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## THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

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

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 Telephone (212) 669-8252

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## BROOKLYN BOROUGH PRESIDENT

### PUBLIC HEARINGS

#### UNIFORM LAND USE REVIEW PROCEDURE

NOTICE IS HEREBY GIVEN that, pursuant to Sections 82 and 197-C of the New York City Charter, the Brooklyn Borough President will hold a public hearing on the following matters in the **Borough President's Conference Room, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 5:30 P.M. on Monday, June 18, 2012.**

#### CALENDAR ITEM 1 GRAVESEND BRANCH LIBRARY PROPERTY ACQUISITION COMMUNITY DISTRICT 15 120271 PJK

In the matter of an application submitted by the Brooklyn Public Library and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 303 Avenue X for continued use as a branch library.

#### CALENDAR ITEM 2 BEDFORD-STUYVESANT NORTH REZONING ZONING MAP/TEXT AMENDMENT COMMUNITY DISTRICT 3 120294 ZMK - 120295 ZRK - 120296 ZRY

In the matter of applications 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 and Zoning Text for an approximate 140 block area in the northern half of the Bedford-Stuyvesant neighborhood. The zoning proposal aims to preserve neighborhood scale and character by replacing non-contextual zoning with contextual zoning districts with height limits; allow for modest residential growth with affordable housing incentives along major commercial corridors such as Broadway, Myrtle and Bedford Avenues; reinforce commercial character by establishing regulations that promote pedestrian friendly ground floor use and design; and, tailor the depth of commercial overlays in the area to better reflect commercial activity while preventing possible intrusion of commercial activity onto residential side streets.

Note: To request a sign language interpreter, or to request TTD services, call Mr. Kevin Parris at (718) 802-3856 at least five business days before the day of the hearing.

j12-18

## CITY COUNCIL

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

**The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, June 19, 2012:**

#### UPPER WEST SIDE NEIGHBORHOOD RETAIL STREETS

**MANHATTAN CB - 07 N 120144 ZRM**  
 Application submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article XIII, Chapter 2 (Special Enhanced Commercial District), along Broadway, Amsterdam and Columbus avenues.

Matter in underline is new, to be added;  
 Matter in ~~strikeout~~ is old, to be deleted;  
 Matter within # # is defined in Section 12-10;  
 \* \* \* indicate where unchanged text appears in the Zoning Resolution

#### Article I: General Provisions

#### Chapter 1 Title, Establishment of Controls and Interpretation of Regulations

#### 11-12 Establishment of Districts

#### 11-122 Districts established

#### Special Purpose Districts

Establishment of the Special 125th Street District

#### Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

#### Establishment of the Special Fourth Avenue Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Fourth Avenue Enhanced Commercial District# is hereby established.

#### Chapter 2 - Construction of Language and Definitions

#### 12-10 Definitions

#### Special Enhanced Commercial District

The "Special Enhanced Commercial District" is a Special Purpose District designated by the letters "EC" in which special regulations set forth in Article XIII, Chapter 2, apply.

#### Special Fourth Avenue Enhanced Commercial District

The "Special Fourth Avenue Enhanced Commercial District" is a Special Purpose District designated by the letters "EC" in which special regulations set forth in Article XIII, Chapter 2 apply.

#### Chapter 4 – Sidewalk Cafe Regulations

#### 14-44 Special Zoning Districts Where Certain Sidewalk Cafes are Permitted

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

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
125th Street District	Yes	Yes
Battery Park City District	Yes	Yes
Clinton District	Yes	Yes
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes
Enhanced Commercial District 3 (Broadway)	Yes	Yes
Limited Commercial District	No	No*
Lincoln Square District	No	Yes
Little Italy District	No	Yes
Lower Manhattan District	No	Yes**
Manhattanville Mixed Use District	No***	Yes
Transit Land Use District	Yes	Yes
Tribeca Mixed Use District	Yes	Yes
United Nations Development District	No	Yes

\* #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue  
 \*\* #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway  
 \*\*\* #Enclosed sidewalk cafes# are allowed in Subdistrict B

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

\* #Sidewalk cafes# are not allowed on Ocean Parkway

#### Article XIII: Special Purpose Districts

#### Chapter 2 Special ~~Fourth Avenue~~ Enhanced Commercial District

#### 132-00 GENERAL PURPOSES

The #Special ~~Fourth Avenue~~ Enhanced Commercial District#, ~~in the Borough of Brooklyn,~~ established in this Chapter of the Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance

of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

- (a) in #Special Enhanced Commercial District# 1, to enhance the character vitality of emerging commercial districts the area by ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street that promote a lively and engaging pedestrian experience along Fourth Avenue;
- (b) in #Special Enhanced Commercial District# 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multi-store character that defines such commercial blocks; to limit the number of curb cuts along Fourth Avenue in order to minimize conflicts between vehicles and pedestrians; and
- (c) in #Special Enhanced Commercial District# 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive #street wall# frontages; and
- (d) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

**132-01 Definitions**

**Ground floor level**

For the purposes of this Chapter, "ground floor level" shall mean a #building's# lowest #story# located within 30 feet of the Fourth Avenue #street wall# of the #building#.

**132-10 GENERAL PROVISIONS**

The provisions of this Chapter shall apply to all #buildings# with Fourth Avenue #street# frontage along a #designated commercial street#.

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

**132-11 Special Enhanced Commercial Districts Specified**

The #Special Enhanced Commercial District# is mapped in the following areas:

- (a) #Special Enhanced Commercial District# 1: (11/29/11)  
The #Special Enhanced Commercial District# 1 is established on the following #designated commercial streets# as indicated on the #zoning maps#:
  - (1) Fourth Avenue, in the Borough of Brooklyn, generally between 24th Street and Atlantic Avenue.
- (b) #Special Enhanced Commercial District# 2: (date of adoption)  
The #Special Enhanced Commercial District# 2 is established on the following #designated commercial streets# as indicated on the #zoning maps#:
  - (1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd Street and West 110th Street; and
  - (2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd Street and West 87th Street.
- (c) #Special Enhanced Commercial District# 3: (date of adoption)  
The #Special Enhanced Commercial District# 3 is established on the following #designated commercial streets# as indicated on the #zoning maps#:
  - (1) Broadway, in the Borough of Manhattan, generally between West 72nd Street and West 110th Street.

**132-12 Definitions**

**Ground floor level**

For the purposes of this Chapter, "ground floor level" shall mean a #building's# lowest #story# located within 30 feet of the #building's# street wall# along a #designated commercial street#.

**Designated commercial street**

For the purposes of this Chapter, "designated commercial street" shall be the portions of those #streets# specified in Section 132-11 (Special Enhanced Commercial Districts Specified).

**132-13 Applicability of Special Use, Transparency and Parking Regulations**

The special #use#, transparency and parking regulations of this Chapter shall apply to #buildings# in #Special Enhanced Commercial Districts# as designated in the following Table, except as otherwise provided in Sections 132-21, 132-31, and 132-41.

SPECIAL REGULATIONS FOR ENHANCED COMMERCIAL DISTRICTS	Minimum Percentage of #Commercial Use# (132-21)	Minimum Number of Establishments (132-21)	Maximum Street Wall Width			Curb Cuts (132-41)
			Banks and loan offices (132-24(A))	Other non-residential establishments (132-24(B))	#Residential# lobbies (132-24(C))	
#Special Enhanced Commercial District# 1	X					X
#Special Enhanced Commercial District# 2					X	
#Special Enhanced Commercial District# 3						X

**132-20 SPECIAL USE REGULATIONS**

The special #use# regulations of this Section shall apply to the Fourth Avenue #street wall# of #developments# and to #buildings# enlarged# on the #ground floor level#, where such #ground floor level# fronts upon Fourth Avenue. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building's# ground floor level# fronting upon Fourth Avenue.

The following shall be exempt from the #use# provisions of this Section:

- (a) #buildings# located in #Commercial Districts# on a #zoning lot# with a width of less than 20 feet, as measured along the Fourth Avenue #street line#, provided such #zoning lot# existed on (date of adoption); and
- (b) any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4.

The special #use# regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# designated in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), except as otherwise provided in Section 132-21 (Applicability of Use Regulations).

**In all #Special Enhanced Commercial Districts#:**

- (a) the finished floor of the #ground floor level# for #developments# or #ground floor level enlargements#, shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent sidewalk along a #designated commercial street#; and
- (b) where regulations apply to existing #buildings# in #Special Enhanced Commercial Districts# 2 and 3, constructed prior to (date of adoption), the finished floor of the #ground floor level# shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjacent sidewalk along a #designated commercial street#.

**132-21 Applicability of Use Regulations Special Ground Floor Level Use Requirements in Commercial Districts**

In #Commercial Districts#, the following #use# provisions shall apply to the #ground floor level# of a #building#. In addition to these provisions, permitted #uses# shall comply with the provisions of Sections 132-30 (SPECIAL TRANSPARENCY REGULATIONS), and 132-40 (SPECIAL PARKING REGULATIONS).

- (a) Mandatory commercial uses for a portion of the #ground floor level#  
Mandatory #commercial use# regulations shall apply to an area of a #building's# ground floor level# defined by an aggregate width equal to at least 50 percent of a #building's# Fourth Avenue #street wall# and a depth equal to at least 30 feet, as measured from the Fourth Avenue #street wall#. Such an area on the #ground floor level# shall be occupied by #commercial uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B, and 9A.
- (b) Remaining portion of #ground floor level#  
The remaining portion of the #ground floor level# shall be occupied by any non #residential use# permitted by the underlying district regulations, except that:
  - (1) #residential# lobbies, and an associated vertical circulation core shall be permitted in such remaining area, provided that the #street wall# width of such lobbies shall not exceed 25 feet, as measured along the Fourth Avenue #street line#. In addition, the 30 foot depth requirement for #commercial uses# pursuant to paragraph (a) of this Section may be encroached upon where necessary to accommodate a vertical circulation core associated with such #residential# lobby; and
  - (2) off street parking spaces and entrances to such spaces shall comply with the provisions of Section 132-40 (SPECIAL PARKING REGULATIONS).
- (c) Location of #ground floor level#  
The finished floor of the #ground floor level# shall be located not higher than two feet above nor lower

than two feet below the as-built level of the adjacent Fourth Avenue public sidewalk.

In #Special Enhanced Commercial Districts# the applicable special #use# provisions set forth in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations) shall apply as follows:

(a) **Enhanced Commercial District 1**

In the #Commercial Districts# located within the #Special Enhanced Commercial District# 1, the applicable special #use# provisions indicated in the Table in Section 132-13 shall apply to #developments# and to #buildings# enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, except that such provisions shall not apply to #zoning lots# with a width of less than 20 feet, as measured along the #street line# of the #designated commercial street#, provided such #zoning lot# existed on November 29, 2011.

(b) **Enhanced Commercial Districts 2 and 3**

In #Special Enhanced Commercial Districts# 2 and 3, the applicable special #use# provisions indicated in the Table in Section 132-13 shall apply to all #buildings# with frontage along a #designated commercial street#, except that such provisions shall not apply to:

- (1) the portion of a #ground floor level# of a #building# containing a #commercial use# continuously existing since (date of adoption), where the average depth of such #commercial use# is less than 30 feet, as measured from the #street wall# of the #building# fronting upon the #designated commercial street#;

- (2) any establishment which has been lawfully issued a building permit on or before (date of adoption) authorizing "other construction", as set forth in paragraph (c)(3) of Section 11-31 (General Provisions), that would create a #street wall# width exceeding the maximum #street wall# width set forth in Section 132-24, provided that such "other construction" is completed by (six months after date of adoption). However, where such establishment is located within a landmark #building# or within an Historic District designated by the Landmarks Preservation Commission, and a completed application has been filed at the Landmarks Preservation Commission on or before the (date of adoption), such "other construction" shall be completed within six months after a Certificate of Appropriateness or other permit approving the #building# design was obtained from the Landmarks Preservation Commission.

In the event that such "other construction" has been commenced but not completed before the applicable date set forth in this paragraph (b)(2), the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit pursuant to the provisions set forth in paragraph (b) of Section 11-332 (Extension of period to complete construction); and

- (3) in Enhanced Commercial District 2, the portion of a #ground floor level# of a #building# containing a food store, as listed in Use Group 6A, where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non food grocery products shall be distributed as follows:

- (i) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and
- (ii) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

In addition, in #Special Enhanced Commercial Districts# 1, 2 and 3 the applicable special #use# provisions indicated in the Table in Section 132-13 shall not apply to any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4.

### 132-211 Non-Conforming Uses

In #Special Enhanced Commercial Districts# 2 and 3, the regulations of Article V, Chapter 2 shall be modified as follows.

For the purposes of this Chapter, #non-conforming uses# shall include #ground floor level uses# exceeding the applicable maximum #street wall# widths set forth in Section 132-24 (Maximum Street Wall Width).

Any #ground floor level use# with a #non-conforming street wall# width may be continued or changed to another #use# permitted by the applicable district regulations, provided that such change of #use# does not create a new #non-conformance# or increase the degree of #non-conformance# with regard to the permitted #street wall# width of such proposed #use#. The discontinuance provisions of Section 52-60 shall not apply to such change of #use# within establishments with #non-conforming street wall# widths.

### 132-22 Minimum Percentage of Commercial Uses Special Ground Floor Level Use Requirements in Residence Districts

In #Residence Districts#, all #uses# permitted by the underlying district regulations are permitted on the #ground floor level#, provided such #uses# comply with the provisions of Sections 132-30 (SPECIAL TRANSPARENCY REGULATIONS), where applicable, and 132-40 (SPECIAL PARKING REGULATIONS).

In the applicable #Special Enhanced Commercial Districts# indicated in the Table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building's ground floor level# fronting upon a #designated commercial street#.

- (a) Mandatory #commercial uses# for a portion of the #ground floor level#

Mandatory #commercial use# regulations shall apply to an area of a #building's ground floor level# defined by an aggregate width equal to at least 50 percent of a #building's street wall# along a #designated commercial street# and a depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. Such an area on the #ground floor level# shall be occupied by #commercial uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B, or 9A.

- (b) Remaining portion of #ground floor level#

The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, except that:

- (1) #residential# lobbies, and an associated vertical circulation core, shall be permitted in such remaining area, provided that such lobbies comply with the applicable maximum width provisions of paragraph (c) of Section 132-24 (Maximum Street Wall Width). In addition, the 30 foot depth requirement for #commercial uses# pursuant to paragraph (a) of this Section may be encroached upon where necessary to accommodate a vertical circulation core associated with such #residential# lobby; and
- (2) off-street parking spaces and entrances to such spaces, where permitted, shall comply with the provisions of Section 132-40 (SPECIAL PARKING REGULATIONS).

### 132-23 Minimum Number of Establishments

In the applicable #Special Enhanced Commercial Districts# indicated in the Table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage. In addition, each such #ground floor level# establishment shall have an average depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. However, such depth requirement may be reduced where necessary in order to accommodate a vertical circulation core associated with a #residential# lobby.

### 132-24 Maximum Street Wall Width

In the applicable #Special Enhanced Commercial Districts# indicated in the Table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

- (a) Banks and loan offices

In the applicable #Special Enhanced Commercial Districts#, within 30 feet of a #building's street wall# along a #designated street#, the maximum #street wall# width of a bank or loan office, as

listed in Use Group 6C, on a #ground floor level# shall not exceed 25 feet.

- (b) Other non-#residential# establishments

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any non-#residential ground floor level# establishment, other than a bank or loan office, shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#.

- (c) #Residential# lobbies

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any #ground floor level residential# lobby shall not exceed 25 feet, as measured along the #street line# of a #designated commercial street#.

### 132-30 SPECIAL TRANSPARENCY REGULATIONS

The special transparency regulations of this Section shall apply to the Fourth Avenue #street walls# of #developments# and to portions of #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts upon Fourth Avenue. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to transparent materials, as set forth in this Section, shall apply only to the portion of the #building's ground floor level# fronting upon Fourth Avenue.

The following shall be exempt from the transparency provisions of this Section:

- (a) #buildings# in #Residence Districts# where the #ground floor level# of such #buildings# contains #dwelling units# or #rooming units#; and
- (b) #buildings# located in #Commercial Districts# on a #zoning lot# with a width of less than 20 feet, as measured along the Fourth Avenue #street line#, provided such #zoning lot# existed on (date of adoption); and
- (c) any #community facility building# used exclusively for either a #school# or a house of worship.

The special transparency regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# indicated in the Table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), except as otherwise provided in Section 132-31 (Applicability of Transparency Regulations).

### 132-31 Applicability of Transparency Regulations Special Ground Floor Level Transparency Requirements

The #ground floor level street wall# shall be glazed with transparent materials which may include show windows, transom windows or glazed portions of doors, provided such transparent materials have a minimum width of two feet. Such transparency shall occupy at least 50 percent of the surface area of each such #ground floor level street wall# between a height of two feet, and 12 feet, or the height of the ground floor ceiling, whichever is higher as measured from the adjoining sidewalk. The lowest point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than two feet, six inches above the #curb level#, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers. In addition, the maximum width of a portion of the #ground floor level street wall# without transparency shall not exceed ten feet.

However, where an entrance to an off-street parking facility is permitted on Fourth Avenue in accordance with the provisions of Section 132-42 (Special Curb Cut Requirements), the transparency requirements of this Section shall not apply to the portion of the #ground floor level street wall# occupied by such entrance.

In #Special Enhanced Commercial Districts#, the special transparency provisions indicated in the Table in Section 132-13 shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, except that such provisions shall not apply:

- (a) to #zoning lots# in #Commercial Districts# with a width of less than 20 feet, as measured along the #street line# of a #designated commercial street#, provided such #zoning lots# existed on:
- (1) November 29, 2011 for #Special Enhanced Commercial District# 1; and
- (2) (date of adoption) for #Special Enhanced Commercial Districts# 2 and 3;
- (b) to any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4; and
- (c) in #Special Enhanced Commercial District# 1, to #buildings# in #Residence Districts# where the #ground floor level# contains #dwelling units# or #rooming units#.

### 132-32 Ground Floor Level Transparency Requirements

In the applicable #Special Enhanced Commercial Districts#, as indicated in the Table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the special transparency regulations of this Section shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to transparent

materials, as set forth in this Section, shall apply only to the portion of the #building's ground floor level# fronting upon a #designated commercial street#.

