SUPPLEMENT TO THE CITY RECORD THE CITY COUNCIL-STATED MEETING OF WEDNESDAY, JANUARY 5, 2011 12 PAGES



# **THE CITY RECOR** THE CITY RECORD

# Official Journal of The City of New York

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### **VOLUME CXXXVIII NUMBER 52**

### THURSDAY, MARCH 17, 2011

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### THE CITY RECORD

### MICHAEL R. BLOOMBERG, Mayor

EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services. ELI BLACHMAN, Editor of The City Record.

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### **QUEENS BOROUGH PRESIDENT**

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Helen Marshall, on Thursday, March 17, 2011 at 10:30 A.M., in the Borough Presidents Conference Room located at 120-55 Queens Boulevard, Kew Gardens, New York 11424, on the following items:

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

CD11 - BSA #6-11 BZ — IN THE MATTER of an application submitted by Paul F. Bonfillio on behalf of Denis Forde, Rockchapel Realty LLC, pursuant to Section 72-21 of the NYC Zoning Resolution, for a variance to permit the erection of a one-family detached residence which does not conform to side yard and distance requirements in an R2A district located at 50-20 216th Street, Block 7395, Lots 13, 16, Zoning Map 11b, Bayside, Borough of Queens.

#### CD13 - ULURP #C100342 ZMQ — IN THE MATTER of an

1, Borough of Manhattan.

#### LOWER MANHATTAN ARCADES TEXT AMENDMENT

Matter in <u>underline</u> is new, to be added; Matter in <del>strikeout</del> is to be deleted; Matter within # # is defined in Section 12-10 \*\* indicates where unchanged text appears in the Zoning Resolution

Article IX: Special Purpose Districts

**Chapter 1: Special Lower Manhattan District** 

#### 91-03 District Maps

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 Special Lower Manhattan District Map 2 Street Wall Continuity Types 1, 2A, 2B & 3 Map 3 Street Wall Continuity Types 4 & 5

- Map 4 Designated Retail Streets Map 5 Curb Cut Prohibitions
- Map 6 South Street Seaport Subdistrict (Section 91-63)
- Map 8 Public Access Modification Areas

# 91-80 PUBLIC ACCESS AREAS

#### <u>91-81</u> Certification to modify existing arcades in certain areas

For the purposes of this Section, 'arcade' shall refer to an #arcade# or #through-block arcade# provided in accordance to the provisions of Section 12-10 (DEFINITIONS) and 37-80 (ARCADES); an arcade provided in accordance with paragraphs (a) of Section 37-53 (Design Standards for Debetion Completion Standards for Pedestrian Circulation Spaces); or an open space provided on a #zoning lot# between the #building street wall# and the #street line# where tables and chairs would otherwise not be allowed as permitted obstructions.

Public seating

(i)

(ii)

(2)

<u>Publicly accessible tables, and associated</u> <u>chairs, shall constitute a minimum of 40</u> percent of the total amount of tables provided within an arcade. Fractions resulting from such calculation shall be rounded to the nearest whole table. All tables shall have a minimum diameter of two feet. All publicly accessible chairs shall have seat backs, and the seats shall have a minimum depth of twelve inches and a maximum depth of 20 inches. Open air café <u>Open air café tables, and associated</u> <u>chairs, shall constitute a maximum of 60</u> percent of the total amount of tables provided within an arcade. Fractions resulting from such calculation shall be <u>rounded to the nearest whole table.</u>

Location restrictions and other prohibitions

No tables or chairs shall be permitted within five feet of any #building# entrance. For arcades with a depth of the feet or less, as measured from the column face furthest from the #street line# to the #street wall#, a clear pedestrian circulation pathway shall be provided in an amount not less than three feet. For arcades with a depth greater than ten feet, such required clear pedestrian pathway shall be increased to an amount not less pathway shall be increased to an amount not less than six feet. In addition, for #through-block arcades#, a continuous clear path of ten feet shall be provided, connecting each #street# on which the public access area fronts.

(i) Public seating

> Where a proposed modification to an arcade is located on a #zoning lot# with frontage along Water Street, a minimum of 50 percent of the aggregate amount of tables and chairs provided pursuant to paragraph (a)(1)(i) of this Section shall be located within 25 feet of the Water Street #street line#.

(ii) <u>Open air café</u>

> Open air cafes shall be located at the same elevation as the adjoining sidewalk area or *#publicly* accessible open area#, except that platforms may be provided, provided that they do not exceed a height of six inches.

Fences, planters, walls, fabric dividers or areas from other portions of the arcade, or adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an open air café.

application submitted by Gerald J. Caliendo Architects, PC on behalf of Jamaica Associates, Inc. pursuant to Sections 197-c and 201 of the NYC Charter, for an amendment of the Zoning Map Section No. 19a, by establishing within an existing R3-2 District a C1-3 District bounded by a line 100 feet northerly of Linden Boulevard, a line 90 feet easterly of 226th Street, Linden Boulevard, and 226th Street, Block 11327, Lot 7 and part of Lot 1, Cambria Heights, Borough of Queens. m11-17

### **CITY PLANNING COMMISSION**

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, March 30, 2011 at 10:00 A.M.

#### BOROUGH OF MANHATTAN No. 1 LOWER MANHATTAN ARCADES TEXT CD 1 N 110193 ZRM IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning arcades within the Special Lower Manhattan District in Community District

The provisions of this Section shall apply to existing #buildings# providing an arcade within the boundary designated by Map 8 in Appendix A of this Chapter.

Any underlying provisions restricting the placement of tables and chairs within such arcades may be modified where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are consistent with the provisions of this Section, as follows:

(a) <u>Seating</u>

(1)

Moveable seating in the form of public seating and open air café seating, as well as associated moveable tables, umbrellas and other furnishings, shall be permitted obstructions within an arcade, provided that such obstructions conform to the provisions listed below, as applicable. No plastic material shall be permitted in tables or chairs provided within an

arcade. Where an open air cafe is provided, it shall be a permanently unenclosed establishment and may have waiter or table service.

Amount and size of tables and chairs

A minimum of four tables and sixteen chairs shall be provided within an arcade. For the purpose of calculating the percentage of required public seating or open air café seating, every table required by a calculation shall be required to have four chairs.

Hours of operation

(3)

(i) Public seating

> Tables and chairs shall not be chained, fixed, or otherwise secured during the hours of 7:00 am to 9:00 pm. However, during the nighttime hours of 9:00 pm to 7:00 am such tables and chairs may be removed, or secured within the arcade.

Where public seating and open air cafe seating are provided within an arcade, such public seating shall be subject to the hours of operation of an open air café, as set forth in paragraph (a)(3)(ii) below.

(ii) <u>Open air café</u>

> Open air cafes must be in operation and provide service a minimum of 225 days per year.

<u>All furnishings of an open air cafe,</u> including tables, chairs, bussing stations, and heating lamps, shall be completely

removed from the arcade when the open air cafe is not in active use, except that tables and chairs may remain in such arcade if they are unsecured and may be used by the public without restriction.

(4) Locating public seating within an adjacent #publicly accessible open area#

> Where tables and chairs are provided in an arcade located on the same #zoning lot# as an existing #publicly accessible open area# that fronts upon Water Street, the Chairperson of the City Planning Commission may certify public seating provided pursuant to paragraph (a)(2)(i) of this Section to be located within such a #publicly accessible open area#. The area within such #publicly accessible open area# occupied by public seating provided pursuant to this paragraph shall not be included in calculating the maximum #lot coverage# which permitted obstructions may occupy within such #publicly accessible open area#. Such public seating shall not constitute a design change pursuant to the provisions of Section 37-62 (Changes to Existing Publicly Accessible Open Areas) provided the Chairperson finds that:

- (i) no more than 50 percent of the aggregate amount of public seating required pursuant to paragraph (a)(2)(i) above is located within such #publicly accessible open area#;
- (ii) such public seating shall in no event constitute required seating for such existing #publicly accessible open area#; <u>and</u>
- (iii) such public seating complies with the hours of operation provisions of paragraph (a)(3) above.

Any proposed design change to an existing #publicly accessible open area# beyond the findings permitted in this Section shall be subject to the requirements of Section 37-62 (Changes to Existing Publicly Accessible Open Areas).

(b) Litter receptacles

Litter receptacles shall be permitted obstructions within an arcade pursuant to the provisions set forth in Section 37-744 (Litter receptacles).

In order to certify the proposed modification to an existing arcade is consistent with the provisions of this Section, the applicant shall submit to the Chairperson:

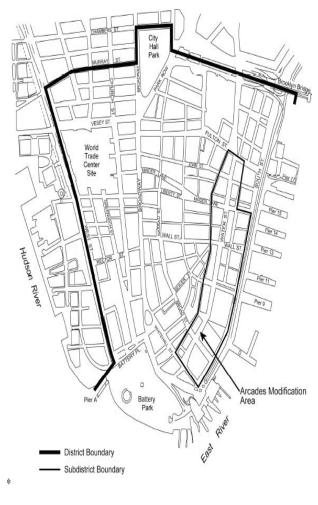
- (1)a site plan demonstrating the proposed obstructions within the existing arcade, and where applicable, the adjacent #publicly accessible open area#; and
- a detailed seating plan illustrating conformance with paragraph (a) of this Section. (2)

All plans for arcades or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the arcade, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

## Appendix A District Maps

#### <u>Map 8</u> Public Access Modification Areas

\* \*



#### **BOROUGH OF QUEENS** No. 2 10-24 154th STREET

C 100457 ZMQ CD 7 IN THE MATTER OF an application submitted by 10-24 Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d:

- 1. changing from an R2A District to an R3-1 District property bounded by 10th Avenue, 154th Street, 11th Avenue and a line 100 feet westerly of 154th Street; and
- establishing within an existing and proposed R3-1 District a C2-2 District bounded by 10th Avenue, 2. 154th Street, 11th Avenue and a line 135 feet westerly of 154th Street;

as shown on a diagram (for illustrative purposes only) dated December 13, 2010.

YVETTE V. GRUEL, Calendar Officer City Planning Commission 22 Reade Street, Room 2E New York, New York 10007 Telephone (212) 720-3370

### **COMMUNITY BOARDS**

PUBLIC HEARINGS

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

#### **BOROUGH OF THE BRONX**

COMMUNITY BOARD NO. 04 - Tuesday, March 22, 2011, 6:00 P.M., Bronx Lebanon Hospital Center, 1650 Grand Concourse (Auditorium), Bronx, NY

FY'2012 Preliminary Budget for Community District 4.

m16-22

🖝 m17-30

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

#### BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 09 - Tuesday, March 22, 2011 at 7:00 P.M., M.S. 61 - (Auditorium), 400 Empire Boulevard, Brooklyn, NY

A public hearing on the agency responses to Community Board 9's FY 2012 Capital and Expense Budget requests contained in the Mayor's Preliminary Budget.

m16-22

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

#### **BOROUGH OF MANHATTAN**

COMMUNITY BOARD NO. 01 - Tuesday, March 22, 2011, 6:00 P.M., Museum of Jewish Heritage, 36 Battery Place (south of Battery Park City), New York, NY

A Public Hearing on the Fiscal Year 2012 Perliminary Budget and to view the City's response to Community Board 1's budget requests. m16-22

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

### BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 16 - Tuesday, March 22, 2011 at 7:00 P.M., Brownsville Multi Service Center, 444 Thomas S. Boyland Street, Brooklyn, NY

Mayor's FY 2012 Preliminary Budget and responses to Community Board 16's budget priorities.

m16-22

Districts. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

#### **ITEMS TO BE HEARD**

PUBLIC HEARING ITEM NO. 1

LP-2469 SEARS ROEBUCK AND CO. STORE, 2307 Beverly Road (aka 2301-2323 Beverly Road; 2386-2420 Bedford Avenue), Brooklyn.

Landmark Site: Borough of Brooklyn Tax Map Block 5133, Lot 14

PUBLIC HEARING ITEM NO. 2

LP-2471 PUBLIC NATIONAL BANK OF NEW YORK BUILDING, 47 Graham Avenue (aka 47-49 Graham Avenue; 63-73 Varet Street), Brooklyn.

Landmark Site: Borough of Brooklyn Tax Map Block 3105, Lot 26

### PUBLIC HEARING ITEM NO. 3

LP-2466 CITIZENS SAVINGS BANK, 150 Canal Street (aka 54-58 Bowery), Manhattan.

Landmark Site: Borough of Manhattan Tax Map Block 202, Lot 18 in part

PUBLIC HEARING ITEM NO. 4

LP-2461 HAWTHORNE COURT, 215-37 to 215-43 43rd Avenue and 42-22 to 42-38 216th Street, Queens. Landmark Site: Borough of Queens Tax Map Block 6306, Lot 15

PUBLIC HEARING ITEM NO. 5 LP-2448

PROPOSED CENTRAL RIDGEWOOD HISTORIC DISTRICT, Borough of Queens

### **Boundary Description**

The proposed Central Ridgewood Historic District in the Borough of Queens consists of the properties bounded by a line beginning at the northwest corner of Fresh Pond Road and 71st Avenue, then extending westerly along the northern curbline of 71st Avenue to a point in said curbline formed by its intersection with a line extending northerly from the eastern property line of 60-84 71st Avenue, southerly across 71st Avenue and along said property line, westerly along the southern property lines of 60-84 to 60-56 71st Avenue, across  $60 \mathrm{th}$  Lane and continuing westerly along the southern property lines of 60-50 to 60-34 71st Avenue, northerly along a portion of the western property line of 60-34 71st Avenue, westerly along the southern property lines of 60-32 to 60-20 71st Avenue, northerly along the western property line of 60-20 71st Avenue and across 71st Avenue to its northern curbline, westerly along said curbline, northerly along the western property line of 59-11 71st Avenue, easterly along the northern property line of 59-11 71st Avenue and a portion of the northern property line of 59-13 71st Avenue, northerly along the western property line of 59-22 70th Avenue and across 70th Avenue to its northern curbline, westerly along said curbline, continuing across Forest Avenue to the northeast corner of 70thVavenue and Onderdonk Avenue, northerly along the eastern curbline of Onderdonk Avenue, easterly along the southern curbline of Catalpa Avenue to the southeast corner of Catalpa Avenue and Forest Avenue, northerly across Catalpa Avenue and along the eastern curbline of Forest Avenue, easterly along the northern property lines of 59-01 to 59-11 Catalpa Avenue, northerly along the western property line of 59-14 68th Road and across 68th Road to its northern curbline, westerly along said curbline, northerly along the western property line of 59-13 68th Road, easterly along a portion of the northern property line of 59-13 68th Road, northerly along the western property line of 59-12 68th Avenue to the southern curbline of  $68\mathrm{th}$ Avenue, easterly along said curbline, southerly along the western curbline of 60th Street, westerly along the southern property line of 68-16 60th Street, southerly along the western property lines of 68-18 to 68-24 60th Street, easterly along the northern property line of 68-26 60th Street. southerly along the western curbline of 60th Street to the southwest corner of 60th Street and Catalpa Avenue, easterly across 60th Street and along the southern curbline of Catalpa Avenue to a point formed by its intersection with a line extending southerly from the western property line of 60-43 Catalpa Avenue, northerly across Catalpa Avenue and along said property line, westerly along the southern property lines of 60-42 to 60-16 68th Road, northerly along the western property line of 60-16 68th Road, easterly along the southern curbline of 69th Road to a point formed by its intersection with a line extending southerly from the western property line of 60-27 68th Road, northerly across 68th Road and along said property line, westerly along the southern property lines of 60-26 and 60-24 68th Avenue, northerly along the western property line of 60-24 68th Avenue to the northern curbline of 68th Avenue, westerly along said curbline, northerly along the western property line of 60-11 68th avenue, easterly along the northern property lines of 60-11 to 60-41 68th Avenue, northerly along the western property line of 60-46 67th Avenue to its northern curbline, westerly along said curbline, continuing across 60th Place to the northeast corner of 67th Avenue and 60th Street, northerly along said curbline, continuing across Kleupfel Court to a point in said curbline formed by its intersection with a line extending easterly from the southern property line of 59-32 Putnam Avenue (aka 66-02 60th Street), westerly across 60th Street and along the southern property lines of 59-32 to 59-28 Putnam Avenue and a portion of the southern property line of 59-24 Putnam Avenue, southerly along a portion of the eastern property line of 59-24 Putnam Avenue, westerly along a portion of the southern property line of 59-24 Putnam Avenue, northerly along the western property line of 59-24 Putnam Avenue to the northern curbline of Putnam Avenue, westerly along said curbline to

