



THE CITY RECORD

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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BROOKLYN BOROUGH PRESIDENT

PUBLIC HEARINGS

BROOKLYN BOROUGH BOARD

NOTICE IS HEREBY GIVEN that Brooklyn Borough President Marty Markowitz will hold a meeting of the Brooklyn Borough Board in the Courtroom, Second Floor, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 1:00 P.M. on Tuesday, July 9, 2013.

- I. Approval of Minutes of Borough Board Meetings held on April 23, 2013 and June 4, 2013.
- II. Presentation and Vote on Business Terms for the disposition of real property at 1502 Surf Avenue and 1501 Boardwalk West, Block 7074, Lots 170 and 190 to New York City Land Development Corporation for assignment to New York City Economic Development Corporation, to sublease to Central Amusement International, a New York State Corporation, or an affiliated entity, for the development and operation of amusement park-related improvements.
- III. Public Hearing and Vote on the Department of City Planning's proposed Flood Resilience Zoning Text Amendment, #130331 ZRY.

Note: To request a sign language interpreter, or to request TTD services, call Mr. Kai Feder at (718) 802-3642 at least five business days before the day of the hearing.

j25-jy9

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, July 10, 2013 at 9:00 A.M.

BOROUGH OF STATEN ISLAND No. 1 GOETHALS BRIDGE

CD 1, 2 C 130227 MMR
IN THE MATTER OF an application submitted by the New

York City Department of Transportation and the Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of Gulf Avenue, Washington Avenue, Old Place and Gill Bloom Circle;
- the establishment of Gulf Avenue and Goethals Road North from Western Avenue to a point approximately 1900 feet easterly;
- the establishment of three parks;
- the extinguishment of several records streets and any discontinuance and closing related thereto; and
- the modification of grades necessitated thereby,

in accordance with Map No. 4233, dated April 19, 2013 and signed by the Borough President.

BOROUGH OF THE BRONX No. 2

NEW HOPE TRANSITIONAL HOUSING

CD 2 C 110154 ZSX
IN THE MATTER OF an application submitted by Liska NY, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to an 8-story non-profit institution with sleeping accommodations (UG 3), on property located at 731 Southern Boulevard (Block 2720, Lot 28), in an R7-1 District. Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY, 10007.

No. 3 RIVER PLAZA REZONING

CD 7 C 130120 ZMX
IN THE MATTER OF an application submitted by Kingsbridge Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1d:

1. eliminating from within an existing R6 District a C1-3 District bounded by the former centerline of Broadway, West 225th Street, a line 100 feet southeasterly of the former southeasterly street line of Broadway, and the northeasterly boundary line of the Penn Central Railroad right-of way;
2. changing from an R6 District to a C8-3 District property bounded by Broadway, West 225th Street, a line 100 feet southeasterly of the former southeasterly street line of Broadway, and the northeasterly boundary line of the Penn Central Railroad right-of way; and
3. changing from an M1-1 District to a C8-3 District property bounded by a line 100 feet southeasterly of the former southeasterly street line of Broadway, West 225th Street, the westerly boundary line of a railroad right-of way, a line 625 feet southwesterly of West 225th Street, and the northeasterly

boundary line of the Penn Central Railroad right-of way;

as shown on a diagram (for illustrative purposes only) dated March 18, 2013, and subject to the conditions of CEQR Declaration E-303.

BOROUGH OF BROOKLYN Nos. 4 & 5

CROWN HEIGHTS WEST REZONING & TEXT AMENDMENT No. 4

CD 8 C 130213 ZMK
IN THE MATTER OF an 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. 16c, 16d, 17a & 17b:

1. eliminating from within an existing R6 District a C1-3 District bounded by:
 - a. Dean Street, a line 100 feet southeasterly of Classon Avenue, Bergen Street, and a line 100 feet northwesterly of Classon Avenue;
 - b. Prospect Place, a line 150 feet southeasterly of Franklin Avenue, a line midway between Sterling Place and St. Johns Place, and a line 150 feet northwesterly of Franklin Avenue;
 - c. Pacific Avenue, a line 150 feet easterly of Nostrand Avenue, St. Marks Avenue, and a line 150 feet westerly of Nostrand Avenue; and
 - d. St. Johns Place, a line 150 feet easterly of Nostrand Avenue, Eastern Parkway, and a line 150 feet westerly of Nostrand Avenue;
2. eliminating from within an existing R7-1 District a C1-3 District bounded by a line midway between Sterling Place and St. Johns Place, St. Francis Place and its northeasterly and southwesterly centerline prolongations, Eastern Parkway, and a line 150 feet northwesterly of Franklin Avenue;
3. eliminating from within an existing R6 District a C2-3 District bounded by:
 - a. Dean Street, a line 150 feet southeasterly of Franklin Avenue, Prospect Place, and a line 150 feet northwesterly of Franklin Avenue;
 - b. a line midway between Dean Street and Bergen Street, a line 100 feet easterly of Rogers Avenue, a line midway between Sterling Place and St. Johns Place, Rogers Avenue, Sterling Place, a line 150 feet northwesterly of Bedford Avenue, Bergen Street, and Rogers Avenue;
 - c. a line midway between Lincoln Place and Eastern Parkway, a line 150 feet easterly of Rogers Avenue, Eastern Parkway, and a line 150 feet westerly of Rogers Avenue; and
 - d. the northerly boundary line of the Long Island Railroad right-of-way, a line 100 feet easterly of Nostrand Avenue, a line midway between Atlantic Avenue and Pacific Street, a line 150 feet easterly of Nostrand Avenue, Pacific Street, a line 150 feet westerly of Nostrand Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 100 feet westerly of Nostrand Avenue;
4. changing from an R6 District to an R5B District property bounded by:
 - a. a line midway between Prospect Place and Park Place, a line 100 feet

