



\* \* \*

98-04 Subareas and High Line Transfer Corridor

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

Within each of the Subareas and the High Line Transfer Corridor, certain special regulations apply within the remainder of the Special West Chelsea District. The locations of the nine ten Subareas are shown in Appendix A of this Chapter.

\* \* \*

98-14 Ground Floor Use and Transparency Requirements on Tenth Avenue

Except in Subarea J, the special ground floor use and glazing regulations of this Section apply to that portion of a building or other structure fronting on Tenth Avenue in the Special West Chelsea District. Ground floor uses in Subarea J shall be governed by the underlying use regulations as modified by Section 98-13 (Modification of Use Regulations in M1 Districts).

\* \* \*

98-142 High Line Level Wall Requirements Within Subarea J

Any additions to the windows or other glazing located on the wall separating the High Line from any building located on a zoning lot within Subarea J at the High Line level shall be designed to provide for a minimum of 30 dBA noise attenuation, and any general illumination fixtures in the adjoining interior portion of the building shall not exceed 50 foot-candles of illumination within four feet of such window or glazing and shall not be pointed directly at the High Line.

\* \* \*

98-21 Maximum Floor Area Ratio outside of Subareas

For all zoning lots, or portions thereof, located outside of Subareas A through I J, the maximum floor area ratios of the applicable underlying districts shall apply.

\* \* \*

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

For all zoning lots, or portions thereof, located in Subareas A through I J, the maximum floor area ratios, open space ratios and lot coverages of the applicable underlying zoning districts shall not apply.

\* \* \*

Maximum Floor Area Ratio by Subarea

Table with 7 columns: Sub-area, Basic floor area ratio# (max), Increase in FAR from #High Line Transfer Corridor# (98-30), Increase in FAR with #High Line# Improvement Bonuses (98-25), Inclusionary Housing FAR required to be transferred (minimum) (98-26), Increase in FAR for Inclusionary Housing Program (98-26), Permitted floor area ratio# (max). Rows for Subarea I and Subarea J.

6- Bonus contribution subject to provisions of 98-25 governing first contribution to Affordable Housing Fund

\* \* \*

98-23 Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

However, at or above the level of the High Line bed, lot coverage requirements shall apply to the entire zoning lot.

Within Subarea J, any easement volumes and improvements located within such volumes dedicated or granted to the City in accordance with the provisions of Appendix F of this Chapter in connection with an increase in the basic maximum floor area ratio of a zoning lot, pursuant to Section 98-25 (High Line Improvement Bonus), shall not be considered floor area.

98-25 High Line Improvement Bonus

For zoning lots located between West 16th and West 19th Streets over which the High Line passes, the applicable maximum floor area ratio of the zoning lot may be increased up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), provided that:

(a) Prior to issuing a building permit for any development or enlargement on such zoning lot that anticipates using floor area that would increase the applicable basic maximum floor area ratio by up to an amount specified in Section 98-22, or within Subarea J would cause the floor area ratio of a zoning lot to exceed the floor area ratio of such zoning lot on [INSERT EFFECTIVE DATE OF THE TEXT AMENDMENT], the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that:

(1) a contribution has been deposited into an escrow account or similar fund established by the City (the High Line Improvement Fund), or such contribution is secured by letter of credit or other cash equivalent instrument in a form acceptable to the City. For subareas other than Subarea J, such contribution shall be used at the direction of the Chairperson solely for improvements to the High Line within the High Line improvement area applicable to such zoning lot, with such contribution being first used for improvements within that portion of the High Line improvement area on such zoning lot. For developments or enlargements within Subarea J, such contribution shall be used for any use with respect to the improvement, maintenance and operation of the High Line or the High Line Support Easement Volumes provided for under Appendix F, at the Chairperson's direction, provided that, in lieu of deposit to the High Line Improvement Fund, the contribution for the first 80,000 square feet of floor area, shall be deposited to the Affordable Housing Fund established under Section 98-262, paragraph (c), for use in accordance with the provisions of that section. Such contribution shall be made in accordance with the provisions of Appendix D, E or F of this Chapter, as applicable;

\* \* \*

(3) all additional requirements of Appendix D, E or F, as applicable with respect to issuance of a building permit, have been met.

\* \* \*

(d) Prior to issuing a certificate of occupancy for any portion of a development or enlargement on a zoning lot located within Subarea J over which the High Line passes that incorporates floor area that would cause the floor area ratio of a zoning lot to exceed the floor area ratio of such zoning lot on [INSERT EFFECTIVE DATE OF THE TEXT AMENDMENT], the Department of Buildings shall be furnished a certification by the Chairperson, that

(1) High Line Support Work has been performed on such zoning lot, in accordance with and to the extent required by Appendix F; and

(2) all other applicable requirements of Appendix F have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be final completion of the work, as determined by the Chairperson.

\* \* \*

98-33 Transfer of Development Rights from the High Line Transfer Corridor

In the Special West Chelsea District, a "granting site" shall mean a zoning lot, or portion thereof, in the High Line Transfer Corridor. A "receiving site" shall mean a zoning lot, or portion thereof, in any subarea other than Subareas F, G, H, and J. Floor area from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

\* \* \*

98-421 Obstruction over the High Line

Within the Special West Chelsea District, the High Line shall remain open and unobstructed from the High Line bed to the sky, except for improvements constructed on the High Line in connection with the use of the High Line as a public open space, and except where the High Line passes through and is covered by a building existing on [INSERT EFFECTIVE DATE OF THE ZONING TEXT AMENDMENT].

\* \* \*

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

The provisions set forth in paragraph (a) of this Section shall apply to all developments and enlargements. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (g) of this Section.

\* \* \*

(g) Subarea J

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

(i) Midblock Zone.

The Midblock Zone shall be that portion of Subarea J located more than 150 feet west of the Ninth Avenue street line and more than 200 feet east of the Tenth Avenue street line. Within the Midblock Zone, a building shall have a maximum street wall height before setback of 110 feet, and shall have a maximum building height of 130 feet.

(ii) Ninth Avenue Zone.

The Ninth Avenue Zone shall be that portion of Subarea J within 150 feet of the Ninth Avenue street line. Within the Ninth Avenue Zone, any portion of a building shall have a maximum street wall height of 130 feet before setback and a maximum building height of 135 feet. Any building located above a height of 130 feet shall be set back at least five feet from the Ninth Avenue street wall and at least 15 feet from the West 15th Street and West 16th Street street walls.

(iii) Tenth Avenue Zone.

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

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

Table with 4 columns: District or Subarea, Minimum Base Height (in feet), Maximum Base Height (in feet), Maximum Building Height (in feet). Rows for Subarea J Midblock Zone, Subarea J Ninth Avenue Zone, Subarea J Tenth Avenue Zone.

\* \* \*

6. see Section 98-423, paragraph (g)

\* \* \*

98-55 Requirements for Non-Transparent Surfaces on the East Side of the High Line

Except in Subarea J, any portion of such High Line frontage that is 40 feet or more in length and contains no transparent element between the level of the High Line bed and an elevation of 12 feet above the level of the High Line bed, shall be planted with vines or other plantings or contain artwork.

\* \* \*

98-61 High Line Access Or Support Easement Volumes Requirement

For all developments or enlargements within the Special West Chelsea District, an easement volume to facilitate public pedestrian access to the High Line via stairway and elevator (hereinafter referred to as "primary access"), shall be provided on any zoning lot over which the High Line passes that, on or after December 20, 2004, has more than 5,000 square feet of lot area. For all developments or enlargements within Subareas H, I and J that are developed pursuant to Section 98-25, this provision does not apply.

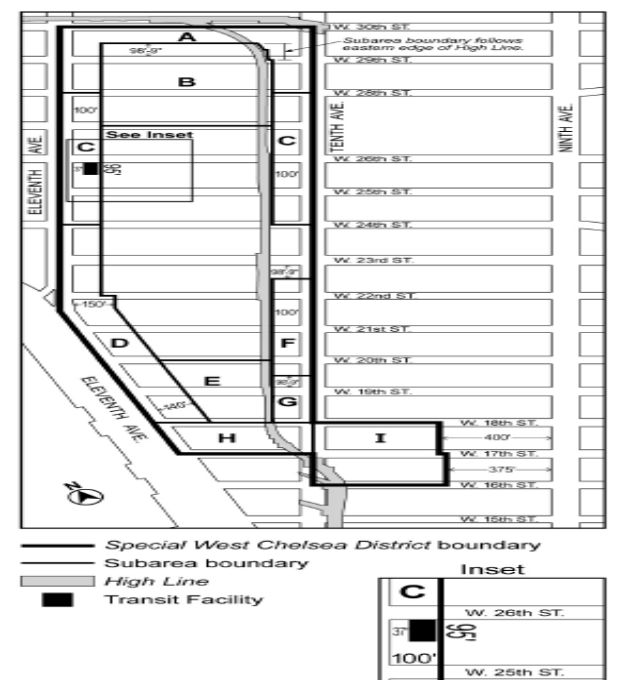
\* \* \*

98-62 High Line Access Easement Regulations

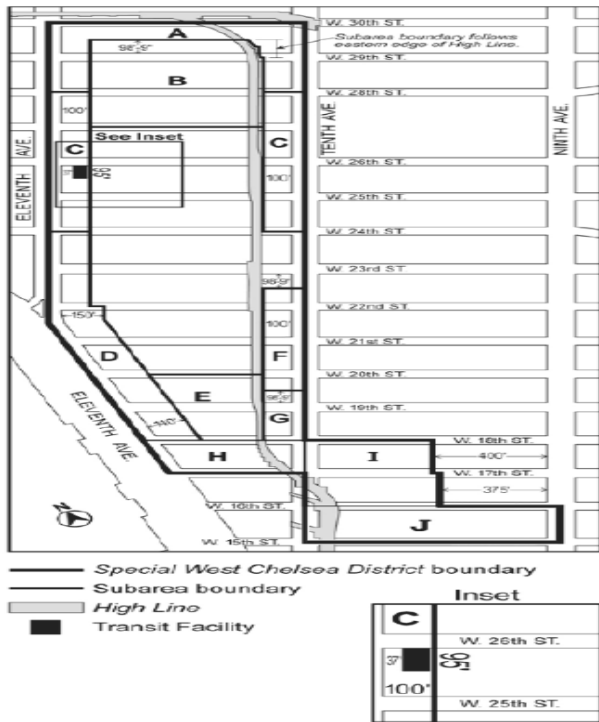
The provisions of this Section shall apply to any zoning lot providing an access easement volume other than a zoning lot developed pursuant to Section 98-25, as follows:

\* \* \*

Appendix A Special West Chelsea District and Subareas EXISTING (TO BE DELETED)



PROPOSED  
(TO REPLACE EXISTING)



Appendix B  
High Line Transfer Corridor Location

EXISTING  
(TO BE DELETED)



PROPOSED  
(TO REPLACE EXISTING)



APPENDIX F  
Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Within Subarea J

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea J over which the #High Line# passes for any #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas): The additional requirements are set forth in this Appendix, F, in paragraphs (a), the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line

Improvement Bonus); (b), the performance of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (d) of Section 98-25; and paragraph (c), the option of the Owner to offer to the City an additional #High Line# Support Easement Volume. The term "parties in interest" as used herein shall mean "parties-in-interest," as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10.

(a) Requirements for issuance of building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

(i) For each square foot of #floor area# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT], up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), the Owner shall:

a. for the first 80,000 square feet of such #floor area#, deposit such contribution to the Affordable Housing Fund established under Section 98-262, paragraph (c), for use in accordance with the provisions of that section; and

b. for all such #floor area# which exceeds 80,000 square feet, subject to a deduction pursuant to other provisions of this Appendix, deposit such contribution to the #High Line# Improvement Fund, or secure such contribution by letter of credit or other cash equivalent instrument in a form acceptable to the City.