The #ground floor level street wall# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent materials may be provided anywhere on such #ground floor level street wall#, except that:

- (a) transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall:
- (1) not begin higher than 2 feet, 6 inches above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers; and
- (2) have a minimum width of two feet; and

- (b) the maximum width of a portion of the #ground floor level street wall# without transparency shall not exceed ten feet.

However, where an entrance to an off-street parking facility is permitted on a #designated commercial street# in accordance with the provisions of Section 132-43 (Curb Cut Requirements), the transparency requirements of this Section shall not apply to the portion of the #ground floor level street wall# occupied by such entrance.

### 132-40 SPECIAL PARKING REGULATIONS

The provisions of this Section shall apply to all #buildings# with Fourth Avenue #street# frontage.

The special parking regulations of this Section, inclusive, shall apply to all #buildings# in the #Special Enhanced Commercial Districts# indicated in the Table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations).

### 132-41 Applicability of Parking Regulations Special Location of Parking Spaces Requirements

All off-street parking spaces shall be located within a #completely enclosed building#. Enclosed, off-street parking spaces shall be permitted on the ground floor of a #building# only where they are located beyond 30 feet of such #building's# Fourth Avenue #street wall#. Entrances to such spaces along Fourth Avenue shall be permitted only where a curb cut is allowed in accordance with the provisions of Section 132-42 (Special Curb Cut Requirements).

In #Special Enhanced Commercial Districts#, the applicable special parking provisions indicated in the Table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations) shall apply to all #buildings# with frontage along a #designated commercial street#.

### 132-42 Location of Parking Spaces Special Curb Cut Requirements

For #zoning lots# with frontage along Fourth Avenue and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along Fourth Avenue.

Curb cuts accessing off-street parking spaces shall be permitted on Fourth Avenue only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along Fourth Avenue;
- (b) existed on (date of adoption);
- (c) has a width of at least 60 feet, as measured along the Fourth Avenue #street line#; and
- (d) has a #lot area# of at least 5,700 square feet.

In the applicable #Special Enhanced Commercial Districts#, as indicated in the Table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

All off-street parking spaces shall be located within a #completely enclosed building#.

Enclosed, off-street parking spaces shall be permitted on the ground floor of a #building# only where they are located beyond 30 feet of such #building's street wall# along a #designated commercial street#. Entrances to such spaces along a #designated commercial street# shall be permitted only where a curb cut is allowed in accordance with the provisions of Section 132-43 (Curb Cut Requirements).

### 132-43 Curb Cut Requirements

In the applicable #Special Enhanced Commercial Districts#, as indicated in the Table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with frontage along a #designated commercial street# and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along a #designated commercial street#.

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along a #designated commercial street#;
- (b) existed on November 29, 2011 in #Special Enhanced Commercial District# 1;
- (c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#; and
- (d) has a #lot area# of at least 5,700 square feet.

### 132-50 CERTIFICATIONS AND AUTHORIZATIONS

#### 132-51 Certification to Allow a Limited Increase in Street Wall Width

In #Special Enhanced Commercial District# 2, an establishment may #extend#, thereby exceeding the maximum #street wall# width for non-#residential# establishments set forth in paragraph (b) of Section 132-24 (Maximum Street Wall Width), and may reduce the number of establishments required pursuant to 132-23 (Minimum Number of Establishments) upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

- (a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet;
- (b) the applicant has submitted an affidavit attesting to and including information that:
- (1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and
  - (2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:
    - (1) physical restrictions created by the #building# design, including, but not limited to the location of existing structural walls and vertical circulation cores;
    - (2) the presence of other #uses# with ongoing or expected occupancy within such #building#; or
    - (3) regulatory limitations; and
- (c) the applicant has demonstrated that at the time of application not more than one non-#residential# establishment has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

- (1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph (c); and
- (2) verify that at the time of application no other approved applications exist for certifications or authorizations under Section 132-50 (CERTIFICATIONS AND AUTHORIZATIONS) in the geographic boundaries set forth in this paragraph (c).

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

A certification granted pursuant to this Section shall automatically lapse if substantial construction in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.

### 132-52 Authorization to Modify Maximum Street Wall Widths of Establishments

In #Special Enhanced Commercial Districts# 2 and 3, the City Planning Commission may authorize a modification of the maximum #street wall# width of non-#residential# establishments, as set forth in paragraphs (a) and (b) of Section 132-24 (Maximum Street Wall Width), provided the Commission finds that:

- (a) such additional frontage space is required for the operation of such proposed #use#, and such #use# cannot be reasonably configured within the permitted #street wall# width; or
- (b) a high ground floor vacancy rate exists within a reasonable distance of the proposed #use#, and such high vacancy rate is a consequence of adverse market conditions.

The land use application for an authorization pursuant to this Section shall be sent to the applicable Community Board.

If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

### UPPER WEST SIDE NEIGHBORHOOD RETAIL STREETS

#### MANHATTAN CB - 07 C 120145 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, Sections Nos. 5d & 8c:

1. establishing within an existing R10A District a C1-5 District bounded by West 77th Street, a line 100 feet easterly of Columbus Avenue, a line midway between West 76th Street and West 77th Street, and Columbus Avenue;
2. establishing a Special Enhanced Commercial District- 2 (EC-2) bounded by:
  - a. Cathedral Parkway, Amsterdam Avenue, West 109th Street, a line 100 feet easterly of Amsterdam Avenue, West 105th Street, Amsterdam Avenue, West 103rd Street, and a line 100 feet westerly of Amsterdam Avenue;
  - b. West 102nd Street, Amsterdam Avenue, West 101st Street, and a line 100 feet westerly of Amsterdam Avenue;
  - c. West 100th Street, Amsterdam Avenue, West 87th Street, a line 100 feet easterly of Amsterdam Avenue, West 73rd Street, Amsterdam Avenue, West 75th Street, and a line 100 feet westerly of Amsterdam Avenue; and
  - d. West 87th Street, a line 100 feet easterly of Columbus Avenue, West 81st Street, Columbus Avenue, West 77th Street, a line 100 feet easterly of Columbus Avenue, West 72nd Street, Columbus Avenue, a line midway between West 72nd Street and West 73rd Street, and a line 100 feet westerly of Columbus Avenue; and
3. establishing a Special Enhanced Commercial District- 3 (EC-3) bounded by Cathedral Parkway, a line 100 feet easterly of Broadway, West 78th Street, a line 100 feet westerly of Amsterdam Avenue, West 75th Street, Amsterdam Avenue, West 74th Street, Broadway, West 72nd Street, a line 100 feet westerly of Broadway, West 105th Street, West End Avenue, West 107th Street, and a line 100 feet westerly of Broadway.

as shown in a diagram (for illustrative purposes only) dated January 3, 2012.

### WOODHAVEN-RICHMOND HILL REZONING

#### QUEENS CB - 09 C 120195 ZMQ

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. 14b, 14d, 17c, 18a, and 18c:

1. eliminating from an existing R3-1 District a C1-2 District bounded by a line 100 feet northerly of Jamaica Avenue, 85th Street, a line 150 feet northerly of Jamaica Avenue, Woodhaven Boulevard, 86th Drive, 94th Street, a line 150 feet northerly of Jamaica Avenue, 98th Street, a line 150 feet southerly of Jamaica Avenue, 85th Street, a line 100 feet southerly of Jamaica Avenue, 80th Street, Jamaica Avenue, and 80th Street;
2. eliminating from an existing R3-1 District a C2-2 District bounded by:
  - a. a line 100 feet northerly of Jamaica Avenue, 76th Street, a line 150 feet northerly of Jamaica Avenue, 80th Street, Jamaica Avenue, 80th Street, a line 100 feet southerly of Jamaica Avenue, 78th Street, a line 150 feet southerly of Jamaica Avenue, 75th Street, a line 100 feet southerly of Jamaica Avenue, and Dexter Court and its southerly centerline prolongation;
  - b. a line 150 feet northwesterly of Atlantic Avenue, 112th Street, a line 100 feet northwesterly of Atlantic Avenue, and 108th Street; and
  - c. and a line 150 feet northwesterly of Atlantic Avenue, 121st Street, a line 100 feet northwesterly of Atlantic Avenue, and 114th Street;
3. eliminating from an existing R5 District a C2-2 District bounded by a line 100 feet northwesterly of Atlantic Avenue, 121st Street, Atlantic Avenue, Lefferts Boulevard, 94th Avenue, 120th Street, a line 150 feet southerly of 94th Avenue, Lefferts Boulevard, a line 150 feet southerly of Atlantic Avenue, 107th Street, Atlantic Avenue, and 108th Street;
4. changing from an R3-1 District to an R3A District property bounded by:
  - a. a line 100 feet southerly of Jamaica Avenue, a line 80 feet northeasterly of 90th Street, 88th Avenue, a line 100 feet southwesterly of Woodhaven Boulevard, 89th Avenue, Woodhaven Boulevard, 91st Avenue, 88th Street, a line 80 feet

northerly of 91st Avenue, and a line midway between 88th Street and 89th Street; and

- b. Park Lane South, the northeasterly boundary line of the Long Island Railroad right-of-way (Rockaway Beach Division), a line 100 feet northerly of Jamaica Avenue, 98th Street, a line 250 feet northerly of Jamaica Avenue, and a line 100 feet easterly of 96th Street;
5. changing from an R3-1 District to an R3X District property bounded by:
    - a. Park Lane South, 89th Street, a line 150 feet southerly of 85th Road, a line midway between 88th Street and 89th Street, a line 100 feet northerly of Jamaica Avenue, 86th Street, 86th Avenue, a line 290 feet northeasterly of Forest Parkway, a line 100 feet northerly of Jamaica Avenue, Forest Parkway, southeasterly street line of 86th Road and its northeasterly prolongation, and a line 100 feet southwesterly of Forest Parkway;
    - b. Park Lane South, a line 100 feet easterly of 96th Street, a line 150 feet northerly of Jamaica Avenue, 96th Street, a line 100 feet southerly of 86th Road, 94th Street, 86th Drive, Woodhaven Boulevard, 86th Road, 91st Street, a line 150 feet northerly of 85th Road, and a line midway between 91st Street and 90th Street; and
    - c. a line 100 feet southerly of Jamaica Avenue, 98th Street, a line 175 feet southerly of Jamaica Avenue, a line 140 feet northeasterly of 98th Street, a line 225 feet southeasterly of 91st Avenue, 98th Street, a line 100 feet northwesterly of Atlantic Avenue, 96th Street, 91st Avenue, 96th Street, 89th Avenue, and Woodhaven Boulevard;
  6. changing from an R5 District to an R4-1 District property bounded by:
    - a. 95th Avenue, 104th Street, 94th Avenue, a line 90 feet northeasterly of 104th Street, 95th Avenue, a line midway between 106th Street and 105th Street, a line 100 feet northwesterly of 101st Avenue, and 102nd Street;
    - b. a line 100 feet southeasterly of 101st Avenue, a line midway between 112th Street and 113th Street, a line 100 feet northwesterly of 103rd Avenue, and a line midway between 101st Street and 102nd Street; and
    - c. Atlantic Avenue, 124th Street, a line 100 feet northwesterly of 95th Avenue, and 121st Street;
  7. changing from an M1-1 District to an R4-1 District property bounded by 94th Avenue, 104th Street, 95th Avenue, and 102nd Street;
  8. changing from an R3-1 District to an R4A District property bounded by a line 100 feet southeasterly of Jamaica Avenue, a line midway between 114th Street and 115th Street, a line perpendicular to the southwesterly street line of 115th Street distant 290 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Jamaica Avenue and the southwesterly street line of 115th Street, 115th Street, a line 200 feet southeasterly of Jamaica Avenue, 116th Street, a line 100 feet southeasterly of Jamaica Avenue, Lefferts Boulevard, 89th Avenue, 121st Street, a line 100 feet northwesterly of Atlantic Avenue, 112th Street, 89th Avenue and its southwesterly centerline prolongation, and 113th Street;
  9. changing from an R5 District to an R4A District property bounded by:
    - a. Atlantic Avenue, 96th Street, 95th Avenue, and Woodhaven Boulevard;
    - b. 94th Avenue, 106th Street, a line 100 feet southeasterly of Atlantic Avenue, Lefferts Boulevard, a line 200 feet northwesterly of 95th Avenue, 120th Street, a line 150 feet northwesterly of 95th Avenue, 121st Street, a line 100 feet southeasterly of 95th Avenue, 124th Street, 94th Avenue, 125th Street, Atlantic Avenue, 127th Street, 94th Avenue, 129th Street, a line 150 feet southeasterly of Atlantic Avenue, 130th Street, a line 100 feet southeasterly of Atlantic Avenue, a line 100 feet northeasterly of 134th Street, a line 100 feet northwesterly of 95th Avenue, a line 100 feet southwesterly of the Van Wyck Expressway, a line 100 feet northwesterly of 101st Avenue, a line midway between 105th Street and 106th Street, 95th Avenue, and a line 90 feet northeasterly of 104th Street; and
    - c. a line 100 feet southeasterly of 101st Avenue, 135th Street, 102nd Avenue, Van Wyck Expressway, a line 100 feet northwesterly of 103rd Avenue, 133rd Street, 103rd Avenue, 127th Street, a line 90 feet northwesterly of 103rd Avenue, 114th Street, a line 100 feet northwesterly of 103rd Avenue, and a line midway between

- 10. 112th Street and 113th Street; changing from an R5 District to an R4B District property bounded by a line 100 feet northwesterly of 95th Avenue, 124th Street, a line 100 feet southeasterly of 95th Avenue, and 121st Street;
- 11. changing from an R3-1 District to an R6A District property bounded by:
  - a. a line 100 feet northerly of Jamaica Avenue, a line 85 feet westerly of 76th Street, a line 100 feet northerly of Jamaica Avenue, Woodhaven Boulevard, 86th Drive, 94th Street-, a line 100 feet southerly of 86th Road, 96th Street, a line 150 feet northerly of Jamaica Avenue, a line 100 feet easterly of 96th Street, a line 250 feet northerly of Jamaica Avenue, 98th Street, a line 100 feet southerly of Jamaica Avenue, and Dexter Court and its southerly centerline prolongation;
  - b. a line 150 feet southerly of Jamaica Avenue, a line 100 feet southwesterly of 102nd Street, a line 175 feet southerly of Jamaica Avenue, and 98th Street; and
  - c. a line 100 feet southeasterly of Jamaica Avenue, 116th Street, a line 200 feet southeasterly of Jamaica Avenue, 115th Street, a line perpendicular to the southwesterly street line of 115th Street distant 290 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Jamaica Avenue and the southwesterly street line of 115th Street, and a line midway between 114th Street and 115th Street;
- 12. changing from an R3-2 District to an R6A District property bounded by a line 130 feet northerly of Jamaica Avenue, a line 85 feet westerly of 76th Street, a line 100 feet northerly of Jamaica Avenue; and Dexter Court;
- 13. changing from an R5 District to an R6A District property bounded by a line midway between 93rd Avenue and Atlantic Avenue and its northeasterly prolongation, 108th Street, a line 100 feet northwesterly of Atlantic Avenue, 121st Street, Atlantic Avenue, Lefferts Boulevard, a line 100 feet southeasterly of Atlantic Avenue, 106th Street, 94th Avenue, and a line 100 feet northeasterly of 104th Street;
- 14. changing from a C8-1 District to an R6A District property bounded by:
  - a. Jamaica Avenue, the southerly prolongation of Dexter Court, a line 100 feet southerly of Jamaica Avenue, and Eldert Lane; and
  - b. a line 100 feet northerly of Jamaica Avenue, the northeasterly boundary line of the Long Island Railroad right-of-way (Rockaway Beach Division), a line perpendicular to the southwesterly street line of 101st Street distant 240 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Jamaica Avenue to the southwesterly street line of 101st Street, 101st Street, Jamaica Avenue, a line 100 feet southwesterly of 1 02nd Street, a line 150 feet southerly of Jamaica Avenue, and 98th Street;
- 15. establishing within a proposed R4A District a C2-3 District bounded by a line 150 feet southeasterly of Jamaica Avenue, Lefferts Boulevard, a line 535 feet southeasterly of Jamaica Avenue, and a line midway between Lefferts Boulevard and 118th Street;
- 16. establishing within an existing R5 District a C2-3 District bounded by:
  - a. 94th Avenue, 120th Street, a line 100 feet southeasterly of 94th Avenue, and Lefferts Boulevard;
  - b. Atlantic Avenue, a line 100 feet northeasterly of 130th Street, a line 100 feet southeasterly of Atlantic Avenue, 129th Street, 94th Avenue, and 127th Street;
  - c. Atlantic Avenue, 134th Street, a line 100 feet southeasterly of Atlantic Avenue, and 133rd Street; and
  - d. a line 100 feet southeasterly of Atlantic Avenue, the southwesterly service road of Van Wyck Expressway, a line 100 feet southeasterly of 95th Avenue, a line 100 feet southwesterly of Van Wyck Expressway, and a line 100 feet northwesterly of 95th Avenue, and a line 100 feet northeasterly of 134th Street;
- 17. establishing within a proposed R6A District a C1-4 District bounded by a line 100 feet northerly of Jamaica Avenue, Woodhaven Boulevard, 86th Drive, 94th Street, a line 100 feet southerly of 86th Road, 96th Street, a line 100 feet northerly of

- Jamaica Avenue, 98th Street, a line 100 feet southerly of Jamaica Avenue, 80th Street, Jamaica Avenue, and 80th Street;
- 18. establishing within a proposed R6A District a C2-3 District bounded by a line midway between 93rd Avenue and Atlantic Avenue and its northeasterly prolongation, 108th Street, a line 100 feet northwesterly of Atlantic Avenue, 121st Street, Atlantic Avenue, Lefferts Boulevard, a line 100 feet southeasterly of Atlantic Avenue, 106th Street, Atlantic Avenue, and a line 100 feet northeasterly of 104th Street; and
- 19. establishing within a proposed R6A District a C2-4 District bounded by:
  - a. Jamaica Avenue, Dexter Court, a line 130 feet northerly of Jamaica Avenue, a line 85 feet westerly of 76th Street, a line 100 feet northerly of Jamaica Avenue, 80th Street, Jamaica Avenue, 80th Street, a line 100 feet southerly of Jamaica Avenue, and Eldert Lane; and
  - b. a line 100 feet northerly of Jamaica Avenue, the northeasterly boundary line of the Long Island Railroad right-of-way (Rockaway Beach Division), a line perpendicular to the southwesterly street line of 101st Street distant 240 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Jamaica Avenue to the southwesterly street line of 101st Street, 101st Street, Jamaica Avenue, a line 100 feet southwesterly of 1 02nd Street, a line 175 feet southerly of Jamaica Avenue, and 98th Street;

as shown on a diagram (for illustrative purposes only) dated February 27, 2012, and subject to the conditions of CEQR Declaration E-281.