- northwesterly of Bedford Avenue, a line midway between Park Place and Sterling Place, a line 225 feet southeasterly of Franklin Avenue, Park Place, and a line 100 feet southeasterly of Franklin Avenue; and
- b. Sterling Place, a line 100 feet northwesterly of Bedford Avenue, St. Johns Place, the northeasterly centerline prolongation of St. Francis Place, a line midway between Sterling Place and St. Johns Place, and a line 100 feet southeasterly of Franklin Avenue;
- 5. changing from an R7-1 District to an R5B District property bounded by a line midway between Sterling Place and St. Johns Place, the northeasterly centerline prolongation of St. Francis Place, St. Johns Place, and a line 100 feet southeasterly of Franklin Avenue;
- 6. changing from a C4-3 District to an R6 District property bounded by St. Mark's Avenue, a line 150 feet easterly of Nostrand Avenue, St. Johns Place, and a line 100 feet easterly of Nostrand Avenue;
- 7. changing from an R6 District to an R6A District property bounded by:
 - a. Dean Street, a line 100 feet southeasterly of Classon Avenue, St. Mark's Avenue, the line the centerline of a Railroad right-of-way, a line midway between Prospect Place and Park Place, a line 175 feet southeasterly of Classon Avenue, a line midway between Sterling Place and St. Johns Place, a line 100 feet northeasterly of Washington Avenue, Park Place, Grand Avenue, Prospect Place, a line 100 feet southeasterly of Grand Avenue, a line midway between Prospect Place and Park Place, a line 450 feet northwesterly of Classon Avenue, Park Place, a line 100 feet northwesterly of Classon Avenue, Prospect Place, a line 500 feet northwesterly of Classon Avenue, a line midway between St. Mark's Avenue and Prospect Place, a line 100 feet northwesterly of Classon Avenue, St. Mark's Avenue, a line 450 feet southeasterly of Grand Avenue, Bergen Street, and a line 100 feet northwesterly of Classon Avenue;
 - b. Lincoln Place, a line 100 feet northwesterly of Bedford Avenue, Eastern Parkway, the southwesterly centerline prolongation of St. Francis Place, Lincoln Place, a line 275 feet southeasterly of Franklin Avenue, a line midway between Eastern Parkway and Lincoln Place, and a line 235 feet northwesterly of Bedford Avenue;
 - c. the northerly boundary line of the Long Island Railroad right-of-way, a line 100 feet easterly of Nostrand Avenue, St. Marks Avenue, a line 100 feet westerly of Nostrand Avenue, a line midway between Pacific Street and Dean Street, a line 100 feet northeasterly of Bedford Avenue, a line 100 feet easterly of Rogers Avenue, a line midway between St. Marks Avenue and Prospect Place, a line 150 feet westerly of Nostrand Avenue, a line midway between Sterling Place and St. Johns Place, Rogers Avenue, St. Johns Place, Bedford Avenue, Lincoln Place, a line 100 feet northwesterly of Bedford Avenue, Dean Street, a line 80 feet northwesterly of Franklin Avenue, Pacific Street, Bedford Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 100 feet westerly of Nostrand Avenue; and
 - d. St. Johns Place, a line 100 feet easterly of Nostrand Avenue, Eastern Parkway, a line 100 feet easterly of Rogers Avenue, a line midway between Lincoln Place and Eastern Parkway, and a line 100 feet westerly of Nostrand Avenue;
- 8. changing from an R7-1 District to an R6A District property bounded by:
 - a. a line midway between St. Johns Place and Sterling Place, Classon Avenue, St. Johns Place, and a line 100 feet northeasterly of Washington Avenue; and
 - b. Lincoln Place, the southwesterly centerline prolongation of St. Francis Place, Eastern Parkway, and a line 100 feet southeasterly of Franklin Avenue;
- 9. changing from a C4-3 District to an R6A District property bounded by St. Marks Avenue, a line 100 feet easterly of Nostrand Avenue, St. Johns Place, a line 100 feet westerly of Nostrand Avenue, a line midway between Sterling Place and St. Johns Place, a line 150 feet westerly of Nostrand Avenue, a line midway between St. Marks Avenue and Prospect Place, and a line 100 feet westerly of Nostrand Avenue;
- 10. changing from an R6 District to an R6B District property bounded by:

- a. Bergen Street, a line 450 feet southeasterly of Grand Avenue, St. Marks Avenue, a line 100 feet northwesterly of Classon Avenue, a line midway between St. Marks Avenue and Prospect Place, a line 500 feet northwesterly of Classon Avenue, Prospect Place, a line 100 feet northwesterly of Classon Avenue, Park Place, a line 450 feet northwesterly of Classon Avenue, a line midway between Prospect Place and Park Place, a line 100 feet southeasterly of Grand Avenue, Prospect Place, and Grand Avenue;
- b. a line midway between Prospect Place and Park Place, a line 100 feet northwesterly of Franklin Avenue, a line midway between Sterling Place and St. Johns Place, and a line 175 feet southeasterly of Classon Avenue;
- c. Dean Street, a line 100 feet northwesterly of Bedford Avenue, a line midway between Prospect Place and Park Place, and a line 100 feet southeasterly of Franklin Avenue;
- d. Park Place, a line 225 feet southeasterly of Franklin Avenue, a line midway between Park Place and Sterling Place, a line 100 feet northwesterly of Bedford Avenue, Sterling Place, and a line 100 feet southeasterly of Franklin Avenue;
- e. St. Johns Place, a line 100 feet northwesterly of Bedford Avenue, Lincoln Place, a line 235 feet northwesterly of Bedford Avenue, a line midway between Lincoln Place and Eastern Parkway, a line 275 feet southeasterly of Franklin Avenue, and St. Francis Place;
- f. a line midway between Pacific Street and Dean Street, a line 100 feet westerly of Nostrand Avenue, St. Marks Avenue, a line 150 feet northwesterly of Nostrand Avenue, a line midway between St. Marks Avenue and Prospect Place, a line 100 feet easterly of Rogers Avenue, and a line 100 feet northeasterly of Bedford Avenue; and
- g. a line midway between Sterling Place and St. Johns Place, a line 150 feet westerly of Nostrand Avenue, St. Johns Place, a line 100 feet westerly of Nostrand Avenue, a line midway between Lincoln Place and Eastern Parkway, a line 100 feet easterly of Rogers Avenue, Eastern Parkway, a line 125 feet southeasterly of Bedford Avenue, St. Johns Place and Rogers Avenue;
- 11. changing from an R7-1 District to an R6B District property bounded by:
 - a. a line midway between Sterling Place and St. Johns Place, a line 100 feet northwesterly of Franklin Avenue, a line midway between St. Johns Place and Lincoln Place, the line the centerline of a Railroad right-of-way, St. Johns Place, and a line 300 feet southeasterly of Classon Avenue; and
 - b. St. Johns Place, St. Francis Place, Lincoln Place, and a line 100 feet southeasterly of Franklin Avenue;
- 12. changing from a C4-3 District to an R6B District property bounded by:
 - a. St. Marks Avenue, a line 100 feet westerly of Nostrand Avenue, a line midway between St. Marks Avenue and Prospect Place, and a line 150 feet westerly of Nostrand Avenue; and
 - b. a line midway between Sterling Place and St. Johns Place, a line 100 feet westerly of Nostrand Avenue, St. Johns Place, and a line 150 feet westerly of Nostrand Avenue;
- 13. changing from an R6 District to an R7A District property bounded by Dean Street, a line 100 feet southeasterly of Franklin Avenue, a line midway between Sterling Place and St. Johns Place, a line 100 feet northwesterly of Franklin Avenue, a line midway between Prospect Place and Park Place, the centerline of a Railroad right-of-way, St. Marks Avenue, a line 100 feet southeasterly of Classon Avenue, Bergen Street, and a line 150 feet northwesterly of Franklin Avenue;
- 14. changing from an R7-1 District to an R7A District property bounded by St. Johns Place, Classon Avenue, a line midway between Sterling Place, and St. Johns Place, a line 300 feet southeasterly of Classon Avenue, St. Johns Place, the line the centerline of a Railroad right-of-way, a line midway between St. Johns Place and Lincoln Place, a line 100 feet northwesterly of Franklin Avenue, a line midway between Sterling Place and St. Johns Place, a line 100 feet southeasterly of Franklin Avenue, Eastern Parkway, and a line 100 feet northeasterly of Washington Avenue;

- 15. changing from an R6 District to an R7D District property bounded by St. Johns Place, a line 125 feet southeasterly of Bedford Avenue, Eastern Parkway, a line 100 feet southeasterly of Bedford Avenue, Lincoln Place, and Bedford Avenue;
- 16. changing from an C8-2 District to an R7D District property bounded by Lincoln Avenue, a line 100 feet southeasterly of Bedford Avenue, Eastern Parkway, and a line 100 feet northwesterly of Bedford Avenue;
- 17. establishing within a proposed R6A District a C2-4 District bounded by:
 - a. Prospect Place, Classon Avenue, Park Place, and a line 100 feet northwesterly of Classon Avenue;
 - b. Bergen Street, Bedford Avenue, a line midway between Dean Street and Bergen Street, a line 100 feet easterly of Rogers Avenue, a line midway between Sterling Place and St. Johns Place, Rogers Avenue, Sterling Place, and a line 100 feet northwesterly of Bedford Avenue; and
 - c. the northerly boundary line of the Long Island Railroad right-of-way, a line 100 feet easterly of Nostrand Avenue, a line midway between Pacific Street and Dean Street, Nostrand Avenue, Dean Street, a line 100 feet easterly of Nostrand Avenue, Eastern Parkway, a line 100 feet westerly of Nostrand Avenue, Dean Street, a line 50 feet westerly of Nostrand Avenue, a line midway between Atlantic Avenue and Pacific Street, and a line 100 feet westerly of Nostrand Avenue;
- 18. establishing within a proposed R7A District a C2-4 District bounded by Dean Street, a line 100 feet southeasterly of Franklin Avenue, Eastern Parkway, a line 100 feet northwesterly of Franklin Avenue, Bergen Street, and a line 150 feet northwesterly of Franklin Avenue; and
- 19. establishing within a proposed R7D District a C2-4 District bounded by Lincoln Place, a line 125 feet southeasterly of Bedford Avenue, Eastern Parkway, and a line 100 feet northwesterly of Bedford Avenue;

as shown in a diagram (for illustrative purposes only) dated March 18.

