effort where the petition for a revocable consent has not been approved within one year from the date of submission due to the petitioner's failure to provide submissions of information and materials requested by the Department. If such determination is made by the Department, the application will be deemed to have been withdrawn and the temporary authorization terminated.

(4) The previously granted revocable consent has lapsed or was terminated no more than two years prior to the date of submission of the petition.

(5) Where the previously granted revocable consent was terminated by the Department, such termination was not a result of non-compliance with the design requirements set forth in section 5-11 of this chapter.

(b) Comptroller Consent Pending Registration. Where the Department has approved a petition for a revocable consent to operate a sidewalk cafe or roadway cafe, the petitioner may operate such cafe pending registration of such revocable consent by the comptroller, provided the following requirements are satisfied:

(1) The comptroller has consented to such operation of the sidewalk cafe or roadway cafe pending registration; and

(2) Where the petition is for a revocable consent to operate a sidewalk cafe, the time for Council to resolve to review such petition has expired, or the Council has resolved to review such petition and has either approved such petition or has approved such petition with modifications and the petitioner has accepted such modifications.

§ 5-09 Annual Fee Rate Schedule

(a) A revocable consent for a sidewalk cafe or a roadway cafe, or a consent to operate a sidewalk cafe located on a sidewalk widening, granted pursuant to this chapter shall provide for compensation to be paid annually to the city during the continuance of the consent. Such annual compensation shall be equivalent to the product of the fee rate and the square footage of such sidewalk cafe or roadway cafe.

(b) There shall be 4 sectors, as described on the website of the Department. The fee rate for each sector shall be as follows:

Sector	Sidewalk Fee Rate (per square foot)	Roadway Fee Rate (per square foot)
1	\$6	\$5
2	\$10	\$8
3	\$18	\$14
4	\$31	\$25

(c) Enclosed Sidewalk Cafes.

(1) A revocable consent for an enclosed sidewalk cafe shall provide for compensation to be paid annually to the city during the continuance of the consent at the rate required to be paid for such cafe as of March 16, 2020 pursuant to the rules of the Department of Consumer and Worker Protection in effect prior to the date these rules take effect, as provided in subparagraphs (i) and (ii) of this paragraph. Such rules established two zones, and compensation to be paid annually depended on the zone in which an enclosed sidewalk cafe was located. Zone One encompassed all of the area of Manhattan south of, and including both sides of, 96th Street. Zone Two encompassed all of the areas of the City of New York not included within Zone One. The rates in effect as of March 16, 2020 were:

(i) \$5,378.13 for the first seventy (70) square feet plus \$42.02 for every additional square foot of sidewalk space occupied by an enclosed sidewalk cafe in Zone One; and

(ii) \$4,033.60 for the first seventy (70) square feet plus \$31.51 for every additional square foot of sidewalk space occupied by an enclosed sidewalk cafe in Zone Two.

(2) On January 1, 2028, and every 4 years thereafter, the Department may increase or decrease such compensation for an enclosed sidewalk cafe in accordance with increases or decreases in the sector rate.

§ 5-10 Operation and Management Requirements.

Upon approval by the Department of a license granted pursuant to this chapter, a licensee must operate and manage all aspects of a sidewalk cafe or roadway cafe in accordance with this section.

(a) Maintenance.

(1) Sidewalk cafes and roadway cafes shall be kept clean, well-maintained, and clear of trash, debris, graffiti, vermin, food scraps, and unsanitary conditions. A licensee shall also keep clean the area of the roadway extending one and one-half feet distance beyond any roadway cafe on all sides of such roadway cafe.

(2) A licensee shall not store trash or other items within a sidewalk cafe or roadway cafe, except that in roadway cafes rigid receptacles with tight-fitting lids as referenced in subdivision (b) of section 1-02.4 of Title 16 of the Rules of the City of New York are permitted.

(b) Hours of Operation. Sidewalk cafes and roadway cafes may operate only during the following hours and days, except that enclosed sidewalk cafes are permitted to operate before 10 a.m. on Sunday:

- Sunday, 10 a.m. to midnight
- Monday, 8 a.m. to midnight
- Tuesday, 8 a.m. to midnight
- Wednesday, 8 a.m. to midnight
- Thursday, 8 a.m. to midnight
- Friday, 8 a.m. to 1 a.m. Saturday
- Saturday, 8 a.m. to 1 a.m. Sunday

(c) Alcohol Consumption. No beer, alcoholic or spirituous liquors shall be served at a sidewalk cafe or a roadway cafe, unless permitted by the New York State Liquor Authority.

(d) No Smoking. Smoking or using electronic cigarettes is prohibited within sidewalk cafes and roadway cafes pursuant to subdivision (c) of section 17-503 of the Administrative Code.