**The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, June 19, 2012:**

**32 DOMINICK STREET HOUSE**

**MANHATTAN CB - 02 20125554 HKM (N 120263 HKM)** Designation (List No. 453/LP-2480) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the 32 Dominick Street House (Tax Map Block 578, Lot 64), as an historic landmark.

**34 DOMINICK STREET HOUSE**

**MANHATTAN CB - 02 20125555 HKM (N 120264 HKM)** Designation (List No. 453/LP-2481) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the 34 Dominick Street House (Tax Map Block 578, Lot 63), as an historic landmark.

**36 DOMINICK STREET HOUSE**

**MANHATTAN CB - 02 20125556 HKM (N 120265 HKM)** Designation (List No. 453/LP-2482) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the 36 Dominick Street House (Tax Map Block 578, Lot 62), as an historic landmark.

**DENNISON AND LYDIA WOOD HOUSE**

**MANHATTAN CB - 02 20125557 HKM (N 120266 HKM)** Designation (List No. 453/LP-2486) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Dennison and Lydia Wood House, located at 310 Spring Street (Tax Map Block 594, Lot 34), as an historic landmark.

**The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, June 19, 2012.**

j13-19

**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, June 20, 2012 at 10:00 A.M.**

**BOROUGH OF THE BRONX  
No. 1**

**HIGHBRIDGE CHILD CARE/SENIOR CENTER  
CD 4 C 120140 PQX**

**IN THE MATTER OF** an application submitted by the Administration for Children's Services, the Department for the Aging, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1181

Nelson Avenue (Block 2516, Lot 51), for continued use as a child care center and senior center.

**BOROUGH OF BROOKLYN**

**Nos. 2 & 3**

**59 WALTON STREET REZONING & TEXT AMENDMENT  
No. 2**

**CD 1 C 100041 ZMK**  
**IN THE MATTER OF** an application submitted by the Walton Realty Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

- 1. changing from an M1-2 District to an R6A District property bounded by Middleton Street, Union Avenue, Lorimer Street, and Marcy Avenue;
- 2. changing from an M3-1 District to an R7A District property bounded by Lorimer Street, Union Avenue, Wallabout Street, and Marcy Avenue; and
- 3. establishing within a proposed R7A District a C2-4 District bounded by Lorimer Street, a line 150 feet northeasterly of Marcy Avenue, Walton Street, and Marcy Avenue;

as shown in a diagram (for illustrative purposes only) dated March 26, 2012 and subject to the conditions of CEQR Declaration E-282.

**No. 3**

**CD 1 N 100042 ZRK**

**IN THE MATTER OF** an application submitted by Walton Realty Associates pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas), relating to the extension of the Inclusionary Housing Program to a proposed R7A district.

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

\* \* \*

**APPENDIX F  
Inclusionary Housing Designated Areas**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

\* \* \*

Brooklyn, Community District 1

In Waterfront Access Plan BK-1 and in the R6, R6A, R6B, R7A, R7-3 and R8 Districts within the areas shown on the following Maps 1, 2, 3 and 4:

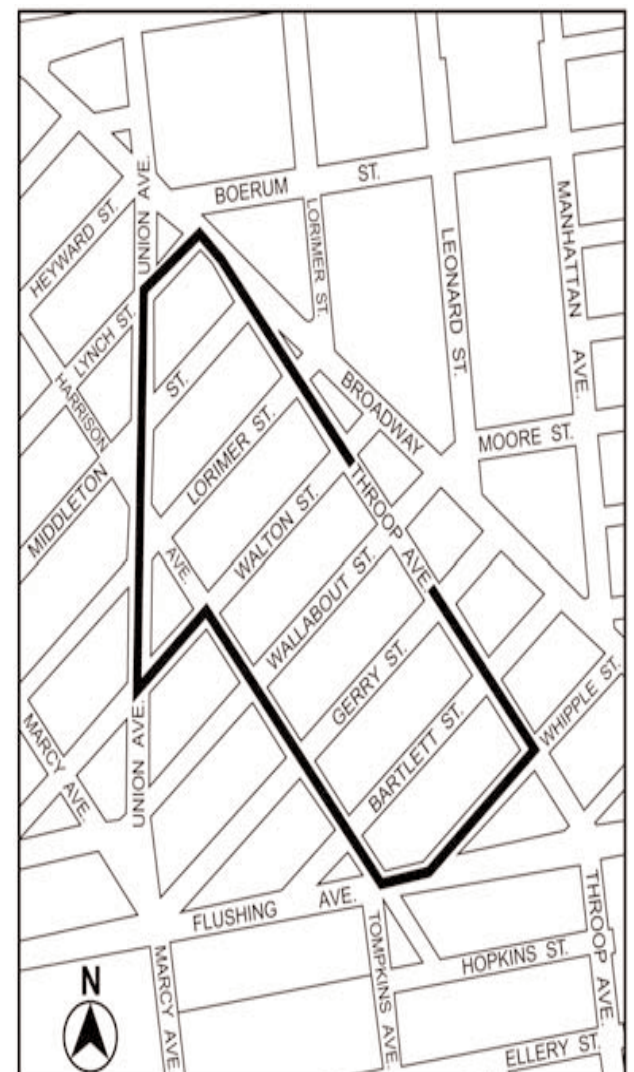
\* \* \*

**EXISTING**

**(TO BE DELETED)**

**Map 4 (12/21/00)**

**Portion of Community District 1, Brooklyn**



**PROPOSED  
(TO REPLACE EXISTING)**

Map 4  
Portion of Community District 1, Brooklyn



\*\*\*

**No. 4**

**74 WALLABOUT STREET REZONING**

**CD 1 C 110390 ZMK**

**IN THE MATTER OF** an application submitted by 74 Wallabout LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Sections No. 12d:

1. changing from an M1-2 District to an R7-1 District property bounded by Wallabout Street, Franklin Avenue, Flushing Avenue, and Kent Avenue; and
2. establishing within a proposed R7-1 District a C1-5 District bounded by Wallabout Street, Franklin Avenue, Flushing Avenue; and Kent Avenue;

as shown in a diagram (for illustrative purposes only) dated March 26, 2012 and subject to the conditions of CEQR Declaration E-283.

**BOROUGH OF MANHATTAN  
No. 5**

**FORDHAM UNIVERSITY PASSAGEWAY**

**CD 7 C 120172 ZSM**

**IN THE MATTER OF** an application submitted by Fordham University, West 62nd Street LLC and West 60th 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 82-33 of the Zoning Resolution to modify the minimum distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, 21, 22 and 35), in a C4-7 District, within the Special Lincoln Square 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, N.Y. 10007.

**No. 6**

**120 EAST 125TH STREET FIREHOUSE**

**CD 11 N 120248 HAM**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 120 East 125th Street (Block 1773, Lot 62) as an Urban Development Action Area;
  - b. and an Urban Development Action Area Project for such an area;

to facilitate the rehabilitation of an existing four-story building for community facility and art-related uses.

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

j7-20

**COMMUNITY BOARDS**

**PUBLIC HEARINGS**

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

**BOROUGH OF STATEN ISLAND**

COMMUNITY BOARD NO. 02 - Thursday, June 14, 2012 at

7:30 P.M., Community Board 2 Office, 460 Brielle Avenue, Staten Island, NY

**C# 120003MMR**

**IN THE MATTER OF** an application submitted by the Department of Transportation and 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 re-alignment by widening a portion of Todt Hill Road and Merrick Avenue, including authorization for any disposition or acquisition of real property.

**BSA# 194-02-BZ**

1775 South Avenue

Application to extend the term of the special permit that permits the operation of a physical culture establishment, and waive the board's Rules of Practice and Procedure.

**BSA# 330-05-BZ**

350 New Dorp Lane

Application to request an extension of ten (10) years term of a special permit for an existing Physical Culture Establishment and permit an extension of time to complete construction.

j8-14

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

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 10 - Monday, June 18, 2012, 7:15 P.M., Shore Hill Community Room, 9000 Shore Road, Brooklyn, NY

**BSA# 115-12-BZ**

Premises: 701/745 64th Street, Brooklyn, NY

An application pursuant to Section 73-44 ZR for a special permit for the proposed reduction in the number of accessory off-street parking spaces required by the provisions of Section 36-21 ZR for uses in parking requirement category B1 in Use Group 6 and ambulatory diagnostic or treatment facilities in Use Group 4 at the Premises.

j12-18

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

**BOROUGH OF MANHATTAN**

COMMUNITY BOARD NO. 09 - Monday, June 18, 2012, 6:30 P.M., 3333 Broadway (Tower A) Community Room, (Handicap accessibility entrance at 134th St.) New York, NY

Purpose:

The Department of City Planning (DCP) is proposing zoning map changes and zoning text amendment to the 90-block area within the West Harlem neighborhoods; Hamilton Heights, Sugar Hill and Manhattanville South. The affected area is generally bounded by West 126th Street to the south, West 155th Street to the north, Edgecombe, Bradhurst and Convent avenues to the east and Riverside Drive to the west.

j12-18

**COMPTROLLER**

**ACCOUNTANCY**

**MEETING**

The City of New York's Audit Committee meeting is scheduled for Wednesday, June 20, 2012 from 9:30 A.M. to 12:00 Noon at 1 Centre Street in Room 530. Meeting is open to the general public.

j13

**EMPLOYEES RETIREMENT SYSTEM**

**REGULAR MEETING**

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, June 14, 2012 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor Boardroom, Brooklyn, NY 11201-3751.

j7-13

**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, June 13, 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.

j4-13

**LANDMARKS PRESERVATION COMMISSION**

**PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, June 26, 2012 at 3:30 P.M.**, at the Landmarks Preservation Commission will conduct a *public hearing* in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Historic District. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

**ITEM TO BE HEARD**

PUBLIC MEETING ITEM NO. 1

LP-2491

**PROPOSED EAST VILLAGE/LOWER EAST SIDE HISTORIC DISTRICT**, Borough of Manhattan.

**Boundary Description**

The proposed East Village/Lower East Side Historic District consists of the property bounded by a line beginning at the northeast corner of Second Avenue and East 2nd Street, extending westerly across Second Avenue and continuing westerly along the northern curblines of East 2nd Street to its intersection with a line extending southerly from the western side wall of 26 East 2nd Street, northerly along the western side wall of 26 East 2nd Street, easterly along the northern property line of 26 East 2nd Street and a portion of the northern property line of 28 East 2nd Street, northerly along a portion of the western property line of 28 East 2nd Street, easterly along a portion of the northern property line of 28 East 2nd Street and the northern property lines of 30 to 36 East 2nd Street to the western curblines of Second Avenue, northerly along the western curblines of Second Avenue to its intersection with a line extending easterly from the southern property line of 43 Second Avenue, westerly along the southern property line of 43 Second Avenue, northerly along the western property lines of 43 to 45-47 Second Avenue, westerly along a portion of the southern property line of 30 East 3rd Street to the northern curblines of East 3rd Street, westerly along the southern curblines of East 3rd Street to its intersection with a line extending southerly from the western property line of 7 East 3rd Street, northerly along the western property line of 7 East 3rd Street, westerly along the southern property line of 56 East 4th Street and a portion of the southern property line of 54 East 4th Street, northerly along a portion of the western property line of 54 East 7th Street, westerly along a portion of the southern property line of 54 East 7th Street, northerly along a portion of the western property line of 54 East 7th Street to the northern curblines of East 4th Street, easterly along the northern curblines of East 4th Street to its intersection with a line extending southerly from the western property line of 57 East 4th Street, northerly along the western property line of 57 East 4th Street, westerly along a portion of the southern property line of 210-214 East 5th Street, northerly along the western property line of 210-214 East 5th Street to the northern curblines of East 5th Street, westerly along the northern curblines of East 5th Street to its intersection with a line extending southerly from the western property line of 207 East 5th Street, northerly along the western property lines of 207 to 223 East 5th Street and a portion of the northern property line of 225 East 5th Street, northerly along the western property line of 226 East 6th Street to the southern curblines of East 6th Street, easterly along the southern curblines of East 6th Street to its intersection with a line extending southerly from the western property line of 103 Second Avenue (aka 239 East 6th Street), northerly along the western property lines of 103 Second Avenue (aka 239 East 6th Street) and 105 Second Avenue and a portion of the western property line of 107-113 Second Avenue, easterly along a portion of the northern property line of 107-113 Second Avenue, northerly along a portion of the western property line of 107-113 Second Avenue and the western property line of 46 East 7th Street to the northern curblines of East 7th Street, westerly along the northern property line of East 7th Street to its intersection with a line extending southerly from the western property line of 11 East 7th Street, northerly along the western property line of 11 East 7th Street, easterly along the northern property lines of 11 to 39 East 7th Street and a portion of the northern property line of 41-43 East 7th Street, northerly along western property line of 125 Second Avenue, easterly along a portion of the northern property line of 125 Second Avenue, northerly along the western property lines of 127 Second Avenue to 131 Second Avenue (aka 36 St. Mark's Place) to the southern curblines of St. Mark's Place, easterly along the southern curblines of St. Mark's Place, southerly along the western curblines of Second Avenue to the southwest corner of Second Avenue and East 7th Street, easterly along the southern curblines of East 7th Street to its intersection with a line extending southerly from the western property line of 49 East 7th Street, northerly along the western property line of 49 East 7th Street, easterly along the northern property line of 49 East 7th Street, northerly along a portion of the western property line of 51 East 7th Street, easterly along the northern property lines of 51 to 65 East 7th Street, southerly along a portion of the eastern property line of 65 East 7th Street, easterly along the northern property lines of 67 to 69 East 7th Street, northerly along a portion of the western property line of 71 East 7th Street, easterly along the northern property lines of 71 to 73-75 East 7th Street, southerly along a portion of the eastern property line of 73-75 East 7th Street, easterly along the northern property line of 77 East 7th Street, northerly along a portion of the western property line of 79 East 7th Street, easterly along the northern property lines of 79 to 85 East 7th Street, southerly along the eastern property line of 85 East 7th Street to the

northern curbline of East 7th Street, westerly along the northern curbline of East 7th Street to its intersection with a line extending northerly from the eastern property line of 84 East 7th Street, southerly along the eastern property line of 84 East 7th Street, westerly along the southern property line of 84 East 7th Street, southerly along portions of the eastern property lines of 82 East 7th Street and 341 East 6th Street, easterly along the northern property line of 99 First Avenue (aka 343-347 East 6th Street) to the western curbline of First Avenue, southerly along the Western curbline of First Avenue to its intersection with a line extending westerly from the northern property line of 100 First Avenue (aka 401-403 East 6th Street), easterly along the northern property line of 100 First Avenue (aka 401-403 East 6th Street), northerly along portions of the western property lines of 405 East 6th Street and 92 East 7th Street, westerly along the southern property line of 112 First Avenue to the eastern curbline of First Avenue, northerly along the eastern curbline of First Avenue to its intersection with a line extending westerly from the northern property line of 122 First Avenue, easterly along the northern property line 122 First Avenue, northerly along a portion of the western property line of 95 East 7th Street, easterly along the northern property lines of 95 to 109 East 7th Street, southerly along a portion of the eastern property line of 109 East 7th Street, easterly along the northern property line of 111-115 East 7th Street, southerly along a portion of the eastern property line of 117-119 East 7th Street, easterly the northern property lines of 117-119 to 129 East 7th Street, southerly along the eastern property line of 129 East 7th Street to the northern curbline of East 7th Street, westerly along the northern curbline of East 7th Street to its intersection with a line extending northerly from the eastern property line of 122 East 7th Street, southerly along the eastern property line of 122 East 7th Street, easterly along the northern property lines of 439 to 441 East 6th Street and 101 Avenue A to the western curbline of Avenue A, southerly along the western curbline of Avenue A to the northern curbline of East 6th Street, westerly along the northern curbline of East 6th Street to its intersection with a line extending northerly from the eastern property line of 340 East 6th Street, southerly along the eastern property line of 340 East 6th Street, westerly along the southern property lines of 340 to 306-308 East 6th Street, southerly along the eastern property line of 92-94 Second Avenue, westerly along a portion of the southern property line of 92-94 Second Avenue, southerly along the eastern property line of 88-90 Second Avenue (aka 301 East 5th Street) to the southern curbline of East 5th Street, easterly along the southern curbline of East 5th Street to its intersection with a line extending northerly from the eastern property line of 86 Second Avenue (aka 300 East 5th Street), southerly along the eastern property lines of 86 Second Avenue (aka 300 East 5th Street) to 72 Second Avenue (aka 91 East 4th Street) to the northern curbline of East 4th Street, westerly along the northern curbline of East 4th Street to its intersection with a line extending northerly from the eastern property line of 68-70 Second Avenue (aka 86 East 4th Street), southerly along the eastern property lines of 68-70 Second Avenue (aka 86 East 4th Street) to 64 Second Avenue, easterly along a portion of the northern property line of 60-62 Second Avenue, southerly along the eastern property line of 60-62 Second Avenue, easterly along a portion of the northern property line of 51-55 East 3rd Street, northerly along a portion of the western property line of 51-55 East 3rd Street, easterly along a portion of the northern property line of 51-55 East 3rd Street and the northern property line of 57 East 3rd Street, southerly along the eastern property line of 57 East 3rd Street to the southern curbline of East 3rd Street, easterly along said curbline to a point on a line extending northerly from the eastern property line of 64 East 3rd Street, southerly along the eastern property line of 64 East 3rd Street, easterly along a portion of the northern property line of 52-74 East 2nd Street, southerly along the eastern property line of 52-74 East 2nd Street, westerly along a portion of the southern property line of 52-74 East 2nd Street, southerly along the eastern property line of 80 East 2nd Street to the northern curbline of East 2nd Street, westerly along said curbline to a point on a line extending northerly from the eastern property line of 77 East 2nd Street, southerly along said line and the eastern property line of 77 East 2nd Street, westerly along the southern property lines of 77 and 75 East 2nd Street, southerly along a portion of the eastern property line of 67-69 East 2nd Street, westerly along the southern property lines of 67-69 and 59-63 East 2nd Street, northerly along a portion of the western property line of 59-63 East 2nd Street, westerly along the southern property line of 47-55 East 2nd Street, southerly along a portion of the eastern property line of 43-45 East 2nd Street (aka 32-34 Second Avenue), westerly along the southern property line of 43-45 East 2nd Street to the eastern curbline of Second Avenue, northerly along said curbline, easterly along the southern curbline of East 2nd Street to a point on a line extending southerly from the western property line of 52-74 East 2nd Street, northerly along said line and the western property line of 52-74 East 2nd Street, westerly along the southern property lines of 54-56 and 50-52 East 3rd Street, northerly along a portion of the western property line of 50-52 East 3rd Street, westerly along the southern property lines of 48 through 40-42 East 2nd Street (aka 50-52 Second Avenue) to the eastern curbline of Second Avenue, and southerly along said curbline to the point or place of beginning.