Such contribution, in each case, shall be \$59.07 per square foot of #floor area# as of [EFFECTIVE DATE OF THE AMENDMENT], which contribution rate shall be adjusted July 1 of the following year and each year thereafter by the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics;

(ii) All parties-in-interest shall execute that restrictive declaration, dated September 5, 2012, and on file at the Office of the Counsel, Department of City Planning, required in connection with environmental assessment (CEQR #11DCP120M) for the purpose of addressing historic resources and containing other provisions regarding the preservation of certain features of existing buildings and structures and related matters;

(iii) All parties-in-interest shall execute a restrictive declaration in a form acceptable to the city addressing the terms described in this paragraph, (a)(1)(iii):

(a) Hotel Use

No #development# or #enlargement# developed pursuant to Section 98-25 shall include a #transient hotel#;

(b) Retail Concourse

As a condition of any #development# or #enlargement# pursuant to Section 98-25, owner shall provide a pedestrian passageway within any #building# located on the #zoning lot# connecting the Ninth Avenue sidewalk with the Tenth Avenue sidewalk, which passageway shall be open to the public during business hours. Not less than 60 percent of the length of the frontages of such passageway shall be occupied primarily by retail uses, and in addition may be occupied by service, wholesale, production and event space identified in Use Groups 6A, 6C, 7B, 7C, 8A, 9A, 9B, 10B, 11A, 12A, 12B, 16A, 17A and such spaces shall have access to the passageway;

(c) Locations and Dimensions of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall be sized and located to accommodate the following amenities, all of which shall be located within the #buildings#

located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii):

(1) Exclusive easements for public restrooms for each gender with an aggregate area of no less than 560 square feet (and which need not be more than 700 square feet) located adjacent to the #High Line# with direct access to the #High Line# for each of the public restrooms;

(2) Exclusive easements for #High Line# support space with an aggregate area of no less than 2,400 square feet (and which need not be more than 3,000 square feet) of which up to 800 square feet may be located on a mezzanine level, such space to be located adjacent and accessible to the #High Line#;

(3) Exclusive easements for #High Line# support space located in the cellar level in an aggregate area no less than 800 square feet (but need not be more than 1,000 square feet);

(4) Exclusive use of a dedicated freight elevator that shall provide access to the cellar level, to a shared loading facility at street level, to the level of the #High Line# bed# and to the level of the #High Line# support space described in paragraph (a)(1)(ii)(a)(2) of this Appendix, F; and

(5) Non-exclusive easements for:

(i) access between the dedicated freight elevator and the shared loading facility at grade level and the #High Line# support space located in the cellar level; and

(ii) use of the shared loading facility as more particularly set forth in paragraph (a)(1)(ii)(b) of this Appendix, F;

(d) #Use# of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall not be dedicated for use by the general public but rather for use by the City or its designee for storage, delivery of materials and support of #uses# within the #High Line# (and in connection therewith, the fitting-out, operating, maintaining, repairing, restoring and replacement of the #High Line# Support Easement Volumes), except that:

1. the public may use the public restrooms;

2. up to 650 square feet of space adjacent to the #High Line# may be used exclusively for educational and related programming that is at no cost to the public; and

3. if dedicated to the City in accordance with paragraph (d) of this Appendix F, the optional additional #High Line# Support Easement Volume may be accessible to the public as part of concessions or other uses that relate to the #High Line#. The City or its designee shall at all times use, operate and maintain the #High Line# Support Easement Volumes so as not to interfere with the use and enjoyment of the #buildings# located within Subarea J. The #High Line# support spaces described in paragraphs (a)(1)(ii)(a)(2) and (3) of this Appendix, F, shall be accessible by a dedicated freight elevator that connects to non-exclusive portions of the #building#, including a loading facility at #curb level#, through which the City or its designee shall be provided with a non-exclusive easement to enable reasonable and customary access;

(e) Effective Date of the #High Line# Support Easement Volumes

The City's or its designee's rights to utilize the #High Line#

- Support Easement Volumes shall commence on the date that the #High Line# Support Work has been completed in accordance with paragraph (b)(1) of this Appendix, F, or in the event of default of the Owner in accordance with paragraph (c) of this Appendix, F, the date that the City has notified the Owner that it intends to perform such #High Line# Support Work in accordance with paragraph (c); and
- (f) Notice by the Department of City Planning of its receipt of certified copies of the recorded restrictive declarations required pursuant to paragraph (a)(1)(ii) and (iii) of this Appendix, F, shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# or #enlargement# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT];
- (iv) The Owner shall submit plans for the #High Line# Support Work described in paragraph (b)(1) of this Appendix, F, that demonstrate compliance with the provisions of this Appendix and are consistent with New York City Department of Parks and Recreation standards and best practices governing material life cycle and maintenance, for review and approval by the Chairperson of the City Planning Commission;
- (v) Solely in the event the initial certification made pursuant to Section 98-25, paragraph (a), is with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), then the Owner shall enter into agreements with the City or its designee, in a form reasonably acceptable to the City, to provide interim access, in accordance with such agreements, to the #High Line# through a non-exclusive loading facility and an existing freight elevator. Such agreements shall provide that any space within the existing #building# may be used by the City or its designee at no cost, except that the City or its designee shall be obligated to pay for the proportionate costs of utilities, maintenance and other building expenses associated with the use of such loading facility and elevator, and for any improvements or modifications to such space that may be requested by the City or its designee. Such interim access shall cease upon the date that the City or its designee commences utilization of the #High Line# Support Easement Volumes in accordance with paragraph (a)(1)(ii)(c) of this Appendix, F;
- (2) The location of #floor area# which would cause the #floor area ratio# of a zoning lot to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT] and be subject to the provisions of Section 98-25, shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), the Owner designates on plans submitted to the Chairperson of the City Planning Commission, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.
- (b) Requirements for issuance of certificates of occupancy pursuant to paragraph (d) of Section 98-25:
- (1) #High Line# Support Work Pursuant to Paragraph (d) of Section 98-25
- (i) The Owner shall perform #High Line# Support Work subject to the provisions of this paragraph, (b)(1), inclusive. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (d), shall be the substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.
- (ii) The #High Line# Support Work shall consist of the following:
- (a) the construction, fit-out and delivery in an operative condition of public restrooms described in paragraph (a)(1)(ii)(a)(1) of this Appendix, F, furnished with restroom fixtures, including six toilet stalls for women, an aggregate of six toilet stalls and/or urinals for men and three sinks in each restroom, and provided with utility connections.
- (b) the construction of the core and shell of the #High Line# support space described in paragraphs (a)(1)(ii)(a)(2) and (3) of this Appendix, F, including the provision of and access to separately metered gas, ventilation, water, sewers, electricity and telecommunications utilities systems commonly available in the #building# sufficient to support the anticipated uses of the support space. Within the portion of the #High Line# support space in the vicinity of the level of the #High Line bed#, the Owner will install a kitchen exhaust duct from such support space to a suitable point of discharge and will provide access to the #building# sprinkler standpipe and fire alarm system. Such support space shall also include access to a storage mezzanine pursuant to a dedicated lift, and there shall be a clear path at least five feet wide from the lift to the dedicated freight elevator described in paragraph (b)(1)(ii)(c) of this Appendix, F. The Owner will not be responsible for distributing any utility services within the #High Line# support space or for providing any ancillary equipment for the kitchen exhaust duct; and
- (c) the construction of the dedicated freight elevator described in paragraph (a)(1)(ii)(a)(2) of this Appendix, F, with a minimum capacity of 3,000 pounds;
- (iii) Following the completion of the #High Line# Support Work described in paragraph (b)(1)(ii) of this Appendix, F, all subsequent costs of operating, maintaining, repairing, replacing and additional fit-out of the #High Line# support space shall be exclusively the responsibility of the City and not the Owner; provided that the Owner shall be responsible for the repair and replacement of any defective #High Line# Support Work for a period of one year after completion thereof;
- (iv) The cost to the Owner of the #High Line# Support Work pursuant to the plans approved pursuant to paragraph (a)(1)(iv) shall be estimated at the time of such approval by a licensed engineer selected by Owner, such estimate to be in a form reasonably acceptable to the City, at an amount not to exceed \$2,544,000, as adjusted at the time of such approval by changes in the construction cost index published by ENR for New York City commencing as of [FIRST DAY OF FIRST MONTH FOLLOWING EFFECTIVE DATE OF ENACTMENT]. In the event that the City requests the Owner to perform any additional work in conjunction with the #High Line# Support Work and the Owner agrees to perform such additional work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix, F;
- (v) Except as set forth in paragraph (b)(1)(v) of this Appendix, F, no temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT] until the #High Line# Support Work described in paragraph (b)(1) of this Appendix F shall have been substantially completed or finally completed, as applicable;
- (vi) Notwithstanding anything to the contrary in this paragraph (b)(1), inclusive, if certification is initially made pursuant to Section 98-25, paragraph (a), with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), then the conditions for certification pursuant to Section 98-25, paragraph (d) for a permanent or temporary certificate of occupancy shall not apply to such #building# or portion of a #building# and
- the following conditions shall apply:
- (a) The Owner shall deliver a letter of credit or other security reasonably satisfactory to the City in an amount reasonably determined by the City as sufficient for the City to perform the #High Line# Support Work described in paragraph (b)(1) of this Appendix F, which letter of credit or other security may be drawn or exercised by the City in the event of a default by the Owner in accordance with paragraph (c)(ii) of this Appendix F; and
- (b) The Owner shall enter into an agreement with the City in a form reasonably acceptable to the City requiring the Owner to commence the #High Line# Support Work described in paragraph (b)(1) of this Appendix, F, no later than September 1, 2017, subject to force majeure as determined by the Chairperson, and shall thereafter diligently prosecute the same to completion, pursuant to an agreed-upon schedule, subject to force majeure as determined by the Chairperson.
- (c) In the event the Owner is in default of its obligations pursuant to the agreements required by paragraph (b)(1)(vi) of this Appendix, F:
- (1) The City shall be entitled to draw the letter of credit or exercise the other security described in paragraph (b)(1)(i)(a) of this Appendix, F, and to take possession of the #High Line# Support Easement Volumes following delivery of notice to the Owner that the City intends to perform the #High Line# Support Work in accordance with provisions to be set forth in the restrictive declaration described in paragraph (a)(1)(ii) of this Appendix, F;
- (2) The City shall return to the Owner any contribution made to the #High Line# Improvement Fund with respect to additional #floor area# to be added to a #building# or portion of a #building# located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii);
- (3) No additional building permit may be issued pursuant to Section 98-25, paragraph (a) with respect to a #development# or #enlargement# to be located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in such a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on [EFFECTIVE DATE OF THE AMENDMENT].
- (d) Option to offer an additional #High Line# Support Easement Volume:
- (1) The Owner, at its sole option, may elect to offer to the City an easement comprising up to 7,500 square feet of #floor area# within the #building# adjacent to the #High Line# and at the vicinity of the level of the #High Line bed# as an additional #High Line# Support Easement Volume by written notice to the Chairperson of the City Planning Commission, with a copy to the Commissioner of the Department of Parks and Recreation. Such written notice shall be delivered contemporaneously with the Owner's first request for certification by the Chairperson described in paragraph (a) of Section 98-25 that relates to a #building# or portion of a #building# within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii);
- (2) If the Owner elects to exercise such option, the Owner shall provide an appraisal from an appraiser reasonably acceptable to the City who is a member of the American Institute of Real Estate Appraisers (or its successor organization) establishing the fair market value of the additional #High Line# Support Easement Volume to be so dedicated. The term "fair market value" shall mean the price at which such additional #High Line# Support Easement Volume would change hands between a willing buyer and a willing seller, both acting rationally, at arm's length, in an open and unrestricted market. The appraisal shall

determine such fair market value of the additional #High Line# Support Easement Volume based on its highest and best as-of-right #uses#, valued in an unimproved core and shell physical condition (including any existing structural elements, such as the wall separating the #High Line# from the additional easement volume) and considered unencumbered by any leases, mortgages or other matters that will be released or otherwise subordinate to the grant of such additional #High Line# Support Easement Volume to the City. The appraisal shall not assume that as-of-right #uses# of the additional #High Line# Support Easement Volume may enjoy any access to and from the #High Line#. Any other appraisal assumptions or instructions not set forth herein shall be subject to approval by the City.

(3) If such option is exercised by the Owner, the City shall have up to 60 days from the delivery of the written notice described in paragraph (d)(1) of this Appendix F, to irrevocably accept or decline the exercise of the option by written notice to the Owner. If the City does not so accept or decline the option within said 60 day period, then the option shall be deemed declined and neither the City nor Owner shall have any further rights or obligations under this paragraph, (d), inclusive;

(4) If such option is exercised by the Owner and accepted by the City, the restrictive declaration described in paragraph (a)(1)(ii) of this Appendix F shall provide or shall be amended to include the additional #High Line# Support Easement Volume within the grant to the City, and the value of the additional #High Line# Support Easement Volume as set forth in the appraisal shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F;

(5) In the event that the City requests the Owner to perform any work in conjunction with the dedication of the additional #High Line# Support Easement Volume and the Owner agrees to perform such work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix F. All costs of fitting-out, operating, maintaining, repairing and replacing the additional #High Line# Support Easement Volume shall be exclusively the responsibility of the City and not the Owner.

\* \* \*

**CHELSEA MARKET**

**MANHATTAN CB - 4 C 120143 ZMM**

Application submitted by Jamestown Premier Chelsea Market, LP pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, by establishing a Special West Chelsea District (WCh) bounded by West 16th Street, Ninth Avenue, West 15th Street and Tenth Avenue, as shown on a diagram (for illustrative purposes only) dated April 9, 2012

**BEDFORD-STUYVESANT N. REZONING & TEXT AMENDMENT**

**BROOKLYN CB - 3 C 120294 ZMK**

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12d, 13b, 16c, and 17a, to rezone all or portions of 140 blocks in Community Board 3 of Brooklyn, see Council Website – <http://legistar.council.nyc.gov/Calendar.aspx> for further information.

**BEDFORD-STUYVESANT N. REZONING & TEXT AMENDMENT**

**BROOKLYN CB - 3 N 120295 ZRK**

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, relating to Article I, Chapters I and II, Article II, Chapter III, Article III, Chapters III, IV, V, and VI, Article VI, Chapter II, and Article XIII, Chapter II, for a proposed text amendment to establish new zoning district, C4-4L; establish a new Inclusionary Housing Area; and establish a new Enhanced Commercial District, see Council Website – <http://legistar.council.nyc.gov/Calendar.aspx> for further information.