(e) Advertising. No advertising sign, picture, flag, banner, side curtain or other device, including an illuminated or non-illuminated sign, shall be placed or painted on or affixed to any awning, screen or other appurtenance used in connection with a sidewalk cafe or roadway cafe, except that the name of the restaurant, the logo of the restaurant, the menu and information on the services provided by the restaurant, and the name and logo of any sponsors of the restaurant's amenities may be painted, imprinted or otherwise displayed, in accordance with the following requirements:

- (1) Names and logos shall be limited to ten (10) percent of the surface area of the surface on which they are displayed.
- (2) Names and logos may be painted onto barriers, or otherwise physically attached and secured to the barriers, provided that any signs attached to the barriers shall be no more than one (1) inch in depth. Menus and hours of operation may not be painted on or physically affixed to the barriers.
- (3) On coverings, umbrellas, and awnings, names and logos must be physically adhered to the fabric.
- (4) Any sign, picture, flag, banner, side curtain or other device used to display a name or logo may not be illuminated, flashing, or moving.

(f) Heaters. Heating units utilized in a sidewalk cafe or roadway cafe must comply with all applicable laws, rules, and regulations and must be approved for use in such sidewalk cafe or roadway cafe by the New York City Department of Buildings and New York City Fire Department. Such heating units shall only be located within the area of the sidewalk cafe or roadway cafe for which the revocable consent and license to operate such cafe has been granted.

(g) Good Order. Every licensee shall be held strictly accountable for the maintenance of good order in the sidewalk cafe or roadway cafe and the proper conduct of their patrons, including the prevention of excessive congregation within or immediately adjacent to a sidewalk cafe or roadway cafe. A licensee must provide adequate service to maintain the tables in the sidewalk cafe or roadway cafe and the adjacent street in a manner that ensures good order and cleanliness.

(h) Accessibility. A sidewalk cafe and roadway cafe must be directly accessible to persons with physical disabilities, including that the design of such cafe shall fully comply with applicable requirements of the Americans with Disabilities Act and rules promulgated thereunder, and applicable requirements of the New York City Building Code.

(i) Noise.

- (1) No loud or unnecessary noises may emanate from a sidewalk cafe or roadway cafe.
- (2) No musical instruments or sound reproduction or amplification devices shall be operated or used within a sidewalk cafe or roadway cafe, except where authorized pursuant to a street activity permit issued pursuant to chapter 1 of title 50 of the rules of the city of New York.
- (3) Where practicable, the Department may refer community noise disputes to alternative dispute resolution through the

Mediating Establishment and Neighbor Disputes NYC program (MEND NYC), or a successor program.

(4) A licensee must fully comply with the New York City Noise Code, as applicable.

(j) Lighting. Lighting shall not be glaring, or overly bright, to the immediately surrounding area and shall illuminate only within the sidewalk cafe or roadway cafe.

(k) Secure Cafe. During hours when a sidewalk cafe or roadway cafe is not operating, the licensee must secure all furnishing and decorative elements of such sidewalk cafe or roadway cafe, such as tables and chairs, using a cable or other locking system.

(l) Furnishing Zone. No portion of a sidewalk cafe or roadway cafe shall be located in the furnishing zone and no items associated with such sidewalk or roadway cafe shall be placed or stored in the furnishing zone.

(m) Roadway Cafe Operating Season.

- (1) A roadway cafe shall not operate on any day from November 30 to March 31, inclusive.
- (2) Notwithstanding paragraph (1) of this subdivision, a ground floor restaurant for which a revocable consent and license for a roadway cafe have been granted pursuant to this chapter may:

- (i) Occupy the area of the roadway cafe beginning on a date prescribed by the Department on its website that is earlier than March 31, for the purpose of setting up the roadway cafe prior to commencement of operation of the roadway cafe, provided that such date shall be no earlier than March 24 of each year; and
- (ii) Occupy the area of the roadway cafe until a date prescribed by the Department on its website that is later than November 30, for the purpose of disbanding the roadway cafe, provided that such date is no later than December 7 of each year.

(n) Abandonment. A sidewalk cafe or roadway cafe must be used and occupied for outdoor dining. Where not used and occupied for outdoor dining for thirty (30) consecutive days or more, except in accordance with subdivision (l) of this section, they must be removed from the sidewalk and roadway by the licensee.

(o) License Availability. A licensee shall retain on the premises of a sidewalk cafe or roadway cafe a copy of the license issued for such cafe, and upon request by an employee of the Department or other city agency, shall make available such copy of such license for inspection.

§ 5-11 Design Requirements.

(a) Sidewalk Cafes.

(1) Siting Requirements.

(i) Clear Path. A clear path shall remain on the sidewalk or sidewalk widening after installation of a sidewalk cafe.

(A) The minimum width of the required clear path shall be the greater of:

- 1. The width provided in the table below for the corridor category of the street on which the sidewalk cafe is located; or
- 2. Fifty percent (50%) of the width of the sidewalk, including any sidewalk widening. The corridor categories are set forth in the Department's NYC Pedestrian Mobility Plan, which is available on the Department's website.