No. 5
CDs 8 & 9 **N 130212 ZRK**
IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts) and concerning Appendix F (Inclusionary Housing Designated Areas).

Matter in underline 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

Article II
RESIDENTIAL BULK REGULATIONS

Chapter 3
RESIDENTIAL BULK REGULATIONS IN RESIDENCE DISTRICTS

* * *

23-633
Street wall location and height and setback regulations in certain districts
 R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

In the districts indicated, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings# or other structures# shall be measured from the #base plane#. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply, except as otherwise set forth for #buildings# in R9D and R10X Districts.

- (a) #Street wall# location
 R6A R7A R7D R7X R9D
 - (1) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# shall be located no closer to the #street line# than the closest #street wall# of an existing #building# to such #street line#, located on the same #block#, and within 150 feet of such #building#. However, a #street wall# need not be located further from the #street line# than 15 feet. On #corner lots#, these #street wall# location provisions shall apply along only one #street line#.
- R6B R7B R8B
 - (2) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #narrow streets# in R6 and R7 Districts without a letter suffix, the #street wall# of a #building# on a #zoning

lot# with at least 50 feet of frontage along a #street line# shall be located no closer to the #street line# than the #street wall# of an adjacent existing #building#. On #zoning lots# with less than 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#. For all #zoning lots#, the #street wall# need not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet.

R8A R8X R9A R9X R10A R10X

(3) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in R8 or R9 Districts without a letter suffix, and in other R10 Districts, the following #street wall# location provisions shall apply along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street#:

- (i) the #street wall# shall extend along the entire #street# frontage of a #zoning lot#;
- (ii) at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in the table in this Section or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line# provided any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#; and
- (iii) the #street wall# location provisions of paragraph (a)(3) of this Section, inclusive, shall not apply to houses of worship.

No #street wall# location provisions shall apply along any #narrow street# beyond 50 feet of their intersection with a #wide street#.

For the purposes of applying the provisions of paragraph (a) in this Section, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway, in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

District ⁵	Minimum Base Height	Maximum Base Height	Maximum #Building or other Structure# Height
R6B	30	40	50
R6 ²	30	45	55
R6 ¹ inside #Manhattan Core#	40	55	65
R6 ¹ outside #Manhattan Core#	40	60	70
R6A			
R7 ¹ inside #Manhattan Core#	40	60	75
R7 ² R7B			
R7 ¹ outside #Manhattan Core#	40	65	80
R7A			
R7D	60	85	100
R7X	60	85	125
R8B	55	60	75
R8 ²	60	80	105
R8 ¹ R8A	60	85	120
R8X	60	85	150
R9 ² R9A ²	60	95	135
R9A R9 ¹	60	102	145
R9D	60	85 ⁴	— ³
R9X ²	60	120	160
R9X ¹	105	120	170

R10 ² R10A ²	60	125	185
R10 ¹ R10A ¹	125	150	210
R10X	60	85	— ³

- ¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#
- ² For #zoning lots# on a #narrow street# except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#
- ³ #Buildings or other structures# may exceed a maximum base height of 85 feet in accordance with paragraph (c) of this Section
- ⁴ For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet
- ⁵ Where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway, in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

* * *

Article III COMMERCIAL DISTRICT REGULATIONS

Chapter 5 BULK REGULATIONS FOR MIXED BUILDINGS IN COMMERCIAL DISTRICTS

* * *

35-24 Special Street Wall Location and Height and Setback Regulations in Certain Districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, for all #buildings or other structures#, and for #Quality Housing buildings# in other #Commercial Districts#, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

* * *

(b) #Street wall# location

C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5X

(1) In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be located beyond eight feet of the #street line#.

Existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less.

For #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#.

Where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.

C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D

(2) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1 or C2 Districts with a residential equivalent of an R8, R9 or R10 District, the following #street wall# location provisions shall apply along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street#:

(i) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height

specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

In C1 or C2 Districts when mapped within R9D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

(ii) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet above the #base plane#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(2)(i) of this Section.

(iii) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

No #street wall# location rules shall apply along #narrow streets# beyond 50 feet of their intersection with a #wide street#.

For the purposes of applying the provisions of paragraph (b) of this Section, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway, in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

* * *

TABLE A HEIGHT AND SETBACK FOR BUILDINGS OR OTHER STRUCTURES IN CONTEXTUAL DISTRICTS

District ⁵	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
C1 or C2 mapped in R6B	30	40	50
C1 or C2 mapped in R6A C4-2A C4-3A	40	60	70
C1 or C2 mapped in R7B	40	60	75
C1 or C2 mapped in R7A C1-6A C2-6A C4-4A C4-5A	40	65	80
C1 or C2 mapped in R7D C4-5D	60	85	100
C1 or C2 mapped in R7X C4-5X	60	85	125
C1 or C2 mapped in R8B	55	60	75
C1 or C2 mapped in R8A C1-7A C4-4D C6-2A	60	85	120
C1 or C2 mapped in R8X	60	85	150
C1 or C2 mapped in R9A ² C1-8A ² C2-7A ² C6-3A ²	60	95	135
C1 or C2 mapped in R9A ¹ C1-8A ¹ C2-7A ¹ C6-3A ¹	60	102	145
C1 or C2 mapped in R9D C6-3D	60	85 ⁴	— ³
C1 or C2 mapped in R9X ² C1-8X ² C2-7X ² C6-3X ²	60	120	160
C1 or C2 mapped in R9X ¹ C1-8X ¹ C2-7X ¹ C6-3X ¹	105	120	170
C1 or C2 mapped in R10A ² C1-9A ² C2-8A ² C4-6A ² C4-7A ² C5-1A ² C5-2A ² C6-4A ²	60	125	185
C1 or C2 mapped in R10A ¹			

C1-9A ¹ C2-8A ¹ C4-6A ¹ C4-7A ¹ C5-1A ¹ C5-2A ¹ C6-4A ¹	125	150	210
C1 or C2 mapped in R10X C6-4X	60	85	— ³

1 For #zoning lots# or portions thereof within 100 feet of a #wide street#

2 For #zoning lots# on a #narrow street#, except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lots# beyond 100 feet of the #street line#