**BEDFORD-STUYVESANT N. REZONING & TEXT AMENDMENT**

**CITYWIDE N 120296 ZRY**

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, relating to Article III, Chapter II, for a proposed text amendment to establish transparency requirements for R7D, R9D, and C4-5D Districts, see Council Website –

<http://legistar.council.nyc.gov/Calendar.aspx> for further information.

**WEST HARLEM REZONING AND TEXT AMENDMENT MANHATTAN CB - 9 C 120309 ZMM**

Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 3b and 6a:

1. eliminating from within an existing R8 District a C1-4 District bounded by a line midway between West 146th Street and West 145th Street, Broadway, a line 100 feet northerly of West 145th Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145th Street, Broadway, a line midway between West 145th Street and West 144th Street, and a line 100 feet westerly of Broadway;

2. changing from an R7-2 District to an R6A District property bounded by:

a. West 153rd Street, a line 100 feet westerly of Amsterdam Avenue, West 152nd Street, and a line 100 feet easterly of Broadway;

b. a line 100 feet southerly of West 155th Street, St. Nicholas Avenue, West 153rd Street, St. Nicholas Place, West 152nd Street, Convent Avenue, West 151st Street, a line 125 feet easterly of Amsterdam Avenue, West 152nd Street, and a line 100 feet easterly of Amsterdam Avenue;

c. a line midway between West 151st Street and West 150th Street, a line 100 feet westerly of Amsterdam Avenue, West 147th Street, and a line 100 feet easterly of Broadway;

d. West 150th Street, a line 100 feet westerly of Convent Avenue, a line midway between West 149th Street and West 148th Street, Convent Avenue, West 149th Street, St. Nicholas Avenue, West 145th Street, a line 100 feet westerly of St. Nicholas Avenue, the easterly prolongation of the northerly street line of West 144th Street, a line midway between Hamilton Terrace and St. Nicholas Avenue, West 141st Street, Convent Avenue, West 140th Street, Amsterdam Avenue, West 145th Street, and a line 100 feet easterly of Amsterdam Avenue, and excluding the area bounded by a line midway between West 147th Street and West 148th Street, Convent Avenue, West 145th Street, and a line 100 feet westerly of Convent Avenue;

e. a line 100 feet southerly of West 145th Street, Bradhurst Avenue, the westerly center line prolongation of West 143rd Street, and a line midway between St. Nicholas Avenue and Edgecombe Avenue; and

f. West 143rd Street, a line 500 feet easterly of Broadway, a line midway between West 142nd Street and West 141st Street, a line 450 feet easterly of Broadway, West 141st Street, and a line 100 feet easterly of Broadway;

3. changing from an R8 District to an R6A District property bounded by:

a. West 148th Street, a line 100 feet westerly of Broadway, West 145th Street, a line 315 feet westerly of Broadway, a line midway between West 146th Street and West 145th Street, a line 250 feet westerly of Broadway, West 146th Street, a line 225 feet westerly of Broadway, a line midway between West 147th Street and West 146th Street and its westerly prolongation, the easterly boundary line of Riverside Park, West 147th Street and its westerly center line prolongation, a line 80 feet easterly of Riverside Drive, a line midway between West 148th Street and West 147th Street, and a line 105 feet easterly of Riverside Drive;

b. a line midway between West 143rd Street and West 142nd Street and its westerly prolongation, a line 200 feet westerly of Broadway, West 142nd Street and its westerly center line prolongation, and the easterly boundary line of Riverside Park; and

c. a line midway between West 139th Street and West 138th Street, a line 100 feet westerly of Broadway, a line midway between West 138th Street and West 137th Street, a line 455 feet westerly of Broadway, West 138th Street, and a line 400 feet westerly of Broadway;

4. changing from an R7-2 District to an R7A District property bounded by:

a. West 155th Street, a line 100 feet easterly of Amsterdam Avenue, West 152nd

Street, a line 125 feet easterly of Amsterdam Avenue, West 151st Street, Convent Avenue, West 152nd Street and its easterly center line prolongation, a line midway between St. Nicholas Place and Edgecombe Avenue, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line 100 feet northerly of West 145th Street, St. Nicholas Avenue, West 149th Street, Convent Avenue, a line midway between West 149th Street and West 148th Street, a line 100 feet westerly of Convent Avenue, West 150th Street, a line 100 feet easterly of Amsterdam Avenue, a line midway between West 146th Street and West 145th Street, Amsterdam Avenue, a line 100 feet northerly of West 145th Street, a line 100 feet easterly of Broadway, West 147th Street, a line 100 feet westerly of Amsterdam Avenue, a line midway between West 151st Street and West 150th Street, a line 100 feet easterly of Broadway, West 152nd Street, a line 100 feet westerly of Amsterdam Avenue, West 153rd Street, and Amsterdam Avenue;

b. a line 150 feet southerly of West 155th Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, West 153rd Street, and St. Nicholas Avenue;

c. a line midway between West 148th Street and West 147th Street, Convent Avenue, West 145th Street, and a line 100 feet westerly of Convent Avenue;

d. a line 100 feet southerly of West 145th Street, Amsterdam Avenue, the southerly boundary line of Annunciation Park and its easterly and westerly prolongations, Convent Avenue, West 130th Street, Amsterdam Avenue, West 133rd Street, a line 200 feet easterly of Broadway, West 135th Street, a line 100 feet easterly of Broadway, a line 100 feet easterly of Hamilton Place, a line midway between West 138th Street and West 136th Street, Hamilton Place, West 138th Street, a line 100 feet easterly of Broadway, West 141st Street, a line 450 feet easterly of Broadway, a line midway between West 142nd Street and West 141st Street, a line 500 feet easterly of Broadway, West 143rd Street, and a line 100 feet easterly of Broadway;

e. West 145th Street, St. Nicholas Avenue, a line 100 feet southerly of West 145th Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, the westerly center line prolongation of West 143rd Street, Bradhurst Avenue and its southerly centerline prolongation, Edgecombe Avenue, West 141st Street, a line midway between Hamilton Terrace and St. Nicholas Avenue, the easterly prolongation of the northerly street line of West 144th Street, and a line 100 feet westerly of St. Nicholas Avenue; and

f. West 130th Street, St. Nicholas Terrace, West 127th Street, a line 100 feet westerly of St. Nicholas Avenue, West 126th Street, a line 100 feet westerly of Morningside Avenue, West 127th Street, a line 100 feet westerly of Convent Avenue, West 129th Street, and Convent Avenue;

5. changing from an R7-2 District to an R8A District property bounded by:

a. West 155th Street, St. Nicholas Avenue, a line 100 feet southerly of West 155th Street, and a line 100 feet easterly of Amsterdam Avenue;

b. Edgecombe Avenue, West 145th Street, Bradhurst Avenue, a line 100 feet southerly of West 145th Street, St. Nicholas Avenue, a line 100 feet northerly of West 145th Street, a line midway between St. Nicholas Avenue and Edgecombe Avenue, a line midway between St. Nicholas Place and Edgecombe Avenue, the easterly center line prolongation of West 152nd Street, St. Nicholas Place, West 153rd Street, a line midway between St. Nicholas Avenue and St. Nicholas Place, a line 150 feet southerly of West 155th Street, a line perpendicular to the southerly street line of West 155th Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155th Street, a line 100 feet southerly of West 155th Street, St. Nicholas Place, and West 155th Street; and

c. a line 100 feet northerly of West 145th Street, Amsterdam Avenue, a line midway between West 146th Street and West 145th Street, a line 100 feet easterly

- of Amsterdam Avenue, West 145th Street, Amsterdam Avenue, a line 100 feet southerly of West 145th Street, and a line 100 feet easterly of Broadway;
- 6. changing from a C8-3 District to an R8A District property bounded by West 155th Street, St. Nicholas Place, a line 100 feet southerly of West 155th Street, and a line perpendicular to the southerly street line of West 155th Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155th Street;
- 7. changing from an R8 District to a C6-3X District property bounded by a line midway between West 146th Street and West 145th Street, Broadway, a line 100 feet northerly of West 145th Street, a line 100 feet easterly of Broadway, a line 100 feet southerly of West 145th Street, Broadway, a line midway between West 145th Street and West 144th Street, and a line 100 feet westerly of Broadway;
- 8. changing from an M1-1 District to an M1-5/R7-2 District property bounded by West 129th Street, a line 100 feet westerly of Convent Avenue, West 127th Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126th Street and West 125th Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;
- 9. establishing within a proposed R6A District a C1-4 District bounded by:
  - a. a line midway between West 146th Street and West 145th Street, a line 100 feet westerly of Broadway, West 145th Street, and a line 315 feet westerly of Broadway; and
  - b. a line midway between West 146th Street and West 145th Street, a line 100 feet westerly of Convent Avenue, West 145th Street, Convent Avenue, a line midway between West 146th Street and West 145th Street, a line 100 feet westerly of St. Nicholas Avenue, a line 100 feet southerly of West 145th Street, and a line 100 feet easterly of Amsterdam Avenue;
- 10. establishing within a proposed R7A District a C1-4 District bounded by:
  - a. a line midway between West 146th Street and West 145th Street, Convent Avenue, West 145th Street, and a line 100 feet westerly of Convent Avenue;
  - b. a line 100 feet northerly of West 141st Street, a line 100 feet westerly of Amsterdam Avenue, West 141st Street, and Hamilton Place; and
  - c. a line midway between West 140th Street and West 139th Street, a line 100 feet easterly of Hamilton Place, West 138th Street, a line 100 feet easterly of Broadway, West 139th Street, and Hamilton Place;
- 11. establishing within an existing R8 District a C1-4 District bounded by West 145th Street, a line 100 feet westerly of Broadway, a line midway between West 145th Street and West 144th Street, and a line 270 feet westerly of Broadway;
- 12. establishing within a proposed R8A District a C2-4 District bounded by West 155th Street, Edgecombe Avenue, a line 150 feet southerly of West 155th Street, St. Nicholas Place, a line 100 feet southerly of West 155th Street, and a line perpendicular to the southerly street line of West 155th Street distant 205 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of St. Nicholas Avenue and the southerly street line of West 155th Street; and
- 13. establishing a Special Mixed Use District (MX-15) bounded by West 129th Street, a line 100 feet westerly of Convent Avenue, West 127th Street, a line 100 feet westerly of Morningside Avenue, a line midway between West 126th Street and West 125th Street/Dr. Martin Luther King Jr. Boulevard, and Amsterdam Avenue;

as shown in a diagram (for illustrative purposes only) dated May 7, 2012, modified by the City Planning Commission on September 5, 2012, and subject to the conditions of CEQR Designation E-284.

**WEST HARLEM REZONING AND TEXT AMENDMENT MANHATTAN CB - 9 N 120310 ZRM**

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 Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), Article III, Chapter 3 (Bulk Regulations for Commercial and Community Facility Buildings in Commercial Districts), Article XII, Chapter 3 (Special Mixed Use Districts) for the purpose of establishing Special Mixed Use District 15, and Appendix F, relating to the application of the Inclusionary Housing Program to proposed R8A and R9X districts.

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article II  
Residence District Regulations**

**Chapter 3  
Bulk Regulations for Residential Buildings in Residence Districts**

**23-142  
In R6, R7, R8 or R9 Districts**

R6 R7 R8 R9  
Except as otherwise provided in the following Sections:

- Section 23-144 (In designated areas where the Inclusionary Housing Program is applicable)
- Section 23-145 (For Quality Housing buildings)
- Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn)
- Section 23-147 (For non-profit residences for the elderly); ~~and~~
- Section 23-148 (For tower-on-a-base buildings in R9 Districts); and
- Section 23-149 (Special floor area regulations for certain sites in Community District 9, Borough of Manhattan)

In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following table for #zoning lots# with the #height factor# indicated in the table.

**23-144  
In designated areas where the Inclusionary Housing Program is applicable**

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District	Zoning District
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 4, Bronx	R8A R9D
Community District 7, Bronx	R7D
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A R10
Community District 9, Manhattan	R8A R9X
Community District 1, Queens	R7A
Community District 2, Queens	R7X

**23-149  
Special floor area regulations for certain sites in Community District 9, Borough of Manhattan**

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-145 (For Quality Housing buildings).

**23-636  
Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan**

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program.

**23-952  
Floor area compensation in Inclusionary Housing designated areas**

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6*	2.20	2.42
R6** R6A R7-2*	2.70	3.60
R7A R7-2**	3.45	4.60
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00

R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.7
R10	9.00	12.00

\* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

\*\* for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

**24-523  
Special height and setback regulations  
R5D R8 R10**

(a) Community District 7, Manhattan  
  
Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings# or other structures# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

(b) Community District 9, Manhattan  
  
Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts located north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.

(c) R5D Districts  
  
In R5D Districts, all #buildings# or other structures# shall comply with the height and setback requirements set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS).

**33-433  
Special height and setback regulations**

(a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings# or other structures# located in an R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

(b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts located north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.

(c) In C1 or C2 Districts mapped within R5D Districts, all #buildings# or other structures# shall comply with the height and setback requirements of Section 23-60.