[Community Board 3]

j12-25

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, **June 19, 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 BROOKLYN 13-2666 - Block 2102, lot 62-141-147 Lafayette Avenue - Fort Greene Historic District

A group of 4 Italianate style rowhouses built c. 1860, and redesigned as a multiple dwelling by Horace B. Mann in 1938; and a two-story brick structure with a central entrance built circa 1860. Application is to replace the roof at the existing back-house. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 13-0961 - Block 1065, lot 23-854 Union Street - Park Slope Historic District  
A neo-Classical style rowhouse designed by Axel Hedman and built in 1902. Application is to construct a stair bulkhead and roof deck and raise the parapet. Community District 6.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 12-9066 -Block 942, lot16 - 100 Park Place - Park Slope Historic District  
A neo-Grec style rowhouse designed by Parfitt Brothers and built in 1877. Application is to enlarge an existing tree pit. Community District 6.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 12-2348 - Block 322, lot 12-37 Cheever Place - Cobble Hill Historic District  
An Italianate style rowhouse built circa 1853. Application is to construct a rear yard addition. Zoned R6-B. Community District 6.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 13-0518 - Block 1165, lot 66 - 307 Sterling Place - Prospect Heights Historic District  
A Renaissance/Romanesque Revival style rowhouse designed by William H. Reynolds and built circa 1897. Application is to construct a rear yard addition. Zoned R-6B. Community District 8.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF THE BRONX 12-9366 - Block 5939, lot 463-5241 Independence Avenue - Riverdale Historic District  
A vacant lot. Application is to construct a new house. Zoned R-1-1, NA-2. Community District 8.

## BINDING REPORT

BOROUGH OF MANHATTAN 13-1350 - Block 1211, lot 1-1 Centre Street - Municipal Building - Individual Landmark  
A Beaux-Arts style skyscraper designed by William M. Kendall of McKim, Mead & White, and built in 1909-14. Application is to install rooftop mechanical equipment. Community District 1.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-5920 - Block 194, lot 40-405 Broadway - Tribeca East Historic District  
A store and loft building built in 1853-1854 and altered by Clarence L. Siefert in 1908. Application is to establish a Master Plan governing the future installation of painted wall signs. Zoned M1-5 Community District 1.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-1630 - Block 225, lot 7501-125 Watts Street - Tribeca North Historic District  
A Romanesque Revival style warehouse built in 1884-85. Application is to construct a rooftop addition and install a glass railing. Community District 1.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-2358 - Block 97, lot 10-12-104-106 South Street - South Street Seaport Historic District  
A commercial building constructed in 1823 and altered between 1855-66; a commercial building constructed in 1824-25 and altered in 1870; and a commercial building constructed in 1823 and altered in 1855. Application is to construct rooftop additions, replace windows, enlarge window openings, and install storefront infill. Zoned C6-2A. Community District 1.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-1778 - Block 515, lot 13-475 West Broadway - SoHo-Cast Iron Historic District  
A neo-Grec style tenement building designed by Frederick H. Gross and built in 1878-79. Application is to establish a Master Plan governing the future installation of painted wall signs. Zoned M1-5A. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-9676 - Block 229, lot 1-341 Canal Street - SoHo-Cast Iron Historic District  
A vacant lot. Application is to construct a new six-story building. Zoned M1-5B. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-1729 - Block 487, lot 6-498 Broome Street - SoHo-Cast Iron Historic District  
A store building designed by Ernest Greis, and built in 1885. Application is to construct a rooftop addition, replace windows, and install storefront infill. Community District 2.

## MODIFICATION OF USE AND BULK

BOROUGH OF MANHATTAN 13-1441 - Block 487, lot 6-498 Broome Street - SoHo-Cast Iron Historic District  
A store building designed by Ernest Greis, and built in 1885. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for Modification of Use Pursuant to Section 15-20(b) of the Zoning Resolution. Zoned M1-5A. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-0754 - Block 502, lot 33-422 West Broadway - SoHo-Cast Iron Historic District  
Extension  
An Italianate style store building designed by John H. Whitenack, and built in 1873-74. Application is to construct a rooftop addition. Zoned M1-5A. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-9527 - Block 583, lot 38-28 7th Avenue South - Greenwich Village Historic District  
A one-story brick building built in 1921. Application is to legalize the installation of rooftop HVAC in non-compliance with Miscellaneous Amendment 12-1361 issued 6/7/2011. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-7177 - Block 592, lot 1-1-2 Sheridan Square - Greenwich Village Historic District

A loft building designed by Mulliken & Moeller and built in 1902-03. Application is to replace a window. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-1429 - Block 621, lot 24-91 Charles Street, aka 368 Bleecker Street - Greenwich Village Historic District  
A rowhouse built between 1847 and 1853. Application is to construct a barrier-free access ramp. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-8461 - Block 619, lot 1-125 Christopher Street - Greenwich Village Historic District  
An apartment building designed by H.I. Feldman and built in 1944. Application is to construct a barrier-free access ramp. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-1687 - Block 631, lot 64-705 Greenwich Street - Greenwich Village Historic District  
A building originally built as a Federal style house in 1828, and later altered in the mid-19th Century. Application is to legalize alterations at the ground floor and signage installed without Landmarks Preservation Commission permits. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-1857 - Block 521, lot 13-307-309 Mott Street - NoHo East Historic District  
A pair of Italianate style tenement buildings built c. 1867-68. Application is to legalize alterations to facade while a permit is pending, legalize the installation of entrances without Landmarks Preservation Commission permits, and to install light fixtures and new windows. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-0884 - Block 544, lot 72-27 East 4th Street - NoHo Historic District Extension  
A garage and repair shop designed by Herman Kron and built in 1945-46. Application is to demolish the existing building and construct a new building. Zoned M1-5B. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-0180 - Block 530, lot 7504-50 Bond Street - NoHo Historic District Extension  
A Classical Revival style store and loft building designed by Cleverdon and Putzel and built in 1896-97. Application is to alter a roof deck. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-0624 - Block 643, lot 43-68 Gansevoort Street - Gansevoort Market Historic District  
A tenement built by John Glass in 1880-81, altered and combined into a two-story market building by Voorhees, Foley, Walker & Smith in 1940. Application is to install an internally illuminated bracket sign. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-2458 - Block 712, lot 14-431 West 14th Street - Gansevoort Market Historic District  
An Arts and Crafts style market building designed by James S. Maher and built in 1914. Application is to install storefront infill and an awning. Community District 2.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-7265 - Block 820, lot 33-7 West 18th Street - Ladies' Mile Historic District  
A neo-Renaissance style store and loft building designed by Buchman & Deisler and built in 1896-97. Application is to install new storefront infill. Community District 5.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-1886 - Block 843, lot 37-18 East 16th Street - Ladies' Mile Historic District  
A Beaux-Arts style store and loft building designed by Benjamin Levitan and built in 1905-07. Application is to install storefront infill, signage, lighting and an awning. Community District 5.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 12-7553 - Block 828, lot 39-224 Fifth Avenue - Madison Square North Historic District  
A mid-19th century house altered in 1981-82. Application is to install signage. Community District 5.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-0104 - Block 829, lot 36-236-238 Fifth Avenue - Madison Square North Historic District  
A Beaux Arts style lofts building designed by Buchman and Fox and built in 1906-1907. Application to legalize the installation of windows and facade work without Landmarks Preservation Commission permits. Community District 5.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-1299 - Block 1274, lot 55-22 Central Park South - Plaza Hotel - Individual Landmark  
A building, originally built circa 1897, and enlarged and redesigned as a studio building by George M. McCabe in 1908-1909, included in the designated site of the Plaza Hotel, a French Renaissance style hotel designed by Henry J. Hardenberg and built in 1905-07, with an addition designed by Warren and Wetmore and built in 1921. Application to redesign the front and rear facades and construct an addition. Zoned R10H. Community District 5.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-0360 - Block 1286, lot 53-457 Madison Avenue - The Villard Houses - Individual Landmark  
A complex of Italian Renaissance style brownstone townhouses combined into a single monumental U-shaped unit set around an open court, designed by McKim, Mead & White and built in 1882-85. Application is to alter a portion of the protected interior, install an HVAC louver and also an entrance door. Community District 5.

## CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 13-1008 - Block 1029, lot 53-5 Columbus Circle, aka 1790 Broadway - (former) US Rubber Company Building - Individual Landmark

A Beaux-Arts style office building designed by Carrere & Hastings, and built in 1911-12, and altered in 1959. Application is to install signage. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-2283 - Block 1270, lot 34-1 West 54th Street - The University Club - Individual Landmark

An Italian Renaissance style clubhouse designed by McKim, Mead and White and built in 1899. Application is to install a new entrance and canopy. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-1110 - Block 1335, lot 5-320 East 43rd Street, aka 321 East 42nd Street - The Ford Foundation Building - Interior Landmark, Individual Landmark

A Modern style office building designed by Kevin Roche & John Dinkeloo Associates and built in 1963-67. Application is to alter a pathway, install a doorway and install Ipad stands. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-0767 - Block 1203, lot 8-63 West 89th Street - Upper West Side/Central Park West Historic District

A Renaissance Revival style rowhouse, designed by Neville and Bagge and built in 1895. Application is to combine windows vertically on the rear facade. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-6519 - Block 1115, lot 7501-25 Central Park West -The Century Apartments - Individual Landmark -Upper West Side /Central Park West Historic District An Art Deco style apartment building designed by Irwin S. Chanin, and built in 1931. Application is to establish a Master Plan governing the future installation of through-the-wall air conditioners. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-0063 - Block 1150, lot 8-159 West 78th Street - Upper West Side/Central Park West Historic District

A Renaissance Revival style rowhouse with neo-Grec style elements, designed by Thom & Wilson and built in 1890. Application is to construct a rooftop addition and alter window openings at the rear facade. Zoned R8B. Community District 7.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-2554 - Block 1386, lot 16-19 East 71st Street - Upper East Side Historic District A rowhouse with Queen Anne style features built in 1889-90 and later altered in 1937 by Joseph Furman. Application is to install awnings and signage. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-9093 - Block 1409, lot 50-170 East 75th Street - Upper East Side Historic District Extension An Arts and Crafts style rowhouse designed by Hill and Stout and built in 1880-81, and converted into an automobile stable in 1902. Application is to construct additions and modify a dormer. Zoned C1-8X. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-7073 - Block 1384, lot 24-21 East 69th Street - Upper East Side Historic District A residence built in 1885-86 and altered in the neo-Georgian style in 1926-27 by Sloan and Robertson. Application is to construct a rear yard addition. Zoned C5-1 MP. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-2424 - Block 1496, lot 1-1030 Fifth Avenue - Metropolitan Museum Historic District An apartment building designed by J.E.R. Carpenter and built in 1924-25. Application is to construct a rooftop addition at the penthouse. Zoned R10 (P1). Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 13-0875 - Block 1498, lot 1-1050 Fifth Avenue - Carnegie Hill Historic District A Modern style apartment building designed by Wechsler & Schimenti and built in 1958. Application is to create a new window opening. Community District 8.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-8722 - Block 1504, lot 29-63 East 92nd Street - Carnegie Hill Historic District A rowhouse built in 1886 and altered in the neo-Colonial style by Edward Webber in 1928. Application is to construct rooftop and rear yard additions and alter front and rear facades. Zoned R8B. Community District 8.

j6-19

## RENT GUIDELINES BOARD

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT THE NEW YORK CITY RENT GUIDELINES BOARD will hold a public hearing on Monday, **June 18, 2012** at the "Great Hall" at Cooper Union, 7 East 7th Street at the corner of 3rd Avenue, New York, NY 10003 to consider public comments concerning rent adjustments for renewal leases for apartments, lofts, hotels and other housing units subject to the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974. These adjustments will affect renewal leases commencing between October 1, 2012 through September 30, 2013. Public comments regarding proposed rent adjustments for rent stabilized apartments, lofts, and hotels (including class A and class B hotels, SROs, rooming houses and lodging houses) will begin at **10:00 A.M.** on Monday, **June 18, 2012.**

Registration of speakers is required and pre-registration is now being accepted and is advised. Pre-registration requests for the hearing must be received before 1:00 P.M. on Friday, **June 15, 2012.** For further information and to pre-register for the public hearing call the Board at (212) 385-2934 or write to the Rent Guidelines Board, 51 Chambers Street, Rm. 202, New York, NY 10007. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are requested to notify Ms. Charmaine Superville at the above address by **June 13, 2012** by 4:30 P.M.

Proposed rent guidelines for all of the above classes of stabilized housing units were adopted on **May 1, 2012** and published in the City Record on **May 11, 2012.** Copies of the proposed guidelines are available from the Rent Guidelines Board staff office at the above listed address, at the Board's website [nycrgb.org](http://nycrgb.org), or at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).

j6-15

## TRANSPORTATION

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, June 27, 2012. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

**#1** In the matter of a proposed revocable consent authorizing The Trustee of Columbia University in the City of New York to construct, maintain and use a conduit, together with pull boxes, under and along West 168th Street and under, across and along Audubon Avenue, in the Borough of Manhattan The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2013- \$7,536/annum.

For the period July 1, 2013 to June 30, 2014 - \$7,755  
For the period July 1, 2014 to June 30, 2015 - \$7,974  
For the period July 1, 2015 to June 30, 2016 - \$8,193  
For the period July 1, 2016 to June 30, 2017 - \$8,412  
For the period July 1, 2017 to June 30, 2018 - \$8,631  
For the period July 1, 2018 to June 30, 2019 - \$8,850  
For the period July 1, 2019 to June 30, 2020 - \$9,069  
For the period July 1, 2020 to June 30, 2021 - \$9,288  
For the period July 1, 2021 to June 30, 2022 - \$9,507  
For the period July 1, 2022 to June 30, 2023 - \$9,726

the maintenance of a security deposit in the sum of \$9,800 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#2** In the matter of a proposed revocable consent authorizing Richard Cantor and Esther Altmann to construct, maintain and use a stoop on the south sidewalk of West 87th Street, west of West End Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$2,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#3** In the matter of a proposed revocable consent authorizing Francesco Scattono and Judith Gibbons to construct, maintain and use a stoop and a fenced-in area on the south sidewalk of East 93rd Street, west of Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among other terms and conditions for compensation payable to the city according to the following schedule:

From the Approval Date to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be the amount of One Million dollars (1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

**#4** In the matter of a proposed revocable consent authorizing Kurt W. Rueloffs Jr. and Shyanne Rueloffs to construct, maintain and use a stoop and a stair on the south sidewalk of West 88th Street, east of Central Park West, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2023 and provides among others terms and condition for compensation payable to the city according to the following schedule:

From the Approval Date to June 30, 2023 - \$25/annum.

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

j7-27

## COMMUTER VAN SERVICE AUTHORITY Six Year Renewal

NOTICE IS HEREBY GIVEN THAT the Department of Transportation is conducting a public hearing on the six year renewal of a New York City Commuter Van Authority in the Borough of Queens, Manhattan and Brooklyn. The van company is J & HE Transportation, Inc. The address is 39-52 60th Street, Woodside, NY 11377. The applicant currently utilizes 19 vans daily to provide service 24 hours a day.

There will be a public hearing held on Tuesday, June 19, 2012 at Brooklyn Borough Hall, Community Room, 209 Joralemon Street, Brooklyn, NY 11201 from 2:00 P.M. - 4:00 P.M., on Friday, June 22, 2012 at the Manhattan Borough President's Office, One Centre Street, 19th Floor South, New York 10007 from 2:00 P.M. - 4:00 P.M., and on June 29, 2012 at 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 attendees may have an opportunity to voice their 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 Traffic and Planning, 55 Water Street, 9th Floor, NY 10041 no later than June 29, 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.

j8-15

## PROPERTY DISPOSITION

## POLICE

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

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

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

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

### INQUIRIES

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

### FOR MOTOR VEHICLES

(All Boroughs):

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

### FOR ALL OTHER PROPERTY

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

## PROCUREMENT

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

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

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



**ADMINISTRATION FOR CHILDREN'S SERVICES**

■ SOLICITATIONS

*Human / Client Services*

**NON-SECURE DETENTION GROUP HOMES** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06811N0004 – DUE 05-31-13 AT 2:00 P.M. – The Administration for Children's Services, Division of Youth and Family Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 5/31/13.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038.  
 Patricia Chabla (212) 341-3505; Fax: (212) 341-3625; patricia.chabla@dca.state.ny.us

j1-n14

**AGING**

■ INTENT TO AWARD

*Human / Client Services*

**BILL PAYER PROGRAM** – Demonstration Project – Available only from a single source - PIN# 12512D0001 – DUE 06-20-12 AT 10:00 A.M. – This notice is for informational purposes only. The Department for the Aging intends to award a contract for a demonstration project for two years starting 7/1/12 to test the feasibility of a Bill Payer Program (BPP) through the Council of Senior Centers and Services of NYC. The program would assist older adults referred by DFTA funded case management agencies with a third-party bill paying service that would provide financial and social services.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Department for the Aging, 2 Lafayette Street, Room 400, New York, NY 10007. Margaret McSheffrey (212) 442-1373; mmcsheffrey@aging.nyc.gov

j13-19

**CITY UNIVERSITY**

■ INTENT TO AWARD

*Goods*

**OPNET TECHNOLOGIES INC. SOFTWARE ETC.** – Required/Authorized Source – PIN# 2152068 – DUE 06-27-12 AT 2:00 P.M. – Queensborough Community College (QCC) intends to purchase the following three (3) "Opnet Technologies Inc." items:  
 1 - App Transaction Xpert Plus perpetual right to use license (includes one distribution);  
 2 - License upgrades for new releases;  
 3 - Technical Support Agreement.