3 #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section

4 For #buildings# or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet

5 Where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway, in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

TABLE B
HEIGHT AND SETBACK FOR BUILDINGS
IN NON-CONTEXTUAL DISTRICTS

District ³	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
C1 or C2 mapped in R6 ² C4-2 ² C4-3 ²	30	45	55
C1 or C2 mapped in R6 ¹ inside #Manhattan Core# C4-2 ¹ inside #Manhattan Core# C4-3 ¹ inside #Manhattan Core#	40	55	65
C1 or C2 mapped in R6 ¹ outside #Manhattan Core# C4-2 ¹ outside #Manhattan Core# C4-3 ¹ outside #Manhattan Core#	40	60	70
C1 or C2 mapped in R7 ² C1 or C2 mapped in R7 ¹ inside #Manhattan Core# C1-6 ² C1-6 ¹ inside #Manhattan Core# C2-6 ² C2-6 ¹ inside #Manhattan Core# C4-4 ² C4-4 ¹ inside #Manhattan Core# C4-5 ² C4-5 ¹ inside #Manhattan Core# C6-1 ² C6-1 ¹ inside #Manhattan Core#	40	60	75
C1 or C2 mapped in R7 ¹ outside #Manhattan Core# C1-6 ¹ outside #Manhattan Core# C2-6 ¹ outside #Manhattan Core# C4-4 ¹ outside #Manhattan Core# C4-5 ¹ outside #Manhattan Core# C6-1 ¹ outside #Manhattan Core#	40	65	80
C1 or C2 mapped in R8 ² C1-7 ² C4-2F ² C6-2 ²	60	80	105
C1 or C2 mapped in R8 ¹ C1-7 ¹ C4-2F ¹ C6-2 ¹	60	85	120
C1 or C2 mapped in R9 ² C1-8 ² C2-7 ² C6-3 ² C1 or C2 mapped in R9 ¹ C1-8 ¹ C2-7 ¹ C6-3 ¹	60	95	135
C1 or C2 mapped in R10 ² C1-9 ² C2-8 ² C4-6 ² C4-7 ² C5 ² C6-4 ² C6-5 ² C6-6 ² C6-7 ² C6-8 ² C6-9 ²	60	125	185
C1 or C2 mapped in R10 ¹ C1-9 ¹ C2-8 ¹ C4-6 ¹ C4-7 ¹ C5 ¹ C6-4 ¹ C6-5 ¹ C6-6 ¹ C6-7 ¹ C6-8 ¹ C6-9 ¹	125	150	210

1 For #zoning lots# or portions thereof within 100 feet of a #wide street#

2 For #zoning lots# on a #narrow street#, except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lots# beyond 100 feet of the #street line#

3 Where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway, in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

Note: In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

**APPENDIX F
Inclusionary Housing Designated Areas**

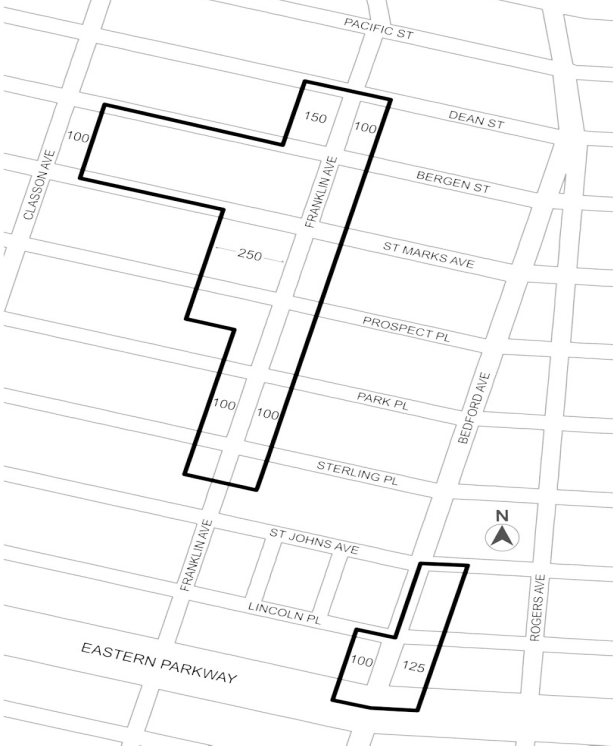
The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations 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.

Table of Inclusionary Housing Designated Areas by Zoning Map

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas
16c	Brooklyn CD 2	Maps 1-3
16c	Brooklyn CD 3	Map 1
16c	Brooklyn CD 6	Map 1
16c	Brooklyn CD 8	Map 1
16d	Brooklyn CD 7	Map 1
16d	Brooklyn CD 8	Map 1
16d	Brooklyn CD 14	Map 2
17a	Brooklyn CD 3	Maps 1-5
17a	Brooklyn CD 8	Map 1
17b	Brooklyn CD 8	Map 1
17b	Brooklyn CD 14	Map 2

Brooklyn
Brooklyn Community District 8

In the R7A and R7D Districts within the areas shown on the following Map 1:
Map 1
New Map



Portion of Community District 8, Brooklyn
BOROUGH OF MANHATTAN
Nos. 6-11
MSK/CUNY
[NOTE: HEARING NOT LIKELY TO BEGIN BEFORE 12:30 P.M.]
No. 6

CD 8 **C 130214 ZMM**
IN THE MATTER OF an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9a:

- changing from an M3-2 District to a C1-9 District property bounded by East 74th Street, Franklin D. Roosevelt Drive, East 73rd Street, and a line perpendicular to the northerly street line of East 73rd Street distant 315 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 73rd Street and the westerly street line of Franklin D. Roosevelt Drive; and
- changing from an M3-2 District to an M1-4 District property bounded by East 74th Street, a line perpendicular to the northerly street line of East 73rd Street distant 315 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 73rd Street and the westerly street line of Franklin D. Roosevelt Drive, East 73rd Street, and a line perpendicular to the northerly street line of East 73rd Street distant 320 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of East 73rd Street and the westerly street line of Franklin D. Roosevelt Drive;

as shown on a diagram (for illustrative purposes only) dated March 18, 2013.

No. 7
CD 8 **N 130215 ZRM**
IN THE MATTER OF an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter IV (General Large Scale Development) to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement.

Matter underlined 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

74-74
General Large Scale Development

74-743
Special provisions for bulk modifications

- (a) For a #large-scale general development#, the City Planning Commission may permit:
- (11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District or within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.
- (i) A request for such bonus #floor area# shall be accompanied by:
- a site plan for a #public park# improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such #public park# improvement, to enable the City Planning Commission to determine the appropriate amount of bonus #floor area# to be granted to the #development#; and
 - a letter from the Commissioner of Parks and Recreation stating that such #public park# improvement provides an appropriate amenity for the surrounding area and that, absent funding to be provided by the applicant such #public park# improvement is unlikely to be made in the foreseeable future.
- (ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:
- any revisions to the site plan for the #public park# improvement or a statement that the site plan provided in the application is unchanged; and
 - a letter that shall include:
- cost estimates for the #public park# improvement; and
 - a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement.
- (b) In order to grant a special permit pursuant to this Section for any #large scale general development#, the Commission shall find that:
- a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission;
 - where the Commission permits a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section:
 - the amount of such bonus #floor area# is appropriate in relation to the size and quality of the proposed #public park# improvement; and
 - such bonus #floor area# will not unduly increase the #bulk# of #buildings# on the #zoning lot# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;
- Grant of a floor area bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the

funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the #public park# improvement. The Commissioner of Buildings shall not issue a building permit for the #large scale development# unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner.

(10) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

* * *
No. 8

CD 8 C 130216 ZSM
IN THE MATTER OF an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution to modify:

- Section 74-743(a)(1) to allow the location of buildings without regard to the rear yard requirements of Section 33-283 (Required rear yard equivalents), the side yard requirements of Section 33-25 (Minimum Required Side Yards), and the height and setback requirements of Section 33-432 (In other Commercial Districts); and
- Section 74-743(a)(11)* to allow a floor area bonus not to exceed 20 percent of the maximum floor area ratio permitted by the underlying district regulations for improvement to a public park;

in connection with a proposed community facility development on property located at 524-540 East 74th Street a.k.a 525-545 East 73rd Street (Block 1485, Lot 15), within a Large-Scale General Development, in a C1-9 District**.

*Note: A zoning text amendment is proposed to modify Section 74-743 of the Zoning Resolution under a concurrent related application N 130215 ZRM.

**Note: The site is proposed to be rezoned by changing an M3-2 District to a C1-9 District under a concurrent related application C 130214 ZMM.

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

No. 9

CD 8 C 130217 ZSM
IN THE MATTER OF an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs requirements of Section 32-65 (Permitted Projection or Height of Signs), in connection with a proposed community facility development on property located at 524-540 East 74th Street a.k.a. 525-545 East 73rd Street (Block 1485, Lot 15), within a Large-Scale General Development, in a C1-9 District*.