**Article XII  
Special Purpose Districts**

**Chapter 3  
Special Mixed Use District**

**123-662  
All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings# or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts  
  
(1) In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, except an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height of a #building# or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building# or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building# or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

Table A  
HEIGHT AND SETBACK FOR ALL BUILDINGS IN  
MEDIUM AND HIGH DENSITY NON-CONTEXTUAL  
DISTRICTS  
(in feet)

Maximum District	Maximum Base Height	Maximum #Building# Height
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	90	280
R10	110	350

(2) In #Special Mixed Use District# 15 in the Borough of Manhattan, where the designated #Residence District# is an R7-2 District, the height and setback regulations of paragraph (1) of this Section shall not apply. In lieu thereof, the following height and setback regulations shall apply: A #building# or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet, except for dormers permitted in accordance with paragraph (c) of this Section. At least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#. Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph, (a)(2). Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building# or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building# or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, no #building# or other structure# shall exceed the maximum #building# height specified in Table B of this Section.

Setbacks are required for all portions of #buildings# that exceed the maximum base height specified in Table B. Such setbacks shall be provided in accordance with the following provisions:

- (1) #Building# walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B. #Building# walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B.
- (2) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to such #building# wall would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.
- (3) Required setback areas may be penetrated by dormers in accordance with paragraph (c) of this Section.
- (4) Where the #Residence District# designation is an R10X District, no maximum #building# height shall apply. However, the minimum coverage of any portion of a #building# that exceeds the permitted maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. Such minimum #lot# coverage requirement shall not apply to the highest four #stories# of the #building#.

TABLE B  
HEIGHT AND SETBACK FOR ALL BUILDINGS IN  
MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS  
(in feet)

District	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
R6B	30	40	50
R6A	40	60	70
R7B	40	60	75
R7A	40	65	80
R7D	40	85	100
R7X	60	85	125

R8A	60	85	120
R8B	55	60	75
R8X	60	85	150
R9A**	60	95	135
R9A*	60	102	145
R9X**	60	120	160
R9X*	105	120	170
R10A**	60	125	185
R10A*	125	150	210
R10X	60	85	***

- \* That portion of a district which is within 100 feet of a #wide street#
- \*\* That portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#
- \*\*\* #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (b)(4) of this Section

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections 23-62, 24-51 or 43-42. In addition, within a required setback area, a dormer may exceed a maximum base height specified in Tables A or B of this Section and thus penetrate a required setback area, provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See illustration of Dormer in Section 62-341).

However, all #buildings# or other structures# on #waterfront blocks#, as defined in Section 62-11, shall comply with the height and setback regulations set forth for the designated #Residential District# as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive.

**123-90  
SPECIAL MIXED USE DISTRICTS SPECIFIED**

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 14:  
Third Avenue/Tremont Avenue, the Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in the Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 15:  
West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.

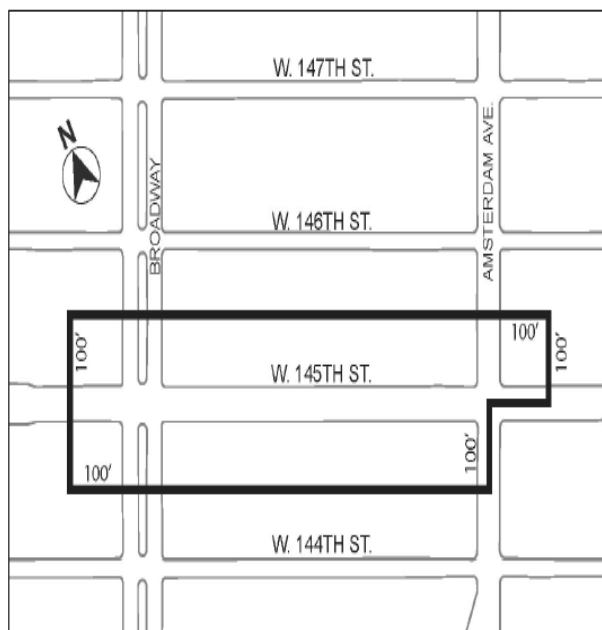
**APPENDIX F: Inclusionary Housing Designated Areas**

**Manhattan**

**Manhattan Community District 9, 10 and 11**

In the R8A and R9X Districts within the areas shown on the following Map 2:

Map 2



Portions of Community District 9, Manhattan

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Wednesday, October 3, 2012.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Hearing Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 1:00 P.M. on Wednesday, October 3, 2012:

**MARCONI STREET GRADE CHANGES  
BRONX CB - 11 C 110401 MMX**

Application submitted by the Department of Design and Construction, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map

involving the establishment of legal grades in Marconi Street north of Waters Place in accordance with Map No. 13133, dated January 11, 2012, and signed by the Borough President.

**TPTP-TBX 904**

**BRONX CB - 5 20135097 HAX**  
Application submitted by the New York City Department of Housing Preservation and Development, subject to Council review and action pursuant to Section 577 of the Private Housing Finance Law, for the proposed termination of an existing tax exemption and the granting of a new tax exemption for property located at 1664, 1694 and 1702 Davidson Avenue (Block 2861, Lots 10, 21 and 50), Borough of the Bronx, Community Board 5.

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

1. Find that the present status of the listed area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law.

NO.	ADDRESS	BLOCK/ LOT	BORO	COMMUNITY PROGRAM	BOARD
20135098 HAK	1416 Eastern Pkwy.	Ext. 1475/39	Brooklyn		16
	1413 Pitkin Avenue	1475/78			

**s27-o3**

**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, NY, on Wednesday, October 3, 2012 at 10:00 A.M.**

**BOROUGH OF MANHATTAN  
No. 1  
BAILEY HOUSE**

**CD 11 C 100179 ZSM**  
**IN THE MATTER OF** an application submitted by Park 121 Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a non-profit institution without sleeping accommodations (Use Group 4A), on a portion of the ground floor and on the third and fourth floors of an existing 4-story building on property located at 1741-1751 Park Avenue (Block 1770, Lots 1, 101, 2, 3, 4 and 72), in an M1-4 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY 10007.

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

**s20-o3**

**COMMUNITY BOARDS**

**PUBLIC HEARINGS**

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

**BOROUGH OF QUEENS**

COMMUNITY BOARD NO. 11 - Monday, October 1, 2012, 7:30 P.M., Middle School 158, 46-35 Oceania Avenue, Bayside, NY

**BSA# 85-91-BZ**

An application submitted to the NYC Board of Standards and Appeals to extend the term of the previously-granted zoning variance for the continued operation of a veterinary facility and to permit a change to the hours of operation and allow an accessory non-illuminated sign at 204-18 46th Avenue.

**BSA# 67-91-BZ**

An application submitted to the NYC Board of Standards and Appeals to reopen and extend the term of the previously-granted zoning variance for the continued operation of a Gulf Service Station at 260-09 Nassau Boulevard.

**BSA# 30-58-BZ**

An application submitted to the NYC Board of Standards and Appeals to reopen and extend the term of the previously-

granted zoning variance for the continued operation of a gasoline service station at 184-17 Horace Harding Expressway.

s25-o1

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

### BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 03 - Monday, October 1, 2012 at 7:00 P.M., Bedford Stuyvesant Restoration Corporation, 1368 Fulton Street (lower level), Brooklyn, NY

Public Hearing on the Capital and Expense Budget Requests for FY 2014.

s25-o1

## FRANCHISE AND CONCESSION REVIEW COMMITTEE

### MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, October 10, 2012, at 2:30 P.M., at 22 Reade Street, Spector Hall, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call VERIZON relay service.

o1-10

## LABOR RELATIONS

### MEETING

The New York City Deferred Compensation Plan Board will hold its next meeting on Wednesday, October 3, 2012 from 10:00 A.M. to 12:00 P.M. The meeting will be held at 40 Rector Street, 4th Floor Conference Room C, NYC.

o1-3

## LANDMARKS PRESERVATION COMMISSION

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **October 2, 2012** at **9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF QUEENS 11-7051 – Block 10313, lot 32-115-16 179th Street – Addisleigh Park Historic District  
A Tudor Revival style free-standing house built prior to 1926. Application is to replace aluminum siding.  
Community District 12.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4943 – Block 144, lot 40-60 Hudson Street – The Western Union Building – Individual and Interior Landmark  
A Dutch and German Expressionist style building and lobby designed by Voorhees, Gmelin and Walker and built 1928-1930. Application is to construct a flue enclosure.  
Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-7197 – Block 188, lot 7503-127 Hudson Street - Tribeca West Historic District  
An Early Twentieth Century Commercial style building with neo-Renaissance style elements designed by Charles C. Haight and built in 1912. Application is to install signage.  
Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-5558 – Block 294, lot 8-54 Canal Street – S. Jarmulowsky Bank Building – Individual Landmark  
A neo-Renaissance style bank and office building designed by Rouse & Goldstone and built in 1911-12. Application is to construct a rooftop addition, and to install balconies and ground-floor infill. Zoned C6-2C. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-9018 – Block 633, lot 45-747 Greenwich Street – Greenwich Village Historic District  
A Greek Revival style rowhouse built in 1835. Application is to excavate a passageway and construct a new building at the rear of the lot. Zoned C1-6. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-3149 – Block 512, lot 20-150-152 Mercer Street, aka 579-581 Broadway – SoHo-Cast Iron Historic District  
A storehouse built c. 1860. Application is to install new storefront infill and modify the iron shutters at the second

floor to install windows. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-0275 – Block 532, lot 15-230 Mercer Street, aka 663-665 Broadway – NoHo Historic District  
A neo-Gothic style store and loft building designed by V. Hugo Koehler and built in 1911-12. Application is to legalize the installation of banner poles and stretch banners without Landmarks Preservation Commission permits.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-6229 – Block 230, lot 5-321 Canal Street - SoHo-Cast Iron Historic District  
A Federal style rowhouse built in 1821, and altered in the mid-19th century to accommodate a commercial ground floor. Application is to alter a dormer on the rear facade.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-2098 – Block 625, lot 58-328 West 4th Street, aka 38 8th Street - Greenwich Village Historic District  
A residential/commercial brick building built in 1841-42, designed by Tarleton B. Earle, and altered in 1924.  
Application is to enlarge a window. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4071 – Block 553, lot 15-52 West 8th Street – Greenwich Village Historic District  
A commercial building designed by Frederick Kiesler and built in 1927 and later altered. Application is to alter the facade, install new storefront infill, a marquee, and signage.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4777 – Block 572, lot 45-5 West 8th Street – Greenwich Village Historic District  
A neo-Classical style apartment building designed by Hugo Kafka, and built in 1900-02. Application is to alter the ground floor, and install lighting, a marquee, signage, awnings, and a painted wall sign. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4316 – Block 612, lot 38-37 Charles Street - Greenwich Village Historic District  
A rowhouse built in 1869. Application is to construct a rear yard addition. Zoned R-6. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4108 – Block 719, lot 60-430 West 22nd Street – Chelsea Historic District  
A Greek Revival style rowhouse designed by Edwin Forrest and built in 1843. Application is to alter a window opening.  
Community District 4.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4375 – Block 1260, lot 20-27-35 West 44th Street, aka 26-30 West 45th Street - The Harvard Club of New York City - Individual Landmark  
A neo Georgian style clubhouse building, designed by McKim, Mead and White, with additions built in 1903, 1915, 1947, and the early 21st century. Application to construct additions. Zoned C6-45. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4135 – Block 834, lot 29-17 West 32nd Street – (Former) Aberdeen Hotel – Individual Landmark  
A Beaux-Arts style hotel designed by Harry B. Mulliken and built in 1902-04. Application is to install a barrier-free access ramp. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-0708 – Block 824, lot 28-28-30 West 23rd Street and 32-46 West 23rd Street – Ladies' Mile Historic District  
A neo-Renaissance style store and loft building designed by Maynicke & Franke and built in 1910-11 and a Commercial Palace style store building designed by Henry Fernbach, Hugo Kafka and William Schickel & Co. and built in stages between 1878 and 1892. Application is to install rooftop mechanical equipment. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-5956 – Block 822, lot 70-54 West 21st Street - Ladies' Mile Historic District  
A neo-Renaissance style store and loft building, designed by Maynicke & Franke and built in 1909-1910. Application is to replace windows. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4617 – Block 856, lot 7502-4 East 27th Street – Madison Square North Historic District  
A Beaux-Arts style store building designed by Francis H. Kimball and Harry E. Donnell and built in 1906-07. Application is to alter the ground floor and install a flagpole and lighting. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4760 – Block 999, lot 1 1552 Broadway, aka 167 West 46th Street – I. Miller Building – Individual Landmark  
A commercial building altered by Louis H. Friedland in 1926 with theatrical sculptures by Alexander Stirling Calder. Application is to remove interior floors and the east party wall, and to install rooftop HVAC equipment.  
Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-5928 – Block 1302, lot 64-12 East 78th Street – Metropolitan Museum Historic District  
A neo-Italian Renaissance style rowhouse built in 1886-87. Application is to legalize painting the facade in non-

compliance with Certificate of No Effect 11-0771.  
Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-3914 – Block 1406, lot 11-123 East 71st Street - Upper East Side Historic District  
An Italianate style residence built c.1865, and heavily altered in 1904 by Thomas Nash. Application is to construct a rooftop addition. Zoned R8B. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4017 – Block 1906, lot 36-239 Lenox Avenue – Mount Morris Park Historic District  
A rowhouse built in 1883-84. Application is to install an exhaust duct at the rear facade. Community District 10.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF THE BRONX 13-4198 – Block 5939, lot 442-5251 Independence Avenue – Riverdale Historic District  
An Italianate style house built in 1853, altered with neo-Classical style elements by Cameron Clark in 1931. Application is to construct an addition. Zoned R1-1, NA-2. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 13-1910 – Block 40, lot 1-68 Jay Street – DUMBO Historic District  
A Daylight Factory style building with transitional American Round Arch style elements designed by William Higginson and built in 1915. Application is to create a Master Plan governing the future installation of storefront infill and signage, and to legalize alterations to the loading dock without Landmarks Preservation Commission permits.  
Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 13-4850 – Block 1072, lot 7502-25 Montgomery Place – Park Slope Historic District  
A late Romanesque Revival style rowhoue designed by C. P. H. Gilbert and built in 1892. Application is to replace a bay window at the rear facade. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 13-4035 – Block 323, lot 39-6 Strong Place – Cobble Hill Historic District  
A transitional Greek Revival/ Italianate style townhouse. Application is to alter the rear facade and parapet. Zoned R6. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 13-4877 – Block 1094, lot 32-592 10th Street - Park Slope Historic District Extension  
A Queen Anne style flats building with neo-Grec style elements designed by Louis Bonnett and built in 1891. Application is to alter the rear façade and install new windows. Community District 6.