<u>CORRIDOR CATEGORIES</u>	<u>REQUIRED CLEAR PATH</u>
<u>Global Corridors</u>	<u>12 Feet</u>
<u>Regional Corridors</u>	<u>10 Feet</u>
<u>Neighborhood Corridors</u>	<u>8 Feet</u>
<u>Community Connectors</u>	<u>8 Feet</u>
<u>Baseline Streets</u>	<u>8 Feet</u>

(B) Notwithstanding clause (A), on regional corridors, the minimum width of the required clear path shall be 8

feet where the following conditions are satisfied:

1. Maintenance of a 10-foot clear path after installation of such sidewalk cafe is not feasible; and
2. Such sidewalk cafe is located within an area where only small sidewalk cafes were permitted prior to the date these rules take effect, as shown on the Department's website.

(C) The clear path shall be measured from the outer edge of the perimeter of the sidewalk cafe to the nearest element or object affixed to the sidewalk between such perimeter and the nearest curb line, or if there is no such element or object, to the nearest curb line.

(ii) **Clearances.** The following distances shall be required between the sidewalk cafe and the specified element or object:

Element or Object	Required Distance
Subway Stair: Open End (Entry Side)	15 Feet
Subway Elevator Entrance	10 Feet
Exhaust Ducts	10 Feet
MTA or FDNY Curb Cuts	10 Feet
Citibike/Bikeshare stations, Bike Corrals, Micromobility Stations	8 Feet
Edges of Street Tree Beds	8 Feet
Mailboxes	8 Feet
LinkNYC Kiosks, Wayfinding Kiosks, E-Charging Stations, Parking Meters; Select Bus Service Fare Machines	8 Feet
Newsstands	8 Feet
Streetlights	8 Feet
Bus Stop Poles	8 Feet
Fire Hydrants	8 Feet
Bus Stop Shelters	8 Feet
Traffic Signals	8 Feet
Primary Building Entrances	5 Feet
Curb Cuts	5 Feet
Emergency Exit Hatches	5 Feet
Subway Stair: Closed-End (non-entry)	5 Feet
Subway Elevator: Non-Entry	5 Feet
Siamese Connections and Standpipes	5 Feet
Elevated Train Infrastructure (e.g., support beams, etc.)	3 Feet

(iii) **Covering Restrictions.** A sidewalk cafe shall not be located over or block any of the following: cellar and basement doors, freight elevators or service entrances, retail and non-primary building entrances, building projections (including, but not limited to, stoops, steps, and stairs), manhole covers, transformer vaults, and subway grates, provided that a sidewalk cafe may block or cover a cellar or basement door that is not a means of egress if such door is closed and is reinforced, the safety of which is certified by a registered design professional as defined in the New York City Construction Codes in the form prescribed by the Department on its website.

(2) Material Requirements

(i) **Perimeter demarcation.** The perimeter of a sidewalk cafe shall be clearly and visibly demarcated by a removable and self-supporting base wall, railing, planter, fence, or stanchion and rope, which shall be no higher than two (2) feet and six (6) inches, exclusive of any shrubbery and/or planting. Such perimeter demarcations shall not be affixed to the sidewalk.

(ii) **Flooring.** A sidewalk cafe shall be level with the

sidewalk. No platforms or flooring are permitted.

(iii) **Furnishings.** The furnishing of the interior of a sidewalk cafe shall consist solely of lightweight and easily moveable tables, chairs, and decorative accessories. No furnishing element shall be permanently affixed to the sidewalk.

(iv) Awnings, Coverings, and Umbrellas

(A) An awning, covering, or umbrella utilized in a sidewalk cafe must be easily removable and comprised of fire-resistant grade materials.

(B) An awning shall be no lower than eight (8) feet from the ground and must not exceed a maximum height of ten (10) feet. A covering or umbrella shall be no lower than seven (7) feet from the ground and must not exceed a maximum height of ten (10) feet.

(C) Any such awning or covering physically attached to a building shall be approved by the New York City Department of Buildings and Landmarks Preservation Commission, as applicable.

(D) No awning or covering shall extend over the perimeter of the sidewalk cafe, unless approved by the New York City Department of Buildings, and where applicable, the Landmarks Preservation Commission. Documentation demonstrating such approval shall be made available to Department personnel upon request.

(E) All umbrellas shall have a weighted base.

(v) **Lighting and Electrical Connections.** Lighting shall be outdoor rated, properly secured, protected and lightweight. Any lighting shall be directly connected to the ground floor restaurant's power source, shall be located within the perimeter of such sidewalk cafe, and shall not exceed 10 feet in height. No such connections shall be made to any type of City electrical equipment or attached to any City property, including street trees. All electrical work shall comply with the applicable requirements set forth in the Department's rules and the New York City Electrical Code.