*Note: The site is proposed to be rezoned by changing an M3-2 District to a C1-9 District under a concurrent related application C 130214 ZMM.

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

No. 10

CD 8 C 130218 ZSM
IN THE MATTER OF an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 248 spaces on portions of the ground floor, cellar and sub-cellar of a proposed community facility development on property located at 524-540 East 74th Street a.k.a. 525-545 East 73rd Street (Block 1485, Lot 15), in a C1-9 District*.

*Note: The site is proposed to be rezoned by changing an M3-2 District to a C1-9 District under a concurrent related application C 130214 ZMM.

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

No. 11

CD 8 C 130219 PPM
IN THE MATTER OF an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one (1) city-owned property located at 524-540 East 74th Street (Block 1485, Lot 15), pursuant to zoning.

NOTICE

On July 10th, 2013 at 9:00 A.M. in Spector Hall, at the Department of City Planning, 22 Reade Street, in

Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning a disposition of City-owned property for a joint development effort by Memorial Sloan Kettering and Hunter College (MSK - CUNY-Hunter-Project). The project site is located on the Upper East Side of Manhattan Block 1485, Lot 15, on City-owned property on the east of a block bounded by York Avenue, Franklin Delano Roosevelt (FDR) Drive, and East 73rd and 74th Streets. The proposed actions would facilitate a proposal to construct two buildings - MSK ACC and Hunter College Science and Health Professions Building (CUNY-Hunter Building). The MSK ACC Building would be approximately 23 stories (approximately 450 feet) tall on a footprint of 39,667 square feet. In a gross floor area of 731,136 square feet, it would contain state-of-the-art ambulatory care facilities, including office practice space for head and neck, endocrinology, thoracic, hematologic oncology, dental, speech, and consultative services; infusion rooms; interventional and diagnostic radiology; radiation oncology; cardiology and pulmonary testing; pharmacy and clinical laboratories to support the on-site activities; academic offices; and conference rooms; and up to 250 accessory parking spaces on the lower levels of the site for patients and visitors. The facility would be expected to treat approximately 1,335 patients daily. CUNY-Hunter Building would be approximately 16 stories (approximately 350 feet) tall on a footprint of 26,444 square feet. In its gross floor area of 402,990 square feet, it would house teaching and research laboratories, class rooms, a learning center, a single 350-seat lecture hall, faculty offices, and a vivarium to house research animals. Approximately 1,130 undergraduates and 1,219 graduate students would come to classes and laboratories in this building. In addition students from the main Hunter College campus at Lexington Avenue and East 68th Street would attend lectures in the lecture hall.

The proposed project would be facilitated by the following discretionary actions: rezoning the site; zoning text amendment and special permit; approval to develop the site as a Large Scale General Development (LSGD); and approval of a special permit to increase the number of accessory parking spaces. Written comments on the DEIS are requested and would be received and considered by the Lead Agency through July 22nd, 2013.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 13DME003M.

BOROUGH OF QUEENS

Nos. 12-15

HALLETT'S POINT

[NOTE: HEARING NOT LIKELY TO BEGIN BEFORE 10:30 A.M.]

No. 12

CD 1 C 130068 MMQ
IN THE MATTER OF an application submitted by Halletts A Development Company, LLC, New York City Housing Authority (NYCHA), and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of two cul-de-sacs in Astoria Boulevard between 1st Street and 8th Street;
- the establishment of a park between 2nd Street and 26th Avenue and the U.S. Pierhead and Bulkhead Line;
- the elimination of a portion of park west of 1st Street and south of 27th Avenue;
- the elimination, discontinuance and closing of 26th Avenue and 27th Avenue between 1st Street and the U.S. Pierhead and Bulkhead Line;
- the delineation of a street easement; and
- the adjustment of grades and block dimensions necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5019 dated February 5, 2013 and signed by the Borough President.

No. 13

CD 1 C 090484 ZMQ
IN THE MATTER OF an application submitted by Halletts A Development Company, LLC and New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9a:

- changing from an R6 District to an M1-1 District property bounded by the U.S. Pierhead and Bulkhead Line, 2nd Street, 26th Avenue, and the easterly boundary line of a Park (Astoria Athletic Field) and its southerly prolongation;
- changing from an R6 District to an R7-3 District property bounded by the southerly boundary line of a Park (Astoria Athletic Field), the southerly prolongation of the easterly boundary line of a Park (Astoria Athletic Field), 26th Avenue and its westerly centerline prolongation, and the U.S. Pierhead and Bulkhead Line;
- changing from an M1-1 District to an R7-3 District property bounded 26th Avenue and its westerly centerline prolongation, 2nd Street, a line 275 feet

southerly of 26th Avenue, 1st Street, the northerly boundary line of a Park and its easterly prolongation, and the U.S. Pierhead and Bulkhead Line;

- establishing within a former Park** an R6 District property bounded by the westerly street line of 1st Street, the southerly street line of Astoria Boulevard, the northeasterly prolongation of a southeasterly boundary line of a Park, the easterly boundary line of a Park, and the easterly prolongation of a northerly boundary line of a Park;
- establishing within an R6 District a C1-4 District bounded by:
 - 27th Avenue, 8th Street, a line 150 feet southerly of 27th Avenue, and 1st Street; and
 - Astoria Boulevard, the terminus of the Astoria Boulevard (westerly portion), the easterly prolongation of the southerly street line of Astoria Boulevard (westerly portion), the terminus of the of Astoria Boulevard (easterly portion), Astoria Boulevard, Vernon Boulevard, a line 150 southerly of Astoria Boulevard (easterly portion) and its westerly prolongation, a line 150 southerly of Astoria Boulevard (westerly portion) and its easterly prolongation, and the southerly centerline prolongation of 1st Street (straight line portion); and
- establishing within a proposed R7-3 District a C1-4 District bounded by the southerly boundary line of a Park, the northerly centerline prolongation 1st Street, 26th Avenue, 2nd Street, a line 275 feet southerly of 26th Avenue, 1st Street, the northerly boundary line of a Park and its easterly prolongation, and the U.S. Pierhead and Bulkhead Line;

as shown on a diagram (for illustrative purposes only) dated April 22, 2013, and subject to the conditions of CEQR Declaration E-309.

**Note: A portion of a Park westerly of the intersection of 1st Street and Astoria Boulevard is proposed to be demapped under a concurrent related application (C 130068 MMQ) for changes to the city map.

No. 14

CD 1 N 090485 ZRQ
IN THE MATTER OF an application submitted by Halletts A Development Company, LLC and New York City Housing Authority pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large scale general development.

Matter in underline 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; ⚭ indicates asterisk to be deleted; 1^{superscript} number to be added

23-90 INCLUSIONARY HOUSING
* * *

23-952 Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in #Inclusionary Housing designated areas# set forth in APPENDIX F of this Resolution.

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#. Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6 ⚭ (del*) ¹	2.20	2.42
R6 ⚭ ² R6A R7-2 ⚭ ¹	2.70	3.60
R7A R7-2 ⚭ ²	3.45	4.60
R7-3	3.75	5.0
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R10	9.00	12.00

¹ for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

² for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

* * *

Article VI

Chapter 2
SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA

* * *

62-132
Applicability of Article VII, Chapters 4, 8 & 9

* * *

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

- (a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).
(b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.
(c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).
For the purposes of modifying the height and setback regulations of Section 62-341, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).
(d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.
(e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.
(f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).