### **EMPLOYEES' RETIREMENT SYSTEM**

#### ■ INVESTMENT MEETING

Please be advised that the next Investment Meeting of the Board of Trustees of the New York City Employees Retirement System has been scheduled for Tuesday, March 22, 2011 at 9.30 A.M. to be held at the New York Čity Employees' Retirement System, 335 Adams Street, 22nd Floor, Boardroom, Brooklyn, NY 11201-3751. m15-21

### LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on Tuesday, March 22, 2011 at 9:30 AM, at the Landmarks Preservation Commission will conduct a *public hearing* in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Landmarks, Landmark Sites, and Historic

#### THURSDAY, MARCH 17, 2011

the northeast corner of Putnam Avenue and Forest Avenue, northerly along the eastern curbline of Forest Avenue, easterly along the southern curbline of Madison Street to a point formed by its intersection with a line extending southerly from the western property line of 59-15 Madison Street, northerly across Madison Street and along said property line, easterly along the northern property lines of 59-15 to 59-55 Madison Street, continuing across 60th Place to its eastern curbline, northerly along said curbline to the southeast corner of 60th Place and Woodbine Street, easterly along the southern curbline of Woodbine Street, southerly along the eastern property line of 60-18 Woodbine Street, easterly along the northern property lines of 60-15 to 60-19 Madison Street, southerly along the eastern property line of 60-19 Madison Street to the southern curbline of Madison Street, easterly along said curbline, southerly along the eastern property line of 60-24 Madison Street, easterly along the southern property lines of 60-30 to 60-72 Madison Street, southerly along the eastern property line of 60-95 Putnam Avenue, westerly along the northern curbline of Putnam Avenue to a point formed by its intersection with a line extending northerly from the eastern property line of 60-82 Putnam Avenue, southerly across Putnam Avenue and along said property line, easterly along the northern property line of 66-11 Stier Place, southerly along the eastern property lines of 60-11 to 60-15 Stier Place, easterly along the northern property lines of 60-85 and 60-87 67th Avenue, southerly along the eastern property line of 60-87 67th Avenue to the southern curbline of 67th Avenue, easterly along said curbline, southerly along the eastern property lines of 60-92 67th Avenue and 60-89 68th Avenue, continuing across 68th Avenue and along the eastern property lines of 60-92 68th Avenue and 60-89 68th Road, westerly along the northern curbline of 68th Road to a point formed by its intersection with a line extending northerly from the eastern property line of 60-70 68th Road, southerly across 68th Road and along the eastern property lines of 60-70 68th Road and 60-67 Catalpa Avenue to the southern curbline of Catalpa Avenue, easterly along said curbline, southerly along the eastern property line of 60-86 Catalpa Avenue, easterly along the southern property line of 68-52 Fresh Pond Road to the western curbline of Fresh Pond Road, southerly along said curbline, continuing across 69th Avenue and 70th Avenue to the point of the beginning.

#### PUBLIC HEARING ITEM NO. 6

LP-2484

FAIRWAY APARTMENTS, 76-09 34th Avenue (aka 76-01 to 76-09 34th Avenue), Queens.

Landmark Site: Borough of Queens Tax Map Block 1249, Lot 33

### PUBLIC HEARING ITEM NO. 7

LP-2463

PROPOSED RIVERSIDE DRIVE-WEST END HISTORIC DISTRICT EXTENSION 1, Manhattan.

#### **Boundary Description**

The proposed Riverside-West End Historic District Extension I consists of the property bounded by a line beginning at the southwest corner of Broadway and West 79th Street, extending westerly along the southern curbline of West 79th Street to a point on a line extending southerly from the western property line of 307-313 West 79th Street, northerly along said line and the western property line of 307-313 West 79th Street, easterly along the northern property line of 307-313 West 79th Street, northerly along the western property line of 409-411 West End Avenue (aka 302-304 West 80th Street) to the northern curbline of West 80th Street, easterly along the northern curbline of West 80th Street to a point on a line extending southerly from the western property line of 425 West End Avenue (aka 301 West 80th Street), northerly along said line and the western property line of 425 West End Avenue (aka 301 West 80th Street), westerly along part of the southern property line of 431-439 West End Avenue (aka 300-302 West 81st Street), northerly along part of the western property line of 431-439 West End Avenue (aka 300-302 West 81st Street), easterly along part of the northern property line of 431-439 West End Avenue (aka 300-302 West 81st Street), northerly along part of the western property line of 431-439 West End Avenue (aka 300-302 West 81st Street) to the southern curbline of West 81st Street, westerly along the southern curbline of West 81st Street, northerly along the eastern curbline of Riverside Drive, easterly along the northern curbline of West 85th Street to a point on a line extending southerly from the western property line of 351-355 West 85th Street, northerly along said line and the western property line of 351-355 West 85th Street, westerly along part of the southern property line of 340-346 West 86th Street, northerly along the western property line of 340-346 West 86th Street to the northern curbline of West 86th Street, easterly along the northern curbline of West 86th Street to a point on a line extending southerly from the western property line of 349 West 86th Street, northerly along the western property line of 349 West 86th Street, easterly along the northern property lines of 349 through 303-307 West 86th Street, northerly along part of the western property line of 541-551 West End Avenue (aka 301 West 86th Street) and the western property line of 553-559 West End Avenue (aka 300 West 87th Street) to the northern curbline of West 87th Street, easterly along the northern curbline of West 87th Street to a point on a line extending northerly from the eastern property line of 552 West End Avenue (aka 264 West 87th Street), southerly along said line and the eastern property lines of 552 West End Avenue (aka 264 West 87th Street) and 550 West End Avenue, easterly along part of the northern property line of 540-546 West End Avenue (aka 261-263 West 86th Street) and the northern property line of 255-259 West 86th Street, southerly along the eastern property line of 255-259 West 86th Street to the southern curbline of West 86th Street, easterly along the southern curbline of West 86th Street, southerly along the western curbline of Broadway, westerly along the northern curbline of West 83rd Street to a point on a line extending northerly from the eastern property line of 470-472 West End Avenue (aka 262-270 West 83rd Street), southerly along said line and the eastern property lines of 470-472 West End Avenue (aka 262-270 West 83rd Street) and 460-466 West End Avenue (aka 253-257 West 82nd Street) to the southern

curbline of West 82nd Street, easterly along the southern curbline of West 82nd Street, southerly along the western curbline of Broadway, westerly along the northern curblin West 81st Street to a point on a line extending northerly fi the eastern property line of 424-436 West End Avenue (ak 278-280 West 81st Street), southerly along said line and the eastern property lines of 424-436 West End Avenue (aka 2 280 West 81st Street) and 251 West 80th Street to the northern curbline of West 80th Street, westerly along the northern curbline of West 80th Street to a point on a line extending northerly from the eastern property line of 412 West End Avenue (aka 252-256 West 80th Street), souther along said line and the eastern property line of 412 West H Avenue (aka 252-256 West 80th Street), westerly along pa of the southerly property line of 412 West End Avenue (ak 252-256 West 80th Street), southerly along the eastern property line of 408-410 West End Avenue, easterly along part of the northern property line of 400-406 West End Avenue (aka 267-269 West 79th Street) and the northern property line of 2221-2229 Broadway (aka 265 West 79th Street) to the western curbline of Broadway, and southerly along the western curbline of Broadway to the point of the beginning. m7-21

## **COURT NOTICES**

#### SUPREME COURT

**NOTICE** 

#### **RICHMOND COUNTY** IA PART 74 NOTICE OF ACQUISITION INDEX NUMBER (CY) 4002/11

In the Matter of the Application of the CITY OF NEW YORK, relative to acquire title in fee simple to all or parts of,

#### ALBEE AVENUE

from Amboy Road to approximately 155 feet north of Amboy Road,

### AMBOY ROAD

from Alvine Avenue to approximately 20 feet east of Poillon Avenue,

#### ANNADALE ROAD

from Amboy Road to Approximately 104 feet northeast of Furman Street,

#### **COMMUNITY LANE**

from Amboy Road to approximately 10 feet south of Amboy Road.

### FURMAN STREET

from Annadale Road to approximately 18 feet southeast of Annadale Road,

#### PHILIP AVENUE

from Amboy Road to approximately 10 feet south of Amboy Road,

#### POILLON AVENUE

from Annadale Road to approximately 97 feet southeast of Annadale Road,

#### POILLON AVENUE

from Amboy Road to approximately 8 feet south of Amboy Road.

in the Borough of Staten Island, City of State of New York

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ne of	11	6247	34
from	12 & 14	6247	37
ka	13	6247	40
the	15	6246	21
278-	16	6246	30
	17	6245	108
	18	6249	222
	19	6249	174
	20	6249	214
erly	21	6249	207
End	22 & 23	6249	200
art	24	6249	38
ka	25	6249	33

6249

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1F

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5A

6A

6249 256249 21 1A, 1B, 1C, 1D & 1E  $\,$  Bed of Amboy Road  $\,$ Bed of Amboy Road and Poillon Avenue Bed of Amboy Road Bed of Albee Avenue Bed of Philip Avenue Bed of Community Lane 4A, 4B, 4C, 4D, Bed of Annadale Road 4E, 4F & 4G Bed of Poillon Avenue Bed of Furman Street

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof, shall have a period of one calendar year from the date of service of the Notice of Acquisition of title vesting, to file a written claim with the Clerk of the Court of Richmond County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to § 504 of the Eminent Domain Procedure Law of the State of New York, the claim shall include:

- the name and post office address of the condemnee; A) reasonable identification by reference to the B) acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- C) a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- if represented by an attorney, the name, address D) and telephone number of the condemnee's attorney.

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 on or before March 4, 2012 (which is two (2) calendar years from the title vesting date).

March 7, 2011, New York, New York Dated: MICHAEL A. CARDOZO Corporation Counsel of the City of New York Attorney for the Condemnor 100 Church Street New York, New York 10007 Tel. (212) 788-0710

m15-28

### **PROPERTY DISPOSITION**

33

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PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Richmond, IA Part 74 (Hon. Wayne P. Saitta, J.S.C.), duly entered in the office of the Clerk of the County of Richmond on March 2, 2011, the application of the City of New York to acquire certain real property, for all or parts of Albee Avenue, Amboy Road, Annadale Road, Community Lane, Furman Street, Philip Avenue, and Poillon Avenue, was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of Richmond County. Said map, showing the property acquired by the City, was filed with the Clerk of Richmond County on March 4, 2011. Title to the real property vested in the City of New York on March 4, 2011.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Part of Lot			
1	6511	111			
2	6469	30			
3	6469	37			
4	6469	39			
5	6469	43			
6	6469	46			
7	6247	1			
8	6247	10			

#### **CITYWIDE ADMINISTRATIVE** SERVICES

#### MUNICIPAL SUPPLY SERVICES

**AUCTION** 

#### PUBLIC AUCTION SALE NUMBER 11001-M

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, April 13, 2011 (SALE NUMBER 11001-M). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

http://www.nyc.gov/autoauction OR http://www.nyc.gov/autoauctions

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

m3-a13

### THE CITY RECORD

#### SALE BY SEALED BID

#### SALE OF: 3 LOTS OF MISCELLANEOUS EQUIPMENT AND SUPPLIES, USED/UNUSED.

#### S.P.#: 11019

**DUE:** March 29, 2011

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. DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156.

m16-29

### SALE OF: 6 LOTS OF MISCELLANEOUS LAB EQUIPMENT AND NETWORK CABINETS, USED.

#### S.P.#: 11018

DUE: March 17, 2011

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.

DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007. For sales proposal, contact Gladys Genoves-McCauley (718) 417-2156.

m4-17

#### POLICE

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

The following listed property is in the custody, of the Property Clerk Division without claimants.

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

Motor vehicles, boats, bicycles, business machines cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

#### INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

#### FOR MOTOR VEHICLES

(All Boroughs):

- College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100 Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852 Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

#### FOR ALL OTHER PROPERTY

- Manhattan 1 Police Plaza, New York, NY 10038, (212) 374-4925. Brooklyn 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.

- Brooklyn, NY 11201, (716) 873-6673. Bronx Property Clerk 215 East 161 Street, Bronx, NY 10451, (718) 590-2806. Queens Property Clerk 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678. Staten Island Property Clerk 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

## PROCUREMENT

"The City of New York is committed to achieving excellence in the design and construction of its capital

7/1/11, with the LSNY-Bronx Corporation to continue providing legal services to the elderly in the Bronx.
 TRANSPORTATION FOR THE ELDERLY -Negotiated Acquisition – Available only from a single source - PIN# 12512TRNA000 – DUE 03-18-11 AT 12:00 P.M. - This notice is for informational purposes only. The Department for the Aging intends to negotiate a one year contract, beginning 7/1/11, with the following organizations to continue providing transportation services to the elderly in NYC. The organizations are: Allen AME Neighborhood Preservation, ARC XVI Fort Washington, Heights and Hill Community Council, Jewish Community Council of Greater Coney Island, Recreation Rooms and Settlement, Regional Aid for Interim Needs, and Riverdale Senior Services.
 SENIOR CENTERS – Negotiated Acquisition -

Available only from a single source - PIN# 12512SCNA000 – DUE 03-18-11 AT 12:00 P.M. - This notice is for informational purposes only. The Department for the Aging intends to negotiate a one year contract, beginning 7/1/11, with its current vendors to continue providing senior center services to the elderly in NYC.

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. Department for the Aging, 2 Lafayette Street, Room 400, NY, NY 10007. Betty Lee (212) 442-1112; Fax: (212) 442-0994; blee@aging.nyc.gov

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### **CITY UNIVERSITY**

SOLICITATIONS

Services (Other Than Human Services)

**CUNY TEST ADMINISTRATION SERVICES** – Sole Source – Available only from a single source - PIN# UCO456 – DUE 03-30-11 AT 5:00 P.M. – Background: The City University of New York (CUNY) is a municipal civil service jurisdiction in the State of New York. As such, the University through the Office of Very State of New York. University, through the Office of Human Resources Management, is responsible for operating a comprehensive examination program for civil service assigned to the competitive service of its classification system. CUNY anticipates entering into a contract with a vendor to provide civil service examination program management services.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above. City University, 230 West 41st Street, 5th Floor, New York, NY 10036. Michelle Green (212) 397-5619;

m15-21

#### **CITYWIDE ADMINISTRATIVE** SERVICES

Michelle.Green@mail.cuny.edu

MUNICIPAL SUPPLY SERVICES SOLICITATIONS

Goods & Services

**REQUEST FOR INFORMATION (RFI) FOR CITYWIDE** VEHICLE LEASING PROGRAMS - Request for Information – PIN# RFI857CVLP – DUE 03-23-11 AT 5:00 P.M. - Vendors wishing to respond to the Request for Information (RFI) shall request the RFI document from the DCAS Procurement Representative listed below and submit a response in writing by March 23, 2011 to the following address: NYC DCAS, DMSS, 1 Centre St., 18th Fl. South, New York, NY 10007. Attn: Lester Spitler.