(vi) **Fire Escape Stairs.** No element of a sidewalk cafe shall be affixed to any fire escape stairs or other components of a fire escape.

(b) Roadway Cafes

(1) Siting Requirements.

(i) Permitted Locations.

(A) A roadway cafe shall be located within space dedicated for parking, including metered and non-metered spaces and alternate side parking spaces. A roadway cafe shall not be located within part-time or full-time travel lanes, including bicycle lanes and bus lanes, bus stops, dedicated use parking spaces, authorized vehicle parking spaces, or commercial vehicle parking spaces.

(B) Notwithstanding clause (A), a roadway cafe may be located within one or more angled parking spaces subject to approval by the Department. Where a petition is for a roadway cafe that is located wholly or partially within an angled parking space, the Department may, except where expressly prohibited by law, modify the requirements set forth in this subdivision where necessary to promote vehicular and pedestrian traffic safety, including but not limited to providing appropriate clearances from the travel lane and adjacent parking spaces, and preserving sight distance.

(ii) **Clearances.** The following minimum distances shall be required between the roadway cafe and the specified element or object, except as otherwise specified herein:

Element or Object	Required Distance
Subway Entrance: Open End (Entry Side)	15 Feet
Fire Hydrant	15 Feet
Subway Elevator Entrance	10 Feet
MTA or FDNY Curb Cuts	10 Feet
Curb Cuts	5 Feet
Emergency Exit Hatches	5 Feet

Subway Stair: Closed-End (non-entry))	5 Feet
Subway Elevator: Non-Entry	5 Feet
Bus Stop Pole: Non-Approaching Side	5 Feet
Citibike/Bikeshare stations, Bike Corrals, Micromobility Stations located in the roadway	5 Feet
Drainage Infrastructure (Catch Basins/Rain Gardens)	5 Feet
Elevated Train Infrastructure (e.g., support beams, etc.)	3 Feet
Manholes, Transformer Vaults, Grates, At-Grade Ventilator Grates	1 Foot 6 Inches
Thermoplastic Markings	6 inches

(iii) Dimensions.

(A) The maximum length of a roadway cafe shall be 40 feet.

(B) The maximum width of a roadway cafe shall be eight (8) feet, provided that the Department may require a maximum width of a roadway cafe to be less than eight (8) feet where necessary to address a safety concern based on roadway width, roadway geometry (e.g., number of traffic lanes, the presence and composition of bicycle lanes and parking lanes, etc.), or proximity to an intersection, or to facilitate the traversing of emergency vehicles on such roadway.

(C) Notwithstanding any contrary provision of this chapter, a 15-foot emergency travel lane shall be maintained on every roadway, provided that the Department may permit an emergency travel lane width of less than 15 feet upon consultation with the New York City Fire Department.

(D) There shall be a minimum distance of three (3) feet between the perimeters of adjacent roadway cafes. A roadway cafe adjacent to another roadway cafe shall maintain a minimum of a one foot, 6-inch (1'6") distance from the boundary of the extension of the perimeter of the ground floor restaurant. Such minimum distance shall remain unobstructed for emergency access and shall not be used for storage, including containers to store trash.

(iv) Street Trees. No element of a roadway cafe shall encroach upon or attach to a street tree bed or canopy of a street tree. A street tree shall not be cut, pruned, or removed except as authorized pursuant to a Tree Work Permit from the New York City Department of Parks and Recreation.

(v) Distance from Marked Crosswalks. The minimum distance between the perimeter of a roadway cafe and a crosswalk shall be a minimum of:

(A) Twenty (20) feet, where the nearest vehicular travel lane parallel to a roadway cafe provides for the direction of traffic to be approaching the intersection; and

(B) Eight (8) feet, where the nearest vehicular travel lane parallel to a roadway cafe provides for the direction of traffic to be exiting the intersection.

(vi) Distance from Unmarked Crosswalks. The minimum distance between the perimeter of a roadway cafe and the curb line of a street intersecting with the street on which the roadway cafe is located shall be twenty (20) feet.

(vii) Floating Parking Lanes. Roadway cafes located in a floating parking lane shall be limited to the width of the legal parking area and shall not be located, in whole or in part, within a bicycle lane. Notwithstanding subparagraph (ii) of paragraph (1) of subdivision (b) of this section, roadway cafes may abut but not cover a thermoplastic markings utilized as a bicycle lane buffer.

(viii) Signage Visibility. Any element of a roadway cafe, including decorative plantings, located within fifty (50) feet of any regulatory or warning signs, including but not limited to signage indicating Stop, Yield, One-Way, Wrong Way, Do Not Enter, Pedestrian Crossing, School Crossing and Speed Limit, shall be no greater than 46 inches in height.

(ix) Utility Hardware. A roadway cafe installed over utility coverings or hardware must be easily moveable so as to

not restrict access to such coverings or hardware, provided that no such covering or hardware may be installed over manholes, transformer vaults, grates, or at-grade ventilator grates.