s19-o2

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **October 09, 2012** at **9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-3244 - Block 145, lot 25-93 Reade Street - Tribeca South Historic District  
An Italianate style store and loft building built in 1857. Application is to construct a rooftop addition, replace storefront infill and alter the rear façade, and modify loading platform. Zoned C6-3A. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-6229 - Block 230, lot 5-321 Canal Street - SoHo-Cast Iron Historic District  
A Federal style rowhouse built in 1821, and altered in the mid-19th century to accommodate a commercial ground floor. Application is to alter the roof. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-8069 - Block 632, lot 29-129 Charles Street - Greenwich Village Historic District Extension  
A vernacular style stable and dwelling designed by Henry Andersen, and built in 1897. Application is to alter at the ground floor and construct a rooftop and a rear yard addition. Zoned C6-1. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-4622 - Block 612, lot 15-32 Perry Street - Greenwich Village Historic District  
A Greek Revival style rowhouse built in 1845. Application is to construct a rear yard addition. Zoned R6, C2-6 . Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-6604 - Block 614, lot 39-241 West 11th Street - Greenwich Village Historic District  
A transitional late Greek Revival style rowhouse built c.1851. Application is to construct rooftop and rear yard additions, excavate the basement, rear yard and areaway. Zoned R6. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-6343 - Block 532, lot 4-688 Broadway - NoHo Historic District  
A parking lot. Application is to construct a new building. Zoned M1-5B. Community District 2.







**COMMUTER VAN SERVICE AUTHORITY**

NOTICE IS HEREBY GIVEN THAT the Department of Transportation is conducting a public hearing on the expansion of vehicles of a Van Authority in the Borough of Queens. The van company requesting expansion is Easy Transportation Corp. The address is 151-17 134th Avenue, Jamaica, New York 11434. The applicant currently utilizes 9 vans daily to provide service 18 hours a day and is requesting an additional 10 vans.

There will be a public hearing held on Thursday, October 18, 2012 at the Queens Borough Hall, 120-55 Queens Blvd., Room 213, Part 1, Kew Gardens, New York 11424 from 2:00 P.M. - 4:00 P.M. so that you may have an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Division of Planning and Sustainability, 55 Water Street, 9th Floor, NY 10041 no later than October 18, 2012. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed service will not meet present and/or future public convenience and necessity.

o1-5



**SUPREME COURT**

NOTICE

**QUEENS COUNTY  
IA PART 8  
NOTICE OF ACQUISITION  
INDEX NUMBER 14225/12**

In the Matter of the Application of the CITY OF NEW YORK Relative to Acquiring Title where not heretofore acquired in Fee Simple to All or Parts of Chandler Street from Nameoke Avenue to Battery Road, Nameoke Avenue from McBride Street to Chandler Street, Dix Avenue from Chandler Street to McBride Street, McBride Street from Nameoke Street to Mott Street

in the Borough of Queens, City and State of New York.

**PLEASE TAKE NOTICE**, that by order of the Supreme Court of the State of New York, County of Queens, IA Part 8 (Hon. Jaime A. Rios, J.S.C.), duly entered in the office of the Clerk of the County of Queens on August 28, 2012, the application of the City of New York to acquire certain real property, for the installation of new storm and sanitary sewers, and the upgrading of existing water mains, was granted, and the City was thereby authorized to file an acquisition map with the Office of the City Register. Said map, showing the property acquired by the City, was filed with the City Register on September 13, 2012. Title to the real property vested in the City of New York on September 13, 2012.

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

Damage Parcel	Block	Part of Lot
1 1A, 1B & 1C	15652	11
2 2A	15652	13
3 3A	15652	14
4 4A	15652	15
5 5A	15652	16
6 6A	15652	17
7 A	15652	19
8 8A	15652	21
9 9A	15652	23
10 10A	15652	24
11 11A	15652	118
12 12A, 12B & 12C	15654	1
13 13A	15654	5
14 14A & 14B	15654	7

15 15A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 25	25
16 16A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 26	26
17 17A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 29	29
18 18A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 31	31
19 19A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 33	33
20 20A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 34	34
21 21A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 36	36
22 22A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 37	37
23 23A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 38	38
24 24A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 39	39
25 25A	15654 Bed of Chandler Street, adjacent to Block 15654, Lot 40	40
26A	15655 Bed of Nameoke Avenue, adjacent to Block 15655, Lot 1	
27 28 28A, 28B & 28C	15660 Bed of Nameoke Avenue, adjacent to Block 15660, Lot 26	1 26
29 29A	15661 Bed of McBride Street, adjacent to Block 15661, Lot 20	20
30 30A	15661 Bed of McBride Street, adjacent to Block 15661, Lot 23	23
31 31A	15661 Bed of McBride Street, adjacent to Block 15661, Lot 24	24
32 32A	15661 Bed of McBride Street, adjacent to Block 15661, Lot 26	26
33 33A	15661 Bed of McBride Street, adjacent to Block 15661, Lot 27	27
34 34A	15661 Bed of McBride Street, adjacent to Block 15661, Lot 28	28
35 35A, 35B & 35C	15661 Beds of McBride Street and Dix Avenue, adjacent to Block 15661, Lot 31	31
36 36A	15661 Bed of McBride Street, adjacent to Block 15661, Lot 41	41
37 37A, 37B & 37C	15662 Beds of Dix Avenue and McBride Street, adjacent to Block 15662, Lot 1	1
38 38A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 2	2
39 39A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 3	3
40 40A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 5	5
41 41A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 6	6
42 42A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 8	8
43 43A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 10	10
44 44A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 11	11
45 45A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 12	12
46 46A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 14	14
47 47A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 16	16
48 48A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 18	18
49 49A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 20	20
50 50A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 22	22
51 51A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 23	23
52 52A	15662 Bed of McBride Street, adjacent to Block 15662, Lot 25	25
53 53A, 53B & 53C	15662 Beds of McBride Street and Nameoke Avenue, adjacent to Block 15662, Lot 27	27
54 54A	15662 Bed of Nameoke Avenue, adjacent to Block 15662,	28

55 55A, 55B & 55C	15662 Beds of Nameoke Avenue, adjacent to Block 15662, Lot 30	30
56 56A	15663 Beds of McBride Street, adjacent to Block 15663, Lot 1	1
57 57A, 57B & 57C	15663 Beds of McBride Street and Nameoke Avenue, adjacent to Block 15663, Lot 72	72
58 58A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 74	74
59 59A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 76	76
60 60A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 78	78
61 61A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 80	80
62 62A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 82	82
63 63A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 84	84
64 64A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 86	86
65 65A	15663 Bed of McBride Street, adjacent to block 15663, Lot 88	88
66 66A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 90	90
67 67A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 92	92
68 68A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 95	95
69 69A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 98	98
70 70A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 101	101
71 71A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 104	104
72 72A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 105	105
73 73A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 107	107
74 74A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 108	108
75 75A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 110	110
76 76A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 111	111
77 77A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 112	112
78 78A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 114	114
79 79A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 115	115
80 80A	15663 Bed of McBride Street, adjacent to Block 15663, Lot 211	211

**PLEASE TAKE FURTHER NOTICE**, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof is hereby required, on or before September 13, 2013 (which is one (1) calendar year from the title vesting date), to file a written claim with the Clerk of the Court of Queens 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 EDPL § 504, the claim shall include:

- (A) the name and post office address of the condemnee;
- (B) reasonable identification by reference to the 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,
- (D) if represented by an attorney, the name, address 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







diverse stakeholders.

In 2009, the City issued a Request for Proposals (RFP) seeking an exclusive provider of taxicabs to the medallion taxi industry. It sought a vehicle that offered:

- The highest safety standards
- Superior passenger experience
- Superior driver comfort and amenities
- Appropriate purchase price and on-going maintenance and repair costs
- Minimal environmental impact
- Minimal physical footprint with more useable interior room
- Accessibility for all users
- Iconic design that will identify the taxi with New York City

After receipt of 7 proposals from a variety of manufacturers, and a year-long detailed evaluation process, the City selected Nissan North America (Nissan) to be the exclusive taxicab provider for 10 years (with an additional 5-year commitment to provide parts and service). The Taxi of Tomorrow will also be available in a wheelchair accessible version. The Taxi of Tomorrow taxicabs will be known as Official Taxicab Vehicle (OTV) or the Accessible Official Taxicab Vehicle (AOTV).

The rule requires that if a medallion owner acquires a new vehicle on or after the activation date for the Taxi of Tomorrow, the owner must hack up the medallion with the Taxi of Tomorrow vehicle, to be known as the Official Taxicab Vehicle or the Accessible Official Taxicab Vehicle. The TLC anticipates the activation date for the Taxi of Tomorrow will be October 31, 2013. After the activation date, any candidate for a taxicab vehicle, including an accessible taxicab vehicle, must be safety tested with a partition.

Exemptions to this requirement include:

- Owners of Medallions restricted to use with Alternative Fuel Vehicles may purchase any alternative fuel taxicab which meets the specifications described in TLC Rule 67-05.
- Owners of the 231 Medallions issued prior to January 1, 2012 that are restricted to use with Wheelchair Accessible Vehicles, may purchase any accessible Taxicab which meets the accessible vehicle specifications set forth in Rule 67-05.2, including the Accessible Official Taxicab Vehicle.
- Owners of Accessible Medallions issued by TLC on or after January 1, 2012 may purchase any accessible Taxicab which meets the accessible vehicle specifications set forth in Rule 67-05.2, including the Accessible Official Taxicab Vehicle.
- With TLC's authorization, owners of up to 496 Unrestricted Medallions issued prior to January 1, 2012 who choose to use an accessible vehicle may purchase any accessible Taxicab which meets the accessible vehicle specifications set forth in Rule 67-05.2, including the Accessible Official Taxicab Vehicle.

**Vehicle Requirements/Options by Medallion Type**

	Nissan NV200 (OTV)	Nissan/Braun NV200 Accessible (AOTV)	TLC-Approved Hybrid or CNG	TLC-Approved Wheelchair-Accessible
Unrestricted Medallion issued prior to January 1, 2012	YES	YES	NO	YES, up to 496 medallions
Restricted Alternate-Fuel Medallion issued prior to January 1, 2012	NO	NO	YES	NO
Restricted Wheelchair-Accessible Medallion issued prior to January 1, 2012	NO	YES	NO	YES
2000 Restricted Medallions authorized by Street Hail Livery Law.	NO	YES	NO	YES

The rule requires the TLC to provide at least 120 days notice to medallion owners prior to the date after which unrestricted medallions must be hacked-up with the Official Taxicab Vehicle. The rule also makes certain, largely technical changes, to current taxicab rules to account for the fact that the Official Taxicab Vehicle will be manufactured and delivered under specifications set by contract with the manufacturer of the vehicle.

The Commission's authority for this rules change is found in section 2303 of the New York City Charter and section 19-503 of the New York City Administrative Code.

In addition, these rules amend TLC rules governing the leasing of taxicabs or taxicab medallions to reflect the implementation of the Taxi of Tomorrow and will take effect once the Taxi of Tomorrow (ToT) is available for hack-up (the OTV Activation Date). The Commission's authority to adopt these rules is found in section 2303 of the New York City Charter and section 19-503 of the New York City Administrative Code.

**Amendments to Shift Leases**

Some unrestricted medallion holders have hacked up hybrid vehicles and charged a \$3 higher hybrid lease cap to drivers who lease their medallions. When the ToT becomes available these medallion owners will no longer be permitted to hack up with hybrid vehicles. Therefore, to help maintain these medallion owners' business model and maintain the balance of costs and revenues for both owners and drivers, the TLC will increase by \$3 the optional gas surcharge available to unrestricted medallion holders who list on a daily or weekly shift basis.