The college (QCC) also intends on purchasing additional yearly renewals.

If your company is interested in providing these three (3) items to the college, please submit in writing either by email or fax your expression of interest along with documentation providing you are authorized to sell/distribute the requested items by June 27th, 2012, at 2:30 P.M.

Any purchase resulting from this advertisement shall be subject to N.Y. State Appendix A and the terms and conditions of a CUNY Purchase Order or a CUNY Agreement.

*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.*  
 Queensborough Community College, 222-05 56th Avenue, Room A-406, Bayside, NY 11364.  
 MacArthur Marshall (718) 631-6202; Fax: (718) 281-5152; marshall@qcc.cuny.edu

j13

**CITYWIDE ADMINISTRATIVE SERVICES**

■ SOLICITATIONS

*Goods*

**PRE-SOLICITATION CONFERENCE: TRUCKS, COLLECTION, REAR LOADING** – Competitive Sealed Bids – PIN# 857PS1200624 – DUE 07-12-12 AT 9:30 A.M. A pre-solicitation conference for the above-listed will be held on July 12, 2012 at 9:30 A.M. at DCAS/OCF, 1 Centre Street, 18th Floor South, Pre-Bid Conference Room, New York, NY 10007. Please review attached specifications before you attend the conference.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007.  
 Joseph Vacirca (212) 669-8616; Fax: (212) 669-7581; jvacirca@dca.nyc.gov

j13

**MUNICIPAL SUPPLY SERVICES**

■ SOLICITATIONS

*Goods*

**MEATS AND POULTRY FOR DYFJ RE-AD** – Competitive Sealed Bids – PIN# 8571200629 – DUE 06-28-12 AT 10:00 A.M. – A copy of the bid can be downloaded from the City Record Online site at

http://a856-internet.nyc.gov/nycvendoronline/home.asp. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcaasmssbids@dca.nyc.gov by telephone at (212) 669-8610 or by fax at (212) 669-7603.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Department of Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Edith Fezzuoglio (212) 669-8589; Fax: (212) 313-3164; efezzuo@dca.nyc.gov

j13

■ AWARDS

*Goods*

**CHEESE AND MARGARINE - D.O.C.** – Competitive Sealed Bids – PIN# 8571200456 – AMT: \$391,590.00 – TO: H. Schrier and Company, Inc., 4901 Glenwood Road, Brooklyn, NY 11234.

● **FISH AND SEAFOOD - D.O.C.** – Competitive Sealed Bids – PIN# 8571200504 – AMT: \$47,580.00 – TO: Jamac Frozen Food Corp., 570 Grand Street, Jersey City, NJ 07302.

● **FISH AND SEAFOOD - D.O.C.** – Competitive Sealed Bids – PIN# 8571200504 – AMT: \$311,980.00 – TO: Tony's Fish and Seafood Corp., A-1 Hunts Point Co-op Market, Bronx, NY 10474.

● **BEEF FRANKFURTERS "GP" FOR D.O.C.** – Competitive Sealed Bids – PIN# 8571200580 – AMT: \$419,330.00 – TO: Jamac Frozen Food Corp., 570 Grand Street, Jersey City, NJ 07302.

● **MILK AND MILK PRODUCTS, SOY MILK AND ORANGE JUICE** – Competitive Sealed Bids – PIN# 8571200379 – AMT: \$1,530,822.19 – TO: Cream O Land Dairies, LLC, P.O. Box 146, 529 Cedar Lane, Florence, NJ 08518.

● **FRUITS AND VEGETABLES, FRESH - D.O.C.** – Competitive Sealed Bids – PIN# 8571200492 – AMT: \$985,151.05 – TO: Frank Gargiulo and Son, Inc., 535 Sweetland Avenue, Hillside, NJ 07205.

j13

■ VENDOR LISTS

*Goods*

**EQUIPMENT FOR DEPARTMENT OF SANITATION** – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j5-d31

**DESIGN & CONSTRUCTION**

■ SOLICITATIONS

*Construction / Construction Services*

**HWMP2012, REI, SERVICES FOR THE RECONSTRUCTION OF TIMES SQUARE, FROM WEST 42ND STREET TO WEST 47TH STREET** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 8502012HW0049P – DUE 07-11-12 AT 4:00 P.M. – REI Services for the reconstruction of Times Square, from West 42nd Street to West 47th Street. All qualified and interested firms are advised to download the Request for Proposal at http://ddcftp.nyc.gov/rfpweb/ from June 14, 2012 or contact the person listed for this RFP. The contract resulting from this Request for Proposal will be subjected to Local Law 129 of 2005, Minority Owned and Women Owned Business Enterprise (M/WBE) program.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Department of Design and Construction, 30-30 Thomson Avenue, 4th Floor, Long Island City, NY 11101.  
 Belkis Palacios (718) 391-1866; palaciob@ddc.nyc.gov

j13

**ENVIRONMENTAL PROTECTION**

**AGENCY CHIEF CONTRACTING OFFICER**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**NYC CLEAN HEAT: FINANCIAL ASSISTANCE FOR BUILDINGS** – Request for Qualifications – PIN# 826CHF001 – DUE 06-25-12 AT 4:00 P.M.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Department of Environmental Protection, 253 Broadway, 10th Floor, New York, NY 10007. Bethany Bowyer (212) 341-3673; bbowyer@dep.nyc.gov

j11-15

**RAIN BARREL VOUCHER PROGRAM** – Negotiated Acquisition – PIN# 82612N0006 – DUE 06-27-12 AT 4:00 P.M.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Department of Environmental Protection, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373.  
 Glorivee Roman (718) 595-3226; Fax: (718) 595-3208; glroman@dep.nyc.gov

j11-15

**WATER SUPPLY OPERATION**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**PREVENTIVE AND REPAIR OF POWER DISTRIBUTION EQUIPMENT AND LIGHTING SYSTEMS AT SUBTERRANEAN CHAMBERS OF CITY TUNNEL #3** – Competitive Sealed Bids – PIN# 826130MLP504 – DUE 07-11-12 AT 11:30 A.M. CONTRACT: MLP-504: Document Fee: \$80.00. There will be a pre-bid conference at 59-17 Junction Boulevard, 12th Floor Conference Room on 6/25/12 at 9:30 A.M. and a site visit on 6/29/12, locations will be announced at the pre-bid. A color copy of a photo ID is required for security clearance. Project Manager, Baldemiro Leon, (718) 595-7465.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Department of Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Elmhurst, NY 11373.  
 Greg Hall (718) 595-3236; greg@dep.nyc.gov

j13

**WASTEWATER TREATMENT**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**SERVICE AND REPAIR OF CRANES VARIOUS WPCP'S, BWSO AND DEP FACILITIES UNDER THE NORTH REGION, CITYWIDE** – Competitive Sealed Bids – PIN# 8261301325CR – DUE 07-05-12 AT 11:30 A.M. CONTRACT: 1325-CR: Document Fee \$80.00. There is a pre-bid conference on 6/27/12 at 10:00 A.M. at 96-05 Horace Harding Expressway, 2nd Fl. Conference Room #4, Flushing, NY 11373. Project Manager for this job is Demian Sadeghi (718) 595-4881.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Department of Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373.  
 Greg Hall (718) 595-3236; ghall@dep.nyc.gov

j13

**FIRE**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**MAINTENANCE AND TECHNICAL SUPPORT SERVICES FOR THE NEW YORK FIRE INCIDENT REPORTING SYSTEM** – Sole Source – Available only from a single source - PIN# 057130000310 – DUE 06-29-12 AT 4:00 P.M. – The Fire Department intends to enter into sole source negotiations with FirstOnscene, LLC, to provide ongoing Maintenance and Technical Support Services for proprietary software to the New York Fire Incident Reporting System. Any firm that believes that it can provide these services is invited to do so in writing. Written requests shall be sent to the address below. Attn: R. Shpolyankys, (718) 999-0298.

*Fire Department, 9 MetroTech Center, 5th Floor, Brooklyn, NY 11201. Kristina LeGrand (718) 999-1231; legrandm@fdny.nyc.gov*

j11-15

**HEALTH AND HOSPITALS CORPORATION**

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

j1-d31

**HEALTH AND MENTAL HYGIENE**

■ INTENT TO AWARD

*Human / Client Services*

**CPR/FIRST AID TRAINING** – Negotiated Acquisition – PIN# 13SH011701R0X00 – DUE 06-25-12 AT 4:00 P.M. The Department intends to enter into a Negotiated Acquisition Extension with REMSCO (Regional Emergency Medical Services Council of NYC) to continue providing training, certification, and recertification of public health staff in cardiopulmonary resuscitation (CPR) and First Aid. The term of the contract will be from 07/01/2012 to 06/30/2013. Any vendor that believes it can provide these services for such procurement in the future is invited to submit an expression of intent which must be received no later than June 25, 2012, 4:00 P.M. Any questions regarding this NA should be address in writing to the contracting officer below.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Health and Mental Hygiene, 42-09 28th Street, 1th Floor, Queens, NY 11101-4132; Elaine Armstrong (347) 396-4719; earmstro@health.nyc.gov

j11-15

**AGENCY CHIEF CONTRACTING OFFICER**

■ SOLICITATIONS

*Human / Client Services*

**NEW YORK/NY III SUPPORTED HOUSING CONGREGATE** – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 81608PO076300R0X00-R – DUE 09-18-12 AT 4:00 P.M. –The Department is issuing a RFP to establish 3,000 units of citywide supportive housing in newly constructed or



and no one wished to testify on the Proposed Rule. No written comments were received on the Proposed Rule.

**Section 1**

On January 20, 2012, amended and renumbered provisions of Article 81 of the New York City Health Code went into effect. To maintain consistency and avoid confusion, the Environmental Control Board (ECB) has amended the charges in its penalty schedule to conform to the renumbered code. All descriptions and penalties remain the same.

**Section 2**

Section 2 changed the statutory citation for Health Code Section 113.03(c) (2) or 113.07 to Health Code section 3.11. After review, DOHMH determined that the Health Code sections were duplicative with Part 14, Subpart 14-5.180 of the Public Health Law § 225 of the State of New York. As a result, on January 20, 2012, Health Code 113.03(c) (2) and 113.07 were repealed when Article 81 was renumbered. Health Code 3.11, the new citation, allows the DOHMH to enforce permit requirements of applicable law or regulation.

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

Section 1. The Health Code and Miscellaneous Food Vendor Violations Penalty Schedule found in Section 3-110 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York has been amended and has revised the following charges:

Section/Rule	Description	Penalty	Default
NYC Health Code [81.07(i)] <u>81.07(j)</u>	Foods prepared or served with bare-hand contact	\$385	\$770
NYC Health Code [81.29(c)] <u>81.21</u>	Hand washing facilities not provided	\$200	\$400
NYC Health Code [81.37(a)] <u>81.27</u>	Cart Utensils, equipment unclean	\$200	\$400
NYC Health Code [81.27(a)] <u>81.27(d)</u>	Wiping cloth used on food contact surfaces not stored in sanitizing solution	\$300	\$600

Section 2. The Health Code and Miscellaneous Food Vendor Violations Penalty Schedule found in Section 3-110 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York has been amended and has revised the charge currently listed as “NYC Health Code 113.03(c) (2)) or NYC Health Code 113.07, Vending frozen desserts w/o appropriate permit,” as follows:

Section/Rule	Description	Penalty	Default
NYC Health Code [113.03(c)(2)] or [113.07] <u>3.11</u>	Vending frozen desserts w/o appropriate permit	\$1000	\$2000

313

**HEALTH AND MENTAL HYGIENE**

■ NOTICE

**NOTICE OF PUBLIC HEARING**

**Subject:** Opportunity to Comment on Proposed Repeal and Recodification of Chapter 6 (Food Units) of Title 24 of the Rules of the City of New York.

**Date / Time:** July 19, 2012 from 10:00 A.M. to 12:00 P.M.

**Location:** New York City Department of Health and Mental Hygiene  
125 Worth Street  
Third Floor Boardroom  
New York, NY 10013

**Contact:** Rena Bryant  
(347) 396-6071

**Proposed Rule**

The Department of Health and Mental Hygiene (the “Department”) is proposing to repeal and recodify Chapter 6 (Food Units) of Title 24 of the Rules of the City of New York.

**Instructions**

Prior to the hearing, you may submit written comments about the proposed amendment by mail to

New York City Department of Health and Mental Hygiene  
Board of Health  
Office of the Secretary to the Department  
Attention: Rena Bryant  
Gotham Center  
42-09 28th Street  
14th Floor, Room 14-15  
Long Island City, NY 11101

or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) or by email to [RESOLUTIONCOMMENTS@HEALTH.NYC.GOV](mailto:RESOLUTIONCOMMENTS@HEALTH.NYC.GOV) or online (without attachments) at <http://www.nyc.gov/html/doh/html/notice/notice.shtml> on or before 5:00 P.M., on July 19, 2012.

To request a sign language interpreter or other form of reasonable accommodation for a disability at the hearing, please contact Rena Bryant at the phone number shown above by July 5, 2012.

Copies of written comments and a summary of oral comments received at the hearing will be available within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the contact address below.

New York City Department of Health and Mental Hygiene  
Office of the Secretary to the Department  
Attention: Rena Bryant  
Gotham Center  
42-09 28th Street, Box 31  
14th Floor, Room 14-15  
Long Island City, NY 11101

**Statement of Basis and Purpose**

*Statutory Authority*

This repeal and reenactment of Chapter 6 of Title 24 of the

Rules of the City of New York is issued according to §§556 and 1043 of the New York City Charter (the “Charter”), §17-324 of the Administrative Code of the City of New York, and Article 89 of the New York City Health Code:

- Section 556 of the Charter authorizes the Department of Health and Mental Hygiene (the “Department”) to regulate all matters affecting health in the city of New York.
- Section 1043 of the Charter gives the Department rulemaking powers.
- Section 17-324 of the Administrative Code authorizes the Commissioner to “make such rules as deemed necessary” for enforcement of Subchapter 2 (Food Vendors) of Chapter 3 (Licenses and Permits) of Title 17 of the Administrative Code.
- Article 89 (Mobile Food Vending) of the New York City Health Code refers to rules to be promulgated by the Commissioner in Chapter 6.

*Background of Proposed Rules*

At a meeting on December 16, 2008, the New York City Board of Health repealed and reenacted Article 89 (Mobile Food Vending) of the New York City Health Code, as part of a comprehensive review of all Health Code provisions. Article 89 was reorganized, obsolete provisions were repealed, and new provisions were adopted to reflect Department practice and the regulatory environment. The recodified Article 89 became effective on January 1, 2010. Several provisions in the recodified Article 89 reference the rules that are applicable to mobile food vending in Chapter 6 (Food Units) of Title 24 of the Rules of the City of New York. These rules are therefore being amended to conform to Article 89 and enable better implementation of this article.

*Overview of Proposed Rules*

Because of the significant number of changes, and in an effort to provide more clarity, the Department is proposing to repeal the entirety of Chapter 6 and replace it with a new set of renumbered and amended rules. The major changes in the proposed new provisions can be summarized as follows:

- **Classification scheme for mobile food vending units.** The proposed rules classify units according to the kinds of operations (processing or non-processing), kinds of foods served (potentially hazardous requiring temperature control for safety or not potentially hazardous), and whether or not foods are prepackaged. The classifications (A through E) will determine the kind of equipment required.
- **Commissaries.** The proposed rules would allow for and describe requirements for alternatives to commissaries for Class D and E carts (non-processing carts, such as hot dog, coffee and fruit/vegetable carts, green carts). These storage and cleaning facilities may hold up to 4 carts, and would have to meet basic sanitary requirements. The permittee would have to get Department approval for use of a facility that is an alternative to a commissary, but the alternative facility would not have to hold its own permit.
- **Size of mobile vending units.** The proposed new rules would limit cart size to 5’x10’— taking into account sidewalk clearance and pedestrian safety, as well as the existing stock of carts.
- **Pre-permit inspection appearance by permit holders.** The proposed new rules would compel permit holders to appear for pre-permit inspections in person: for full-term permittees this would require an appearance at least once every two years; for seasonal permittees this would require an appearance each year. This rule would implement a specific recommendation by the Department of Investigation following its review of industry practices and illegally transferred or leased permits.
- **Joint and severable liability for violations.** Though authority already exists in Article 5 and Article 89 of the Health Code for the Department to issue notices of violations (NOVs) to permit holders, the proposed new rules would clarify that licensees must accept service of NOVs on behalf of permit holders, and that the Department would perfect personal service of NOVs to permit holders by mailing permittees copies of the NOVs. In other words, personal service of NOVs, as described in the proposed rules, would meet all legal requirements.

*Description of Proposed Rules*

The proposed new provisions of Chapter 6, and how they differ from the current provisions of Chapter 6, are described as follows.

**§6-01 Scope and applicability.**  
This section is substantively the same as current §6-01 (b).

- §6-02 Definitions.**  
This section is new and defines terms used throughout the Chapter. Most notably:
- “Mobile food commissary or other facility approved by the Department” describes a facility other than a commissary where Class D and Class E mobile food vending units (see newly added section 6-03) may be cleaned and stored when not used for vending. The Department recognizes that all mobile food vending units do not need to be stored and cleaned in commissary facilities in order to satisfy public health concerns. Therefore, for Class D and Class E units, these alternate facilities are reasonable, since these units do not require the same level of servicing as do Class A, B and C units on which potentially hazardous foods are prepared and held. The facilities must provide basic sanitation, plumbing, a source of potable water, and drainage; and must not create a nuisance. However, no food would be permitted to be stored in such facilities.
  - The section includes the term “processing” as defined in the State Agriculture and Markets Law §251-z-2 (4).
  - The term “pre-permit inspection” is defined to include several instances that require the permittee or permit applicant to bring in the mobile food vending unit for an inspection by the Department.