(2) Material Requirements.

(i) Barriers.

(A) Barriers shall be maintained on all sides of a roadway cafe except the side abutting the sidewalk.

(B) Barriers shall be between thirty (30) inches and forty-two (42) inches in height, not including the height of any plantings above such barrier. Barriers shall be at least eighteen (18) inches in width.

(C) Only water-filled barriers shall be permitted, except alternate fill materials may be used where approved by the Department. Each barrier shall be filled with a minimum of 150 pounds of fill per linear foot of barrier length.

(D) A reflective strip of a minimum of four (4) inches in width shall be located on each barrier, along the entire length of the outward-facing side of such barrier.

(E) Barriers shall not be affixed to the roadway.

(ii) Flooring.

(A) If flooring is utilized as part of a roadway cafe, such flooring shall:

1. Be durable, lightweight and easily removable;
2. Be flush with the curb line, except a roadway cafe located on a slope shall be flush with the curb line to the greatest extent feasible;
3. Be compliant with applicable requirements of the Americans with Disabilities Act and rules promulgated thereunder, and accessibility requirements of the New York City Building Code, as applicable; and
4. Maintain a six (6) inch covered channel between the curb and base of such flooring to allow for drainage and water flow along the roadway.

(B) Where flooring is not utilized as part of a roadway cafe, such roadway cafe shall provide a ramp that complies with the Americans with Disabilities Act and any rules promulgated thereunder and the New York City Building Code, as applicable.

(iii) Furnishings. The furnishing of the interior of a roadway cafe shall consist solely of lightweight easily moveable tables, chairs, and decorative accessories.

(iv) Vertical Screenings, Coverings, and Umbrellas. If utilized, vertical screenings, coverings, and umbrellas shall be easily removable, shall not extend over the perimeter of the roadway cafe, and shall comply with the following:

(A) A covering or umbrella must be no lower than seven (7) feet and extend no higher than ten (10) feet from the base or floor of the roadway cafe.

(B) Vertical screening is permitted between the barrier and six (6) feet above the base or floor of the roadway cafe. Such vertical screening shall only be located on the roadway-facing side of such cafe, shall maintain clear visibility and shall not be opaque (e.g., plantings, lattice panels, clear plexiglass, etc.).

(C) If utilized, vertical screenings, coverings, and umbrellas shall be comprised of fire-resistant grade materials.

(D) Any vertical elements utilized for the purposes of providing support for a covering or umbrella shall not be affixed to the outside of a barrier.

(v) Lighting and Electrical Connections. Lighting shall be outdoor rated, properly secured, protected and lightweight. Wires for electrification shall be connected above-head, and may not be connected on or near the ground or within street tree beds. No such connections shall be made or attached to any electrical equipment or other property owned or controlled by the City, including street trees. Such electrical connections shall be at least fourteen (14) feet above the sidewalk and eighteen (18) feet above the roadway. All such electrical connections shall comply with the applicable requirements set forth in the Department's rules and the New York City Electrical Code.

§ 5-12 Enforcement.**(a) Corrective Action Request (CAR).**

(1) If the Commissioner finds that any licensee has, for the first time, violated (i) any provision of section 19-160 through 19-160.6 of the Administrative Code; (ii) any of these rules; or (iii) any of the terms and conditions of the license, the Commissioner shall notify such licensee of such violation and request that action be taken to correct such violation within 30 days and shall afford such licensee an opportunity to protest the Commissioner's finding in a manner set forth in these rules.

(2) A CAR may be served by mail or by e-mail on the licensee responsible for the condition which requires correction at the address or e-mail address for such person contained in the records of the Department.

(3) Any corrective action required by the CAR shall be performed within thirty (30) days of the issuance of the CAR unless such issuance is protested as provided herein. If the corrective action required by the CAR is not performed within thirty (30) days of the issuance of the CAR and such issuance is not protested, the Department may issue a summons for an uncorrected condition upon reinspection.

(4) Protest.

(i) Within fourteen (14) days after the date of mailing of the CAR, the respondent may protest the issuance of the CAR in the manner directed on the CAR. If the respondent fails to timely protest the CAR and the Department issues a summons for an uncorrected condition, the respondent may be issued a summons for failing to respond to the CAR in a timely manner.

(ii) Protests shall be reviewed by the Department and a final determination regarding the protest shall be made within a reasonable period of time.

(iii) If a protest is denied, any corrective action required by the CAR shall be performed within thirty (30) days after the date of such denial. If the corrective action required by the CAR is not performed within thirty (30) days of such denial, the Department may issue a summons for an uncorrected condition upon reinspection.

(b) Suspension and Revocation.