* * *

62-32
Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks

* * *

62-322
Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) through Section 23-15 (Maximum Floor Area Ratio in R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the following table, except as provided for in Sections 23-952 (Floor area compensation in Inclusionary Housing designated areas), 62-323 (Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE FOR RESIDENTIAL BUILDINGS OR RESIDENTIAL PORTIONS OF BUILDINGS

Table with 3 columns: District, Maximum #Floor Area Ratio# #1, Maximum #Lot Coverage# (in percent). Rows include R1 R2, R6B, R6, R6A R7B, R7-1 R7-2, R7A R8B, R7D, R7-3 R7X, R8 R8A R8X, R9 R9A, R9-1 R9X, R10.

1 In #Inclusionary Housing designated areas#, the #floor area ratio# has been modified, pursuant to Section 23-952 (Floor area compensation in Inclusionary Housing designated areas)
#2 In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)

* * *

62-40
SPECIAL PARKING AND LOADING REGULATIONS

* * *

62-45
Supplementary Regulations for All Parking Facilities

* * *

62-454
Off-street parking in large-scale general developments in Community District 1 in Queens

For #large-scale general developments# approved by the City Planning Commission within the Halletts Point Peninsula in Community District 1, in the Borough of Queens, #floor area# shall not include floor space used for off-street parking spaces provided in any #story# located not more than 33 feet above the #base plane#, provided that where such facilities front upon #streets# and #waterfront public access areas#, such spaces are within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #street# or #waterfront public access areas#. Such floor space shall have a minimum depth of 18 feet.

* * *

ARTICLE VI

* * *

Chapter 3

SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES

* * *

63-02
Applicability

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.

- (a) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (b) of this Section:
(1) in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7, except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;
(2) in the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17, except portions of Community District 8, as shown on Map 2 in Appendix A;
(3) in the Borough of Manhattan, Community Districts 9, 10, 11 and 12, except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and
(4) in the Borough of Queens, the #Special Downtown Jamaica District#, and portions of Community District 12 outside of the #Special Downtown Jamaica District#, except those portions shown on Maps 5 and 6 in Appendix A; and those portions in Community District 1 shown on Map 1 in Appendix B.
(b) The provisions of this Chapter shall not apply to the following Special Purpose Districts: #Special Madison Avenue Preservation District#; #Special Manhattanville Mixed Use District#; #Special Park Improvement District#; and #Special Hunts Point District#.

* * *

63-25
Required Accessory Off-street Parking Spaces in Certain Districts

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store#.
(b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food store# shall provide #accessory# off-street parking spaces as required for #uses# in parking requirement category B in the applicable #Commercial# and #Manufacturing Districts#.
(c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.
(d) The provisions of this Section shall not apply to:
(1) in the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix BC of this Chapter;
(2) in the Borough of Brooklyn, portions of Community District 5, as shown on Map 2 in Appendix BC;
(3) in the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix BC and
(4) in the Borough of Queens, the #Special Downtown Jamaica District#.

* * *

Appendix A
FRESH Food Store Designated Areas: Excluded Portions

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability) of this Chapter. Excluded portions of community districts are shown on the following maps:

* * *

Appendix B
FRESH Food Store Designated Areas: Included Portions

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability). When a #FRESH food store# designated area occupies only a portion of a community district, the included portions of such community districts are shown on the following maps:

Map 1. Included portions of Community District 1, Queens

74-74
Large Scale General Development

* * *

74-742
Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

* * *

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

- (a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or
(b) owned by the Federal government and is within Brooklyn Community District 2; or
(c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership; or
(d) partially under State or City ownership, or may

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

(i) tracts of land in State or City ownership; or

(ii) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the #bulkhead# line.

**74-743
Special provisions for bulk modification**

- (a) For a #large-scale general development#, the City Planning Commission may permit:
- * * *
- (9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#; ~~or~~
- (10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk; ~~or~~
- (11) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Halletts Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:
- (i) such parcel shall be made part of such #zoning lot# upon approval of such #large scale general development#, pursuant to the definition of #zoning lot# in Section 12-10, paragraph (d); and
- (ii) the existing light industrial #buildings# on the separate parcel of land are demolished.
- (b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:
- * * *
- (8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#; ~~and~~
- (9) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission; ~~and~~
- (10) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a) (11) of this Section, such #floor area# distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the #development# of affordable housing units within a #large scale general development#.

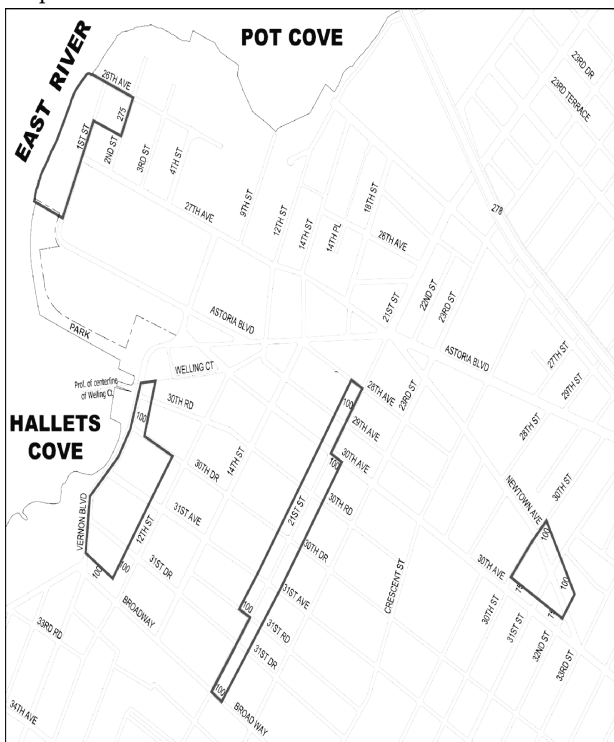
In addition, within the former Washington Square Southeast Urban Renewal Area, within Manhattan Community District 2, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution. The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

**APPENDIX F
Inclusionary Housing Designated Areas**

* * *
**Queens
Queens Community District 1**

In the R7A and R7-3 Districts within the areas shown on the following Map 1:

Map 1 -



Community District 1, Queens

* * *

No. 15

CD 1 C 090486 ZSQ
IN THE MATTER OF an application submitted by Halletts A Development Company, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

- Section 74-743(a)(1) - to allow the distribution of total allowable floor area and lot coverage under the applicable district regulations without regard for zoning lot lines;
- Section 74-743(a)(2) - to allow the location of buildings without regard for the rear yard requirements of Sections 23-532 and 35-53, and to modify initial setback distance, the maximum base height, the maximum building height, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 (Developments on land and platforms); and
- Section 74-743(a)(11)* - to allow the distribution of floor area from a zoning lot containing existing public housing buildings;

in connection with a proposed mixed use development on property generally bounded by 26th Avenue and its westerly prolongation, 2nd Street, 27th Avenue, 8th Street, the northerly boundary of a Park, and the U.S. Pierhead and Bulkhead Line, (Block 913, Lot 1; Block 915, Lot 6; Block 916, Lots 1 & 10; Block 490, Lots 1, 11, p/o 100, & 101; portions of lands underwater westerly of Blocks 916 and 490; and the beds of the proposed to be demapped portions of 26th Avenue**, 27th Avenue**, Astoria Boulevard**, & Park), in R6***, R6/C1-4*** and R7-3/C1-4*** Districts, in a large-scale general development, within the Halletts Point Peninsula.

*Note: A zoning text amendment is proposed to modify Section 74-743 under a concurrent related application C 090485 ZRQ.

**Note: Portions of 26th Avenue, 27th Avenue, Astoria Boulevard, & Park are proposed to be demapped under a concurrent related application (C 130068 MMQ) for changes to the city map.

***Note: The site is proposed to be rezoned by changing M1-1 and R6 Districts and demapped Park to R6/C1-4 and R7-3/C1-4 Districts under a concurrent related application C 090484 ZMQ.

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.