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. Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Lester Spitler (212) 669-7803; LSpitler@dcas.nyc.gov

m16-22

AWARDS

Goods

NYS CONTR FOR PRINTER CARTRIDGES AND

#### VENDOR LISTS

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

Goods

- Mix, Biscuit AB-14-1:92
- 2.
- Mix, Bran Muffin AB-14-2:91 Mix, Corn Muffin AB-14-5:91 Mix, Pie Crust AB-14-9:91  $\frac{3}{4}$ .
- 5.
- 6. 7.
- Mixes, Cake AB-14-11:92A Mix, Egg Nog AB-14-19:93 Canned Beef Stew AB-14-25:97
- Canned Ham Shanks AB-14-28:91 Canned Corned Beef Hash AB-14-26:94 Canned Boned Chicken AB-14-27:91

- 11. Canned Corred Beef AB-14-30:91 12. Canned Ham, Cured AB-14-29:91 13. Complete Horse Feed Pellets AB-15-1:92
- 14. Canned Soups AB-14-10:92D 15. Infant Formula, Ready to Feed AB-16-1:93 16. Spices AB-14-12:95
- 17. Soy Sauce AB-14-03:94 18. Worcestershire Sauce - AB-14-04:94
- Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-4207.

j5-d31

#### EQUIPMENT FOR DEPARTMENT OF SANITATION -

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

A. Collection Truck Bodies B. Collection Truck Cab Chassis

C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

#### j5-d31

**OPEN SPACE FURNITURE SYSTEMS - CITYWIDE** – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

j5-d31

#### ECONOMIC DEVELOPMENT CORPORATION

CONTRACTS

### SOLICITATIONS

Goods & Services

LEGAL SERVICES FOR LANDLORD TENANT Request for Proposals – PIN# 1168-0 – DUE 04-07-11 AT 4:00 P.M. – Respondents may submit questions and/or request clarifications from Apple and NYCEDC no later than 4:00 P.M. on Friday, March 25, 2011. Questions regarding the subject matter of this RFP should be directed to applelocal start for the subject matter of the the part of the subject matter applelegalretainer@nycedc.com. For all questions that do not pertain to the subject matter of this RFP please contact NYCEDC's Contracts Hotline at (212) 312-3969. Answers to questions and clarifications will be posted on Thursday, March 31, 2011, to www.nycedc.com/RFP.

Companies who have been certified with the New York City Department of Small Business Services as Minority and Women Owned Business Enterprises ("M/WBE") are strongly encouraged to apply. To learn more about M/WBE certification and NYCEDC's M/WBE program, please visit www.nycedc.com/RFP.

To download a copy of the solicitation documents please visit www.nycedc.com/RFP  $\,$ 

Please submit seven (7) sets of your proposal.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, yendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above Economic Development Corp., 110 William Street, 6th Floor, New York, NY 10038. Maryann Catalano (212) 312-3969; applelegalretainer@nycedc.com 🖝 m17

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."

#### AGING

#### INTENT TO AWARD

Human / Client Services

**SENIOR SERVICES** – Negotiated Acquisition – Available only from a single source - PIN# 12512VRNA000 – DUE 03-18-11 AT 12:00 P.M. – This notice is for informational purposes only. The Department for the Aging intends to negotiate a one year contract, beginning 7/1/11, with the following organizations to continue providing various senior services to the elderly in NYC. The organizations are: Bronx Jewish Community Council, Community Agency for Senior Citizens, Japanese American Social Services, Jewish Association for Services for the Aged, Lincoln Square Neighborhood Center, Neighborhood Self-Help by Older Persons, One Stop Senior Services, Polonians Organized to Minister to Our Community, Regional Aid for Interim Needs, Senior Action in a Gay Environment, Seniors Helping Seniors and The Spanish Speaking Elderly Council RAI

• LEGAL SERVICES FOR THE ELDERLY – Negotiated Acquisition – Available only from a single source -PIN# 12512LEG0000 – DUE 03-18-11 AT 12:00 P.M. - This notice is for informational purposes only. The Department for the Aging intends to negotiate a one year contract, beginning

**TONERS - NYPD** – Intergovernmental Purchase – PIN# 8571100591 – AMT: \$503,870.00 – TO: Peripheral Co. Inc. dba PECO, P.O. Box 1055, Medford, NJ 08055. NYS Contract #PT58412.

#### • NYS CONTR FOR HP ENTERPRISE SYSTEMS -

**QUEENS DA** – Intergovernmental Purchase – PIN# 8571100583 – AMT: \$122,511.15 – TO: Compulink Technologies Inc., 214 West 29th Street, Suite 201, NY, NY 10001. NYS Contract #PT64150.

• NYS CONTR FOR SOFTWARE SUPPORT - DOITT -Intergovernmental Purchase – PIN# 8571100578 AMT: \$186,656.00 – TO: Accessit Group Inc., 2000 Valley Forge Circle, Suite 106, King of Prussia, PA 19406. NYS Contract #PT61429.

• NYS CONTR FOR NOVELL SOFTWARE SUPPORT AND MAINTENANCE - DOITT - Intergovernmental Purchase - PIN# 8571100567 - AMT: \$257,500.00 TO: Computer Integrated Services Inc. Company of New York LLC, 561 Seventh Avenue, 13th Floor, NY, NY 10018. NYS Contract #PT64417.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

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**GRP: HUMBOLDT DECANTER** – Competitive Sealed Bids – PIN# 8571100091 – AMT: \$375,000.00 – TO: Andritz Separation, Inc., 1010 Commercial Blvd. S, Arlington, TX 76001. • m17

### **EDUCATION**

#### CONTRACTS AND PURCHASING

SOLICITATIONS

Goods & Services

JOB ORDER CONTRACT FOR ELECTRICAL FEEDERS – Competitive Sealed Bids – PIN# B1839040 – DUE 03-31-11 AT 4:00 P.M. – The Department of Education, Office of School Food (OSF) has released the above referenced RFB to provide Job Order Contracts (JOC) for electrical feeder work in school cafeterias. Contract costs are estimated at \$600,000 annually, for five (5) years, additionally the contract may be extended for a final period of up to 270 days at the discretion of the DOE. The estimated annual contract costs are based upon past usage. The purpose of this RFB is to establish a Job Order Contract for electrical work at schools. Each task has a preset price listed in the Construction Task Catalog. Technical specifications are included for all tasks. JOCs may combine many small projects into one master contract. Many job orders can be issued from the master JOC contract. As such, it is expected bidders will offer volume discounts. Bidders will submit two multipliers (adjustment factors) each specified to four decimal places, which are used to calculate the bidder's price for work during normal hours and for work done after hours. Estimates are provided for the percentage of work that is

expected to be done during the two periods. If you cannot download this BID, please send an e-mail to VendorHotline@schools.nyc.gov with the BID number and title in the subject line of your e-mail. For all questions related to this Bid, please send an e-mail to EGinsberg@schools.nyc.gov with the BID number and title in the subject line of your e-mail.

There will be a mandatory pre-bid conference held on March 17th, 2011 at 2:00 P.M. at 65 Court Street on the 4th Floor.

Bid opening: Friday, April 1st, 2011 at 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Education, 65 Court Street, Room 1201 Brooklyn, NY 11201. Vendor Hotline (718) 935-2300 vendorhotline@schools.nyc.gov 🖝 m17

#### INTENT TO AWARD

Services (Other Than Human Services)

CAREER TRAINING PROGRAM – Other – PIN# B1876040 – DUE 03-23-11 AT 5:00 P.M. – The New York City Department of Education (NYCDOE) intends to enter into negotiations with eighteen (18) experienced regionally accredited CUNY institutions to provide undergraduate coursework for paraprofessionals seeking to obtain a bachelor's degree. Tuition will be paid for up to six (6) semester hours of undergraduate coursework at the prevailing CUNY rate during each of the fall, spring and summer semesters until the completion of a bachelor's degree. Entities qualified to provide such services may express their interest by submitting a response to this notice via email to sstamo@schools.nyc.gov no later than March 23, 2011. Responses must include a summary of the entity's qualifications. All questions in reference to this Governmentto-Government Purchase should be e-mailed to sstamo@schools.nyc.gov

All questions in reference to this Government-to-Government Purchase should be e-mailed to sstamo@schools.nyc.gov

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Education, 65 Court Street, Room 1201 brooklyn, NY 11201. Vendor Hotline (718) 935-2300 vendorhotline@schools.nyc.gov

m16-22

#### FIRE

AWARDS

Services (Other Than Human Services)

INSTALLATION AND REPAIR OF FENCES AND GATES AT FIRE DEPARTMENT FACILITIES – Competitive Sealed Bids – PIN# 057100002433 – AMT: \$648,760.90 – TQ: Quality Fence of Peskiness, Inc., 1223 Lincoln Terrace, Peskiness, NY 10566. E-PIN: 05710B0002001.

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### **HEALTH AND HOSPITALS** CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018. j1-d31

**SOLICITATIONS** 

Goods & Services

**SEMEN ANALYSIS SYSTEM** – Competitive Sealed Bids – PIN# 22211043 – DUE 03-28-11 AT 3:00 P.M.

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

incorporated as a not-for-profit organization, and (2) for the young adult populations, the proposer must document site control and identify the source of the capital funding and being used to construct or renovate the building

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. Health and Mental Hygiene, 93 Worth Street, Room 812 New York, NY 10013. Huguette Beauport (212) 219-5883, fax: (212) 219-5890, hbeaupor@health.nyc.gov

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#### **HOMELESS SERVICES**

CONTRACTS AND PROCUREMENT SOLICITATIONS

### Human / Client Services

CORRECTION: TRANSITIONAL RESIDENCES FOR **HOMELESS/ DROP-IN CENTERS** – Competitive Sealed Proposals – Judgment required in evaluating proposals -PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

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. Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004.

### **INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

EXECUTIVE DIVISION

**JUVENILE JUSTICE** 

■ SOLICITATIONS

■ INTENT TO AWARD

Goods & Services **TELECOMMUNICATION SERVICES AT 40 RECTOR STREET** – Other – PIN# 85807N0001CNVN001 – DUE 03-22-11 – Negotiated Acquisition to extend the term of the contract with the current vendor.

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. Department of Information Technology and Telecommunications, 75 Park Place, 9th Floor, New York, NY 10007. Anne Cody (212) 788-6276; Fax: (212) 788-6489; acody@doitt.nyc.gov

Human / Client Services

PROVISION OF NON-SECURE DETENTION GROUP

HOMES - Negotiated Acquisition - Judgment required in

evaluating proposals - PIN# 13010DJJ000 - DUE 06-30-11

AT 5:00 P.M. - ACS Division of Youth and Family Justice is

City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 5:00 P.M. on 6/30/11.

soliciting applications from organizations interested in

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents,

vendor pre-qualification and other forms; specifications/

fax: (212) 341-3625, Patricia.chabla@dfa.state.ny.us

blueprints; other information; and for opening and reading of

Department of Juvenile Justice, 150 William Street, 9th Floor, New York, NY 10038. Patricia Chabla (212) 341-3505,

operating non-secure detention group homes in New York

m15-21

d15-j29

#### **NOTICE OF ADOPTION OF FINAL RULE**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board intends to amend section 2-05 of Title 29 of the Rules of the City of New York, to identify the procedure for registration of buildings for Article 7-C coverage.

A duly noticed public hearing was held on January 20, 2010, affording the public opportunity to comment on the proposed amendments, as required by Section 1043 of the New York City Charter. Written comments were accepted through January 14, 2010.

Statement of Basis and Purpose:

Pursuant to § 282 of Article 7-C of the MDL ("Loft Law,") the Loft Board may promulgate rules to ensure compliance with the Loft Law. Effective as of June 21, 2010, the Legislature amended the Loft Law by enacting Chapters 135 and 147 of the Laws of 2010, which, among other things, added \$281(5), and 282-a. Section 281(5) expands the window period under which residential units may qualify for coverage as interim multiple dwellings ("IMDs") under the Loft Law. This section also provides certain restrictions that buildings must satisfy in order to qualify for protection under the Loft Law. Section 282-a provides a statute of limitations for the filing of a registration application.

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Marta Zmoira (212) 361-0888, mzmoira@dhs.nyc.gov

j6-20

### AGENCY RULES

LOFT BOARD

**NOTICE** 

### REVENUE AND CONCESSIONS **SOLICITATIONS**

AWARDS

Services (Other Than Human Services)

Use the following address unless otherwise specified in

Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows Corona Park, Flushing, NY 11368.

Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov

PAVING OF NEWLY PLANTED STREET TREES -

bids at date and time specified above.

Known as Contract #CNYG-2110M.

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

 $Construction\,/\,Construction\,\,Services$ 

Competitive Sealed Bids – PIN# 8462010C000C20 – AMT: \$1,500,000.00 – TO: M and D Landscaping - Gardening Corp., 2270 Stillwell Ave., Brooklyn, NY 11223.

**RENOVATION, OPERATION AND MAINTENANCE OF** THE CONEY ISLAND CYCLONE ROLLER COASTER RIDE, WITH AN OPTION TO DEVELOP, OPERATE AND MAINTAIN FOOD SERVICE IN CONEY ISLAND, AND MAINTAIN FOOD SERVICE IN CONEY ISLAND, BROOKLYN – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# B368-SB-O-2011 – DUE 05-06-11 AT 3:00 P.M. – There will be a recommended on-site proposer meeting and site tour on Thursday, March 31, 2011 at 11:00 A.M. We will be meeting at the proposed concession site (Block #8697 and Lot #4), which is located at Surl Avenue and West 10th Street, in Coney Island, Brooklyn ("Licensed Premises") We will be meeting in fronk of the ("Licensed Premises"). We will be meeting in front of the entrance to the Coney Island Cyclone. If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above. Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021. Alexander Han (212) 360-1397; Fax: (212) 360-3434; alexander.han@parks.nyc.gov

m7-18

Lincoln Hospital Center, 234 East 149th Street, Room 2A2, Bronx, NY 10451. David Pacheço (718) 579-5989; Fax: (718) 579-4788; david.pacheco@nychhc.org 🖝 m17

### HEALTH AND MENTAL HYGIENE

#### AGENCY CHIEF CONTRACTING OFFICER

#### SOLICITATIONS

Human / Client Services

#### NEW YORK/NY III SUPPORTED HOUSING

**CONGREGATE** – Competitive Sealed Proposals – Judgment required in evaluating proposals -PIN# 81608PO076300R0X00-R – DUE 03-22-12 AT 4:00 P.M. - The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or rehabilitated single-site buildings for various homeless populations pursuant to the New York III Supported Housing agreement. The subject RFP will be open-ended and proposals will be accepted on an on-going basis. The RFP is available on-line at

http://www.nyc.gov/html/doh/html/acco/acco-rfp-nynycongregate-20070117-form.shtml. A pre-proposal conference was held on March 6, 2007 at 2:00 P.M. at 125 Worth Street, 2nd Floor Auditorium, New York, N.Y. Any questions regarding this RFP must be sent in writing in advance to Contracting Officer at the above address or fax to (212) 219-5865. All proposals must be hand delivered at the Agency Chief Contracting Officer, 93 Worth Street. Room 812. New Yo tracting Officer, 93 Worth Street, Room 812, New York, NY 10013, no later than March 22, 2012.

As a minimum qualification requirement for (1) the serious and persistent mentally ill populations, the proposer must be

### PARKS AND RECREATION

bids at date and time specified above.

#### CONTRACT ADMINISTRATION

#### SOLICITATIONS

Construction / Construction Services

**RECONSTRUCTION OF THE BALLFIELD, COMFORT** STATION AND RECREATIONAL LIGHTING IN SUNSET PARK AND THE INSTALLATION OF SECURITY LIGHTING IN HARRY MAZE MEMORIAL PARK – Competitive Sealed Bids – DUE 04-14-11 AT 10:30 A.M. – PIN# 8462011B087C01 - In Sunset Park PIN# 8462011B285C01 - In Harry Maze Memorial Park

Known as Contract #B087-109M. E-PIN: 84611B0044. This contract is subject to Apprenticeship program requirements.

Known as Contract #B285-110M. E-PIN: 84611B0083. These procurements are subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

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

The proposed amendments to this rule, which outlines the registration requirements, adds a section that authorizes the Executive Director to rescind, or revoke a registration, or any part thereof if he or she determines that a unit or building does not qualify as an IMD under the amended Loft Law. It also incorporates the new statute of limitations for registration applications as provided in § 282-a. The proposed amendments also provide that an owner is subject to a civil penalty for failure to post the registration information in the building. Finally, it requires owners to serve the initial registration application form on all of the tenants in the building, removes outdated provisions and integrates the changes made over the years into a more cohesive form. This proposed rule is not listed in the Loft Board's Regulatory Agenda because it was not anticipated at the time.

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

Section 2-05 of Title 29 of the Rules of the City of New York is amended to read as follows:

#### §2-05 Registration.

#### (a) Definitions.

Landlord. As used in these <u>rules</u> [regulations], the term "landlord" shall mean the owner of an interim multiple dwelling (<u>"IMD"</u>), the lessee of a whole building, part of which [is an interim multiple dwelling] <u>contains IMD units</u>, or the agent, <u>executor</u>, <u>assignee of rents</u>, <u>receiver</u>, <u>trustee</u>, or other person having <u>direct or indirect</u> control of such a dwelling.