(1) In addition to any other authorized enforcement procedures, the Commissioner may, after providing notice of intent to suspend or revoke a license and an opportunity to be heard in accordance with paragraph (2), suspend or revoke a license to operate a sidewalk cafe or roadway cafe and order the removal of such sidewalk cafe or roadway cafe for 3 or more violations of the same provision of subchapter 1 of chapter 1 of title 19 of the Administrative Code or these rules within a 2-year period, or for any 6 or more violations of any provision of such subchapter or these rules within a 2-year period.

(2) Opportunity to Be Heard

(i) The licensee must submit a request for an opportunity to be heard to the Department in writing. Such request must be received no later than thirty (30) days following the date of the Department's notice to the licensee that the license may be suspended or revoked. Where the Department does not receive a written request for an opportunity to be heard within such time, the Department may revoke or suspend the license.

(ii) Process.

(A) Where the licensee submits a timely request for an opportunity to be heard, the Department will schedule a date and time, no later than 30 days from the date on which the Department received such request, for such opportunity to be heard, in person at the Department's offices, regarding the suspension or revocation.

(B) The licensee may request, in writing, copies of any evidence relied upon by the Department in determining that the license should be suspended or revoked. Such request must be received by the Department no later than 14 days prior to the date of the opportunity to be heard. The Department will provide a copy of such evidence by mail or electronic mail, as specified by the licensee in its request, no later than 7 days prior to the date of the opportunity to be heard.

(C) Requests for rescheduling by the licensee of the opportunity to be heard must be received by the Department no later than 48 hours prior to the originally scheduled date. If the Department approves

the request for rescheduling, a new date will be scheduled within 14 days of the original date.

(D) The opportunity to be heard will be conducted by an employee of DOT designated by the Commissioner. The designee will (1) review the Department's decision to issue the notice of intent to revoke or suspend the license, and (2) provide an opportunity for the licensee to present reasons and evidence in support of the challenge to the suspension or revocation. The designee will issue findings of fact and a recommendation following the opportunity to be heard.

(E) Within 30 days of the opportunity to be heard, the Commissioner or their designee, who shall be an employee of DOT other than the employee who conducted the opportunity to be heard and issued the recommendation pursuant to clause (D), will issue a final decision regarding the suspension or revocation. Such final decision will set forth the findings of fact and recommendation of the employee who conducted the opportunity to be heard and will accept, reject or modify such findings of fact and recommendation. The Department will send such final decision to the licensee via mail or electronic mail within 5 days of issuance of such final decision. Such final decision will constitute a final agency determination.

(3) Notwithstanding any inconsistent provision of this section, the suspension or revocation of a license shall be waived if, upon the submission of satisfactory proof, the Department determines that the person or persons who committed the violations which are the basis for the suspension or revocation acted against the licensee's instructions in committing such violations.

(c) Removal.

(1) Operating without a License. The Commissioner may order the removal of any furniture, equipment, structure or other obstruction used in connection with the operation of an outdoor dining area on the sidewalk or in the roadway by a person that is not licensed to operate a sidewalk cafe or roadway cafe pursuant to section 19-160 of the Administrative Code and has no other lawful right to operate an outdoor dining area on such sidewalk or in such roadway.

(2) Noncompliance. The Commissioner may order the removal of any furniture, equipment, structure or other obstruction placed on the sidewalk or roadway by a licensee where such furniture, equipment, structure or other obstruction is inconsistent with any of the requirements set forth in these rules.

(3) Commissioner's Order.

(i) An order pursuant to this subdivision shall be served personally or by mail to the person and address contained in the records of the Department. The person to whom such order is directed shall have an opportunity to be heard within five (5) business days after a timely request for such opportunity is received by the Department. A request shall be made within the time and in the manner directed on the order. If, after considering the written objections of the respondent, the Commissioner affirms the order, the action required by the order shall be completed within a reasonable period of time, as set forth in such order, after notice of such determination is mailed to the respondent.

(ii) Where such order has not been complied with within a reasonable period of time as set forth in such order, officers or employees of the Department or the Police Department may remove such furniture, equipment, structure or other obstruction from the sidewalk or the roadway and convey them to a place of safety.

(iii) Where the Department has an address for the person to whom such order was directed, within five (5) days of removal, the Department shall mail to such person notice of such removal and the manner in which such furniture, equipment, structure or other obstruction may be claimed. In any notification served personally or mailed pursuant to this section, the Department shall include a statement of the right to sell, dismantle, destroy or otherwise dispose of such furniture, equipment, structure, or other obstruction within thirty (30) days after removal if such property is not claimed.

(iv) Any furniture, equipment, structure, or other obstructions removed pursuant to this section shall not be released until the removal charge and storage fee of two thousand five hundred (2,500) dollars has been paid or a bond or other security for such amount has been posted.

(v) Any furniture, equipment, structure, or other obstructions

that is not claimed shall be sold at public auction after having been advertised in the City Record for a period of ten (10) days. In the alternative, any such property may be used or converted to use for the purpose of any city, state, or federal agency, or for charitable purposes, upon consultation with the appropriate city agencies.