NOTICE

On Wednesday, July 10, 2013, at 9:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning zoning map changes; zoning text amendments; large-scale general development project (LSGD) special permits related to bulk; waterfront special permits, authorizations, and certifications; and mapping actions. The applicant, Halletts A Development Company, LLC is requesting the discretionary approvals, with the New York City Housing Authority (NYCHA) as co-applicant for some of the approvals, to facilitate a mixed-use development on several parcels on Halletts Point along the East River in Astoria, Queens. The zoning map changes would rezone an existing manufacturing (M1-1) district along 1st Street south of 26th Avenue to residential with commercial overlay (R7-3/C1-4); establish a commercial overlay (C1-4) over the existing residential (R6) zoning district along Astoria Boulevard and 27th Avenue; establish Whitey Ford Field as a mapped public parkland and rezone a portion of the adjacent streetbed from residential (R6) to manufacturing (M1-1). The zoning text amendments would make the project area eligible for the

Inclusionary Housing Program and Food Retail Expansion to Support Health (FRESH) Program; exempt accessory parking under certain circumstances from the definition of floor area; allow lot lines coincident with the boundary of a mapped Public Park to be treated as a wide street for the purposes of applying minimum distance between legally required windows and lot lines; and, permit floor area distribution from a zoning lot under certain circumstances to another zoning lot within a LSGD if it contributes to better site planning. The city mapping actions would eliminate two cul-de-sacs in Astoria Boulevard between 1st Street and 8th Street and convey a street easement from NYCHA to the City, establish a public park (Whitey Ford Field), and eliminate 26th Avenue and 27th Avenue between 1st Street and the U.S. Pierhead and Bulkhead Line. Other discretionary actions requested include disposition of public housing (NYCHA) property, use of development rights associated with lands underwater, and potential financing approval for affordable housing. The proposed actions would facilitate a proposed development of approximately 2.73 million gross square feet (gsf) in total that would include approximately 2.2 million gsf of residential space (2,644 housing units including 2,161 market-rate and 483 affordable housing units); approximately 69,000 gsf of retail space (including an approximately 30,100-gross square foot retail space designed for supermarket use); and 1,375 accessory parking spaces. Comments are requested on the DEIS and will be accepted until Monday, July 22, 2013.

This hearing is being held pursuant to the National Environmental Policy Act (NEPA), State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 09DCP084Q.

**Nos. 16-20
SPECIAL WILLETS POINT DISTRICT TEXT
AMENDMENT**

[NOTE: HEARING NOT LIKELY TO BEGIN BEFORE 11:30 A.M.]

No. 16

CD 7 N 130220 ZRQ
IN THE MATTER OF an application by the Queens Development Group, LLC and the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution relating to Article XII Chapter 4 to allow the City Planning Commission to permit transitional uses as part of a phased development where such uses are reasonably necessary to assist in achievement of the goals of the Special District.

Matter in underline is new, to be added.
Matter in ~~strikeout~~ is to be deleted.
Matter with # # is defined in Section 12-10.
* * * indicates where unchanged text appears in the Zoning Resolution.

Article XII - Special Purpose Districts

**Chapter 4
Special Willets Point District**

* * *
**124-60
SPECIAL PERMIT TO MODIFY USE OR BULK
REGULATIONS**

For any #zoning lot# within the #Special Willets Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- #use# or #bulk# modification shall aid in achieving the general purposes and intent of the Special District;
- #use# modification shall encourage a lively pedestrian environment along the street, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;
- #bulk# modifications shall enhance the distribution of #bulk# within the Special District;
- #bulk# modifications shall permit adequate access of light and air to surrounding streets; and
- #use# or #bulk# modification shall relate harmoniously to the character of the surrounding area.

Notwithstanding the foregoing, a #use# modification may include a #use# proposed as part of a phased development within the Special District, where the Commission finds that such #use# is reasonably necessary for transitional purposes to assist in achievement of the goals of the Special District, provided the findings of paragraphs (a), (b) and (e) above are met to the maximum extent possible, taking into account the nature of such #use#.

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

No. 17

CD 7 C 130222 ZSQ
IN THE MATTER OF an application submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60* of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 2,650 spaces and active recreational uses on property (Zoning Lot 1) located easterly of 126th Street generally between proposed to be demapped 35th

Avenue and Roosevelt Avenue (Block 1823, Lots 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52, & 55; Block 1825, Lots 26, 28, 30, 37, 46, 48, 53, p/o 21 & p/o 55; Block 1826, Lots 1, 5, 14, 18, 20, 31, & 35; Block 1827, Lot 1; Block 1833, Lots 103, 111, 117, 120, 141, 151, 155, 158 & 172; p/o bed of proposed to be demapped 37th Avenue; p/o bed of proposed to be demapped 38th Avenue; bed of proposed to be demapped 39th Avenue; p/o bed of proposed to be demapped Willets Point Boulevard; and optional property to include Block 1823, Lots 1, 3, 5, 7, 12, 14, 58, 59, & 60; and p/o bed of proposed to be demapped 36th Avenue), in a C4-4 District, within the Special Willets Point District.

*Note: A zoning text amendment is proposed to modify Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS) of the Zoning Resolution under a concurrent related application N 130220 ZRQ.

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

No. 18

CD 7 C 130223 ZSQ
IN THE MATTER OF an application submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60* of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 83 spaces, in conjunction with a commercial development on property (Zoning Lot 2) located easterly of 126th Street generally between proposed to be demapped 37th Avenue and proposed to be demapped 38th Avenue (Block 1825, Lots 1, 19, 58, p/o 21, p/o 55, p/o bed of proposed to be demapped 37th Avenue and p/o bed of proposed to be demapped 38th Avenue, in a C4-4 District, within the Special Willets Point District.

*Note: A zoning text amendment is proposed to modify Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS) of the Zoning Resolution under a concurrent related application N 130220 ZRQ.

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

No. 19

CD 7 C 130224 ZSQ
IN THE MATTER OF an application submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60* of the Zoning Resolution to modify the applicable use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 98 spaces and active recreational uses on property (Zoning Lot 3) located easterly of 126th Street generally between proposed to be demapped 34th Avenue and proposed to be demapped 35th Avenue (Block 1822, Lot 17), in a C4-4 District, within the Special Willets Point District.

*Note: A zoning text amendment is proposed to modify Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS) of the Zoning Resolution under a concurrent related application N 130220 ZRQ.

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

No. 20

CD 7 C 130225 ZSQ
IN THE MATTER OF an application submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60* of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 181 spaces and active recreational uses on property (Zoning Lot 4) located westerly of 126th Place generally between Northern Boulevard and proposed to be demapped 34th Avenue (Block 1821, Lots 9 and 18), in a C4-4 District, within the Special Willets Point District.

*Note: A zoning text amendment is proposed to modify Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS) of the Zoning Resolution under a concurrent related application N 130220 ZRQ.