**Residential Occupant.** As used in these <u>rules</u> [regulations], the term "residential occupant" shall mean an occupant of an <u>IMD</u> [interim multiple dwelling] <u>unit</u> eligible for protection under Article 7-C of the New York State Multiple Dwelling Law (<u>"MDL."</u>)

**Agent.** As used in § 284(2) of the MDL and these rules, the term "agent" or "managing agent" shall mean the person in control of and responsible for the maintenance and operation of the IMD building, which person shall be an individual, 21 years of age or older, and shall reside within New York City or customarily and regularly attend a business office located in New York City.

(b) Procedure for Filing Registration Application. The following <u>instructions</u> ["Information and Instruction to Owners, Lessees and Agents of Interim Multiple Dwellings"] constitute the procedures for registration of <u>buildings</u>, <u>structures or portions thereof</u>, [Interim Multiple Dwellings] pursuant to <u>MDL § 284(2)</u> [of Article 7-C of the New York State Multiple Dwelling Law]. Applications for registration shall be <u>certified by the landlord</u> in a form <u>prescribed</u> [promulgated] by the Loft Board.

Instructions—Interim Multiple Dwelling Registration Application Form [—Part A].

(1) Print [, using black ink only,] all information in completing the registration <u>application</u> form <u>and return it</u> <u>and the required documents listed in § 2-05(b)(8)[</u>. Detach this information and instruction sheet and return copies of the form, when completed] to: ["I.M.D."] <u>"IMD</u> REGISTRATION" <u>at the</u> [New York City] Loft Board's <u>office</u>, together with a check covering the registration and codecompliance monitoring fees, in accordance with subparagraph (3) below.

[Registration forms must be filed for all Interim Multiple Dwellings by January 31, 1983 to avoid payment of an initial registration fee.]

The landlord must serve a copy of the initial registration application form on all occupants of the building including residential, commercial and manufacturing occupants and prime lessees, if different. Service shall be made by regular mail delivered to each occupant at the occupant's unit, or at a different address in accordance with the terms for delivery of the notice in the occupant's lease. The registration application form must specify which residential units are being registered as IMD units and include the unit designations and location in the building. Certification of such service to the occupants and prime lessees shall be attached to the registration application form filed with the Loft Board.

(2) The information requested on the registration <u>application</u> form [and Rider(s) are] <u>is</u> required pursuant to <u>MDL §§</u>\_284(2) and 325 [of the New York State Multiple Dwelling Law]<u>, and these rules</u>. Additional information may be required pursuant to rules [and regulations which shall be] promulgated by the [New York City] Loft Board.

(3) Pursuant to MDL § 282, the Loft Board may charge and collect reasonable fees. Registration and code compliance monitoring fees shall be payable to the Loft Board in accordance with § 2-11 of these rules. [NO FEE is required if application is filed by January 31, 1983. However, a fee may be imposed if registration forms are filed after January 31, 1983. A renewal registration fee may be established by the Loft Board pursuant to §282 of the Multiple Dwelling Law.]

(4) Completion and submission of <u>a registration</u> [this] application form does not constitute a waiver of the applicant's right to contest before the Loft Board the coverage of the premises described <u>therein as an IMD building</u> under Article 7-C of the <u>MDL</u>, [Multiple Dwelling Law as an interim multiple dwelling. Nor] <u>nor</u> shall the act of filing [of] the registration application <u>form</u> constitute evidence before the Loft Board that <u>the building</u> [the premises] described <u>therein</u> [are an interim multiple dwelling] <u>is an IMD</u> <u>building</u>. Notwithstanding the foregoing, the failure of an owner, a building occupant or prime lessee to contest the registration application within 45 calendar days after service of the registration application or 45 calendar days after the filing date with the Loft Board, whichever is later, shall constitute a "waiyer" to contest coverage of the units

contested. [Notice of the filing] A copy of the application must be served on ALL residential, commercial and manufacturing occupants of the building and the prime lessee(s) in the manner described in § 1-06(b) of these rules for service of Loft Board applications, and the application [to] filed with the Loft Board must [state] include a certification that such service has been made. [The notice of application must state that copies of the full application are available for inspection at the Loft Board and that a copy of the full application will be furnished by the landlord upon the written request of an occupant. Until the Loft Board determines otherwise by rule or regulation, service shall be effected in the manner prescribed by Real Property Actions and Proceedings Law §735. Failure of an owner, lessee or agent to contest coverage within 30 days of the issuance of an IMD Registration Number or within 30 days of the promulgation of coverage regulations by the Loft Board, whichever is later, precludes said applicant from contesting coverage.

It is the intent of the Loft Board to provide those wishing to contest coverage an opportunity to do so within 30 days after the promulgation of regulations which directly address the issue upon which the coverage dispute or contestation is predicated.]

(6) [Please be advised that other affected parties] <u>Any</u> <u>occupant in the building</u> may apply for [or contest] coverage under Article 7-C. Such applications <u>shall</u> [should] be filed in <u>accordance with</u> [made following] the procedures set forth in [§2-05(b)(5) above] § <u>1-06</u> of these rules, and shall be subject to the terms and provisions of the MDL and these rules, including, without limitation, the deadline for filing coverage applications set forth in MDL § 282-a, § <u>1-06.1</u> of the Loft Board's rules, and the Loft Board's website [except that notice of filing of the application must be served on the landlord not the occupants].

(7) [Registration applications, if accepted by the Loft Board] <u>An interim multiple dwelling registration number</u> <u>issued by the Loft Board</u> will be effective until such time as determined by the [New York City] Loft Board <u>or its staff</u>.

(8) Required Documents For A Registration Application. <u>A registration [A] application[s] must be completed in its</u> entirety. Legible copies of the following must be attached: (i) the current lease for each residential unit claimed to be covered under Article 7-C, or, where there is no current lease, the most recent lease agreement, [(]including all executed riders, amendments, modifications and extensions [)for all residentially occupied units], (ii) the lease in effect during the qualifying window period set forth in MDL § 281 for each residential unit claimed to be covered under Article 7-C, and if no lease existed during the window period, an owner must file proof of residential occupancy during the window period with the registration form; (iii) the lease in effect on June 21 2010, if different, and if no lease existed on June 21, 2010, the owner must attach a signed statement outlining the rental agreement in effect on June 21, 2010 - including party names, monthly rent, a description of the premises, use of the premises, and the services provided by the landlord; and (iv) any lease for a unit engaged in commercial, manufacturing, or industrial activity in the building on June 21, 2010 [must be attached regardless of the commercial, residential or manufacturing nature of the lease]. If no lease [exists or] existed for the commercial, manufacturing, or industrial unit on June 21, 2010, the owner must attach a signed statement outlining the rental agreement in effect on June 21, 2010.

For cooperatives, legible copies of [one of] the proprietary [leases and of all coversheets] <u>leases</u> for all units, including the units engaged in commercial, manufacturing, or industrial activity, must be attached. If any units were [are] rented on June 21, 1982 for units seeking coverage pursuant to MDL § 281(1), or July 27, 1987 for units seeking coverage pursuant to MDL § 281(4), or June 21, 2010, for units seeking coverage pursuant to MDL § 281(5), [attach] copies of those <u>leases and</u> subleases or rental agreements <u>must be attached</u>. For condominiums, legible copies of all leases for units that were [are] rented on June 21, 1982 for units seeking coverage pursuant to MDL § 281(1), or July 27, 1987 for units seeking coverage pursuant to MDL § 281(4) or June 21, 2010, for units seeking coverage pursuant to MDL § 281(4) or June 21, 2010, for units seeking coverage pursuant to MDL § 281(5), must be attached.

[All personal and confidential information on leases (including all information which could lead to the identification of the premises, landlords and occupants) will not be available under the Freedom of Information Act.]

[An] <u>A registration</u> application <u>form</u> will not be accepted, and an IMD Registration Number will not be [assigned] issued, unless all questions set forth on the registration application form are answered in full, and all required leases or signed statements are attached. If a particular question or piece of information is inapplicable, [or not available] the <u>applicant shall</u>enter <u>"Not Applicable," or if the information is</u> unavailable, enter "Not Available", and attach a signed statement explaining the reasons such information is inapplicable or unavailable. The content of [an] a registration application form will be reviewed prior to issuance of an IMD Registration Number [acceptance]. In the space provided on the registration application form, an applicant must specify which units it seeks to register with the Loft Board for coverage under Article 7-C. The applicant shall enter [Enter] the number of residential units occupied for residential purposes by families living independently from one another, the periods of such residential occupancy, and indicate the units' location [and the number of floors] in the building. [A family] "Family" shall have the meaning provided in MDL § 4(5), and may consist of a person or persons, regardless of whether they are related by marriage or ancestry. [Enter the number of residentially occupied units on each floor so occupied. Rider A which specifically identifies each of the units in the building must be completed and returned with the application.] (9) The acceptance of the registration application form in no way legalizes the residential occupancy. If the registration application form is accepted by the Loft Board staff, a copy of the form with the assigned [I.M.D.] IMD Registration Number will be returned to the applicant [you]. That number must be included on all future correspondence with the Loft Board regarding the building [with the office]. The Loft Board reserves the right to reject, revoke or amend an [I.M.D] IMD Registration Number for a building. The Loft Board also reserves the right to revoke, at any time, the Article 7-C coverage for a unit in a building issued an IMD

#### Registration Number.

(10) For each building potentially subject to Article 7-C, the owner, the lessee of the whole building<u>if applicable</u>, and the agent [or other person having control of the premises] must each <u>sign the</u> [file a separate] registration application form thereby certifying to the truth, accuracy and completeness of the information contained therein. If the building is known by more than one address [is known by other addresses], the applicant shall list each address on [them on a separate sheet of paper and attach to] the application form.

If the owner, lessee <u>of the whole building[,]</u> <u>or</u> agent [or other person] is a corporation, other than a corporation listed as exempt from the provisions of [the Multiple Dwelling Law] <u>MDL §</u> 325, the names, business, and residence addresses and phone numbers of <u>each of</u> its officers must be listed on the form.

Other officers, including treasurer or chief fiscal officer, and stockholders who own or control at least 10 percent of the corporation's stock, must be listed on a separate attachment.

If the owner, lessee <u>of the whole building or</u> agent [or other person] is other than an individual or a corporation, the names, business and residential addresses and phone numbers for each <u>member</u>, general partner or participant in a partnership, [or] joint venture <u>or limited liability company</u> must be listed on a separate attachment.

At least one of the phone numbers [entered] filed with the registration application [on the] form must be a confidential telephone number where a responsible party can reasonably be expected to be reached 24 hours a day, 7 days a  $\underline{week} \; [at all times] \; for emergencies. Such number(s) must be$ within 50 miles radius of New York City limits, and must be indicated on a separate signed sheet of paper [and] filed with the registration application form. Such responsible party shall be twenty-one years or older, and shall reside within New York City or customarily and regularly attend a business office located in New York City. The emergency number shall be confidential pursuant to the Freedom of Information Law (Public Officers Law §\_84, et. seq.) as amended from time to time. Any change in the emergency number, managing agent information, owner's address or ownership shall be sent to the Loft Board within 5 days of the change. The failure to report such change is a violation of the Loft Board rules and the owner may be subject to civil penalties up to \$17,500.00.

(11) All [owners, lessees of whole buildings, and agents or other persons having control of the premises] <u>landlords</u> who file <u>a registration application form</u> [for I.M.D. Registration Numbers] agree to provide the minimum housing maintenance standards established [or to be established by the Loft Board] <u>by § 2-04 of these rules, as it</u> <u>may be amended from time to time</u>, to all residentially occupied units <u>covered under Article 7-C of the MDL</u> [for as long as the I.M.D. Registration Number is valid].

(12) [The "managing agent" defined as the person in control of and responsible for the maintenance and operation of the dwelling, must be an individual over 21 years of age with a business office or residence in New York City] <u>Reserved</u>.

(13) [An identification sign] <u>A notice, in the form</u> prescribed by the Loft Board, [containing the building address, the I.M.D. Registration Number assigned by the Loft Board for the purpose of identifying the building and the owner and managing agent] <u>as designated on the Loft</u> <u>Board's website</u>, shall be posted in the lobby of [in] every <u>IMD</u> <u>building</u> [interim multiple dwelling] [with] within five (5) business days after the issuance of the [I.M.D.] <u>IMD</u> Registration Number. <u>Failure to post such notice may subject</u> the landlord to civil penalties of up to \$17,500 per day. [A sample sign with instructions will be sent to you when the IMD Number is issued.] <u>Such notice must contain:</u> (A) the building address;

- (B) the IMD Registration Number assigned by the Loft Board for the purpose of identifying the building;
- (C) the contact information for the owner and managing agent; and
- (D) the Loft Board's phone number.

(14) If additional space is required to respond to any of the questions <u>set forth on the registration application form</u>, <u>the applicant shall</u> attach a signed separate sheet of paper [identifying the question(s) being answered] <u>to complete the</u> <u>response</u>.

(c) Rent claims. <u>A</u> [Landlords] <u>landlord</u> of [interim multiple dwellings] a building for which an IMD Registration Number has been issued[,] shall be [deemed to be compliance with the registration provisions of Article 7-C and shall be] entitled to claim rents becoming due after the date of issuance of the IMD Registration Number, in summary proceedings, pursuant to MDL § 285(1) [of Article 7-C of the Multiple Dwelling Law], provided that such landlords are in compliance with the terms and provisions of Article 7-C and the Loft Board's rules. Finding that there are a significant number of ongoing disputes between landlords and residential occupants in loft dwellings over payment of past due rents and that Article 7-C did not intend to authorize landlords to recover past due rents from residents occupying premises which may not qualify for coverage under Article 7-C, the Loft Board believes that landlords' right to recover for past due rents pursuant to MDL §285(1) [of the Multiple Dwelling Law] should be stayed until the question of coverage of an IMD has been resolved. Landlords who waive their right to contest coverage by executing a written waiver in a form acceptable to the Loft Board, fail to contest coverage within 45 calendar days following the filing of the registration application with the Loft Board or following the service of the registration application on the occupants and the prime lessees, or whose coverage dispute has been resolved by a determination that the premises in question are covered by Article 7-C, and who have met the requirements of subdivision (b) of this section shall be deemed in full compliance with the registration provisions of Article 7-C. [in order to claim past due rent payable from residential occupants pursuant to MDL §285(1) of the Multiple Dwelling Law]. An owner must be in full compliance with all of the provisions of Article 7-C and the Loft Board's rules, including and without limitation, the

registered, and shall preclude the landlord from contesting such coverage status.

In the event the Loft Board or its staff subsequently discovers that a building, structure or portion thereof registered as an IMD does not qualify as an IMD subject to coverage under Article 7-C, in whole or in part, then the Executive Director may revoke such IMD status for the individual unit, or the building in its entirety, as applicable, effective upon notice to the owner, the building occupants and the prime lessees, listed on the registration application form. Any and all applications by a landlord, building occupant or the prime lessee to challenge the denial of a registration application form or the revocation of IMD status of a building or a unit by the Executive Director shall be governed by the terms and provisions of § 1-07.1 of these rules.

(5) <u>Procedure to Contest a Registration Application</u>. Any and all applications filed by a landlord, building occupant(s) or prime lessee, if applicable, to contest coverage of a building[s] or individual unit[s] under Article 7-C [by owners, lessees or agents] must be received by the Loft Board within [30] <u>45 calendar</u> days <u>after</u> [of] [the issue date of the IMD registration number or within 30 days after promulgation of coverage regulations by the Loft Board, whichever is later] service of the registration application form on the building occupants and prime lessee(s) or within 45 calendar days after filing of the registration applications [Applications, by letter in duplicate,] must set forth the extent of coverage being contested, <u>including</u> [and set forth] the facts and rationale upon which coverage is being

#### THE CITY RECORD

registration requirements, in order to recover rent.