(vi) The procedures outlined in the preceding subdivisions of this section shall not apply to furniture, equipment, structures, or other obstructions determined by the Department to be without worth or value. The Department is authorized to immediately dispose of such property at disposal points or places designated by the New York City Department of Sanitation.

(4) Nothing in this section is intended to alter or affect the power of the Commissioner to immediately order the removal of or remove any obstruction from the sidewalk or roadway that the Commissioner determines is a danger to public welfare, safety, or energy system reliability, including planned or emergency work, parades, marathons, or other special events.

(d) Liability of Subsequent Licensees

(1) Any violation for operating an unlicensed sidewalk cafe or unlicensed roadway cafe shall be included in the number of violations by any subsequent licensee at the same place of business unless such subsequent licensee provides the Department with adequate documentation in accordance with subdivisions (a) and (d) of section 19-160.5 of the Administrative Code, demonstrating that such licensee acquired the premises or business through an arm's length transaction and that the sale or lease of such sidewalk cafe or roadway cafe was not conducted, in whole or in part, to avoid the effect of violations on such premises or business.

(2) A subsequent licensee shall be liable for violations by a prior licensee unless such subsequent licensee provides the Department with adequate documentation in accordance with subdivision (d) of section 19-160.5 of the Administrative Code.

§ 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 (\$)
5-02(a)	Operation of a sidewalk cafe or roadway cafe without a license and revocable consent (FIRST OFFENSE)	500	500
5-02(a)	Operation of a sidewalk cafe or roadway cafe without a license and revocable consent (SECOND AND SUBSEQUENT OFFENSE)	1,000	1,000
5-09	Failure to comply with operation and management requirements (FIRST OFFENSE)	200	200
5-09	Failure to comply with operation and management requirements (SECOND AND SUBSEQUENT OFFENSE)	500	500
5-11	Failure to comply with design requirements (FIRST OFFENSE)	200	200
5-11	Failure to comply with design requirements (SECOND AND SUBSEQUENT OFFENSE)	500	500

§ 4. Subdivision (j) of section 2-14 of title 34 of the Rules of the City of New York is REPEALED.

§ 5. Chapter 5 of title 34 of the Rules of the City of New York, as added by section 1 of this rule amendment, is amended by adding a new section 5-13 to read as follows:

§ 5-13 Temporary Outdoor Dining Structures.

(a) **Definition.** The term “temporary outdoor dining setup” means outdoor dining facilities authorized to continue operating on the sidewalk and in the roadway pursuant to section 10 of local law number 121 for the year 2023, and operated pursuant to this section.

(b) **Applicability.** Pursuant to section 11 of local law number 121 for the year of 2023, temporary outdoor dining setups that do not comply with section 5-11 of this chapter relating to design requirements for sidewalk cafes and roadway cafes shall be removed by the earlier of November 1, 2024 or 30 days after a determination of the Department to grant or deny a revocable consent for such sidewalk cafe or roadway cafe.

(c) Operation and Management

(1) **Maintenance.** Temporary outdoor dining setups shall be kept clean, well-maintained, and clear of trash, debris, graffiti, vermin, food scraps, and unsanitary conditions.

(2) **Hours of Operation.** Temporary outdoor dining setups may operate only during the following hours and days:

- Sunday, 10 a.m. to midnight
- Monday, 8 a.m. to midnight
- Tuesday, 8 a.m. to midnight
- Wednesday, 8 a.m. to midnight
- Thursday, 8 a.m. to midnight
- Friday, 8 a.m. to 1 a.m. Saturday
- Saturday, 8 a.m. to 1 a.m. Sunday

(3) **Alcohol Consumption.** No beer, alcoholic or spirituous liquors shall be served at a temporary outdoor dining setups, unless permitted by the New York State Liquor Authority.

(4) **No Smoking.** Smoking or using electronic cigarettes is prohibited within temporary outdoor dining setups pursuant to subdivision (c) of section 17-503 of the Administrative Code.

(5) **Heaters.** Heating units utilized in a temporary outdoor dining setup must comply with all applicable laws, rules, and regulations and must be approved for use in such temporary outdoor dining setup by the New York City Department of Buildings and New York City Fire Department. Such heating units shall only be located within the area of the temporary outdoor dining setup.

(6) **Good Order.** Operators of temporary outdoor dining setups shall be held strictly accountable for the maintenance of good order in the temporary outdoor dining setup and the proper conduct of their patrons, including the prevention of excessive congregation within or immediately adjacent to a temporary outdoor dining setup. Operators of temporary outdoor dining setups must provide adequate service to maintain the tables in the temporary outdoor dining setup and the adjacent street in a manner that ensures good order and cleanliness.