- §6-03 Mobile food vending unit classifications.**  
This section is new and classifies units as Classes A through E according to:
- The kind of operations (processing or non-processing);
  - The kinds of foods served (potentially hazardous requiring temperature control for safety or not potentially hazardous), and
  - Whether or not foods are prepackaged.

The new classifications would determine the kind of equipment required for each unit, as specified in Table 1 of §6-05. A summary of the new classifications is as follows:

- Class A: Prepare and process raw potentially hazardous foods, e.g., grilled or fried meats, eggs and poultry.
- Class B: Prepare and process potentially hazardous foods that are manufactured or pre-cooked, e.g., sandwiches, smoothies and soft-serve frozen desserts.
- Class C: Serve only intact, prepackaged potentially hazardous foods requiring temperature control for safety, e.g., prepackaged frozen desserts, prepackaged sandwiches and prepackaged presliced fruits and vegetables.
- Class D: Serve only non-potentially hazardous packaged or un-packaged foods that do not require temperature control for safety, e.g., brewed coffee and tea, donuts, soft pretzels, boiled frankfurters and other sausages.
- Class E: Green carts that sell only non-potentially hazardous unprocessed whole fruits and vegetables.

Permittees seeking Class A and B permits would be required to pay the \$100 annual permit fee for a processing unit as prescribed in §17-308 of the Administrative Code, or as applicable, the fee for a temporary seasonal processing permit in accordance with §17-307 of the Administrative Code and Article 5 of the Health Code.

**§6-04 Mobile food vending units: pre-permit construction and equipment requirements for all classes of mobile food vending units.**

This section expands and provides detail for the more generally stated requirements in current §6-01, with respect to what materials and equipment will be approved for mobile food vending units. It is largely based on requirements applicable to other kinds of food service establishments, set forth in Article 81 of the Health Code and the US FDA Food Code, adapted to apply to mobile food vending. Its intent is to reduce the risk of food being contaminated by exposure to environmental contaminants, and to better protect food workers and the public.

**§6-05 Mobile food vending units: equipment required for different classes of mobile vending units.**

This section is new. The equipment required is related to the unit classifications, which are based on the kinds of processes and kinds of foods being processed on the unit. A chart included as Table 1 specifies the equipment required for each class of mobile food vending unit. These requirements are consistent with standards for those for temporary food service establishments set forth in Article 88 of the Health Code. Plumbing and water standards are based on those in Chapter 5 of the 2009 US FDA Food Code.

**§6-06 Size of mobile food vending units.**

This section is renumbered, and would amend current §6-01 (d). Administrative Code §17-307 (b)(1) authorizes the Commissioner to establish size and design standards for mobile food vending units.

The Department is proposing a maximum size limit of five feet in width and 10 feet in length for all mobile food vending units, other than those that are motor vehicles. The longer side of the unit would be required to be placed adjacent and parallel to the curb of the sidewalk. Currently, §6-01(d) limits the size of non-processing carts to four feet six inches in width (for units where the operator is within the unit) and six feet six inches in length. It does not limit the size of either processing carts or motor vehicles.

There is historical precedent for the Department’s regulation of the size of mobile food vending units. In 1978, §D22-19.0 of the Administrative Code went into effect. That provision of the Administrative Code limited the size of units to 10 linear feet, measured parallel to the curb on any sidewalk. While this limitation was repealed in the mid 1990’s, it remained in §89.09 (c) of the Health Code and was in effect until January 1, 2010, when Article 89 was repealed and recodified. The size limitations were repealed and not included in the revised Article 89 because the Department intended to include all specific size, design and equipment requirements in this Chapter of the Department’s rules. Also note that Administrative Code §20-465 (b) - applicable to general merchandise sidewalk vending units - limits these vendors to occupying no more than three feet in width (measured perpendicular to the curb) and eight feet in length (parallel to the curb).

The Department believes that limiting the size of non-motor vehicle sidewalk food units to no more than five feet in width by 10 feet in length is reasonable, and would readily enable such units to accommodate the equipment required for all mobile food vending units using public sidewalks, without unduly obstructing the public’s use of the sidewalks.

**§6-07 Green carts.**

This section is renumbered, but is substantively the same as current §6-01 (m)-(o). Reference to a “two-year phase-in period” after which vendors must pay \$50.00 for a new or replacement umbrella for their green carts has been deleted as it was no longer applicable after June 2010.

**§6-08 Facilities for servicing Class D and Class E mobile food vending units.**

This section is new. The Department is authorized under Article 89 of the Health Code to adopt rules to approve facilities to service mobile food units that only vend pre-packaged non-potentially hazardous foods or whole fresh fruits and vegetables. (See, Health Code §89.03.) This new section, §6-08, would establish the rules for such facilities. Previously, all units were required to be serviced by permit-holding commissaries.

Anyone intending to use such a facility would have to certify that the facility holds any necessary permits and is in compliance with all applicable fire safety, zoning and building laws. At the Department’s request, the user would be required to provide documentation to support the certification. The rule is intended to prevent nuisances at such facilities, and maintain sanitary conditions on the units and at these facilities. However, consistent with Administrative Code §17-307 (c), only a commissary holding a permit issued pursuant to Article 81 of the Health Code may provide necessary services to five or more mobile food vending units of any class or to more than one mobile food vending unit vehicle. In addition, all mobile food vending units in classes A, B or C would still be required to be serviced at a commissary.

**§6-09 Manufacturer or exclusive distributor lease agreements.**

This section has been renumbered, and is substantively the same as existing §6-04, except that the model lease agreement and rider are no longer included in the rule. These agreements were authorized for a very brief period of time, in accordance with §17-314.1(d)(2) of the Administrative Code. They are only applicable to those holders of multiple permits who were eligible to hold such permits in 1995. The section authorizes the Department to maintain an approved model lease agreement format on its website and to provide copies of the forms on request. Agreements that were in effect will continue to be approved, but no new agreements are allowed.

**§6-10 Violations.**

This section has been renumbered, and its provisions are substantively the same as provisions in existing §6-05 with respect to identifying "A" violations.

**§6-11 Inspections; permit issuance and renewal.**

This section is new. It includes the requirements in current §6-01(c) for reinspection of damaged and repaired materially altered mobile food vending units that became effective in 2007, and includes additional requirements for pre-permit inspections and reinspections, as described below. The basis for those additions is also described in detail.

1. It would clarify when the Department would accept late applications for renewals of permits and/or schedule late pre-permit renewal inspections.
  - a. Late applications: The Department will not accept late applications unless the applicant can show, and the Department can verify, that:
    - i. The applicant received tax or penalty clearances from an issuing agency late, and that was the result of the issuing agency's delay, and
    - ii. Applications for tax and penalty clearances were submitted at least 60 days before the date of renewal of the permit.
  - b. Late inspections: The Department will not issue a permit unless the inspection is completed in a timely manner, unless:
    - i. The delay in inspection completion was the result of the Department's delay in scheduling the inspection.
2. It would require that applicants for new or renewal mobile food vending unit permits personally bring their mobile food vending units for pre-permit health inspections. Pre-permit inspections would take place when:
  - A permit applicant is applying for a new permit,
  - A permittee is applying for a renewal permit,
  - A permittee wants to substitute a processing unit for a non-processing unit, or a non-processing unit for a processing unit,
  - A permittee wants to obtain a replacement permit or decal for a decal or permit that is lost, stolen, or damaged, or for a unit that is damaged or materially altered, or
  - A permit has been suspended and the permit decal removed, and a new decal is to be issued.
3. At each pre-permit inspection, permittees would also be required to:
  - Have photos of themselves and photos of their units taken to enable accurate photo identification, and
  - Bring a form approved or provided by the Department that lists all of the individuals who will be allowed to vend from the unit and the permittee's legal relationship to those individuals (e.g. employee, etc.).
4. A new subdivision (e) emphasizes and repeats in these rules the provisions of Health Code §§5.13 and 89.13 (k) that holds permittees jointly and severally liable with the operators of the units for the safe and legal operation of the units.

**Basis for timely applications and inspections:**

There are no provisions in the Administrative Code for late submissions of applications or scheduling inspections, but the Department receives substantial numbers of delayed applications and many different excuses for delays in inspection completion. As a result, the Department proposes to clarify in which circumstances it will accept late applications for renewals of permits and/or schedule late pre-permit renewal inspections, based on subsections in the Administrative Code.

The Administrative Code requirements are as follows: Administrative Code §17-310 (a) requires the applicant to submit a completed permit renewal application with sales tax payment clearances from the Department of Finance no later than 30 days before the existing permit expires; Administrative Code §17-317 (b) and §6-10 of these Rules also require payment of outstanding fines and penalties; Administrative Code §17-307 (b)(2)(d) requires the permittee to have a pre-permit inspection by the Department no later than three months after an application is certified or accepted by the Department; it also requires that the mobile food vending unit must pass the inspection no later than six months after the permit renewal applicant has submitted a completed application.

**Basis for pre-permit inspections:**

City Charter §556 authorizes the Department to "supervise and regulate the food and drug supply of the city... and ensure that such businesses and activities are conducted in a manner consistent with the public interest and by persons with good character, honesty and integrity." Recent investigations by the City's Department of Investigation have disclosed fraud in a number of practices in the mobile food vending industry, including transfers of permits by deceased permittees, and the presentation of a single cart at multiple pre-permit inspections, followed by subsequent decal transfer. Requiring the appearance of the permit holder, as well as photographing the permittee and the unit at each pre-permit inspection, will help the Department determine whether the permit holder is aware of the condition of a mobile food vending unit, and is responsibly operating the unit or supervising its operation by employees.

**Basis for list of approved individuals**

Currently, when Department inspectors issue violations to a mobile food vending unit operator who is not the permittee, the Department also notifies the permittee in writing of such violations. Health Code §89.13(k) authorizes the Department to issue notices of violation directly to the permittee; the Code also identifies the "operator of a unit" as the agent of the permittee, and the "unit" as the place of business of the permittee. Since more responsibility is expected of permittees than of their agents with respect to safe operation of their mobile food units, it is reasonable to expect permittees to be available for pre-permit inspections and to be able to identify people selling or distributing food from their units. This provision implements §17-309(b)(1) of the Administrative Code.

**Basis for joint and several liability**

Health Code §5.13 makes any Department permittee responsible when agents or employees of the permittee commit any violations of the Health Code. Permittees who evade responsibility for operation of their mobile food vending units do not benefit the public health, and have no

incentive to make sure their mobile food vending units are operated in compliance with the Health Code, the Administrative Code and these rules.

The Department believes that all of these provisions will further promote food safety because they will enforce Administrative Code requirements that permittees know who is vending food from their units, and will urge them to take steps to more closely supervise those individuals. Including joint and several liability in the rules gives extra notice to permittees of their responsibilities for notices of violation issued for unsafe or illegal operation of their mobile food vending units.

**§6-12 Records of commissaries and other approved facilities.** This section is new. It would require commissaries to maintain records of mobile food vending units serviced at the commissary and would enable the Department to determine if commissary services are being regularly provided. It, too, implements a recommendation of the Department of Investigation intended to address fraudulent practices.

In some cases, the Department of Investigation has reported, permittees purchase letters from commissaries and present them at Department pre-permit inspections to show that a specific mobile food vending unit cart or vehicle receives what are in fact non-existent services at a specific commissary. It is in the public's interest that mobile food vending units, particularly those that prepare and sell potentially hazardous foods, are properly serviced at least daily at a commissary. Article 89 of the Health Code and Subpart 14-5 of the State Sanitary Code require that certain services be provided at commissaries, including, most importantly, daily cleaning of the unit and its utensils; provision and preparation of food obtained from approved sources; and safe disposal of liquid and solid wastes.

**§6-13 Disabled veterans mobile food unit vending permits.** This section is new. It would establish procedures for issuing permits to disabled veterans for mobile food vending on sidewalks surrounding Department of Parks and Recreation property, in accordance with applicable provisions of General Business Law §35-a.

**§6-14 Government agency and charitable organization exemptions.**

This section is renumbered and retitled, but is substantively the same as former §6-03 (Exemption of governmental agencies from limitation on number of mobile food vending unit permits).

**§6-15 Modification.**

This section is renumbered, but it is substantively the same as current §6-01(n). It authorizes the Commissioner or a designee to exercise discretion in modifying requirements of the Chapter in cases where compliance would result in practical difficulty or unusual or unreasonable hardship. It also allows the Commissioner to impose conditions upon granting such modifications so that public health is not compromised.

New text is underlined; deleted material is in [brackets].

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

\* \* \*  
§1. It is hereby proposed that Chapter 6 (Food Units) of Title 24 of the Rules of the City of New York, be repealed and recodified, to read as follows:

### Chapter 6 Mobile Food Vending

**§6-01 Scope and applicability.****§6-02 Definitions.****§6-03 Mobile food vending unit classifications.****§6-04 Mobile food vending units: pre-permit construction and equipment requirements for all classes of mobile food vending units.****§6-05 Mobile food vending units: equipment required for different classes of mobile vending units.****§6-06 Size of mobile food vending units.****§6-07 Green carts.****§6-08 Facilities for servicing Class D and Class E mobile food vending units.****§6-09 Manufacturer or exclusive distributor lease agreements.****§6-10 Violations.****§6-11 Inspections; permit issuance and renewal.****§6-12 Records of commissaries and other approved facilities.****§6-13 Disabled veterans mobile food unit vending permits.****§6-14 Government agency and charitable organization exemptions.****§6-15 Modification.**

**§6-01 Scope and applicability.** All mobile food vendors and the mobile food vending units operated in the City of New York are subject to and must comply with all applicable provisions of Articles 5, 71, 81, 89 and all other applicable provisions of the New York City Health Code (the "Health Code"); Title 17 of the Administrative Code of the City of New York (the "Administrative Code"); Part 14 of the New York State Sanitary Code (the "Sanitary Code"); and the rules of the Department set forth in this Chapter and Chapters 20, 26 and other applicable provisions of Title 24 of the Rules of the City of New York.

**§6-02 Definitions.** Words and terms used in this Chapter have the following meanings:

(a) Acceptable to the Department means acceptable under conditions of use and being used in conformance with applicable regulatory, industrial or other safety standards.

(b) Contaminated has the meaning set forth in Article 81 of the Health Code.

(c) Detergent sanitizer means a solution used to wash and/or sanitize utensils and equipment.

(d) Food has the meaning set forth in Article 71 of the Health Code.

(e) Food grade material means material certified as meeting the standards of the National Sanitation Foundation (NSF) or other organization utilizing a process approved by the American National Standards Institute (ANSI), or that is otherwise acceptable to the Department in compliance with §81.17 of the Health Code or successor provision. During use with food products such material shall not react with such food products or food contact surfaces; and shall not contaminate or impart any odor, color or taste to such food products. No food additive, food equipment, lubricant or other similar substance used in food processing, preparation, storage or service shall expose food to physical debris, toxic chemicals, harmful substances or other contaminants.

(f) Green cart has the meaning set forth in §17-306(s) of the Administrative Code or successor provision.

(g) Mobile food commissary or other facility approved by the Department means either

- (1) A commissary that complies with the requirements of Articles 81 and §89.27 of the

Health Code, or

(2) Another facility providing storage and/or cleaning of no more than four Class D or Class E mobile food vending units, nor more than one motor vehicle food vending unit, in accordance with §6-08 of this Chapter.

(h) Mobile food vending unit means a food service establishment as defined in Article 81 of the Health Code located in a pushcart or motor vehicle, self or otherwise propelled, used to store, prepare, display, serve or sell food, or distribute food free of charge to the public, for consumption in a place other than in or on the unit. Any such pushcart or motor vehicle is deemed a mobile food vending unit whether operated indoors or outdoors, on public, private or restricted space. A mobile food vending unit does not mean a stand or a booth.

(i) Potable water means drinking water that meets the drinking water requirements of subpart 5-1 of the State Sanitary Code and is thereby suitable for human consumption or use directly or indirectly in connection with the preparation of food for human consumption, including ice making and cleaning of utensils and equipment.

(j) Potentially hazardous food has the meaning set forth in Article 81 of the Health Code.

(k) Pre-permit inspection by the Department means the inspection of a mobile food vending unit in which the Department determines that the unit has been constructed and equipped in accordance with this Chapter. A pre-permit inspection by the Department is required:

- (1) Before the issuance of a new or renewed mobile food vending permit and decal;
- (2) When a permittee seeks to replace a mobile food vending unit with another unit;
- (3) When a permittee seeks to amend a permit classification from non-processing to processing or processing to non-processing;
- (4) When a mobile food vending unit has sustained a material alteration, as defined in §89.03 (e) of the Health Code; or
- (5) When any permit decal has been removed.

(l) Processing means transforming food into the form in which it is to be served to the mobile food vending unit patron, including, but not limited to, by means of slicing, dicing, grating, portioning, blending, mixing, combining, cooking and reheating, or otherwise treating food in such a way as to create a risk that it may become adulterated if improperly handled. Portioning by butchering is not allowed; food may be processed on a mobile food vending unit only in accordance with Article 89 of the Health Code. A person who processes food on a mobile food vending unit is not a manufacturer, as that term is defined in Administrative Code §17-306 (p), or successor provision of law.

(m) Sanitization means effective treatment by heat or chemical means that destroys pathogens on surfaces treated and is acceptable to the Department, as defined in § 81.03 (ii) of the Health Code, or successor provision.

(n) Vehicle means a motor vehicle or trailer as defined in the Vehicle and Traffic Law.

(o) Ware washing or multi-compartment sink means a sink, other than a hand wash, dedicated to washing cookware, kitchenware and utensils.

**§6-03 Mobile food vending unit classifications.** Mobile food vending units shall be classified based on the foods, processing and packaging of foods served. Class A and Class B units are processing units and Class C, Class D and Class E units are non-processing units for the purpose of payment of the permit fees set forth in §17-308 (c) of the Administrative Code, or successor provision, and Article 5 of the Health Code. (a) Class A mobile food vending unit means a processing unit on which raw, pre-cooked and/or manufactured potentially hazardous foods requiring temperature control as specified in Health Code §81.09 are stored, prepared and provided for individual service. Such foods include, but are not limited to, grilled or fried meats, sausages, poultry, shish kebab, hamburgers, eggs and gyros.