(d) Confidentiality of lease information. All personal and confidential information <u>contained</u> in leases submitted <u>together</u> with the registration application forms pursuant to this section [(]including all information which could lead to the identification of the premises, landlords, [and] <u>or</u> tenants\_[)] shall be confidential pursuant to the Freedom of Information Law (Public Officers Law §\_84, et. seq.) <u>as</u> <u>amended from time to time</u> [Filed with the City Clerk: August 2, 1983]. <u>Notwithstanding the foregoing, the current</u> <u>owner of the building may have access to such unit's</u> <u>information, and the current occupant of the unit may also</u> <u>have access to such information, as necessary in connection</u> with an application filed with the Loft Board or a case filed in <u>a court of competent jurisdiction.</u>

(e) Initial Registration Application Form Filing Deadlines for Buildings Seeking Coverage under MDL § 281(4) Prior to June 21, 2010, the Effective Date of Chapter 135 of the Laws of 2010. Effective July 27, 1987, Article 7-C of the MDL [Multiple Dwelling Law] was amended, in part, to extend coverage to certain residentially occupied buildings, structures or portions thereof that were excluded from the protections of Article 7-C because they did not meet the zoning requirements of MDL §§281(2)(i), (iii) or (iv). Now, pursuant to MDL §281(4), any building, structure or portion thereof which contains units that were residentially occupied on May 1, 1987, since December 1, 1981, that were used for residential purposes since April 1, 1980, is an [interim multiple dwelling] IMD covered by Article 7-C regardless of the zoning requirements of MDL §§281(2)(i), (iii)\_and [/or] (iv), if the building otherwise meets the criteria set forth in MDL §281(1) and these rules. MDL §281(1) defines an "interim multiple dwelling" as a building, structure or portion thereof which at any time was occupied for manufacturing, commercial or warehouse purposes; and which on December 1, 1981 was occupied for residential purposes since April 1, 1980 as the residence or home of any three or more families living independently of one another; lacks a certificate of compliance or occupancy pursuant to MDL §301. Pursuant to MDL §281(4), an interim multiple dwelling shall include any building within the City of New York which meets these qualifications, regardless of whether there are currently three or more qualifying units. Thus, a reduction in the number of occupied residential units in a building after December 1, 1981 since April 1, 1980, shall not result in the elimination of the protections of Article 7-C to any remaining residential occupants qualified for such protection whose units were residentially occupied on May 1, 1987 since April 1, 1980.

(1) The provisions of these rules, §2-05, shall be fully applicable to <u>IMD buildings</u> [interim multiple dwellings] or additional covered units, which are subject to coverage under Article 7-C pursuant to MDL §281(4), except as provided below:

(i) <u>Pursuant to MDL § 284(2), all residential units that</u> <u>qualify for coverage under Article 7-C</u> [requires registration of all interim multiple dwellings within sixty days of the date of the enactment. Interim multiple dwellings or additional covered units subject to Article 7-C solely] pursuant to MDL <u>§§ 281(4) were required to</u> [shall] be <u>initially</u> registered on or before September 25, 1987. The initial registration period <u>for</u> <u>such qualifying units under § 281(4)</u> [ends] <u>ended</u> on June 30, 1988.

(f) Deadlines for Filing Initial Registration Application after June 21, 2010 in Chapters 135 and 147 of the Laws of 2010 (1) Pursuant to MDL § 284(2), the initial registration for buildings covered pursuant to MDL § 281(5) shall have been filed by August 21, 2010, which was sixty days from the effective date of Chapter 135 of the Laws of 2010. The provisions of these rules, §2-05, shall be fully applicable to IMD buildings or additional covered units, which are subject to coverage under Article 7-C pursuant to MDL §281(5).

Pursuant to MDL § 282-a, the initial registration application form must be filed for all buildings, structures, or portions thereof seeking Article 7-C coverage by the certain date listed in § 1-06.1(a) of these rules, and on the Loft Board's website. This date is 6 months after the date the Loft Board adopted all rules necessary to implement the provisions of Chapters 135 and 147 of the Laws of 2010, which added MDL § 281(5).

Any initial registration application forms filed after the certain date listed in § 1-06.1(a) of these rules will not be accepted, notwithstanding that such residential units may otherwise meet the qualifying criteria for an IMD unit pursuant to MDL § 281, unless the landlord is directed to file a registration form pursuant to a Loft Board order finding coverage or if the landlord is directed to file a registration application form by a court of competent jurisdiction pursuant to the claim of Article 7-C coverage raised in a pleading before the certain date listed in § 1-06.1(a) of these rules, and on the Loft Board's website. (2) Registration Renewals. [Thereafter, renewal] Renewal of registration pursuant to § 2-11(b)(1)(i)(A) of these rules shall be required annually on or before July 1st. Prior to the processing of the registration renewal application, the landlord [, owner, lessee of a whole building and] or the agent [are] is required to pay all unpaid fines, late fees and registration and code compliance monitoring fees for prior registration periods at the rate [then established by the Loft Board] set forth in § 2-11(b)(9)(i) of these rules, as may be amended from time to time. Failure to timely pay such registration and code compliance monitoring fees may result in the imposition of late fees, and other civil penalties, in accordance with the terms and provisions of these rules, including, without limitation, § 2-11(b)(1)(i)(D). [(ii) In addition to the requirements set forth in §2-05(b)(8) of these rules, the landlord shall submit legible copies of all leases (including all executed riders, amendments, modifications and extensions) for residentially occupied units for the period April 1, 1980 through May 1, 1987.l ([f]g) No applications filed by <u>or on behalf of</u> a landlord of an IMD building [interim multiple dwelling] shall be processed by the Loft Board unless the registration renewal application is current and all applicable fees and penalties have been paid in full as of [on] the date of filing [of] such application. An application is not deemed filed until payment of all outstanding fees, fines and penalties has been received by the Loft Board.

Dated:	March 10, 2011	Robert D.
		Chairpers

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#### NOTICE OF ADOPTION OF FINAL RULE

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD** by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board intends to amend section 2-08(a) to (i) of Title 29 of the Rules of the City of New York, to establish the criteria for Article 7-C coverage after the recent amendment of Article 7-C in Chapters 135 and 147 of the Laws of 2010.

A duly noticed public hearing was held on January 20, 2010, affording the public opportunity to comment on the proposed amendments, as required by Section 1043 of the New York City Charter. Written comments were accepted through January 14, 2010.

#### Statement of Basis and Purpose:

Pursuant to § 282 of Article 7-C of the Multiple Dwelling Law ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. Effective as of June 21, 2010, the Legislature amended the Loft Law by enacting Chapter 135 and 147 of the Laws of 2010, which, among other things, added §§ 281(5) and 282-a. Section 281(5) expands the window period under which residential units may qualify for coverage as interim multiple dwellings ("IMDs") under the Loft Law. This section also provides certain restrictions that buildings must satisfy in order to qualify for protection under the Loft Law. Section 282-a provides a statute of limitations for the filing of a coverage application and registration application.

The proposed amendment details the criteria a residential unit must satisfy in order to be deemed an IMD unit pursuant to the newly added Loft Law sections, including § 281(5). The proposed amendment also permits a residential unit that satisfies such criteria to attach to an existing IMD building as an "accreted unit." It also clarifies which residential units are excluded from coverage under the amended Loft Law. Finally, the proposed amendment reorganizes the provisions of § 2-08 into a more unified and cohesive section.

This proposed rule is not listed in the Loft Board's Regulatory Agenda because it was not anticipated at the time.

Section 2-08 of Title 29 of the Rules of the City of New York is amended to read as follows:

#### §2-08 Coverage and Issues of Status.

Registration as an interim multiple dwelling (hereinafter "IMD") with the New York City Loft Board (hereinafter "Loft Board") shall be required when a building, structure or portion thereof meets the criteria for an IMD set forth in §§ 281, 282-a of Article 7-C of the Multiple Dwelling Law (hereinafter "MDL") [as further delineated in the following regulations] and these <u>rules</u>.

(a) Definitions.

#### (1.) Building.

(i) As defined in \$12-10 of the Zoning Resolution, a building is any structure which:

(A) is permanently affixed to the land;

(B) has one or more floors and a roof; and

 $(\mathrm{C})$  is bounded by either open area or the lot lines of a zoning  $\mathsf{lot}_{\underline{\ }}$ 

[(D)] (ii) A building may be a row of structures, and have one or more structures on a single zoning lot.

([ii]<u>iii</u>) In deciding whether a structure is a single building, as distinguished from more than one building for purposes of IMD determination, the Loft Board shall employ the definition set forth above, and consider *inter alia* the following factors:

(Å) whether the structure is under common ownership; (B) whether continuous portions of the structure

(B) whether contiguous portions of the structure within the same zoning lot are separated by individual load-

employed in <u>MDL § 281(2)</u> means that the <u>New York City</u> <u>Zoning Resolution permits residential use in the area in</u> which the building is located.

Grandfathering may also be accomplished by a special permit process defined in subdivision (ii) below, which requires a further discretionary approval in addition to determination of occupancy on a specified date.

(i) *Minor modification and an administrative certification*. A "minor modification," and an "administrative certification" as found in <u>MDL § 281(2)(i)</u> [of the Multiple Dwelling Law] are terms which refer to various procedures which may be specified in the Zoning Resolution in addition to the grandfathering determinations of occupancy concerning non-discretionary actions by the agency to which an application must be made.

(ii) Special permit. A "special permit" as found in <u>MDL</u> §\_281(2)(iv) [of the Multiple Dwelling Law] is a term referring to a grandfathering procedure specified in the Zoning Resolution which involves a discretionary determination, and approval by the City Planning Commission, to which the application must initially be made, and by the Board of Estimate <u>or any entity which succeeds it in this function</u>.\*\*

(3.) **Living Independently**. For purposes of MDL § 281 and these rules, "living independently" means having attributes of 'independent living' by a family in each residential unit, such as:

(i) a separate entrance providing direct access to the residential unit from a street or public area, such as a hallway, elevator, or stairway within a building; (ii) one or more rooms such as a kitchen area, a bathroom, a sleeping area and a living room area arranged to be occupied exclusively by the members of a family and their guests, which room or rooms are separated, and set apart from all other rooms within a building; and

(iii) such other indicia of independent living which demonstrate the residential unit's use as a residence of a family living independently.

(<u>4.</u>) **Residential unit**. [For purposes of these regulations the residence or home of a "family" as defined in Multiple Dwelling Law §4(5)\*\*\* shall be deemed a residential unit.] (i) In order <u>for a residential unit</u> to <u>be deemed</u> [qualify as] <u>an</u> <u>IMD</u> [residential] unit <u>qualifying for coverage under Article</u> <u>7-C</u>, the unit must [have attributes of independent living such as:

A separate entrance providing direct access to the unit from a street or public area, such as a hallway, elevator or stairway within a building;

One or more rooms arranged to be occupied by the members of a family, which room or rooms are separated and set apart from all other rooms within a building; and

Such other indicia of independent living which demonstrate the unit's use as a residence of a family.]:

(A) be the residence or home of a "family" as defined in MDL § 4(5) that is living independently;

(B) be located in a building, a portion of which was occupied at any time for manufacturing, commercial or warehouse purposes;

(C) lack a residential certificate of occupancy issued pursuant to MDL § 301, as further delineated in § 2-08(b) of these rules;

(D) except as set forth below in §§ 2-08(a)(4)(ii), and (iii), be located in a geographical area in which the Zoning Resolution permits residential use as of right or in which the residential use may become a use as of right as a result of approval of a grandfathering application, in accordance with MDL §§ 281(2)(i), or (iv); or is located in a study area designated by the Zoning Resolution for possible rezoning to permit residential use, in accordance with MDL § 281(2)(iii);

(E) be located in a building that is not municipally owned;

(F) except as set forth below in §§ 2-08(a)(4)(ii), and (iii), be occupied by a family living independently for residential purposes on December 1, 1981, since April 1, 1980 for coverage under § 281(1), and

(G) pursuant to MDL § 282-a, either (i) have been registered as part of an IMD building, structure or portion thereof by the landlord of such building, by that certain date which is 6 months after the date the Loft Board shall have adopted all rules necessary in order to implement the provisions of Chapters 135 and 147 of the Laws of 2010 (ii) have been included as part of a coverage application filed by a residential occupant of the building, structure or portion thereof by that certain date which is 6 months after the date the Loft Board shall have adopted all rules necessary in order to implement the provisions of Chapters 135 and 147 of the Laws of 2010 or (iii) if the landlord is directed to file a registration application form by a court of competent jurisdiction pursuant to a claim of Article 7-C coverage raised in a pleading before the certain date listed in § 1-06.1(a) of these rules, and on the Loft Board's website. (ii) In addition to the criteria set forth in subparagraph (i) of this § 2-08(a)(4), in order for a residential unit to qualify for coverage under Article 7-C pursuant to MDL § 281(4), such residence or unit must have been occupied by a family living independently for residential purposes on May 1, 1987, since December 1, 1981, and occupied for residential purposes since April 1, 1980, regardless of whether the building is located in a geographical area in which the Zoning Resolution permits residential use as of right, or through grandfathering as defined in § 2-08(a)(2) of these rules, or because the building is located in a study area as defined in § 2-08(a)(5) of these rules. (iii) Notwithstanding the foregoing, in order for a residential unit to qualify for coverage under Article 7-C pursuant to MDL § 281(5), as set forth in these rules, a residential unit is not required to have been residentially occupied between April 1, 1980 through December 1, 1981, but is required to have been occupied by a family living independently for residential purposes during a period of twelve consecutive months between January 1, 2008 through December 31, 2009, as further delineated in §§ 2-08(c)(3), and 2-08(c)(4) of these rules, regardless of whether the building is geographically located in an area in which the Zoning

bearing walls, without openings for the full length of their contiguity, as distinguished from non-loadbearing partitions;

(C) whether the structure has been operated as a single entity, having one or more of the following:

(a) a common boiler;

(b) a common sprinkler system;

(c) internal passageways;

(d) common fire escapes; or

([d]e) other indicia of operation as a single entity.

(D) whether the owner or a predecessor has at any time represented in applications or other official papers that the structure was a single building;
(E) whether a single certificate of occupancy has been requested or issued for the structure; and

(F) the pattern of usage of the building during the applicable qualifying window periods: (i) from April 1, 1980, to December 1, 1981, for buildings seeking coverage under Article 7-C pursuant to MDL § 281(1), (ii) from April 1, 1980 to May 1, 1987, for buildings seeking coverage under Article 7-C pursuant to MDL § 281(4), or (iii) from January 1, 2008 to December 31, 2009, for buildings seeking coverage under Article 7-C pursuant to MDL § 281(5).

(2.) **Grandfathering**. For purposes of these [regulations] <u>rules</u>, "grandfathering" means the administrative process by which a residential unit, located where residential use is not otherwise permitted by the Zoning Resolution, is determined by the agency designated in the Zoning Resolution, to have been residentially occupied on a specified date, and is therefore a legal residential use as of right, eligible for Article 7-C coverage.\* The term "residential use as of right" as Resolution permits residential use. In addition to the criteria set forth in subparagraph (A), (B), (C), (E), and (G) of § 2-08(a)(4)(i), in order for a residential unit to qualify as an IMD unit for purposes of coverage under Article 7-C pursuant to MDL § 281(5), such residence or home must:

(A) not be located in a "cellar" or "basement," as such terms are defined in MDL §§ 4(37), and 4(38) respectively;

(B) have a means of access from a street or public area, such as a hallway, elevator or stairway, and the unit must not require passage through another residence, or unit to obtain access;

(C) contain at least 1 window that opens onto a street, lawful yard or court;

(D) contain at least 550 square feet in area;

(E) not be located in an industrial business zone, as such term is defined in chapter 6-D of Title 22 of the New York City Administrative Code, except for buildings located in the:

(i) Williamsburg/Greenpoint industrial business zone; (ii) North Brooklyn industrial business zone; or

(iii) Long Island City industrial business zone, provided that the residential units meet the qualifying criteria set forth above and the buildings are located in the following area of the Long Island City industrial business zone:

(a) have frontage on either side of 47th Avenue,<sup>1</sup> (b) be located north of 47th Avenue and south of Skillman Avenue, or

(c) be located north of 44th Drive, south of Queens Plaza north, and west of 23rd Street; and

(F) not be located in the same building that contained, as of June 21, 2010, a use actively and currently pursued that is determined by the Loft Board to be inherently incompatible with residential use, as defined in § 2-08(k) of these rules.

1 The New York State Legislature made a typographical error in § 281 (5) by listing 47th Street as in the Long Island City Industrial Business Zone. The intended street name is 47th Avenue not 47th Street. The correct name is listed herein.