The amendments will:

- On the date when the ToT first becomes available for use as a taxi (OTV Activation Date), increase the optional fuel surcharge by \$3 per shift for all vehicles that are not hybrid vehicles.<sup>1</sup>
- Permit all medallion owners (except for those

already charging the hybrid lease rate)—including those operating ToT vehicles and those still operating other vehicles—to apply the increased optional fuel surcharge on the OTV Activation Date.

<sup>1</sup> This \$3 per shift fuel surcharge increase will not apply to medallion owners leasing hybrid vehicles; however, these medallion owners will continue to be able to charge the higher hybrid lease rate.

**Amendments to DOV Leases**

The rules also amend the rules governing leases of medallions to drivers who own or lease their vehicles (DOV leases) to account for the fact that many medallion owners who currently lease their medallions to DOV operators are able to benefit from the driver's operating a hybrid vehicle by charging the driver the hybrid lease cap. The change will enable these medallion owners to earn the same revenues with ToT that they earned without ToT.

- As ToT vehicles are placed into service:
  - Owners leasing medallions and medallion and vehicle packages to operators of ToT vehicles will be permitted to charge hybrid lease rates.
  - Medallion owners whose vehicles are required to be hybrids (i.e., restricted alternative fuel medallions) will continue to be able to lease these vehicles at hybrid lease rates.

**Retirement Deadlines and Public Hearing**

A public hearing on the rules as proposed was held by the TLC on September 6, 2012. Among the public comments received as testimony were several suggestions that the TLC consider granting retirement extensions to owners of vehicles retiring before the OTV activation date to facilitate a smooth roll out of the ToT vehicle and to allow some owners to wait to buy a ToT vehicle rather than being forced to buy a non-ToT vehicle before the OTV activation date. The staff considered this suggestion and agreed and proposed amending vehicle retirement requirements for certain vehicles as follows:

- Taxicabs currently scheduled to retire beginning November 1, 2012 through May 31, 2013 will receive an extension through December 1, 2013 or such earlier date on which the owner elects to hack up a TOT vehicle.
- Taxicabs currently scheduled to retire beginning June 1, 2013 through September 30, 2013 will receive an extension of six months, or such earlier date on which the owner elects to hack up a TOT vehicle.
- To obtain an extension, an owner must file an election form with the TLC and specify the date by which they intend to hack up a TOT vehicle. The hack up date becomes the new scheduled retirement date.
- Owners electing to participate and obtain an extension must acquire a TOT vehicle at the retirement of the existing vehicle.
- Owners will obtain the extension will not be permitted to hack up a different vehicle before the newly elected scheduled retirement date unless a TOT vehicle is hacked up.
- Owners will not be permitted to hack up another vehicle before the TOT vehicle becomes available. The TLC can grant exemptions to this requirement for good cause.

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

Section 1. Chapter 51 of the Rules of the City of New York is amended to add new definitions of "Accessible Official Taxicab Vehicle," "Official Taxicab Vehicle," and "Official Taxicab Vehicle Activation Date", and the definitions of "Taxicab Model" and "Unrestricted Medallion" are amended to read as follows:

**Accessible Official Taxicab Vehicle ("Accessible OTV")** is the OTV modified in a manner that is consistent with the City's contract with Nissan North America and meets the specifications of §67-05.2 of these Rules.

**Official Taxicab Vehicle ("OTV")** is the vehicle that meets the standard specifications of Rule 67-05.1B and is the purpose built taxicab for model years 2014 – 2024, manufactured pursuant to the City's contract with Nissan North America. All references to OTV include Accessible OTV unless otherwise specified.

**Official Taxicab Vehicle Activation Date ("OTV Activation Date")** is the date on or after which the Official Taxicab Vehicle is required to be used in the Hack-up of any Unrestricted Medallion. The Commission will post notice of the Official Taxicab Vehicle Activation Date on its Web site at least 120 days prior to such Official Taxicab Vehicle Activation Date.

**Taxicab Model** is

(1) until the Official Taxicab Vehicle Activation Date, a Taxicab Candidate that has been verified by the Commission as complying with the standard specifications set forth in §67-05, §67-05.1A, or §67-05.2 of these Rules;

(2) on or after the OTV Activation Date, a Taxicab candidate that has been verified by the Commission as complying with the specifications set forth in 67.05; 67.05.1B or 67-05.2.

**Unrestricted Medallion** is

(1) Before the OTV Activation Date a Medallion Taxicab License that is not restricted to use with a particular type of

vehicle and is valid for use with any vehicle that complies with §67-05, §67-05.1A, or §67-05.2 of these Rules.

(2) After the OTV Activation Date, a medallion issued prior to January 1, 2012 that was not restricted when issued can be used with an OTV or an AOTV. If at any time after the OTV Activation Date such medallion is restricted by law or rule of the Commission to use with an Accessible Vehicle, the owner of such medallion must purchase an AOTV or lease such medallion for use with an AOTV. Provided, however, that with the Chairperson's approval, up to 496 Unrestricted Medallion owners in good standing may at any time purchase for Hack-up any accessible vehicle which meets the accessible vehicle specifications set forth in Rule 67-05.2, or lease their medallions for use with such a vehicle.

(3) Any vehicle approved for use with an Unrestricted Medallion and Hacked-up prior to the Official Taxicab Vehicle Activation Date can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.

Section 2. Section 58-21(c) of Title 35 of the Rules of the City of New York is amended to read as follows:

(c) *Rate Rules.*

(1) *Standard Lease Cap Rates.* An Owner of a Taxicab can charge a lease rate to a Driver that is not greater than the following Standard Lease Caps:

- (i) The Standard Lease Cap for a Medallion and vehicle for one shift will not exceed:
  - A. \$115, for all 12-hour day shifts
  - B. \$125, for the 12-hour night shift on Sunday, Monday and Tuesday
  - C. \$130, for the 12-hour night shift on Wednesday
  - D. \$139, for the 12-hour night shifts on Thursday, Friday and Saturday
  - E. \$690, for any one-week day shift for one week or longer
  - F. \$797 for any one week night shift for one week or longer.

(ii) No driver leasing a medallion and vehicle under this paragraph 58-21(c)(1)(i) can be charged more than a total of

- A. \$690 for six or more day shifts in any seven consecutive day period
- B. \$797 for six or more evening shifts or combination of day and evening shifts in any seven consecutive day period.

(iii) The lease of a medallion and vehicle under this paragraph 58-21(c)(1) includes service and maintenance. Service and maintenance of the vehicle is the responsibility of the lessor and the lessor and his or her Agent must not charge the lessee for service and maintenance costs for the vehicle.

(iv) The lessee of a medallion and vehicle under this paragraph 58-21(c)(1) is not responsible for payment of any Commercial Motor Vehicle Tax.

(v) For a driver with a weekly lease under 58-21(c)(1)(i)(E), or 58-21(c)(1)(i)(F), if the vehicle is unavailable for use for any reason that is not the lessee's responsibility during any part of any week, the payment of the Lease Cap must be pro-rated.

(vi) For a driver with a weekly lease under 58-21(c)(1)(i)(E) or 58-21(c)(1)(i)(F), the lease includes costs for collision and other damage coverage, including repairs of physical damage to the vehicle.

(2) *Cost Adjustments for the Lease of Hybrid Electric and Diesel-Fueled Vehicles.*

(i) The Standard Lease Cap for Hybrid Electric Taxicabs and Diesel-Fueled Taxicabs that are hacked-up under §67-05 of these Rules are raised by \$3 per shift (\$21 per week), so that the lease amount for one shift must not now exceed:

- A. \$118 for all 12-hour day shifts
- B. \$128, for the 12-hour night shift on Sunday, Monday and Tuesday
- C. \$133, for the 12-hour night shift on Wednesday
- D. \$141, for the 12-hour night shifts on Thursday, Friday and Saturday
- E. \$708, for any one-week day shift for one week or longer
- F. \$812 for any one week night shift for one week or longer.

- (ii) No driver leasing a medallion and vehicle under this paragraph 58-21(c)(2) can be charged more than a total of
  - A. \$708 for six or more day shifts in any seven consecutive day period
  - B. \$812 for six or more evening shifts or combination of day and evening shifts in any seven consecutive day period.
- (iii) The lease of a medallion and vehicle under this paragraph 58-21(c)(2) includes service and maintenance. Service and maintenance of the vehicle is the responsibility of the lessor and the lessor and his or her Agent must not charge the lessee for service and maintenance costs for the vehicle.
- (iv) The lessee of a medallion and vehicle under this paragraph 58-21(c)(2) is not responsible for payment of any Commercial Motor Vehicle Tax.
- (v) For a driver with a weekly lease under 58-21(c)(2)(i)(E) or 58-21(c)(2)(i)(F), if the vehicle is unavailable for use for any reason that is not the lessee's responsibility during any part of any week, the payment of the Lease Cap must be pro-rated.
- (vi) For a driver with a weekly lease under 58-21(c)(2)(i)(E) or 58-21(c)(2)(i)(F), the lease includes costs for collision and other damage coverage, including repairs of physical damage to the vehicle.

(3) *The Standard Lease Cap:*

- (i) For a *Medallion-only* Hybrid Taxicab, Hacked-up under §67-05 is \$1114 weekly.
- (ii) For all other *Medallion-only* Taxicabs, (including Accessible Taxicabs), is \$1072
- (iii) For all *Medallion-only* Taxicabs (including Accessible Taxicabs) with vehicles that are placed into service on or after the OTV Activation Date and which vehicles are either Official Taxicab Vehicles or Accessible Taxicabs, is \$1114 weekly.

(i)(iv)(i) A medallion lessor or Agent of a lessor must not require a medallion lessee to obtain service, repairs or maintenance of the vehicle from any particular provider, including, but not limited to, a lessor or an Agent of a lessor.

(i)(v) A lease, and payment of the Lease Cap under this section includes (and all of the following must be provided to the lessee):

- A. Use of the medallion;
- B. All applicable TLC fees except for TLC vehicle inspection fees (but the lessor is not required to provide vehicle registration or payment of the Commercial Motor Vehicle Tax);
- C. Insurance required by Section 58-13;
- D. Credit card fees or charges;
- E. Up to 3 drivers on a lease at the request of the drivers, which request cannot be unreasonably denied.

A lessor must not accept any other payment from a lessee for the purchase or lease of a vehicle. A Medallion lessor or Agent can agree with a driver to provide services or accommodations on an arms-length basis outside the lease. A Medallion lessor or Agent who provides services or accommodations outside the lease to a leasing driver must keep records of all transactions with that driver and such records must be available for inspection by the Chairperson.

(vi) The gasoline surcharge option provided in paragraph 58-21(c)(6) is not available to Owners/lessors leasing a Medallion-only under this Section 58-21(c)(3)

(4) *Standard Medallion Lease Cap including Long Term Vehicle Lease/Conditional Purchase*

- (i) A Lease is covered by this paragraph 58-21(c)(4) if it includes all of the following:
  - A. The lease of a Medallion
  - B. The conditional purchase agreement for a vehicle; and
  - C. The vehicle is being conditionally sold to the driver/lessee by any of
    - 1. The Owner of the Medallion or

- any employee of the Owner, and/or
- 2. The Owner's Agent or any employee of the Agent, and/or
- 3. Any Business Entity of which a Business Entity Person of the Owner or Agent, or an employee of Owner or Agent, is a Business Entity Person
- (ii) The Standard Lease Cap under this section for a Taxicab Medallion and vehicle is
  - A. \$1389 weekly if the vehicle complies with the requirements of Section 67-05 of these Rules or
  - B. \$1347 weekly if the vehicle complies with the requirements of Sections 67-05.1A or 67-05.2 of these Rules
  - C. \$1389 weekly for vehicles placed into service on or after the OTV Activation Date if such vehicles are either Official Taxicab Vehicles or Accessible Taxicabs
  - D. This Standard Lease Cap can be charged for a lease related to any one vehicle for up to 156 weeks, however it cannot be charged at any time after title to the vehicle passes (or could have passed) to the lessee.

(iii) Title to the leased vehicle must pass to one or more of the lessees, if the lessees request, after 156 weeks, or after all vehicle financing costs have been paid, whichever is sooner. The conditional seller is not required to transfer title if the lessees have failed to pay all payments due for the vehicle purchase and lease until all such payments have been made.

(iv) The lease of a Medallion together with a vehicle under this paragraph 58-21(c)(4) includes within the payment to the lessor the amount due by the Vehicle owner for the Commercial Motor Vehicle Tax.

(v) A lease, and payment of the Lease Cap under this section includes (and the following must be provided to the lessee):

- A. Use of the medallion;
- B. All applicable TLC and NYS DMV fees except for TLC vehicle inspection fees;
- C. Insurance required by Section 58-13;
- D. Credit card fees or charges;
- E. All Vehicle purchase and/or finance costs and vehicle sales tax and related costs;
- F. Up to 3 drivers on a lease at the request of the drivers, which request cannot be unreasonably denied.