(7) **Accessibility.** A temporary outdoor dining setup must be directly accessible to persons with physical disabilities, including that the design of such setup shall fully comply with applicable requirements of the Americans with Disabilities Act and rules promulgated thereunder, and applicable requirements of the New York City Building Code.

(8) Noise.

(i) No loud or unnecessary noises may emanate from a temporary outdoor dining setup.

(ii) No musical instruments or sound reproduction or amplification devices shall be operated or used within a temporary outdoor dining setup, except where authorized pursuant to a street activity permit issued pursuant to chapter 1 of title 50 of the rules of the city of New York.

(iii) Where practicable, the Department may refer community noise disputes to alternative dispute resolution through the Mediating Establishment and Neighbor Disputes NYC program (MEND NYC), or a successor program.

(iv) An operator of a temporary outdoor dining setup must fully comply with the New York City Noise Code, as applicable.

(9) **Lighting.** Lighting shall not be glaring, or overly bright, to the immediately surrounding area and shall illuminate only within the temporary outdoor dining setup.

(10) Secure Cafe. During hours when a temporary outdoor dining setup is not operating, the operator must secure all furnishing and decorative elements of such temporary outdoor dining setup, such as tables and chairs, using a cable or other locking system.

(11) Furnishing Zone. No portion of a temporary outdoor dining setup shall be located in the furnishing zone and no items associated with such temporary outdoor dining setup shall be placed or stored in the furnishing zone.

(d) Placement.

(1) Temporary outdoor dining setups shall not block or obstruct any of the following sidewalk and roadway features:

- (i) a bus lane or bus stop;
- (ii) a bicycle lane;
- (iii) a carshare or bikeshare station;
- (iv) a taxi stand; or
- (v) a catch basin, utility cover, sewer, rainwater drainage or flow.

(2) Temporary outdoor dining setups shall not be located in any of the following designated zones on a roadway:

- (i) No Stopping Anytime;
- (ii) No Standing Anytime;
- (iii) No Stopping during specific hours; or
- (iv) No Standing during specific hours.

(3) Temporary outdoor dining setups shall be located at least fifteen (15) feet from a fire hydrant and at least eight (8) feet from a crosswalk.

(4) Temporary outdoor dining setups shall provide a clear path for pedestrians on the sidewalk that is no less than eight (8) feet wide.

(5) Roadway Barriers.

(i) Barriers shall be maintained on all sides of a temporary outdoor dining setup located on the roadway, except the side abutting the sidewalk.

(ii) All barriers must be completely filled with material (e.g., water, sand, etc.). Water-filled barriers are strongly recommended.

(iii) Barriers shall be between thirty (30) inches and thirty-six (36) inches in height, not including the height of any plantings above such barrier. Barriers shall be at least eighteen (18) inches in width.

(iv) A reflective strip shall be located on each barrier, along the entire length of the outward-facing side of such barrier.

(e) Temporary outdoor dining setups must be used and occupied by the restaurant that erected them for outdoor dining. If not used and occupied for outdoor dining for thirty (30) consecutive days or more, they must be removed from the sidewalk and roadway by the restaurant. This includes the removal of outdoor dining setups that are not being used during the winter months. The Department may send a written notice to the owner to remove an unused setup from the street or sidewalk. If the owner does not remove the setup or utilize the setup for outdoor dining purposes within fourteen (14) days after such notice the Department may remove the setup to a place of safety and send notice of such removal to the owner of such restaurant if an address for such person is available. If the property is unclaimed it may be disposed of in accordance with the provisions of the personal property law relating to lost property. If the property has slight or no value the Department may provide for its immediate disposal after removal.

(f) The Department may order the removal of or remove any outdoor dining setup or other obstruction that the Commissioner determines is a danger to public welfare, safety, or energy system reliability, including for planned or emergency work.

§ 6. 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 (\$)
5-13	Failure to adequately maintain a temporary outdoor dining setup	500	500

§ 7. Sections 5 and 6 of these rules expire and are deemed repealed on November 1, 2025.

§ 8. Pursuant to section 10 of local law number 121 for the year 2023, any restaurant operating outdoor dining pursuant to emergency executive order number 126, dated June 18, 2020, as amended, continued or superseded by subsequent executive orders, may continue in operation without the license and revocable consent of the Commissioner of Transportation required by sections 19-160, 19-160.1 and 19-160.2 of the Administrative Code of the City of New York pending the granting of any such license and revocable consent, provided that such restaurant submits a petition for such revocable consent within five (5) months of the effective date of these rules.

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

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

RULE TITLE: Rules relating to Permanent Open Restaurants Program

REFERENCE NUMBER: DOT-75

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) Provides 30 days to correct a violation after denial of a protest.

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

October 17, 2023
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: Rules relating to Permanent Open Restaurants Program

REFERENCE NUMBER: 2023 RG 059

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: October 17, 2023

Accessibility questions: rules@dot.nyc.gov, by: Monday, November 13, 2023, 5:00 P.M.