(5.) Study area. A study area as found in  $\underline{MDL} \ \underline{\$} \ 281(2)$ (iii) [of the Multiple Dwelling Law] is a term referring to an area, defined in  $\underline{\$} \ 42-02$  of the Zoning Resolution, which is currently zoned as manufacturing and under study by the City Planning Commission for a determination of the appropriateness of the zoning.

#### (b) Certificate of occupancy.

(1) Registration as an IMD <u>shall not be required</u> of any building, structure or portion thereof for which a final[, as distinguished from a temporary,] residential certificate of occupancy was issued pursuant to <u>MDL § 301</u> [of the Multiple Dwelling Law] prior to: (i) June 21, 1982, for buildings, structures, or portions thereof seeking coverage under Article 7-C solely pursuant to MDL § 281(1); (ii) July 27, 1987, for buildings, structures or portions thereof seeking coverage under Article 7-C solely pursuant to MDL § 281(4); or (iii) June 21, 2010, for buildings, structures or portions thereof seeking coverage under Article 7-C pursuant to MDL § 281(5) [, shall not be required for such units designated as residential on the certificate of occupancy]. Such units shall be exempt from Article 7-C coverage unless the <u>residential</u> certificate of occupancy is revoked.

(2) Registration as an IMD with the Loft Board shall be required of:

(i) Any building, structure, or portion thereof, which otherwise meets the criteria for an IMD set forth in (A) MDL §\_281(1), [of the Multiple Dwelling Law] and these [regulations] rules, for all residentially-occupied units which lacked a final residential certificate of occupancy issued pursuant to §\_301 of the [Multiple Dwelling Law] MDL prior to June 21, 1982, (B) MDL § 281(4), and these rules for all residentially-occupied units which lacked a final certificate of occupancy issued pursuant to § 301 of the MDL prior to July 27, 1987, or (C) MDL § 281(5), and these rules, for all residentially-occupied units which lacked a final certificate of occupancy issued pursuant to MDL § 301, prior to June 21, 2010. Issuance of a [residential] certificate of occupancy pursuant to MDL § 301 for such units on or after June 21, 1982, July 27, 1987, or June 21, 2010, as applicable, will not be the basis for exemption from Article 7-C coverage;

(ii) Any building, structure, or portion thereof which meets the criteria for an IMD set forth in MDL § 281, [of the Multiple Dwelling Law] and these [regulations] rules, for all residentially occupied units which obtained a temporary[, but not final,] residential certificate of occupancy issued pursuant to <u>MDL</u> § 301 [of the Multiple Dwelling Law] prior to[:] June 21, 1982 for units covered under MDL § 281(1), July 27, 1987 for units covered under MDL § 281(4), and June 21, 2010 for units covered under MDL § 281(5). Issuance of a temporary residential certificate of occupancy for such units prior to these dates will not be the basis for exemption from Article 7-C coverage if on or after [June 21, 1982] these dates a period of time of any length existed for [whatever reason whatsoever] any reason during which a temporary or final certificate of occupancy issued pursuant to MDL §301 [of the Multiple Dwelling Lawl was not in effect for such units. (iii) Any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL §\_281, [of the Multiple Dwelling Law] and these [regulations] rules, for all residentially occupied units for which a [temporary or] final [residential] certificate of occupancy issued pursuant to MDL § 301 has been revoked. The prior issuance of a [temporary or] final certificate of occupancy which has been revoked [for such units] will not be the basis for exemption from Article 7-C coverage. (iv) Any building, structure, or portion thereof that otherwise meets the criteria for an IMD set forth in MDL § 281, and these rules, and contains residential units which were subsequently converted to non-residential use following the applicable time period required to qualify such unit for coverage under Article 7-C. Current commercial use or commercial use after the qualifying window period shall not be the basis for exemption from Article 7-C coverage.

which otherwise meets the criteria for an IMD set forth in MDL § 281(1), [of the Multiple Dwelling Law] and these [regulations] rules, and had at least three units residentially occupied on December 1, 1981, since April 1, 1980. If the building, structure or portion thereof contained three units so occupied on December 1, 1981, and on April 1, 1980, and if such residential use is permissible under the Zoning Resolution as of right, or through grandfathering, or the units are in a study area as defined in §\_2-08(a)(5) ["Study area"] of these [regulations] rules, there shall be a presumption that the building is an IMD and that such units are covered under Article 7-C. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit between April 1, 1980, and December 1, 1981, such unit shall not be counted for purposes of determining whether the building qualifies for coverage as [is] an IMD pursuant to MDL § 281(1). The occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct, and independent of the owner of the building for the presumption of IMD coverage to be rebutted.

(2) Registration [as an IMD] with the Loft Board shall also be required of any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL §\_281(4), and these rules, that had one or more units residentially occupied on May 1, 1987, since December 1, 1981, that was occupied for residential purposes since April 1, 1980, regardless of whether residential use is permitted under the Zoning Resolution as of right, or through grandfathering as defined in §\_2-08(a)(2) ["Grandfathering"] of these rules, or because the building is located in a study area as defined in §\_2-08(a)(5) ["Study area"] of these rules. Residential occupancy of one or more units of the building, structure or portion thereof, as described in this paragraph. on May 1, 1987, on December 1, 1981, and on April 1, 1980, shall create a presumption that the building is an IMD or that such unit or units are covered under Article 7-C. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit between April 1, 1980, and December 1, 1981, or between December 1, 1981 and May 1, 1987, such unit shall not be counted for purposes of determining whether the building qualifies for coverage as [is] an IMD pursuant to MDL § 281(4). The occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the owner of the building for the presumption of IMD coverage to be rebutted.

(3) Registration with the Loft Board shall also be required of any building, structure or portion thereof which otherwise meets the criteria for an IMD set forth in MDL § 281(5) and these rules that contained at least three units residentially occupied by families living independently from one another for a period of twelve consecutive months between January 1, 2008 through December 31, 2009, regardless of whether residential use is permitted under the Zoning Resolution. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit during such qualifying twelve consecutive month window period, such unit shall not be counted for purposes of determining whether the building qualifies for coverage as an IMD pursuant to MDL § 281(5). The occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the owner of the building for the presumption of IMD coverage to be rebutted. It is not required that the units that seek coverage under MDL § 281(5) occupy their respective units during the same twelve consecutive month period.

(4) Registration with the Loft Board shall also be required of any building, structure or portion thereof located in that certain area of Manhattan bounded on the south by West 24th Street, on the north by West 27th Street, on the east by Tenth Avenue and on the west by Eleventh Avenue, which contain at least two units residentially occupied by families living independently from one another for a period of twelve consecutive months between January 1, 2008 through December 31, 2009, regardless of whether residential use is permitted under the Zoning Resolution. However, if there is a determination by the Loft Board that there was a bona fide change to exclusively non-residential use in a unit during such qualifying twelve consecutive month window period, such unit shall not be counted for purposes of determining whether the building qualifies for coverage as an IMD pursuant to MDL § 281(5). The occupant of any unit which changed to a bona fide exclusively non-residential use must have been a party distinct and independent of the owner of the building for the presumption of IMD coverage to be rebutted. It is not required that the units in the same building seeking coverage under MDL § 281(5) be occupied residentially during the same consecutive twelve-month period.

<u>7-C coverage, provided that each unit satisfies the applicable</u> criteria for coverage set forth in § 2-08(a)(4) of these rules, pursuant to MDL § 281(1), 281(4), or 281(5) [term "residential unit" shall include]:

[(i) Any unit which meets the criteria of \$281(1) of the Multiple Dwelling Law in that:

(A) a portion of the building or structure within which the unit is located was occupied at any time for manufacturing, commercial or warehouse purposes;

(B) it lacked a residential certificate of occupancy pursuant to \$301 of the Multiple Dwelling Law as further delineated in §§2-08(b)(1) and (2) of these regulations;

 $\rm (C)$  it was occupied for residential purposes on December 1, 1981, since April 1, 1980, as further delineated in 2-08(c) of these regulations; and

(D) it is located in a geographical area in which the Zoning Resolution permits residential use as of right or in which the residential use may become a use as of right as a result of approval of a grandfathering application, in accordance with §281(2)(i) or (iv) of the Multiple Dwelling Law as defined in §2-08 (a) "Grandfathering" of these regulations; or is located in a study area designated by the Zoning Resolution for possible rezoning to permit residential use, in accordance with §281(2)(iii) of the Multiple Dwelling Law, as defined in §2-08(a) "Study area" of these regulations;

(ii) Any] (a) any residential unit designated as "Artist in Residence" (A.I.R.) pursuant to directives of the Department of Buildings[,] creating such status;

[(iii) Any] (b) any residential unit designated as "joint living work quarters for artists" [pursuant to the Zoning Resolution] except as provided below in § 2-08(d)(2)(ii) of this subsection;

[(<u>iv</u>) Any] (<u>c</u>) any residential unit [residentially-] occupied by a subtenant or assignee of the prime tenant of such unit.

[(v) Registration as an IMD with the Loft Board shall also be required of any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in MDL § 281, which has one or more residential units that were residentially occupied on May 1, 1987, since December 1, 1981, that were occupied for residential purposes since April 1, 1980, as further delineated in § 2-08(c)(2) of these rules, regardless of whether the building is located in a geographical area in which the Zoning Resolution permits residential use as of right, or through grandfathering as defined in § 2-08(a) "Grandfathering" of these rules or because the building is located in a study area as defined in § 2-08(a) "Study area" of these rules. However, for]

(ii) For a unit to qualify as a ["]residential IMD unit!" pursuant to this subparagraph], the building in which it is located must meet the criteria of MDL §§ 281[(1)] and 28[2]1(2)(ii) in that: (A) a portion of the building or structure was occupied at any time for manufacturing, commercial or warehouse purposes; (B) the building, structure or portion thereof lacked a residential certificate of occupancy pursuant to MDL §301 as further delineated in §§ 2-08(b)(1) and (2) of these rules; (C) except as otherwise set forth in MDL § 281(5), and these rules, it contained at least three units residentially occupied on December 1, 1981, since April 1, 1980; and (D) it is not municipally owned.

(2) For purposes of counting to determine whether a building qualifies as an IMD, and is covered under Article 7-C, residential units described as follows shall not be included:

(i) [A]any units designated as residential on a final certification of occupancy issued pursuant to MDL §301[of the Multiple Dwelling Law] prior to June 21, 1982 for a unit seeking coverage under MDL § 281(1); prior to July 27, 1987 for a unit seeking coverage under MDL § 281(4); or prior to June 21, 2010 for a unit seeking coverage under MDL § 281 (5)

(ii) [A]any units designated as "joint living work quarters for artists" on a final certificate of occupancy issued prior to June 21, 1982 for a unit seeking coverage under MDL § 281(1); prior to July 27, 1987 for unit seeking coverage under MDL § 281(4); or prior to June 21, 2010 for a unit seeking coverage under MDL § 281(5); and

(iii) [A]any units designated for a commercial use with an accessory residential use on a final certificate of occupancy issued prior to June 21, 1982 for a unit seeking coverage under MDL § 281(1); prior to July 27, 1987 for a unit seeking coverage under MDL § 281(4); or prior to June 21, 2010 for a unit seeking coverage under MDL § 281(5)

#### (e) Zoning regulations.

(1) Registration as an IMD shall be required of any building, structure, or portion thereof, which meets the criteria for an IMD as set forth in MDL §281(1). [of the Multiple Dwelling Law] and [the] these [regulations] rules, including without limitation § 2-08(a)(4) [issued pursuant thereto except that]. Notwithstanding the foregoing, any building located in a zoning district designated as manufacturing in the Zoning Resolution, for which district there are no "grandfathering" provisions as defined in these [regulations] rules shall not qualify as an IMD[. This exception, however, shall not apply to] unless such buildings, structures or portions thereof [which] otherwise meet the criteria of: (i) MDL § 281(1) [for an IMD], if such IMD building is located in a "Study area" as defined in §\_2-08(a)(5) ["Study area"] of these [regulations] rules, and the registration of such building shall be required,[.] or (ii) [This exception shall also not apply to buildings, structures or portions thereof which otherwise meet the criteria of MDL § 281(1), if such IMD building also meets the requirements of MDL §\_281(4), and the rules issued pursuant thereto, or

#### $(c) \ Qualifying \ period \ of \ occupancy.$

(1) Registration [as an IMD] with the Loft Board shall be required of any building, structure or portion thereof, ([3]5) Neither vacancies of any duration for units residentially occupied on: (i) December 1, 1981, and on April 1, 1980 as set forth in §.2-08(c)(1) <u>above</u>, or (ii) [for units occupied on] May 1, 1987, [on] December 1, 1981, and [on] April 1, 1980 as set forth in §.2-08(c)(2) <u>above</u>, or (iii) at any time prior to or following the qualifying twelve consecutive month window period between January 1, 2008 through December 31, 2009, as set forth in §§ 2-08(c)(3), or (c)(4) <u>above</u>, nor a change or changes [or] <u>of</u> residential occupants in <u>any</u> such units during the intervening period(s) will be the basis for exemption from Article 7-C coverage.

#### (d) Calculation of residential units.

(1) [Registration as an IMD with the Loft Board shall be required of any building, structure or portion thereof which has a minimum of three residential units, except as provided in subparagraph (v) of paragraph 1 of this subdivision, and which otherwise meets the criteria for an IMD set forth in §281 of the Multiple Dwelling Law and these regulations.] For purposes of counting <u>residential units</u> to determine whether a building qualifies <u>for coverage</u> as an IMD <u>building</u> and must be registered, each unit must meet the criteria set forth in MDL § 281 and these rules, including § 2-08(a)(4). [t]

(i) The following types of units may qualify for Article

### (iii) MDL § 281(5), and these rules.

Except for a building or structure or portion thereof which qualifies for coverage under Article 7-C solely by reason of MDL §§ 281(4) or 281(5), the zoning regulations, and the grandfathering provisions for the district in which a building or structure is located [will] determine whether and when the owner of such building, which otherwise meets the criteria for an IMD set forth in MDL § 281[(1)], and [the]\_these [regulations] rules issued pursuant thereto, is mandated to meet the compliance requirements for legalization set forth in MDL § 284(1).

(2) Any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in <u>MDL</u> \$281(1) [of the Multiple Dwelling Law] and these [regulations] <u>rules</u>, and <u>which</u> is located in an area which permits residential use as of right, shall be obligated to meet the compliance requirements for legalization by the dates designated in <u>MDL</u> \$284(1), except as provided in \$2.208(e)(4)(i), and (iii) infra, and as further delineated in \$2.201(a) of these rules. [The term "residential use as of right" as employed in <u>MDL</u> \$281(2) of Article 7-C means that the zoning regulations permit residential use without requiring further approvals pursuant to the Zoning Resolution.]

(3) Any <u>IMD</u> unit designated as "joint living work quarters for artists" in a zoning district which does not otherwise permit residential use as of right and which is currently occupied by a resident or residents who cannot qualify as certified artists, as defined in <u>§ 276 of [7-C] Article</u> <u>7-B of the MDL</u>, shall qualify for Article 7-C coverage if the building in which such unit is contained[,] otherwise meets the criteria for an IMD set forth in <u>MDL § 281,[(1) of the</u> Multiple Dwelling Law] and these [regulations] <u>rules</u>. The non-artist status of the current occupant shall not be the basis for exemption from Article 7-C coverage [including the legalization requirements of §284(1)]. At the time of issuance of the final certificate of occupancy, the occupant of such a unit must be in compliance with the Zoning Resolution, or the unit must be vacant.

(4) Legalization compliance timetable.

(i) For any building, structure or portion thereof, which contains fewer than three residential units as of right and one or more <u>residential</u> units eligible for coverage by employing one of the grandfathering procedures set forth in <u>MDL §§ 281(2)(i)</u> or (iv) [of the Multiple Dwelling Law] and defined in § 2-08(a)(2) ["Grandfathering"] (i) and (ii) of these [regulations] rules, the timing of the compliance requirements of <u>MDL § 284(1)</u> [of the Multiple Dwelling Law] shall commence upon approval of the grandfathering application of the unit which becomes the third eligible residential unit for purposes of calculation of <u>residential</u> units qualifying the building as an IMD.

(ii) For any registered building in the category described in §\_2-08[](e)(4)(i) of these [regulations] <u>rules</u>, for which denial of a grandfathering application reduces the number of qualifying residential units below three, IMD status for such building expires and the other residential units in such building cease to be covered by Article 7-C, unless the building qualifies for coverage under Article 7-C pursuant to MDL §§\_281(4) <u>or (5)</u> and [the] these rules [issued pursuant thereto].