A lessor can offer coverage for collisions and physical damage to the vehicle to the lessee/purchasers in an amount not to exceed \$50 per week, but cannot require that the lessee/purchasers purchase such coverage. A Medallion lessor or Agent can agree with a driver to provide services or accommodations on an arms-length basis outside the lease. A Medallion lessor or Agent who provides services or accommodations outside the lease to a leasing driver must keep records of all transactions with that driver and such records must be available for inspection by the Chairperson

(vi) (reserved)

(vii) The gasoline surcharge option provided in Section 58-21(c)(6) is not available to Owners/lessors leasing a Taxicab and vehicle under this Section 58-21(c)(4).

(viii) If the vehicle is unavailable for use for any reason that is not the lessee's responsibility during any part of any week, the lessees payment of the Lease Cap must be pro-rated.

(5) *Limits on Additional Charges.* In addition to a lease amount no greater than the Standard Lease Cap (as adjusted), an Owner/lessor (as well as any agent or employee of the Owner/lessor) must not request of or accept from any lessee (of a Taxicab or Medallion-only) any money or other thing of value, except for the following (this means an Owner/lessor must not charge any tip, tax, surcharge or other fee of any kind above the Standard Lease Cap (as adjusted) except for the following):

- (i) A gas surcharge of \$21 per shift (or \$126 for drivers leasing under 58-21(c)(1)(i) E or F and 58-21(c)(2)(i) E or F (with such surcharge to be adjusted as provided

- below) provided that the Owner/lessor or his or her agent is providing gasoline to the lessee as provided in section 58-21(c)(6);
- (ii) A security deposit and deductions from the security deposit no greater than allowed under subdivision (e) below;
- (iii) The discount toll amount for use of the Owner's *EZ-Pass*® as described in §58-27 of this Chapter;
- (iv) A late charge not to exceed \$25 for any shift for the late return of a vehicle;
- (v) A reasonable cancellation charge, subject to the provisions of subdivision (i)(5) below;
- (vi) Parking tickets and red light violations permitted to be deducted from the security deposit described in subdivision (e) below, provided that the Driver/lessee is allowed to challenge any ticket or violation; and
- (vii) If the Owner (or Owner's Agent) is a Taxpayer, the Taxpayer can collect the MTA Tax collected by the lessee/Driver from the lessee/Driver. The MTA Tax must be collected in the following order:
  - A. The MTA Tax must first be deducted from any credit card reimbursements due as required in subdivision (f) below.
  - B. The MTA Tax must next be deducted from the security deposit permitted in subdivision (e) below.
  - C. If not fully paid, then the MTA Tax must be collected from the lessee/Driver.
- (viii) In addition to these charges, an Owner can deduct from credit card receipts payable to the Driver amounts charged by the T-PEP Provider, pursuant to the T-PEP Provider's contract with the Commission, provided that
  - A. such amounts are provided for by contract between the T-PEP Provider and the Commission or by rule of the Commission;
  - B. such amounts are dedicated for the purpose of providing healthcare services and disability coverage for drivers; and
  - C. such amounts do not exceed \$0.06 per trip.
- (ix) State and local sales and rental taxes on vehicle rentals.

(6) *Optional Gasoline Surcharge:* An Owner/lessor, or his or her Agent leasing a Taxicab under Section 58-21(c)(1) or 58-21(c)(2), may chose to provide gasoline to a lessee and charge a gas surcharge in an amount as specified in this section in addition to the Lease Cap provided in Section 58-21(c)(1) or 58-21(c)(2), provided that

- (i) Gasoline is provided to the lessee for the entire shift at no additional cost to the lessee.
- (ii) The surcharge will be \$126 per week (or \$21 per shift) until December 31, 2012
- (iii) After that date the surcharge will be reset based on the trailing 6 month average as of the date the surcharge is calculated of the New York City Gasoline Price Index issued by U.S. Energy Information Agency and published at [www.eia.gov](http://www.eia.gov).
- (iv) The surcharge will be calculated as of June 30 and November 30 of each year beginning November 30, 2012.
- (v) The Commission will post the new surcharge on its Web site by July 15 and December 15 of each year
- (vi) The new surcharge will take effect on July 31 and December 31 of each year beginning December 31, 2012. If the Commission has not posted a new surcharge, the prior surcharge will remain in effect.
- (vii) On the Official Taxicab Vehicle Activation Date, the surcharge will also increase, based on the Index in effect on the OTV Activation Date. This increase will apply ONLY to vehicles that are NOT Hybrid Electric Taxicabs or Diesel-Fueled Taxicabs that are subject to the Lease Cap set forth in Section 58-21(c)(2) of these Rules.
- (viii) Based on the index, the surcharge will be as follows:

**UNTIL THE OTV ACTIVATION DATE:**

When the Index is:	The surcharge for Hybrid Electric and Diesel-Fueled taxicabs will be:	The surcharge for all other taxicabs will be
\$2.49 or less	\$13 per shift (or \$78 per week)	\$16 per shift (or \$96 per week)
\$2.50 to \$2.99	\$16 per shift (or \$96 per week)	\$19 per shift (or \$114 per week)
\$3.00 to \$3.49	\$18 per shift (or \$108 per week)	\$21 per shift (or \$126 per week)
\$3.50 to \$3.99	\$21 per shift (or \$126 per week)	\$23 per shift (or \$138 per week)
\$4.00 to \$4.49	\$23 per shift (or \$138 per week)	\$26 per shift (or \$156 per week)
\$4.50 to \$4.99	\$26 per shift (or \$156 per week)	\$28 per shift (or \$168 per week)
\$5.00 or more	\$28 per shift (or \$168 per week)	

**ON AND AFTER THE OTV ACTIVATION DATE:**

When the Index is:	The surcharge for Hybrid Electric and Diesel-Fueled taxicabs will be:	The surcharge for all other taxicabs will be
\$2.49 or less	\$13 per shift (or \$78 per week)	\$16 per shift (or \$96 per week)
\$2.50 to \$2.99	\$16 per shift (or \$96 per week)	\$19 per shift (or \$114 per week)
\$3.00 to \$3.49	\$18 per shift (or \$108 per week)	\$21 per shift (or \$126 per week)
\$3.50 to \$3.99	\$21 per shift (or \$126 per week)	\$24 per shift (or \$144 per week)



\$4.00 to \$4.49	\$23 per shift (or 138 per week)	\$26 per shift (or \$156 per week)
\$4.50 to \$4.99	\$26 per shift (or \$156 per week)	\$29 per shift (or \$174 per week)
\$5.00 or more	\$28 per shift (or \$168 per week)	\$31 per shift (or \$186 per week)

§58-21(c) Fine: First violation: \$500 Appearance REQUIRED  
Second and subsequent violations; \$1,000 and/or suspension of the Medallion for up to 30 days. In addition to the penalty payable to the Commission, the ALJ can order the Owner to pay restitution to the Driver, equal to the excess that was charged to the Driver or the extra fuel the driver had to pay for.

(7) *Collective Bargaining Exception to the Standard Lease Cap.* The provisions of this section do not apply to Owners and lease Drivers whose business relationship is governed by the terms of a collective bargaining agreement that regulates the subject of lease prices.

Section 3. Section 58-31(d) of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *No Alterations.* An Owner will make no structural change in a Taxicab or in an OTV that deviates from the Taxicab specifications set forth in Chapter 67 of these Rules without the Commission's written approval.

Section 4. Section 58-34(d) of Title 35 of the Rules of the City of New York is amended to read as follows:

(d) *Trouble Lights.* An Owner must [equip] ensure that all Taxicabs bearing such Owner's Medallion(s) are equipped with a help or distress signaling light system meeting the requirements of §67-11.

Section 5. Section 58-35 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Partition Required.* (1) A Taxicab must be equipped with a partition unless exempt from the requirement.

(2) An Owner must [equip] ensure that all Taxicabs, except as provided in subdivision (b) of this section, are equipped with a partition that meets the specifications set forth in §67-10 of these Rules, and with provision for air conditioning for the rear passenger compartment, as set forth in §67-14.

§58-35(a) Fine: \$300 and suspension until Appearance REQUIRED the condition is corrected

(b) *Owner-Drives Exemption from Partition Requirement.* [NOTE: This Exemption is NOT available to the Owner of a Taxicab Hacked-up with an Official Taxicab Vehicle.] An Owner of an Independent Medallion Taxicab or a Business Entity owning one or more Medallions will be exempt from the provisions of subdivision (a) of this Section provided all of the following five conditions are met:

- (1) The Taxicab is driven only by the Owner(s) of the Medallion (including a Business Entity Person of a Business Entity Owner).
- (2) The Rate Card lists only the persons named above in paragraph (1) as Named Driver(s).
- (3) The Taxicab is equipped with the following:
  - (i) The required Trouble Lights
  - (ii) A cellular telephone with an emergency dialing feature.
  - (iii) A camera approved by the Commission
- (4) The Owner has not previously been found in violation of this rule with respect to the subject Medallion.
- (5) The Owner has applied for and received a certification of exemption from the Commission.

(c) *Exception to Exemption.* Even if the Owner meets all the conditions for an exemption, if a partition is the only approved location for display of the Rate Card and Driver License in a particular model of automobile, then a partition is required.

(d) *Curtain Airbags Modification (Not Applicable to Official Taxicab Vehicles or Accessible Official Taxicab Vehicles).*

- (1) A Taxicab that is equipped with factory installed curtain airbags will be equipped with a modified partition that does not extend the full width of the interior of the Taxicab.
- (2) The modified partition instead must allow a space of six inches at each side, sufficient to permit proper deployment of the curtain airbags.
- (3) The modified partition must conform in all other respects with the applicable requirements of §67-10 of these Rules.

§58-35(d) Fine: \$300 and suspension until Appearance REQUIRED the condition is corrected

Section 6. The definitions of "Taxicab Model" and "Unrestricted Medallion set forth in section 67-03(1) of Title 35 of the Rules of the City of New York are amended to read as follows.

**Taxicab Model is**

(1) until the Official Taxicab Vehicle Activation Date, a Taxicab Candidate that has been verified by the Commission as complying with the standard specifications set forth in §67-05, §67-05.1A, or §67-05.2 of these Rules; or

(2) on or after the OTV Activation Date, a Taxicab candidate that has been verified by the Commission as complying with the specifications set forth in 67.05; 67.05.1B or 67-05.2 of these Rules.

**Unrestricted Medallion is**

(1) Before the OTV Activation Date, a Medallion Taxicab License that is not restricted to use with a particular type of

vehicle and is valid for use with any vehicle that complies with §67-05, §67-05.1A, or §67-05.2 of these Rules.

(2) After the OTV Activation Date, a medallion issued prior to January 1, 2012 that was not restricted when issued can be used with an OTV or an AOTV. If at any time after the OTV Activation Date such medallion is restricted by law or rule of the Commission to use with an Accessible Vehicle, the owner of such medallion must purchase an AOTV or lease such medallion for use with an AOTV. Provided, however, that with the Chairperson's approval, up to 496 Unrestricted Medallion owners in good standing may at any time purchase for Hack-up any accessible vehicle which meets the accessible vehicle specifications set forth in Rule 67-05.2, or lease their medallions for use with such a vehicle.

(3) Any vehicle valid for use with an Unrestricted Medallion and Hacked-up prior to the Official Taxicab Vehicle Activation Date can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.

Section 7. Section 67-03 of Title 35 of the Rules of the City of New York is amended by re-lettering subdivisions (a) through (f) as (b) through (g) and adding new subdivisions (a), (h) and (i), to read as follows:

(a) **Accessible Official Taxicab Vehicle ("Accessible OTV")** is the OTV modified in a manner that is consistent with the City's contract with Nissan North America and meets the specifications of §67-05.2 of these Rules.

(h) **Official Taxicab Vehicle ("OTV")** the OTV meets the standard specifications of Rule 67-05.1B and is the purpose built taxicab for model years 2014 – 2024 manufactured, pursuant to the City's contract with Nissan North America. All references to OTV include Accessible OTV unless otherwise specified.

(i) **Official Taxicab Vehicle Activation Date ("OTV Activation Date")** is the date on or after which the Official Taxicab Vehicle is required to be used in the Hack-up of any Unrestricted Medallion. The Commission will post notice of the Official Taxicab Vehicle Activation Date on its Web site at least 120 days prior to such Official Taxicab Vehicle Activation Date.

Section 8. Section 67-04 of Title 35 of the Rules of the City of New York is amended to read as follows:

(a) *Meet All Specifications—Prior to OTV Activation Date.* A Taxicab Candidate must meet the technical specifications in §67-05, §67-05.1A, [ 67-05.1] or §67-05.2 of these Rules, as well as all applicable federal and New York State motor vehicle standards and requirements, in order to become a Taxicab Model

(b) *Meet all Specifications—After OTV Activation Date.* A taxicab Candidate must meet the technical specifications in §67-05, §67-05.1A, [ 67-05.1] or §67-05.2 of these Rules including all relevant Federal Motor Vehicle Safety Standards ("FMVSS") and other applicable National Highway Traffic Safety Administration ("NHTSA") safety regulations and:

1. For Accessible Taxicabs – In addition to the specifications set forth in 67-05.2, all safety regulations must be met with all required taxicab equipment installed, including a partition that meets TLC specifications; or, in the case of the meter or the T-PEP equipment, with representative equipment of similar size and mass installed or an approved taximeter and T-PEP system. All wheelchair accessibility and securement equipment must be installed when conducting the testing.
2. For standard Taxicabs – In addition to the technical specifications in §67-05.1B all safety regulations must be met with all required taxicab equipment installed, including a partition that meets TLC specifications; or, in the case of the meter or the T-PEP equipment, with representative equipment of similar size and mass installed or an approved taximeter and T-PEP system.