(b) Class B mobile food vending unit means a processing unit in or on which pre-cooked and/or manufactured potentially hazardous foods requiring temperature control as specified in §81.09 of the Health Code are stored, prepared and provided for individual service. Such foods include, but are not limited to, sandwiches prepared on the unit, breads, bagels and rolls buttered or topped with cream cheese on the unit, smoothies and soft serve ice cream.

(c) Class C mobile food vending unit means a non-processing unit in or on which only intact, prepackaged potentially hazardous foods requiring temperature control as specified in Health Code §81.09 are provided for individual service. Such foods include, but are not be limited to, prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and presliced fruits and vegetables.

(d) Class D mobile food vending unit means a non-processing unit in or on which only non-potentially hazardous packaged or unpackaged foods not requiring temperature control for safety are provided or served. Such foods include, but are not limited to, brewed coffee and tea, donuts, pastries, rolls and bagels buttered or topped with cream cheese at a commissary, popcorn, cotton candy, nuts, candied nuts, soft pretzels, and chestnuts, regardless of whether such foods are heated for aesthetic purposes. Mobile food vending units that prepare and serve pre-cooked or manufactured knishes, and boiled frankfurters and sausages are Class D mobile food units.

(e) Class E mobile food vending unit means a green cart or other non-processing mobile food vending unit in or on which only non-potentially hazardous uncut fruits and vegetables are sold or held for sale or service.

(f) Only food to be served or sold. A permit to distribute or sell food from a mobile food vending unit does not authorize the sale of any other product or merchandise from such unit.

**§6-04 Mobile food vending units: pre-permit construction and equipment requirements for all classes of mobile food vending units.** Mobile food vending units must be constructed and equipped so that they may be maintained and operated in a clean and sanitary manner, in accordance with all applicable law, so as to protect foods from contamination by dust, dirt and toxic and other substances, and the public from risk of injury, and must be equipped in accordance with the requirements set forth in Table 1 in §6-05 of this Chapter. Units and equipment must be manufactured from easily cleanable, durable, hard, smooth, non-porous, non-absorbent, non-reactive and non-toxic materials. All equipment must be fastened securely to the mobile food vending unit.

(a) Food contact surfaces. Food contact surfaces, as defined in Health Code §81.03 (p) or successor provision, shall be constructed of easily cleanable, non-toxic commercial food grade materials; kept free of cracks, chips, holes, pits and sharp edges; and maintained in a clean and sanitary condition. Upon request of the Department, a permittee shall provide proof acceptable to the Department that a material used in construction or equipping of a mobile food unit is certified as food grade.

- (1) Lubricants. Equipment for processing foods that contain bearings and gears maintained and operated with non-food grade lubricants must be designed and constructed so that lubricants can not leak, drip, or contaminate food or food contact

surfaces.

(2) **Cooking surfaces.** Cooking surfaces within a mobile food vending unit shall be placed and configured so as to minimize the risks of food contamination and injury to patrons, vendors, and public.

(b) **Non-food contact surfaces.** All non-food contact surfaces must be smooth, easily cleanable, maintained in good repair and kept clean. If solder is used in construction or repairs, it shall be made of non-toxic materials, corrosion resistant, and contain less than 0.2% lead.

(1) **Interior non-food contact surfaces.** Interiors of mobile food vending units, including floors, walls and ceilings of vehicles, and non-food contact surfaces of equipment that are exposed to food splash or debris, or that otherwise require frequent cleaning shall be designed and constructed of smooth, non-toxic and washable materials, free of unnecessary ledges, projections, or crevices, readily accessible for cleaning and sanitizing and maintained in a clean and sanitary condition.

(2) **Exterior non-food contact surfaces.** Exterior non-food contact surfaces shall be constructed of smooth, durable, non-porous, non-toxic materials, without any open seams and joints.

(3) **Permit decal to be visible and unobstructed.** No ornamentation, advertisement, menu, price list, other display, sign or printed matter may cover or obscure the permit decal. A six (6) inch space shall be left clear on all sides of the decal.

(4) **Doors and windows.** In a mobile food vending unit vehicle, a partition or a partition with a self-closing door shall be installed between the driver's seat and the food processing and service area. To protect foods from potential contamination in all units, no service window may be installed over or behind cooking or food preparation equipment.

(c) **Lighting.** A mobile food vending unit shall be equipped with artificial lighting fixtures providing a minimum of 540 lux (50 foot candles) of light at all food contact surfaces and ware washing sinks whenever natural lighting conditions do not meet that standard. When artificial lighting is used, shatter-proof or shatter-guarded lighting shall be installed. Lighting fixtures located over or near food storage, preparation and service equipment shall be shielded to prevent broken glass from falling into food or onto food contact surfaces.

(d) **Ventilation.** Cooking equipment shall be mechanically ventilated to prevent a nuisance from heat, smoke, odors or fumes. Mechanical ventilation hoods and equipment shall be installed and used to prevent grease, steam, smoke, and odors from collecting on interior surfaces, contaminating food and creating a nuisance. If filters and other grease extracting equipment are not designed to be cleaned in place, they must be readily removable for cleaning and replacement, and must be removed and cleaned to prevent accumulations of grease. Power generators shall be used and vented in accordance with manufacturers' specifications.

(e) **Insect and rodent control.** Mobile food vending units shall be maintained so as to be free of insects, rodents, and conditions promoting harborage, as defined in Article 151 of the Health Code, and breeding of insects and rodents.

(f) **Potable water supply.** Mobile food vending units that are required to maintain a potable water supply in accordance with Table 1 of §6-05 shall be equipped with plumbing and plumbing fixtures that provide adequate supplies of potable hot and cold water during all times of operation. Individuals operating mobile food vending units shall maintain sufficient supplies of potable water to allow for hand, ware and food washing and food preparation. Plumbing and fixtures shall be properly connected, vented and drained to prevent contamination of the City water supply or any other potable water supply. Water supply outlets and connections to water supply fixtures or equipment shall be designed and constructed to prevent back-flow into the water supply. Bottled and packaged potable water certified by the New York State Department of Health for sale in New York State may be used to supplement the potable water supply, if handled and stored in a way that protects it from contamination. If used, bottled and packaged potable water shall only be poured into tanks from the original containers. Failure to provide and maintain potable water supplies required by this Chapter is an imminent health hazard requiring immediate cessation of operation of any mobile food vending unit.

(1) **Tank capacity.** Beginning January 1, 2013, when a potable water supply is required by Table 1 of §6-05 of this Chapter, a motor vehicle used as a mobile food vending unit shall be equipped with a tank or tanks with a total capacity of no less than 40 gallons; other mobile food vending units shall be equipped with a tank or tanks with a total capacity of no less than 25 gallons. All tanks shall be filled to capacity prior to beginning operation or operating, as defined in Health Code §89.03 (j).

(2) **Water tanks and inlet pipes.** Water tanks shall be constructed of food grade materials that are corrosion resistant, durable and non-absorbent. Water inlet pipes shall be made of flexible, food-grade material. The fitting for hose connections shall be capped except when tanks are being filled.

(g) **Plumbing.** Plumbing fixtures shall be constructed of food grade material; piping and distribution piping shall be installed and maintained to protect the water from contamination. All piping shall be easily accessible for inspection and repair.

(1) **Tank drainage.** Potable water tanks shall be fitted with a faucet or valve and tilted to allow complete drainage. The entire system shall be constructed to be drained by gravity or other means acceptable to the Department.

(A) Potable and waste water connections on a mobile food vending unit shall be designed and constructed so as to prevent backflow and/or cross-connection with the water supply.

(B) Equipment and fixtures used for storage, preparation, or processing of food that are drained into the waste water tanks shall be equipped with a readily accessible vented check valve on the waste line.

(C) No equipment may be directly attached to the potable water supply unless an approved backflow device is installed.

(2) **Pressure.** Potable water, when required by Table of §6-05 of this Chapter, shall be dispensed at a minimum pressure of seven (7) pounds per square inch (psi).

(h) **Waste water system.** Waste water shall be stored and disposed of in accordance with §89.25 of the Health Code.

(1) Waste water storage tanks and pipes shall be designed and maintained so as not to leak or spill on sidewalks or public streets.

(2) When required by Table 1 of §6-05 of this Chapter, waste water tanks shall have a minimum capacity that is at least 15% greater than the potable water supply capacity and be clearly and permanently labeled "waste water."

(3) Mobile food vending units creating liquid waste, including but not limited to units serving beverages

such as coffee or tea or boiling frankfurters or holding melting ice, shall be equipped with a waste water tank with a minimum capacity that is at least 15% greater than the amount of water used for brewing coffee, processing food or for other liquid waste.

(4) Mechanically refrigerated equipment and containers where ice is used must be equipped with an indirect waste connection, in accordance with Health Code §81.20, that drains into the waste tank.

(i) **Hand wash sinks.** When required by Table 1 of §6-05 of this Chapter, mobile food vending units shall be equipped with a hand wash sink that dispenses hot and cold potable running water, have a dispenser valve or faucet which provides a constant flow of water when opened, and be supplied by a potable water storage tank constructed of food grade material that holds at least five (5) gallons of water. Hand wash sinks may not be used for ware washing or washing foods.

(1) **Equipment for hand wash sinks.** Hand wash sinks shall be equipped with supplies of soap and paper towels or other single-use hand drying device.

(2) **Location.** Sinks shall be installed as part of or adjacent to food preparation areas, accessible for immediate use and at convenient heights, and may not be obstructed by other equipment.

(j) **Culinary sinks.** When required by Table 1 of §6-05, a dedicated single compartment sink shall be provided and used only for washing fruits, vegetables, meats and aquatic animal foods prior to other preparation. However, where no culinary sink is provided, foods may be washed in (i) a food grade container or colander or (ii) in one compartment of a multi-compartment sink. No sink used for washing foods shall be used as a slop, utility, or hand washing sink. All sinks used for washing food shall be indirectly drained as defined in §81.03(z) of the Health Code or successor provision, and cleaned and sanitized before washing food, and between washing raw meats and other foods.

(k) **Sanitization and ware washing sinks.** When required by Table 1 of §6-05, sinks shall be provided for sanitizing of utensils and equipment. The number of compartments necessary in each such sink depends on the method of sanitizing used and the instructions provided by the manufacturer of the sanitizing solution being used.

(1) At a minimum, a two-compartment sink with a swivel faucet must be provided, unless the Department approves use of a one-compartment sink. One compartment must be used for removal of food, debris, and other visible contaminants, and the second compartment must be used for sanitizing.

(2) A one-compartment sink may be approved by the Department only if the permittee stores in use utensils in a container of water heated to and maintained at 135 degrees Fahrenheit (57 degrees Celsius) or higher, and if such container is cleaned and sanitized at least once every 24 hours at the permittee's commissary. The container must be large enough to allow immersion of the largest sized utensils.

(l) **Hot and cold storage.** When required by Table 1 of §6-05 of this Chapter, equipment shall be provided and used to hold potentially hazardous hot foods at or above 140 degrees Fahrenheit (60 degrees Celsius) and cold foods at or below 41 degrees Fahrenheit (five degrees Celsius).

(1) **Thermometers.** Each hot and cold storage unit shall be equipped with a numerically scaled or other indicating thermometer, accurate to plus or minus two degrees Fahrenheit (one degree Celsius).

(2) **Placement of thermometers.** Thermometers in cold holding equipment shall be placed in such equipment or cold holding containers to measure air temperature in the warmest part of the unit. Thermometers used to measure the temperature of food in hot holding equipment shall be placed so that they measure the air temperature in the coldest part of such equipment.

(m) **Compliance with fire safety requirements.** In addition to the other requirements of this section, all mobile food vending units and commissaries shall comply with the New York City Fire Code (Title 29 of the Administrative Code) and rules of the Fire Department found in Chapter 38 of Title 3 of the Rules of the City of New York, or successor provisions, regulating the use of any flammable gas, and governing the storage, handling and use of propane and other liquefied petroleum gases ("LPG"). As set forth in Chapter 38 of the Fire Code and Chapter 38 of the Fire Department rules, such provisions prohibit the use of any flammable gas other than LPG for cooking and heating on a mobile food vending unit. The provisions also prohibit the placement of any unit with propane or other LPGs on a subway grate, and among other things regulate:

- (1) the design of the cooking grills and other heating equipment;
- (2) the size, number, location and securing of the LPG containers;
- (3) the securing of container valves;
- (4) the size, type, location and mounting of required portable fire extinguishers.

(n) **Ice cream trucks.** No decal may be issued for any vehicle to be used to vend ice cream and other frozen desserts unless such vehicle is equipped with fully operational warning beepers and signage arm as required by the State Vehicle and Traffic law and the rules promulgated under such law.

(o) **Overhead structure.** Overhead structures shall be provided to protect food and equipment from contamination in accordance with Table 1 of §6-05 of this Chapter.

(p) **Food security.** All mobile food vending units shall be equipped with appropriate food grade coverings, tamper-proof locks or other mechanisms. Vendors shall secure such units when it is necessary to leave mobile food vending units unattended on a street for no more than one-half hour. Units left unattended for periods longer than one-half hour shall be deemed abandoned and an imminent health hazard, in accordance with Health Code §89.31(c).

**§6-05 Mobile food vending units: supplies and equipment required for different classes of mobile food vending units.**

(a) In addition to the general requirements for construction and design of mobile food vending units and their equipment in §6-04 of this Chapter, each class of vending units shall be supplied and equipped in accordance with Table 1 of this section. The minimum equipment required is determined by the class of the unit and the foods that are processed and/or sold on the unit.

(b) **Permit subject to revocation: mobile food vending units subject to seizure.** Persons who prepare, process or serve foods

from a mobile food vending unit that is not equipped in accordance with the requirements specified for the unit's permit classification as set forth in this section will be deemed to be vending without a permit. Such units and their contents are subject to seizure, removal of the permit decal or insignia, and any other sanctions prescribed by applicable law, including but not limited to, provisions of Article 89 of the Health Code.

**§6-05. TABLE 1. SUPPLY AND EQUIPMENT REQUIREMENTS FOR MOBILE FOOD VENDING UNITS ("X" = REQUIRED)**

Type of supplies and equipment	Class A: Potentially hazardous raw foods	Class B: Potentially hazardous prepared foods	Class C: Potentially hazardous prepackaged foods	Class D: Non-potentially hazardous unpackaged or packaged foods (boiled frankfurters, sausages, coffee carts)	Class E: Non-potentially hazardous uncut fruit and vegetables (green carts)
Potable water	X	X	=	X(1)	=
Culinary sink	X(2)	X(2)	=	=	=
Sanitizing/ware washing	X	X	=	=	=
Sink					
Hand wash Sink	X	X	=	=	=
Waste water tank	X	X	X(3)	X(3)	X(3)
Overhead structure	X	X	=	X	=
Ventilation	X	X	=	X	=
Cold holding	X	X	X	=	=
Hot holding	X	X	X	=	=
Thermometers	X	X	X	=	=

Notes:

- (1) Supplies of potable water are required for preparing coffee, tea and other beverages and heating, cooking or boiling frankfurters and sausages. See, Health Code §89.21.
- (2) Where no culinary sink is provided, foods may be washed in (i) a food grade container or colander or (ii) in one compartment of a multi-compartment sink. See, §6-04 (j).
- (3) Waste water tanks are required when generating liquid waste from brewing coffee or tea, boiling frankfurters, or serving or using ice. See, §6-04(h) (3).

**§6-06. Size of mobile food vending units.**

(a) **Non-motor vehicles.** A mobile food vending unit that is not a motor vehicle shall not exceed ten (10) feet in length and five (5) feet in width, including wheels, axles and other appurtenances to such wheels. When vending on a sidewalk, the operator must place the unit so that the longer side is adjacent and parallel to the curb abutting the sidewalk.

(b) **Motor vehicles.** These size restrictions do not apply to mobile food vending units that are motor vehicles.

**§6-07 Green carts.**

(a) The Department will permanently affix on two sides of each green cart, as that term is defined in §17-306 (s) of the Administrative Code, either identical permit plates or identical permit decals that are easily identifiable and distinguishable from other all other plates or decals on the green cart. Such plates or decals shall contain the fresh fruits and vegetables permit number issued to the owner of each such green cart and the borough and police precincts in which the green cart is authorized to operate. Permit decals may not be removed or transferred to any other mobile food vending unit.

(b) At the time an initial green cart permit is issued, the Department will provide a distinctive and readily recognizable "green cart" umbrella to each green cart permittee. The umbrella must be safely secured to the green cart and maintained in good condition and repair at all times by the permit holder, and must be displayed in an open position above the green cart whenever the green cart is being used to vend. For any replacement umbrella, the green cart permittee must pay a fee of fifty dollars (\$50.00) reimbursing the Department for the cost of the umbrella. In addition to the above requirements specific to green carts, green carts must comply with all other applicable requirements pertaining to Class E mobile food vending units.

(c) **Exemption of police precincts where green carts may vend.** Notwithstanding any provision in §17-307(b)(4)(b) of the Administrative Code, no fresh fruits and vegetables permit may be designated for use within either the 45th or 72nd police precincts of the City of New York.

**§6-08 Facilities for servicing Class D and Class E mobile food vending units.**

(a) Use of a facility that services four or fewer Class D and/or Class E mobile food vending units that are not vehicles, or one Class D or Class E vehicle, may be approved by the Department at or prior to the pre-permit inspection of such Class D and/or Class E units.

(b) A person holding a permit for a Class D or Class E mobile food vending unit who requests approval from the Department for use of a facility other than a commissary shall identify the location of such facility, provide the Department with the individual or business name, address, telephone number(s), and e-mail contact information, if available, for the owner of the facility, and certify to the Department that the facility complies with all of the following conditions:

- (1) The facility is not used to store or discard food.
- (2) The facility is constructed of materials whose surfaces are easily cleanable, non-toxic, non-absorbent and smooth and designed to protect the mobile food vending unit at all times from environmental contamination.
- (3) The facility is adequately lighted; equipped with potable hot and cold running water and drainage for liquid wastes; provides adequate space and facilities for cleaning and storing the unit; and is located entirely on private property.
- (4) The facility has been issued all required permits and its use complies with all applicable fire safety, zoning and building laws. At the request of the Department, the user shall provide copies of such permits.
- (5) No more than four Class D and/or Class E mobile food vending units are serviced at the facility.
- (6) The mobile food vending unit being stored in the facility and the facility must be kept in a sanitary condition.
- (7) No units may be cleaned on public streets or sidewalks.