(iii) Any building, structure or portion thereof which contains three or more residential units as of right, and one or more additional units eligible for coverage by employing one of the grandfathering provisions of <u>MDL</u> §§.281(2)(i) or (iv) [of the Multiple Dwelling Law], shall be obligated to meet the compliance requirements for legalization by the dates designated in <u>MDL</u> §.284(1) [of the Multiple Dwelling Law], as further delineated in §.2-01(a) <u>of these rules</u> [issued pursuant thereto], for such as of right residential units. The timing of the compliance requirements for the other eligible units shall commence as follows:

(A) Where an application for grandfathering for such unit is made pursuant to one of the procedures designated as a "minor modification" or "administrative certification" in <u>MDL § 281(2)(i)</u> [of the Multiple Dwelling Law], upon a determination of residential occupancy on the date designated in the particular grandfathering provision of the Zoning Resolution;

(B) Where an application for grandfathering for such unit is made pursuant to a "special permit application<u>"</u> as designated in <u>MDL § 281(2)(iv)</u> [of the Multiple Dwelling Law], upon the granting of such special permit.

(iv) For any unit eligible for coverage by employment of one of the grandfathering procedures set forth in <u>MDL</u> §§ 281(2)(i), or (iv) [of the Multiple Dwelling Law] and defined in §§ 2-08(a)(2) ["Grandfathering"] (i) and (ii), the final denial of a grandfathering application or the failure to apply for grandfathering within the time period specified in the Zoning Resolution will terminate coverage for such unit unless such unit qualifies for coverage under Article 7-C pursuant to MDL § 281(4) or MDL § 281(5).

(v) For any building, structure or portion thereof, which otherwise meets the criteria for an IMD set forth in <u>MDL §\_281(1)</u> [of the Multiple Dwelling Law] and these [regulations] <u>rules</u>, but is located in an area designated by the Zoning Resolution as a study area, the timing of the compliance requirements of <u>MDL §\_284(1)</u> shall commence upon rezoning of such study area to permit residential use as of right. If the rezoning permits residential use only through number of qualifying residential units below three (or two, with respect to an IMD building located in the geographic area described in § 2-08(c)(4) of these rules), the IMD status for the entire such building shall expire and each of the units in the building shall be deemed to be "non-covered units". As set forth below, occupants of non-covered units are not entitled to the protections of Article 7-C. Residential occupancy of a non-covered unit shall not be permitted in the building until a final certificate of occupancy that designates the non-covered unit as residential is obtained.

#### (f) Municipally owned buildings.

(1) Any building, structure or portion thereof, which otherwise meets the criteria for an IMD as set forth in <u>MDL</u> §[2-09] <u>281[(1)]</u> [of the Multiple Dwelling Law] and these [regulations] <u>rules</u>, but is municipally owned, shall be exempt from coverage <u>under</u> [of] Article 7-C.

(2) Any building, structure or portion thereof, which otherwise meets the criteria for an IMD as set forth in <u>MDL</u> <u>§§</u> 281(1), 281(4) or 281(5) [of the Multiple Dwelling Law] and these [regulations] <u>rules</u>, formerly municipally owned, but for which title passed to a private owner, shall be required to register as an IMD <u>and shall not be exempt from coverage</u> <u>under Article 7-C</u>. The former ownership by the municipality shall not be the basis for exemption from Article 7-C coverage.

#### (g) Accreted <u>and additional</u> units.

(1) (<u>i</u>) In a building, structure or portion thereof which meets the criteria of <u>MDL</u> §§ 281(1) and 281(2), or 281(4), [of the Multiple Dwelling Law] and these [regulations] <u>rules</u>, thereby qualifying as an IMD <u>building</u>, the occupant or occupants of any additional unit residentially occupied for the first time after April 1, 1980 but prior to April 1,1981 in such IMD <u>building</u> may also be covered under Article 7-C pursuant to MDL § 281(3).

In order to qualify for coverage pursuant to MDL § 281(3), the occupancy of such unit must be permissible under the Zoning Resolution. For purposes of § 2-09(3) of these rules [Multiple Dwelling Law], occupancy of such additional [units] <u>unit(s)</u> shall be deemed permissible if:

(i) the unit is located in a zoning district where residential use as of right is permitted under the Zoning Resolution; or

(ii) the unit is designated as "joint living work quarters for artist" in a zoning district which does not otherwise permit residential use as of right, regardless of whether the occupant or occupants qualify as "certified artists" as defined in §12-10 of the Zoning Resolution; or

(iii) the unit can qualify as having a legal residential use pursuant to one of the grandfathering provisions of the Zoning Resolution, as defined in §2-08(a) ["Grandfathering"] of these regulations; or

(iv) the unit is in a study area, as defined in §2-08(a) ["Study area"] of these regulations, for which the City Planning Commission has approved either rezoning for residential use or grandfathering by December 31, 1983.

(ii) In a building, structure, or portion thereof that meets the criteria of MDL §§ 281(1), and 281(2), or 281(4), and these rules, thereby qualifying as an IMD building, the occupant or occupants of any additional unit residentially occupied during a period of twelve consecutive months between January 1, 2008 through December 31, 2009, in the IMD building may also be covered under Article 7-C provided that such additional unit meets the criteria set forth in <u>MDL</u> § 281(5) and as further delineated in these rules, including § 2-08(a)(4).

(2) Registration of such accreted and additional units as part of the IMD shall be required for all units that qualify for Article 7-C coverage.

(3) Where a building, structure or portion thereof meets the criteria of MDL §§\_281(1), and 281(2), [or] 281(3), 281(4) or 281(5), [of the Multiple Dwelling Law] and these [regulations] rules, [thereby qualifying as an IMD]it must be registered with the Loft Board. A decrease in the number of [residentially occupied] residential units in a building [which] that qualifies for coverage pursuant to  $\underline{MDL}$  [§] 281[(1) and 281(2)] to fewer than three or two, as permitted in accordance with the terms and provisions set forth in MDL § 281(5) and these rules, after the applicable time period required for residential occupancy pursuant to MDL § 281, [December 1, 1981] will not be the basis for exemption from [IMD] <u>Article</u> 7-C coverage. In such instances, the owner, landlord, or agent of the building, structure or portion thereof shall be required to obtain a residential certificate of occupancy, unless the units are duly converted into a non-residential use in accordance with the terms and provisions of the MDL, these rules and all applicable law. However, the discontinuance of residential occupancy: 1.) after December 1, 1981[,] but prior to May 1, 1987[,] of a unit which qualifies for coverage under Article 7-C solely by reason of MDL § 281(4), or 2.) during the twelve month period required for coverage pursuant to MDL § 281(5), will result in such unit being exempt from [IMD] Article 7-C coverage. Solely with respect to such instances, the [Remaining] remaining residentially occupied units, limited to units in existence during the qualifying period of occupancy, set forth in MDL §\_281(1)(iii), 281(4) [of the Multiple Dwelling Law] or 281(5), as further delineated in §\_2-08(c) of these [regulations] <u>rules</u>, and accreted units as defined in MDL §\_281(3) [of the Multiple Dwelling Law] and §\_2-08(g)(1) of these [regulations] <u>rules</u>, shall be entitled to the protections of Article 7-C, including the legalization requirements of  $\underline{MDL}$  §\_284(1), [of the Multiple Dwelling Law] provided these units also meet the statute of limitations requirements for coverage in MDL § 282-a.

space in an IMD which was not [previously] occupied residentially [on or before June 21, 1982,] during a window period <u>set forth in MDL § 281</u> and is subsequently converted to residential use, is not covered by Article 7-C, and the owner of such [space] unit must obtain a residential certificate of occupancy before permitting the commencement of such occupancy.

(2) Notwithstanding the foregoing, if [that] a building qualifies as an IMD,

(i) any\_unit first occupied residentially on or after April 1, 1981, is not covered under Article 7-C, <u>unless such unit</u> meets the criteria qualifying for an IMD pursuant to MDL § 281(5), as set forth in § 2-08(a)(4)(iii). Any residential unit first occupied residentially on or after January 2, 2009 is not covered under Article 7-C pursuant to MDL § 281(5).

(ii) any building or unit that meets the criteria for coverage pursuant to MDL § 281 is not covered under Article 7-C if: (a) the owner, lessee or agent failed to register the building or the unit as an IMD; or (b) a residential occupant failed to file a coverage application in accordance with the terms and provisions of these rules; or (c) a tenant failed to raise the claim of Article 7-C coverage in a court of competent jurisdiction in a pleading on or before the date listed in §1-06.1(a) and on the Loft Board website, which constitutes 6 months after the Loft Board shall have adopted all rules necessary in order to implement the provisions of Chapters 135 and 147 of the laws of 2010 which added MDL § 281(5).

Occupants of any [such] <u>non-covered</u> unit are not entitled to the protections of Article 7-C. Residential occupancy of such unit shall not be permitted unless a <u>final</u> residential certificate of occupancy is obtained for the unit.

#### (i) De facto multiple dwellings.

Registration as an IMD with the Loft Board shall be required of any building, structure or portion thereof judicially determined to be a *de facto* multiple dwelling, which otherwise meets the criteria for an IMD, as set forth in <u>MDL § 281 [of the Multiple Dwelling Law]</u> and these [regulations] <u>rules</u>. Such prior judicial determination will not be the basis for exemption from Article 7-C coverage.

\* Grandfathering procedures in this classification are designated in the Zoning Resolution and include, but are not limited to §§ 11-27, 11-28, 15-021(c), 15-021(d), 15-215, 41-141, 42-111D(1)(f), 111-201(a) and 111-201(b); as of April 7, 1983,[. As] as well as other sections that have been or will be adopted in the future.

\*\* Grandfathering procedures in this classification are designated in the Zoning Resolution and include, but are not limited to § 74-782; as of April 7, 1983,[. As] as well as other sections that have been or will be adopted in the future.

\*\*\* A "family" is either a person occupying a dwelling and maintaining a household with not more than four borders, roomers or lodgers or two or more persons occupying a dwelling, living together and maintaining a common household with not more than four borders, roomers or lodgers. See MDL § 4(5).

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#### **NOTICE OF ADOPTION OF FINAL RULE**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY LOFT BOARD by Article 7-C of the Multiple Dwelling Law and Mayor's Executive Order No. 129, dated May 22, 2009, and pursuant to and in accordance with the requirements of Section 1043 of the New York City Charter, that the New York City Loft Board intends to amend section 2-08 of Title 29 of the Rules of the City of New York, to identify the uses in Use Groups 15 through and including 18 that are deemed inherently incompatible with residential use in the same building.

A duly noticed public hearing was held on January 20, 2011, affording the public opportunity to comment on the proposed amendments, as required by Section 1043 of the New York City Charter. Written comments were accepted through January 14, 2011.

#### Statement of Basis and Purpose:

Pursuant to § 282 of Article 7-C of the MDL ("Loft Law"), the Loft Board may promulgate rules to ensure compliance with the Loft Law. Given that the IMD buildings made eligible for coverage under MDL § 281(5) are not required to be located in areas that are zoned for residential use, the legislature dictated that the Loft Board determine whether each use set forth in groups 15 through 18, as defined in the zoning resolution, constitutes a use inherently incompatible with residential use; and amend their rules to ensure greater protection to the residential tenants by determining if buildings contain unsafe commercial, manufacturing or industrial activities. This proposed amendment to the rule clarifies what uses in Use Groups 15 through and including 18 are "inherently incompatible" with residential use. This amendment to the rule determines eligibility of a building to become an IMD, and is not for the purpose of determining eligibility for a Certificate of Occupancy. As a model for determining what uses in Use Group 15 through 18 are inherently incompatible with residential use, the Loft Board has used the criteria set out in the Special Mixed Use District regulations set out in Chapter 3 of Article XII of the NYC Zoning Resolution. The rationale for the use of these regulations is that they reflect the careful assessment after study of the Department of City Planning of what commercial, manufacturing and industrial uses are compatible with residential use.

grandfathering procedures, the timing of the compliance requirements of <u>MDL § 284(1)</u> and the rules issued pursuant thereto shall commence upon the approval of the grandfathering application of the unit which becomes the third eligible residential unit for purposes of calculation of units qualifying the building as an IMD.

For any registered building in a study area as described in § 2-08(a)(5) ["Study area"] of these [regulations] <u>rules</u>, for which the City Planning Commission [has] approved neither rezoning nor grandfathering by December 31, 1983, IMD status for such building expires and all of the units in such building cease to be covered by Article 7-C, unless there is a recommended extension of such deadline by the City Planning Commission. If the Board of Estimate, <u>or its</u> <u>successor</u>, disapproves rezoning for residential use or grandfathering, or the extension of such deadline, IMD status for such building expires and all the units in such building cease to be covered by Article 7-C.

[However] <u>Notwithstanding the foregoing</u>, any building, structure or portion thereof which ceased to be covered under Article 7-C as a result of the failure to rezone the study area, permit grandfathering or to extend the deadlines as set forth in the foregoing paragraph shall be covered by Article 7-C if it meets the criteria of MDL §§ 281(4) or 281(5) [of the Multiple Dwelling Law].

(vi) For any building, structure or portion thereof that meets the criteria for an IMD set forth in MDL § 281(5) and these rules, the timing of the code-compliance deadlines set forth in MDL § 284(1) is triggered by the effective date of Chapter 135 of the Laws of 2010, which is June 21, 2010. (vii) For any building, structure or portion thereof

(h) Non-covered units in an IMD.

(1) Any unit that does not meet the statutory requirements for coverage set forth in MDL § 281, as further detailed in these rules, is not covered by Article 7-C. Any These rules were not published in the regulatory agenda because they were not anticipated.

Section 2-08 of Title 29 of the Rules of the City of New York is amended by adding new subdivisions (j)-(s) to read as follows:

### THE CITY RECORD

- (j) The term "Interim Multiple Dwelling" ("IMD") as used in Multiple Dwelling Law § 281(5) shall not include any building in which an inherently  $\underline{incompatible \ use \ as \ described \ in \ subsection \ (k) \ of}$ this section is being actively and currently pursued in any unit other than a residential unit of the building. The term "actively and currently pursued" shall refer to commercial, manufacturing or industrial use being conducted in the building on June 21, 2010. A unit eligible for coverage pursuant to MDL § 281(5), which is located in a building registered as an IMD under MDL §§ 281(1) or (4), shall not be excluded from Article 7-C coverage on the basis that any prohibited activity in use groups 15 through 18 existed in the building on June 21, 2010. (k)
  - Uses in Use Groups Inherently Incompatible With Residential Use. Pursuant to MDL § 281(5), a use that falls within Use Groups 15-18, as defined in Article III Chapter 2 and Article IV Chapter 2 of the Zoning Resolution in effect on June 21, 2010, that is also set forth in the Appendix to these Rules, is inherently incompatible with residential use in the same building if it:
    - (i) <u>has or should have a New York City or</u> <u>New York State environmental rating of</u> <u>"A", or "B" under Section 24-153 of the</u> <u>New York City Administrative Code for</u> <u>any process equipment requiring a New</u> <u>York City Department of Environmental</u> <u>Protection operating certificate; or</u>
    - (ii) <u>is or should be required under the</u> <u>Community Right-to-Know Law, at</u> <u>Chapter 7 of Title 24 of the Administrative</u> <u>Code of the City of New York, to file a</u> <u>Risk Management Plan for Extremely</u> <u>Hazardous Substances; or</u>
    - (iii) is or should be classified as High-Hazard
       Group H occupancy as set forth in Section
       307 of the New York City Building Code.

**Residential Unit:** For the purposes of subsections (j) through (s), in addition to the definition of Residential Unit in § 2-08 (a) (4) above, a residential unit may contain a non-residential use that:

is clearly incidental to or secondary to the residential use of the residential unit;
 is carried on within the residential unit, by one or more occupants of such residential unit;
 does not use more than 49 percent of the total floor area of a dwelling unit for the non-residential purposes; and

(4) <u>has up to three non-residential</u> <u>employees.</u>

Owner's registration application. For all applications for registration filed pursuant to § 2-05, except for any unit eligible for coverage pursuant to MDL § 281(5) that is located in a building registered as an IMD under MDL §§ 281(1) or (4), the owner seeking coverage under MDL § 281(5) must, if there are any commercial, manufacturing, or industrial uses in the nonresidential units in the building as of June 21, 2010, submit a certification to the Loft Board, signed by a New York State licensed and registered architect or engineer, that such commercial, manufacturing or industrial use is not an inherently incompatible use under subdivision (k).