Section 9. Section 67-05.1 is renumbered as section 67-05.1A.

Section 10. The title of section 67-05.1 of Title 35 of the Rules of the City of New York is amended to read as follows:

**§67-05.1A Standard Specification for Other Taxicab Models Effective Until Official Taxicab Vehicle Activation Date.**

Section 11. Chapter 67 of Title 35 of the Rules of the City of New York is amended to add new Section 67-05.1B to read as follows:

**§67-05.1B Official Taxicab Vehicle for use with Unrestricted Medallions Effective On Official Taxicab Vehicle Activation Date.**

(a) **Official Taxicab Vehicle Activation Date ("OTV Activation Date")** is the date on or after which Official Taxicab Vehicle is required to be used in the Hack-up of any Unrestricted Medallion. The Commission will post notice of the Official Taxicab Vehicle Activation Date on its Web site at least 120 days prior to such Official Taxicab Vehicle Activation Date.

(b) On or after the OTV Activation Date, an Unrestricted Medallion can be Hacked-up ONLY with

(1) the Official Taxicab Vehicle designated by the Commission under this section; or

(2) After the OTV Activation Date, a medallion issued prior to January 1, 2012 that was not restricted when issued can be used with an OTV or an AOTV. If at any time after the OTV Activation Date such medallion is restricted by law or rule of the Commission to use with an Accessible Vehicle, the owner of such medallion must purchase an AOTV or lease such medallion for use with an AOTV. Provided, however, that

with the Chairperson's approval, up to 496 Unrestricted Medallion owners in good standing may at any time purchase for Hack-up any accessible vehicle which meets the accessible vehicle specifications set forth in Rule 67-05.2, or lease their medallions for use with such a vehicle.

(c) Any vehicle valid for use with an Unrestricted Medallion and Hacked-up prior to the OTV Activation Date can remain in use as a Taxicab until its scheduled retirement as set forth in §67-18 of this Chapter, as may be modified by §67-19.

(d) An Official Taxicab Vehicle is delivered to a purchaser complete with certain equipment and finishes specified by the City's contract with vendor. Therefore, an Official Taxicab Vehicle at Hack-up is not required to separately meet the requirements of the following sections of this chapter:

- (1) Section 67-07, relating to paint, finish and lighting.
- (2) Section 67-08, relating to occupant accommodation.
- (3) Section 67-10, relating to partitions.
- (4) Section 67-11, relating to distress signal lights.
- (5) Section 67-12, relating to in-vehicle camera systems.
- (6) Section 67-13, relating to credential holders.
- (7) Section 67-14, relating to air conditioning.

Section 12. Section 67-05.2 of Title 35 of the Rules of the City of New York is amended to add introductory material following the title, to read as follows:

An Accessible Medallion can be used only with a Taxicab Model that meets the specifications of this Section.

1. The 231 Medallions restricted to use with Wheelchair Accessible Vehicles, issued prior to January 1, 2012, may purchase for Hack-up any accessible vehicle, including the Accessible Official Taxicab Vehicle, which meets the accessible vehicle specifications set forth in Rule 67-05.2.
2. Except as provided in Rule 67-05.1B(b)(2), owners of Unrestricted Medallions who choose to Hack-up an accessible vehicle may purchase only the Accessible Official Taxicab Vehicle.
3. Owners of Accessible Medallions issued by TLC on or after January 1, 2012 can purchase for Hack-up any accessible vehicle, including the Accessible Official Taxicab Vehicle, which meets the accessible vehicle specifications set forth in Rule 67-05.2.

Section 13. Section 67-05.2 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (d), to read as follows:

(d) Accessible Official Taxicab Vehicle ("Accessible OTV") is the OTV modified in a manner that is consistent with the City's contract with Nissan North America and meets the specifications of §67-05.2 of these Rules.

Section 14. Chapter 67-19 of Title 35 of the Rules of the City of New York is amended to add a new subdivision (f) to read as follows:

*(f) Special Extension in anticipation of the OTV*

(1) A Medallion Owner can elect to extend the Vehicle's Scheduled Retirement Date (calculated based on Sections 67-18 and 67-19(a) through (d) of this Chapter) as follows:

If the Scheduled Retirement Date calculated based on Sections 67-18 and 67-19(a) through (d) is	The new Scheduled Retirement Date following the election is
Beginning November 1, 2012 through May 31, 2013	December 1, 2013, or such earlier date on which Medallion Owner elects to hack up an OTV.
Beginning June 1, 2013 through September 30, 2013	6 months from the Scheduled Retirement Date as calculated under Sections 67-18 and 67-19(a) through (d), or such earlier date on which Medallion Owner elects to hack up an OTV
For Accessible Medallion Owners, beginning November 1, 2012 through the date on which an AOTV is available for hack up.	The date on which the AOTV is available for hack up

2. (i) A Medallion Owner qualifying for the extension of the Scheduled Retirement Date under this Section must make the election by filing the form required by the Chairperson in the manner required by the Chairperson.

(ii) In making the election to obtain an extension, a Medallion Owner must specify the date by which the Medallion Owner intends to hack up an OTV. Such date will be the new Scheduled Retirement Date for the vehicle.

(iii) The Chairperson will make the form and instructions available on the TLC's Web site.

(iv) A Medallion Owner must elect to take the extension of the Scheduled Retirement Date on or before 60 days before the Scheduled Retirement Date for the vehicle as calculated under Sections 67-18 and 67-19(a) through (d) of this Chapter. *Exception:* A Medallion Owner with a vehicle with a Scheduled Retirement Date beginning November 1, 2012 through January 15, 2013 must file an election by November 15, 2012.

(v) The election for the extension of the Scheduled Retirement Date can be made by the Medallion Owner or, with the Medallion Owner's consent, the Owner's Agent or a Long Term Driver of the vehicle.

3. In electing to extend a vehicle's Scheduled Retirement Date under this section, a Medallion Owner must agree that the next vehicle hacked up with the Owner's Medallion after

the present vehicle which has received the extension will be an OTV.

4. A Medallion Owner electing to extend a vehicle's Scheduled Retirement Date under this section will NOT be permitted to hack up the Owner's Medallion with a vehicle other than an OTV after making the election.

(i) If a vehicle must be removed from service after the

Medallion Owner has made the election, but before the Medallion Owner's new Scheduled Retirement Date as calculated in this subdivision (f), the Medallion Owner can hack up an OTV.

(ii) If the vehicle must be removed from service after the Medallion Owner makes the election, but before the OTV is available, the Medallion Owner (or an Agent or a Long Term Driver with the Medallion Owner's consent) can request that

the Chairperson authorize the hack up of a Taxicab Model that is not an OTV.

(iii) If the Medallion Owner requests authorization to hack up a vehicle other than an OTV, the Chairperson can, but is not required, to approve the request if Medallion Owner demonstrates good cause.

SPECIAL MATERIALS

CITY RECORD

NOTICE

Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)

1. Publication Title: The City Record

2. Publication Number: 11466

3. Filing Date: September 28, 2012

4. Issue Frequency: Mon through Friday ex Legal holidays

5. Number of Issues Published Annually: 249

6. Annual Subscription Price: \$500

7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®)

1 Centre Street, 17th Floor, New York, NY 10007

8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer)

1 Centre Street, 17th Floor, New York, NY 10007

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)

Publisher (Name and complete mailing address)

The City of New York, Dept. of Citywide Administrative Services

The City Record, 1 Centre Street, 17th Floor, New York, NY 10007

Editor (Name and complete mailing address)

Eli Blachman, 1 Centre Street, 17th Floor, New York, NY 10007

Managing Editor (Name and complete mailing address)

Eli Blachman, 1 Centre Street, 17th Floor, New York, NY 10007

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

Full Name: The City of New York

Complete Mailing Address: 1 Centre Street, 17th Fl, NY, NY 10007

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box

None

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)

The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:

Has Not Changed During Preceding 12 Months

Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

PS Form 3526, September 2007 (Page 1 of 3 (Instructions Page 3)) PSN 7530-01-000-9931 PRIVACY NOTICE: See our privacy policy on www.usps.com

13. Publication Title: The City Record

14. Issue Date for Circulation Data Below: September 28, 2012

15. Extent and Nature of Circulation

Average No. Copies Each Issue During Preceding 12 Months

No. Copies of Single Issue Published Nearest to Filing Date

a. Total Number of Copies (Net press run)

845

860

(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)

204

198

(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)

519

514

(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®

10

10

(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail®)

0

0

c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))

733

722

(1) Free or Nominal Rate Outside-County Copies included on PS Form 3541

0

0

(2) Free or Nominal Rate In-County Copies included on PS Form 3541

1

1

(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g. First-Class Mail)

10

15

(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)

20

28

e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))

31

44

f. Total Distribution (Sum of 15c and 15e)

795

810

g. Copies not Distributed (See Instructions to Publishers #4 (page #3))

50

50

h. Total (Sum of 15f and g)

845

860

i. Percent Paid (15c divided by 15f times 100)

97.64

95.62

16. Publication of Statement of Ownership

If the publication is a general publication, publication of this statement is required. Will be printed in the 10-1-12 issue of this publication.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner

Eli Blachman - Editor

Date: 9/28/2012

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

CHANGES IN PERSONNEL

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 09/14/12

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists names of poll workers and their details.



## 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 Monday through Friday from 9:00 A.M. to 5:00 P.M., except on 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 Comptroller's Office at [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov), and click on Prevailing Wage Schedules to view rates.

### 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 \$17 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. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc). To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center at (212) 857-1680.

### SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for 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 at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit [www.nyc.gov/html/sbs/nycbiz](http://www.nyc.gov/html/sbs/nycbiz) and click on Summary of Services, followed by Selling to Government.

### PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides 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 lists 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 an Agency 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 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc).

### 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, and the Housing Authority. Suppliers interested in applying for inclusion on bidders lists for Non-Mayoral entities should contact these entities directly at the addresses given in the Vendor Information Manual.

### 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 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit [www.nyc.gov/mocs](http://www.nyc.gov/mocs).

### 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 this program, contact the Department of Small Business Services at (212) 513-6311 or visit [www.nyc.gov/sbs](http://www.nyc.gov/sbs) and click on M/WBE Certification and Access.

### PROMPT PAYMENT

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 pays interest on all late invoices. 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's website at [www.nyc.gov/selltonyc](http://www.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:

ACCO	Agency Chief Contracting Officer
AMT	Amount of Contract
CSB	Competitive Sealed Bid including multi-step
CSP	Competitive Sealed Proposal including multi-step
CR	The City Record newspaper
DP	Demonstration Project
DUE	Bid/Proposal due date; bid opening date
EM	Emergency Procurement
FCRC	Franchise and Concession Review Committee
IFB	Invitation to Bid
IG	Intergovernmental Purchasing
LBE	Locally Based Business Enterprise
M/WBE	Minority/Women's Business Enterprise
NA	Negotiated Acquisition
OLB	Award to Other Than Lowest Responsive Bidder/Proposer
PIN	Procurement Identification Number
PPB	Procurement Policy Board
PQL	Pre-qualified Vendors List
RFEI	Request for Expressions of Interest
RFI	Request for Information
RFP	Request for Proposals
RFQ	Request for Qualifications
SS	Sole Source Procurement
ST/FED	Subject to State and/or Federal requirements

### 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 <i>Special Case Solicitations/Summary of Circumstances:</i>
CSP	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	CSB or CSP 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 <i>For ongoing construction project only:</i>
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors

NA/11	Immediate successor contractor required due to termination/default <i>For Legal services only:</i>
NA/12	Specialized legal devices needed; CSP not advantageous
WA	Solicitation Based on Waiver/Summary of Circumstances ( <i>Client Services/CSB or CSP only</i> )
WA1	Prevent loss of sudden outside funding
WA2	Existing contractor unavailable/immediate need
WA3	Unsuccessful efforts to contract/need continues
IG	Intergovernmental Purchasing (award only)
IG/F	Federal
IG/S	State
IG/O	Other
EM	Emergency Procurement (award only): An unforeseen danger to:
EM/A	Life
EM/B	Safety
EM/C	Property
EM/D	A necessary service
AC	Accelerated Procurement/markets with significant short-term price fluctuations
SCE	Service Contract Extension/insufficient time; necessary service; fair price <i>Award to Other Than Lowest Responsible &amp; Responsive Bidder or Proposer/Reason (award only)</i>
OLB/a	anti-apartheid preference
OLB/b	local vendor preference
OLB/c	recycled preference
OLB/d	other: (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 in the individual notice should be followed.

The following is a SAMPLE notice and an explanation of the notice format used by the CR.

## SAMPLE NOTICE:

### POLICE

#### 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.*

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing providing Agency contact information
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in The City Record