(8) No live animals shall be kept or allowed within any storage or cleaning facility.  
 (9) Garbage, refuse and other solid and liquid wastes shall be collected and stored at the mobile food vending unit while the unit is in use, and removed from the unit and disposed of at a commissary or other approved facility so as not to create a nuisance in accordance with Health Code §89.25.

**§6-09 Manufacturer or exclusive distributor lease agreements.**

(a) "Lease" or "Lease agreement" submitted for Department approval pursuant to Administrative Code §17-314.1(d)(2), as used in this section, means a written agreement between an exclusive distributor or a manufacturer (lessor) holding more than one temporary mobile food unit permit and a mobile food vendor licensee (lessee). The agreement is for the transfer, for a stated period of time and for a fixed amount as set forth in such written agreement, the possession of a mobile food unit owned by such exclusive distributor or manufacturer with such exclusive distributor's or manufacturer's temporary mobile food unit permit attached to the mobile food unit.  
 (b) All lease agreements involving the leasing of multiple temporary mobile food unit pushcarts and vehicles by manufacturers and exclusive distributors and licensed mobile food vendors that are submitted to the Department for review and approval pursuant to §17-314.1(d)(2) of the Administrative Code must contain a rider to such lease agreements, in a form provided or approved by the Department, that is dated and signed by both parties. The department will maintain copies of an approved lease agreement form on its website and make copies available to any person on request.  
 (c) The provisions of §17-314.1(d)(2) of the Administrative Code and this section apply to only the manufacturers and exclusive distributors of food products who held multiple temporary or seasonal permits prior to 1995, were authorized to renew up to 60 of those multiple temporary permits, and were exempted from application of Administrative Code §17-307(b)(2)(f), that provides that a person (an individual or any other entity) may renew or obtain only one permit.

**§6-10 Violations.**

(a) "A" violations defined. For the purposes of mobile vending permit or license renewal, or issuance of a new license or permit, "A" violations are all violations of the Health Code, the State Sanitary Code, these rules and the violations of the Administrative Code listed in subdivision (d) of this section where the licensee, permittee or applicant is found in violation as a result of a hearing on the merits or by default.  
 (b) "A" violation penalties to be paid. Every person renewing a mobile food vending license or a mobile food unit permit, or applying for a new mobile food vending license or mobile food unit permit shall pay all fines and penalties for all "A" violations as defined by subdivision (b) of this section that have been adjudicated, or for which the licensee, permittee or applicant for a license or permit has been found in default. Proof of payment of all such fines and penalties must be submitted prior to issuance of a new or renewal license or permit, notwithstanding the provisions of New York City Charter §1049-a (d)(1)(i).  
 (c) Basis for revocation, suspension, or denial of new or renewal permit or license. The Commissioner may refuse to issue a mobile food vending license or a mobile food unit permit and may, after due notice and an opportunity to be heard, in addition to any other penalties, refuse to renew, suspend or revoke such a license or permit. Such action may be taken when the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees (i) have been found to be in violation of four or more of the provisions of subchapter 2 of chapter 3 of title 17 of the Administrative Code that are classified as "A" violations in subdivision (d) of this section within a two-year period, (ii) have been found to be in violation of any of the provisions of part fourteen of the State Sanitary Code or of the Health Code, or (iii) the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have pending any unanswered summonses for a violation of a provision of subchapter 2 of chapter 3 of title 17 of the Administrative Code that is classified as an "A" violation in subdivision (d) of this section.  
 (d) Administrative Code "A" violations. For the purposes of revocation or suspension of mobile food vending permits or licenses, or of determining whether such permits or licenses may be renewed or new licenses and permits issued, "A" violations mean violations of the following provisions of subchapter 2 ("Food Vendors") of chapter 3 ("Licenses and Permits") of title 17 of the Administrative Code or successor provisions, as listed below in Table 2 of §6-11, where the licensee, permittee or applicant is found in violation as a result of a hearing on the merits or by default:

**§6-10 Table 2. Administrative Code "A" Violations**

Section	Description
§17-307(a)	Unlicensed mobile food vendor.
§17-307(b)	Unpermitted mobile food unit.
§17-307(d)	Vending unapproved items.
§17-311	Failure to display mobile food vending license, mobile food vending unit permit, or mobile food vending unit decal, plate or insignia.
§17-314(a)	Failure to permit regular inspections.
§17-314(b)	Failure to give supplier/depot/commissary information.
§17-314(c)	Sale of unauthorized foods without written approval.
§17-314.1	Sale, loan, lease or transfer of license, permit or decal, plate or insignia.
§17-315(a)	Vendor on sidewalk that allows less than 12 feet as pedestrian path; or unit not at, or abutting curb.
§17-315(e)	Vendor within bus stop, within 10 feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

(e) Permittees liable for mobile food vending unit operation; service of notices of violation. In accordance with Health Code §§5.13 and 89.13, permittees are jointly and severally liable for violations of the Health Code, the State Sanitary Code, the Administrative Code and any other applicable law that occur in the course of operation of mobile food vending units bearing their permits. A person operating a mobile food vending unit who is not the permittee shall be deemed an agent of the permittee, and the mobile food vending unit being operated by such person shall be deemed the place of

business of the permittee, for the purpose of service of any notice of violation issued to the permittee by the Department. The notice of violation may also be issued by any other agency of the City authorized to issue notices of violation in the course of enforcement of any law applicable to mobile food vending. If, in the course of operation of a mobile food vending unit, a person other than the permittee is served with such notice of violation or order issued to the permittee, the person other than the permittee shall deliver the notice of violation or order to the permittee within two business days of receiving such notice of violation, and the Department or other agency issuing the notice of violation shall mail such notice of violation to the permittee by first class mail, maintaining and submitting a record of the mailing to the Environmental Control Board as proof of service.

**§6-11 Inspections; permit issuance and renewal.** No unit shall be approved for use unless such unit has passed a pre-permit inspection by the Department and found to be constructed and equipped in compliance with this Chapter and Article 81 and Article 89 of the Health Code.

(a) *Renewal applications to be submitted timely.* An application for renewal of any permit shall not be accepted unless the applicant submits a complete renewal application, the tax clearance certificates required by §17-310 of the Administrative Code, and proof of payment of all fines and penalties owing for notices of violation as required by §17-317 (b) and §6-10 of this Chapter, no later than thirty (30) days before the date of expiration of the permit. The Department may accept a late renewal application only if the applicant submits proof that may be verified by the Department that the delay in submission of the completed application and clearances resulted because of delays in issuing the clearances. In such cases, the permittee must show that applications for tax and penalty clearances were submitted at least sixty (60) days before the date of renewal of the permit.

(b) *Inspections to be scheduled timely.* In accordance with §17-307 (e) of the Administrative Code, a new or renewal permit shall not be issued if the applicant's mobile food vending unit fails to pass a pre-permit inspection by the Department within six (6) months after the permit application has been certified or accepted by the Department. The Department may conduct such an inspection more than six (6) months after the application has been submitted only if Department records indicate that the Department caused the delay in scheduling the inspection.

(c) *Permit holder photographs.* All individual applicants for a new or renewed permit, and persons who require a replacement or substitute permit or decal for a mobile food vending unit, shall personally appear at a location designated by the Department so that a current identifying photograph may be taken.

(d) *Pre permit inspections and reinspections.* Permit applicants or permittees must bring the mobile food vending unit in for inspection, at a place designated by the Department, and present (i) a currently valid mobile food vendor's license, and (ii) another government issued photo identification acceptable to the Department in the following circumstances:

- (1) Before the issuance of a new or renewed mobile food vending permit and decal;
- (2) When a permittee seeks to replace a mobile food vending unit with another unit;
- (3) When a permittee seeks to amend a permit classification from non-processing to processing or processing to non-processing;
- (4) When a mobile food vending unit has sustained a material alteration, as defined in §89.03 (e) of the Health Code; or
- (5) When any permit decal has been removed.

(e) *Applicants other than natural persons.* If an entity other than a natural person is an applicant or permittee, such as a corporation or limited liability company, the person who brings a mobile food vending unit in for inspection on behalf of such entity must be a person authorized by law to accept service of process on behalf of such entity pursuant to Article 3 of the New York CPLR. Such persons may include an officer, director or managing agent of a corporation; a partner of a partnership or limited partnership; or a member of a limited liability company. No other person may bring any mobile food vending unit to the Department for the non-operational inspections required by this section.

(f) *Identifying operators of mobile food vending units.* The applicant for a new or renewal permit must (1) complete a form provided by the Department listing the name(s), address(es), telephone number(s) and the currently valid mobile food vending unit license number(s) of each person who will be operating the mobile food vending unit, and (2) provide a statement describing the legal relationship of such person to the permit holder, in accordance with §17-309 (b)(1) of the Administrative Code. The completed form shall be signed and notarized by the permit applicant.

(g) *Service contract or agreement from a commissary or other approved facility.* At the pre-permit inspection, the permittee or permit applicant must provide an original agreement or contract signed by a commissary operator, or a person in charge of a facility other than a commissary that provides services to no more than four Class D or Class E units that are not motor vehicles, or one Class D or Class E vehicle, indicating the specific goods and services provided for the permittee's mobile food vending unit. The permittee must maintain a copy of such agreement on the mobile food vending unit at all times of operation and make it available for inspection by the Department. Such goods and services include, but are not be limited to:

- (1) Storage of the unit and foods,
- (2) Cleaning and sanitizing of the unit, equipment and utensils,
- (3) Disposing of liquid and solid waste and refuse generated by operation of a unit,
- (4) Amount of potable water supplied,
- (5) Foods provided, including those prepared at the commissary and prepackaged; and name of person preparing foods,
- (6) Non-food supplies provided by the commissary.

(h) *Reinspection of damaged, repaired or materially altered mobile food vending units.* Any mobile food vending unit that has been damaged and repaired, or materially altered so as to change or result in a change in the size of the unit, or has undergone replacement of any part of the body structure or equipment of the unit shall be brought to the Department for reinspection prior to reuse or continued use of the unit. Repair or replacement of a tire or an axle, and straightening a dent in a panel are not considered material alterations.

(i) *Decals.* No decal may be placed on any mobile food vending unit unless a Department inspector has determined at a pre-permit inspection that the unit is constructed and equipped in accordance with this Chapter, and that the person renewing or applying for a permit has completed and submitted all forms required by this section.  
 (j) *Units to be photographed.* The Department may take

photographs of mobile food units at any time, so that the Department may verify that the unit has passed a pre-permit inspection.

(k) *Notification of changes in operations.* Permittees must notify the Department, in writing, on forms approved or provided by the Department, no later than ten business days after any there has been a change in:

- (1) Persons operating each unit as indicated on the form described in Section 6-12(c) of these Rules, or
- (2) Commissary used. Permittees must provide a copy of an agreement from the new commissary with such notice.

(l) *Enforcement.* A new or renewal decal and permit may be denied for:

- (1) Failing to allow photographs of the permittee or the unit.
- (2) Failing to appear in person for pre-permit inspections of a mobile food vending unit.
- (3) Failing to provide information about the operators of the units or foods sold on the unit, or
- (4) Failing to maintain and submit an agreement with a commissary.

**§6-12 Records of commissaries and other approved facilities.** Commissaries and other approved facilities providing services to four or fewer Class D or Class E units that are not vehicles, or one Class D or Class E vehicle, shall keep records in a daily log, in a form provided or approved by the Department, documenting the daily use of commissary services and facilities by mobile food vendors in accordance with §89.27 (b) of the Health Code. The log must indicate the date and time of day each unit is brought in and leaves the commissary.

**§6-13 Disabled veterans mobile food unit vending permits.** Disabled veterans who hold currently valid (i) specialized vendor licenses issued pursuant to General Business Law §35-a, (ii) general vendor licenses issued by the Department of Consumer Affairs and (iii) mobile food vending licenses issued by the Commissioner, may apply for and be issued permits to operate mobile food vending units on sidewalks surrounding parks within the jurisdiction of the New York City Department of Parks and Recreation, or successor City agency, in accordance with the following conditions:

- (a) An applicant for such a restricted area permit may not hold any other currently valid mobile food vending unit permit, and only one such permit may be issued to any applicant.
- (b) In accordance with General Business Law §35-a, such permit authorizes vending only on sidewalks surrounding park lands.
- (c) Operation of the mobile vending unit is subject to all provisions of General Business Law §35-a.
- (d) During all times that a mobile food vending unit issued a permit under this section is in operation, as the term "operation" is defined in Health Code §89.03 (j) or successor provision, a disabled veteran shall be present, but may be assisted by an employee who is a licensed mobile food vendor. Department inspection reports which note the absence of a disabled veteran licensee are deemed proof that a disabled veteran is not operating the unit, in violation of General Business Law §35-a.

**§6-14 Government agency and charitable organization exemptions.**

In accordance with §17-320 (a) of the Administrative Code, the Commissioner may exempt any area within the control of a government agency or charitable organization from provisions of Title 17 of the Administrative Code that limit the total number of full-term or temporary mobile food vending permits that may be issued, or the number of permits that may be issued to any one person. The Commissioner may make this exemption provided that (i) the request for issuance is made in writing by the agency or organization and (ii) permittees comply with all other applicable provisions, limitations and conditions imposed by the New York City Administrative Code, the Health Code, the State Sanitary Code and these rules.

**§6-15 Modification.** When the strict applicability of any provision of this Chapter presents practical difficulties or unusual or unreasonable hardships, the Department, in a specific instance, may modify the application of such provision consistent with the general purpose of this Chapter and upon such conditions as are deemed necessary.

§2. It is hereby proposed that the list of Chapter headings in Title 24 of the Rules of the City of New York, be amended, to read as follows:

**TITLE 24**

**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

Chapter	1 Posting Regulations for Vendors of Alcoholic Beverages				
	*	*	*	*	*
	<b>5 Inhalation Therapy Service</b>				
	<b>6 Mobile Food Vending [Units]</b>				
	*	*	*	*	*

**NEW YORK CITY LAW DEPARTMENT  
 DIVISION OF LEGAL COUNSEL  
 100 CHURCH STREET  
 NEW YORK, NY 10007  
 212-788-1087**

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

**RULE TITLE:** Mobile Food Vending Units (Chapter 6)

**REFERENCE NUMBER:** 2012 RG 033

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

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

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

clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: June 1, 2012 Acting Corporation Counsel

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

CERTIFICATION / ANALYSIS PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Mobile Food Vending Units (Chapter 6)

REFERENCE NUMBER: DOHMH-16

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

/s/ Rachel Squire 06/01/2012 Mayor's Office of Operations Date

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TAXI AND LIMOUSINE COMMISSION

NOTICE

Notice of Revised Public Hearing Date for Proposed Rules

Notice is hereby given that the proposed hearing by the Taxi and Limousine Commission ("TLC") for rules amending its rules regulating taxicab lease caps- and the maximum dollar amount per shift for which taxis can be leased, previously scheduled to be held on July 9, 2012 at 10:00 A.M. by a notice appearing in the City Record on June 8, 2012 will be held at a later time than indicated in the original notice.

A public hearing on these proposed rules will now be held by the TLC at its offices at 33 Beaver, 19th Floor, New York, New York 10004 on July 9, 2012 at 11:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must continue be submitted to the Office of Legal Affairs in writing or by telephone no later than July 2, 2012.

The deadline for the submission of comments is unchanged. Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must continue to be received by no later than July 9, 2012. Comments may be submitted through the NYC Rules website at www.nyc.gov/nycrules, or may be submitted to the Office of Legal Affairs at:

Meera Joshi Deputy Commissioner for Legal Affairs / General Counsel Taxi and Limousine Commission 33 Beaver St., 22nd Floor New York, New York 10004 Telephone: 212-676-1135 Fax: 212-676-1102 Email: tlcrules@tlc.nyc.gov

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SPECIAL MATERIALS

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

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

Notice Date: June 11, 2012

To: Occupants, Former Occupants, and Other Interested Parties

Table with 3 columns: Property, Address, Application #, Inquiry Period. Lists addresses in Manhattan and application details.

130 West 127th Street, Manhattan 62/12 May 23, 2009 to Present

270 Clifton Place, Brooklyn 61/12 May 22, 2009 to Present

Authority: SRO, Administrative Code §27-2093

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

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 3rd Floor, New York, NY 10038 by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

j11-18

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

Notice Date: June 11, 2012

To: Occupants, Former Occupants, and Other Interested Parties

Table with 3 columns: Property, Address, Application #, Inquiry Period. Lists address in Brooklyn.

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

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must

obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 3rd Floor, New York, NY 10038 by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period.

j11-18

YOUTH AND COMMUNITY DEVELOPMENT

NOTICE

SYEP Concept Paper Notice

The Department of Youth and Community Development (DYCD) will release the Summer Youth Employment Program (SYEP) Concept Paper on June 18, 2012. This concept paper is a precursor to a forthcoming Request for Proposals (RFP) through which DYCD will seek appropriately qualified not-for-profit organizations to deliver SYEP services for youth ages fourteen (14) through twenty four (24).

j11-15

CHANGES IN PERSONNEL

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 05/25/12

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

j13

LATE NOTICE

TRANSPORTATION

TRAFFIC AND PLANNING

SOLICITATIONS

Services (Other Than Human Services)

CITY OF NEW YORK PARKING SYSTEM PRIVATE MANAGEMENT AGREEMENT - Request for Qualifications - PIN# 84112PMA - DUE 07-31-12 AT 3:00 P.M. - The proposed Request for Qualifications is to seek statements of qualifications from companies in order to establish a Pre-Qualified List (PQL) who may compete for a potential City of New York Parking System Private Management Agreement.

Request for Qualification can be downloaded free of charge from the City Record Website at http://a856-internet.nyc.gov/nycvendoronline/home.asp

A printed copy of the Request for Qualifications can also be obtained.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Transportation, Office of the Agency Chief Contracting Officer/Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041, Hours 9:00 A.M. - 3:00 P.M. Bid Window: (212) 839-9435: parkingRFQ@dot.nyc.gov

j13-19

## 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