- (n) Rejection of owner's registration application. Where an owner files a registration application for coverage under MDL § 281(5) for a building that has or had a commercial, manufacturing or industrial tenant that was actively pursuing a use on June 21, 2010 that was inherently incompatible with residential use under subsection (k) above, the Executive Director shall determine that the building does not qualify for coverage and reject the registration application.
- (o) Revocation of IMD registration. The Executive Director may, on written notice to the owner, revoke the IMD registration at any time for failure to meet the requirements set forth in the provisions of MDL § 281(5), and this rule, where:

   (1) previously undisclosed facts, or

misrepresentations or false statements as to

manufacturing or industrial uses in the nonresidential units that are inherently incompatible with residential use as defined in subdivision (k) in the building as of June 21, 2010.

- (r) Site visits. The Executive Director may conduct, or designate a Loft Board staff member to conduct, a site visit to the building for which coverage under Article 7-C of the MD L is being sought. The building owner shall arrange for the Executive Director and/or the Loft Board's staff to have access to the non-residential spaces upon reasonable notice. The Executive Director, or his/her staff, may also conduct informal conferences regarding the owner's registration application. The Executive Director may request additional information from the owner, building tenants or government agencies about the non-residential uses in the building on June 21, 2010.
- (s) Appeal of Decision. If the Executive Director rejects the registration or revokes the IMD registration number issued after the filing of the registration application because a use listed in subdivisions (k) of this section was actively and currently pursued in the unit on June 21, 2010, the applicant may appeal the Executive Director's determination to the Loft Board in accordance with, and subject to the terms of the provisions in § 1-07.1.

#### <u>APPENDIX</u>

From Use Group 16A:

Animal hospitals or kennels

Animal pounds or crematoriums

Blacksmith shops

 $Carpentry, custom \ woodworking \ or \ custom \ furniture \ making \ shops$ 

Crematoriums, human

Fuel, oil, or coal sales, open or enclosed, limited to 5,000 square feet of lot area per establishment

Mirror silvering shops

Sign painting shops, with no limitation on floor area per establishment

Silver plating shops, custom

Soldering or welding shops

Tool, die, or pattern-making establishments, or similar small machine shops

Trade schools for adults, which use substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

#### From Use Group 16B:

Automobile, truck, motorcycle or trailer body repairs, provided such use is conducted within a completely enclosed building

#### From Use Group 16C:

Public transit yards, open or enclosed, including accessory motor fuel pumps

#### From Use Group 16D:

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, floor area or capacity per establishment

Laundries, medical or laboratory

Linen or towel supply establishments, where cleaning is done on the same zoning lot

Packing or crating establishments for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous located at a distance greater than 200 feet from a Residence District boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a Residence District boundary

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packaging

Ice, dry

Ink or inked ribbon

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records,

(1)

(m)

material facts in the registration application orsubmitted documents regarding the informationwhich was the basis for the Loft Board issuance ofan IMD registration number are discovered, or(2)the Loft Board issued an IMD registration

number in error and conditions are such that the IMD registration number should not have been registered.

Such notice will inform the owner of the reasons for the revocation and that the owner has the right to present to the Executive Director or his or her representative within 10 business days of delivery of the notice by hand or 15 calendar days of the posting of the notice by mail, information as to why the registration should not be revoked.

- (p) Use after June 21, 2010. A commercial, manufacturing or industrial tenant engaged in an inherently incompatible use as described in subdivision (k) after June 21, 2010 shall not disqualify a building from Article 7-C coverage that otherwise qualifies for coverage.
- (q) Tenant applications for coverage. For all applications for coverage filed pursuant to § 1-06, except for any unit eligible for coverage pursuant to MDL § 281(5) that is located in a building registered as an IMD under MDL §§ 281(1) or (4), the applicant seeking coverage under Article 7-C of the MDL must establish by a preponderance of the evidence that there are no commercial,

Substances

Photographic developing or printing, with no limitation on floor area per establishment

Warehouses for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Wholesale establishments selling, as part of their stock, substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances, with no limitation on accessory storage

#### From Use Group 17B (Manufacturing Establishments):

Adhesives, excluding manufacture of basic components

Advertising displays

Aircraft, including parts

Automobiles, trucks or trailers, including parts or rebuilding of engines

Beverages, non-alcoholic

Boats less than 200 feet in length, building or repair, open or enclosed, provided that such use or portion thereof may be conducted outside a completely enclosed building only if buttons, or similar products

 $\ensuremath{\mathsf{Printing}}$  or publishing, with no limitation on floor area per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Silverware, plate or sterling

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, dyeing or printing

Tobacco, including curing, or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys Umbrellas Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on floor area per establishment

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

#### From Use Group 18:

A. Manufacturing establishments

Asphalt or asphalt products

Beverages, alcoholic or breweries that are larger than 10,000 square feet of floor area.

Brick, tile or clay

Cement

Charcoal, lampblack or fuel briquettes

Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, rayon yarns, or hydrochloric, picric, or sulphuric acids or derivatives

Coal, coke or tar products

Excelsior or packing materials

Fertilizers

Foundries, ferrous or non-ferrous

Gelatin, glue or size

Glass or large glass products, including structural or plate glass or similar products

Grain, milling or processing

Graphite or graphite products

Gypsum

Hair, felt, or feathers, bulk processing, washing, curing or dyeing

Incineration or reduction of garbage, offal or dead animals

Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds

Leather or fur tanning, curing, finishing or dyeing

Linoleum or oil cloth

Machinery, heavy, including electrical, construction, mining, or agricultural, including repairs

#### Matches

Meat or fish products, including slaughtering of meat or preparation of fish for packing

Metal or metal ores, reduction, refining, smelting or alloying

Metal alloys or foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil or similar products

Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing or similar processes

Metal casting or foundry products, heavy, including ornamental iron work or similar products

Stock yards or slaughtering of animals or poultry

Stone processing or stone products, including abrasives, asbestos, stone screenings, stone cutting, stone work, sand or lime products, or similar processes or products

Sugar refining

Textile bleaching

Wood or bone distillation

Wood or lumber processing including sawmills or planning mills, excelsior, plywood, or veneer, woodpreserving treatment or similar products or processes

Wood pulp or fiber, reduction or processing, including paper mill operations

Wool scouring or pulling

B. Storage or miscellaneous uses, open or enclosed

Coal or gas storage

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Explosives storage, when not prohibited by other ordinances

Gas manufacturing plants

Grain storage

Junk or salvage yards, including auto wrecking or similar establishments, provided that such vard is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Lumber yards, with no limitation on lot area per establishment

Manure, peat or topsoil storage

Petroleum or petroleum products, storage or handling

Refrigerating plants

Scrap metal, junk, paper or rags storage, sorting, or baling, provided that any yard in which such use is conducted is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

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C. Accessory uses

## SPECIAL MATERIALS

### **CITY PLANNING**

■ NOTICE

NEW YORK CITY DEPARTMENT OF CITY PLANNING

each of the five boroughs. Please call (212) 720-3337 for information on the closest library.

The public comment period ends close of business March 25, 2010. Written comments should be sent to: Charles V. Sorrentino, New York City Consolidated Plan Coordinator, Department of City Planning, 22 Reade Street, 4N, New York, N.Y. 10007, email: 2010ConPlanAPR@planning.nyc.gov.

m9-22

### **HOUSING PRESERVATION &** DEVELOPMENT

**NOTICE** 

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

Notice Date: March 10, 2011

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

Property: <u>Address</u> Ar	oplication #	<b>Inquiry Period</b>
2012 Broadway, Manhattan	11/11	February 1, 2008 to Present
a/k/a140 West 69th Street		
136 West 73rd Street, Manhatta	n 12/11	February 1, 2008 to Present
54 West 105th Street, Manhatta	n 13/11	February 3, 2008 to Present
318 West 115th Street, Manhatta	an 18/11	February 15, 2008 to Present
116 West 118th Street, Manhatta	an 19/11	February 18, 2008 to Present
213 West 131st Street, Manhatta	an 22/11	February 23, 2008 to Present
256 West 135th Street, Manhatta	an 25/11	February 25, 2008 to Present
258 West 135th Street, Manhatta	an 26/11	February 25, 2008 to Present
10 West 127th Street, Manhattan	n 27/11	February 25, 2008 to Present
322 West 115th Street, Manhatta	an 28/11	February 28, 2008 to Present
2062 Morris Avenue, Bronx	17/11	February 15, 2008 to Present
357 Pacific Street, Brooklyn	14/11	February 3, 2008 to Present
1137 Dean Street, Brooklyn	16/11	February 10, 2008 to Present
48 Madison Street, Brooklyn	20/11	February 22, 2008 to Present
42 Macon Street, Brooklyn	23/11	February 24, 2008 to Present
44 Macon Street, Brooklyn	24/11	February 24, 2008 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, 3rd 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 inperson statement, please call (212) 863-8272, (212) 863-5277, (212) 863-8211 or (212) 863-8298.

m14-22

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

Notice Date: March 10, 2011

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

Property: Address Application # **Inquiry Period** 

15/11 February 3, 1996 to Present 749 9th Avenue, Manhattan 751 9th Avenue. Manhattan

Monument works, with no limitation on processing

Paint, varnishes or turpentine

Petroleum or petroleum products, refining

#### Plastic, raw

Porcelain products, including bathroom or kitchen equipment or similar products

Radioactive waste disposal services involving the handling or storage of radioactive waste

Railroad equipment, including railroad cars or locomotives

Rubber, natural or synthetic, including tires, tubes or similar products

Sewage disposal plants

Ship or boat building or repair yards, for ships or boats 200 feet in length or over

Soaps or detergents, including fat rendering

Steel, structural products, including bars, girders, rails, wire rope or similar products

Solvent extracting

PROPOSED ANNUAL PERFORMANCE REPORT (APR) 2010 CONSOLIDATED PLAN PROGRAM YEAR COMMENT PERIOD - March 11 - March 25, 2011

The Proposed 2010 Consolidated Plan Annual Performance Report (APR) Public Comment Period will be from March 11th to March 25th. This document describes the City's performance concerning the: statutory requirements of the Cranston-Gonzalez Housing Act's Comprehensive Housing Affordability Strategy, and the City's use of the four U.S. Department of Housing and Urban Development (HUD) Community Planning and Development formula entitlement programs: Community Development Block Grant (CDBG); HOME Investment Partnerships (HOME); Emergency Shelter Grant (ESG); and Housing Opportunities for Persons with AIDS (HOPWA). The APR reports on the accomplishments and commitment of these funds during the 2010 program year, January 1, 2010 to December 31, 2010. In addition, a One-Year update of the City's Affirmatively Furthering Fair Housing (AFFH) Statement is included.

As of March 11, 2011, copies of the Proposed APR can be obtained at the Department of City Planning Bookstore, 22 Reade Street, Manhattan, (Monday 12:00 P.M. to 4:00 P.M., Tuesday - Friday 10:00 A.M. to 1:00 P.M. In addition, the report will be posted in Adobe .PDF format for free downloading on City Planning's Website at: www.nyc.gov/planning. Furthermore, copies of the Proposed APR will be available for review at the main public library in 21/11 February 22, 1996 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, 3rd Floor, New York, NY  $\mathbf{10038}$  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 inperson statement, please call (212) 863-8272. (212) 863-5277, (212) 863-8211 or (212) 863-8298.

## **READER'S GUIDE**

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

#### NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers. workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in <u>Crosby v. National Foreign</u> <u>Trade Council</u>, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

## CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

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.

#### VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists--free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at http://nyc.gov/selltonyc
- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680. Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at  $\left(212\right)$  857-1680.

#### SELLING TO GOVERNMENT TRAINING WORKSHOP New and experienced vendors are encouraged to register for

#### NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

#### PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services

#### ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

#### PROMPT PAYMENT

at (212) 788-0010.

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

### PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, http://nyc.gov/selltonyc

#### COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB ..... Acceptable Brands List
- AC .....Accelerated Procurement
- $AMT \dots \dots Amount \ of \ Contract$
- BL .....Bidders List CSB.....Competitive Sealed Bidding
  - (including multi-step)
- CB/PQ......CB from Pre-qualified Vendor List
- CP .....Competitive Sealed Proposal (including multi-step)
- CP/PQ ......CP from Pre-qualified Vendor List
- CR .....The City Record newspaper
- DA.....Date bid/proposal documents available
- DUE .....Bid/Proposal due date; bid opening date EM .....Emergency Procurement
- IG .....Intergovernmental Purchasing
- LBE.....Locally Based Business Enterprise
- M/WBE .....Minority/Women's Business Enterprise
- NA.....Negotiated Acquisition
- NOTICE....Date Intent to Negotiate Notice was published in CR
- OLB.....Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN.....Procurement Identification Number
- PPB .....Procurement Policy Board
- PQ.....Pre-qualified Vendors List
- RS.....Source required by state/federal law or grant
- SCE ......Service Contract Short-Term Extension
- DP .....Demonstration Project SS .....Sole Source Procurement
- ST/FED.....Subject to State &/or Federal requirements

NA/9New contractor needed for changed/additional
work
NA/10Change in scope, essential to solicit one or limited number of contractors
NA/11Immediate successor contractor required due to
termination/default
For Legal services only:
NA/12Specialized legal devices needed; CP not advantageous
WASolicitation Based on Waiver/Summary of
<b>Circumstances</b> (Client Services/BSB or CP
only)
WA1Prevent loss of sudden outside funding
WA2Existing contractor unavailable/immediate need
WA3Unsuccessful efforts to contract/need continues
$IG \dots \dots \textbf{Intergovernmental Purchasing} \ (award \ only)$
IG/FFederal
IG/SState
IG/OOther
EMEmergency Procurement (award only) An
unforeseen danger to:
EM/ALife
EM/BSafety
EM/CProperty
EM/DA necessary service
ACAccelerated Procurement/markets with
significant short-term price fluctuations
$\label{eq:scence} \text{SCE} \dots \dots \text{Service Contract Extension/} insufficient time;$
necessary service; fair price
Award to Other Than Lowest Responsible & Responsive
Bidder or Proposer/Reason (award only)
OLB/aanti-apartheid preference
OLB/blocal vendor preference
OLB/crecycled preference
OLB/dother: (specify)
HOW TO READ CR PROCUREMENT NOTICES
Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations,

Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction. Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions

## SAMPLE NOTICE:

in the individual notice should be followed. The following is

a SAMPLE notice and an explanation of the notice format

#### POLICE

used by the CR.

### DEPARTMENT OF YOUTH SERVICES

SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

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

NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

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- EXPLANATION

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a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

#### PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the *CR*.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of prequalified lists.

#### **KEY TO METHODS OF SOURCE SELECTION**

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

#### CSB.....Competitive Sealed Bidding (including multi-step)

Special Case Solicitations/Summary of Circumstances:

CP.....Competitive Sealed Proposal (including multi-step)

CP/1 .....Specifications not sufficiently definite

CP/2 .....Judgement required in best interest of City

CP/3 .....Testing required to evaluate

#### CB/PQ/4 ....

### $CP/PQ/4\ldots CB$ or CP from Pre-qualified Vendor List/

Advance qualification screening needed

DP.....Demonstration Project

SS.....Sole Source Procurement/only one source

RS.....Procurement from a Required Source/ST/FED

NA.....Negotiated Acquisition

For ongoing construction project only:

NA/8.....Compelling programmatic needs

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#### DEPARTMENT OF YOUTH SERVICES ■ SOLICITATIONS

ITEM

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM CSB PIN # 056020000293 DUE 04-21-03 AT 11:00 am

Use the following address unless otherwise specified in notice, to secure, examinesubmit bid/proposal documents; etc. Name of contracting agency

Name of contracting division

Type of Procurement action

Category of procurement

Short Title

Method of source selection Procurement identification number Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.

Paragraph at the end of Agency Division listing giving contact information, or submit bid/information or and Agency Contact address

NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.

Indicates New Ad

Date that notice appears in City Record

### NUMBERED NOTES

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**Numbered Notes are Footnotes.** If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.