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

NOTICE

On Wednesday, July 10th, 2013, at 9:00 A.M., in Spector Hall, at the Department of City Planning, 22 Reade Street, in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Supplemental Environmental Impact Statement (DSEIS) concerning the redevelopment of the Willets Point/CitiField area for a mix of uses. The proposed redevelopment seeks to transform several CitiField parking areas as well. The project site is located in Queens, within the northern portion of Flushing Meadows Corona Park adjacent to the CitiField stadium, and within the Willets Point peninsula east of 126th Street. The Willets Point area comprises 128 tax lots and one partial lot located on 14 blocks. The portion of the project site east of 126th Street is within the Special Willets Point District and is in Community District 7; the remaining portion of the project site is City parkland and lies outside community district boundaries. The project is anticipated to proceed across three distinct areas until its anticipated completion in 2032. The project sites are: "The Willets Point" portion, comprising 61 acres; "Willets West," (the Special Willets Point District)

comprising a 30.7-acre section of the surface parking field adjacent to CitiField; and "Roosevelt Avenue" (comprising three CitiField-related surface parking lots). It would incorporate a development substantially similar to that anticipated and analyzed in the 2008 Willets Point Development Plan Final Generic Environmental Impact Statement (FGEIS), as well as a major entertainment/retail component and parking adjacent to CitiField. The project is anticipated to proceed in three phases: by 2018, the remediation and development of an approximately 23-acre portion of the Special Willets Point District with a 200-room hotel, approximately 30,000 square feet of retail space, and a 2,800-space surface parking area/off-season public recreation space; the development of the parking field west of CitiField with "Willets West"—an entertainment and retail center of approximately 1.4 million square feet (one million square feet of gross leasable area) and a 2,900-space parking facility; and the development of a structured parking facility on the westernmost CitiField surface parking lot south of Roosevelt Avenue; by 2028, the surface parking area in the Special Willets Point District would be replaced with approximately 4.23 million square feet of residential, retail, office, hotel, public school, enclosed parking, and public open space uses; and the development of additional structured parking facilities on the CitiField surface parking lots south of Roosevelt Avenue; and by 2032, completion of the full build-out of the Special Willets Point District substantially as anticipated in the FGEIS. Written comments on the DSEIS are requested and would be received and considered by the Lead Agency through Monday, July 22, 2013.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 07DME014Q.

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

j25-jy10

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, July 11, 2013 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.

jy3-10

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, July 10, 2013 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, 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.

jy1-10

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, July 23, 2013 at 9:30 A.M.**, 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 Interior Landmark. 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.

BOROUGH OF MANHATTAN

PUBLIC HEARING ITEM NO. 1

LP-2551
 STEINWAY & SONS RECEPTION ROOM & HALLWAY, FIRST FLOOR INTERIOR, 109-113 West 57th Street (aka 106-116 West 58th Street), Manhattan, first floor interior consisting of the Steinway & Sons Reception Room, including the domed rotunda and mezzanine, the east foyer and stairs leading to the mezzanine; the hallway of the public corridor, up to the north glass doors, that adjoins the Reception Room; and the fixtures and components of these spaces, including but not limited to, wall and ceiling surfaces, floor surfaces, ceiling murals, arches, pilasters, stairs, landings, decorative medallions, metal railings, metal grilles, chandeliers and lighting fixtures, door enframements, doors and windows, and attached furnishings and decorative elements.

Landmark Site: Borough of Manhattan Tax Map Block 1010, Lot 25
 [Community District 05]

jy8-22

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, **July 9, 2013 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF QUEENS 14-2877-Block 10288, lot 1–174-05 Adelaide Road-Addisleigh Park Historic District A Medieval Revival style free-standing house, with attached garage, designed by Fred J. Burmeister and built in 1935-1937. Application is to legalize the replacement of windows without Landmarks Preservation Commission permits. Community District 12.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF QUEENS 14-4604 – Block 10301, lot 62-178-15 Murdock Avenue-Addisleigh Park Historic District A free standing Tudor Revival style house with attached garage, built c. 1932. Application is to legalize façade alterations and the installation of a fence without Landmarks Preservation Commission permit(s). Community District 12.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 14-3296 –Block 2457, lot 28–175 Broadway, aka 834-844 Driggs Avenue-(former) Williamsburg Savings Bank - Individual & Interior Landmark A Classic Revival style bank building designed by George B. Post and built in 1875, with a Renaissance and neo-Grec style domed banking hall designed by George B. Post, with a mural by Peter B. Wight. Application is to install light fixtures. Community District 1.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 14-4633 –Block 265, lot 10–170 Joralemon Street-Brooklyn Heights Historic District A Gothic Revival style school building designed by Minard Lafever and built in 1854. Application is to construct a stair bulkhead. Community District 2.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 14-4157-Block 210, lot 20–31 Middagh Street-Brooklyn Heights Historic District One of a pair of Greek Revival style frame houses built in 1847. Application is to alter the façade, construct a rear yard addition and rooftop bulkhead, and excavate the rear yard. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 14-1256 -Block 248, lot 5–85 Remsen Street-Brooklyn Heights Historic District A Greek Revival style rowhouse built c.1840. Application is to replace the door and windows, demolish the existing rear yard addition and construct a new rear yard addition and excavate the basement and rear yard. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 13-7640 –Block 1961, lot 51–410-412 Waverly Avenue-Clinton Hill Historic District A pair of neo-Grec style carriage houses designed by C. Cameron and built in 1879. Application is to construct a rooftop addition and alter the front and rear facades. Zoned R-6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 14-9468 -Block 2120, lot 25 –156 Lafayette Avenue, aka 338 Adelphi Street-Clinton Hill Historic District An Italianate style rowhouse built c.1857 with later 19th century alterations. Application is to demolish a garage and rear yard fence installed without Landmarks Preservation Commission permit(s), and to construct a new garage and fence. Zoned R6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 14-4403 -Block 1980, lot 28–102 Gates Avenue-Clinton Hill Historic District A rowhouse built circa 1865. Application is to modify a masonry opening and construct a rear deck and stair. Community District 2.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 14-3002 -Block 444, lot 4–339 Hoyt Street -Carroll Gardens Historic District A late Italianate style house built in 1873. Application is to demolish an existing rear yard addition and construct a new rear yard addition. Zoned R6B. Community District 6.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 14-4256 -Block 436, lot 68–305A President Street-Carroll Gardens Historic District A neo-Grec style rowhouse built in 1876. Application is to alter the areaway and the front and rear facades, construct a rooftop bulkhead, and excavate the rear yard. Community District 6.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 14-4113 -Block 323, lot 33–435 Henry Street-Cobble Hill Historic District A walled garden space. Application is to install a curb cut and remove and relocate bluestone paving. Community District 6.

CERTIFICATE OF APPROPRIATENESS
 BOROUGH OF BROOKLYN 13-9228 -Block 312, lot 10–

218-220 Baltic Street, aka 281 Clinton Street-Cobble Hill Historic District
A brick building altered as a garage by Milliman and Son in 1920. Application is to legalize alterations to the parapet and rear elevation without Landmarks Preservation Commission permits. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-5203 -Block 1075, lot 5–274 8th Avenue, aka 175 8th Avenue, aka 274 Garfield Place.-Park Slope Historic District
A school building associated with Temple Beth Elohim featuring neo-Romanesque and Art Deco style details, designed by Mortimer Freehof and David Levy, and built in 1928. Application is to replace windows. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-4339-Block 1085, lot 43–104 Prospect Park West-Park Slope Historic District
A neo-Italian Renaissance style rowhouse designed by Axel S. Hedman and built in 1899. Application is to paint the rear facade and to construct a perimeter masonry wall at the rear yard. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-4691 -Block 1143, lot 58–578 Carlton Avenue-Prospect Heights Historic District
An altered Italianate style rowhouse built prior to 1855. Application is to reconstruct the secondary facades, construct a rear yard addition and excavate the rear yard for a new cellar. Zoned R6B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-4611 – Block 7071, lot 130-2102 Boardwalk, aka 3052 West 21st Street-(former) Childs Restaurant Building - Individual Landmark
A Spanish Colonial Revival style restaurant building designed by Dennison & Hirons and built in 1923. Application is to construct a rooftop addition, install storefront infill and signage, and modify the west elevation. Zoned R7D/C2-4/CI. Community District 13.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF STATEN ISLAND 14-2651 -Block 15, lot 53–49 St. Mark's Place -St. George Historic District
A neo-Romanesque style church building designed by Harding and Gooch and built in 1900-01. Application is to construct an addition and create an entrance plaza. Zoned R3A. Community District 3.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF THE BRONX 14-4610 -Block 2739, lot 15–1201 Lafayette Avenue-American Bank Note Company Printing Plant - Individual Landmark
A Gothic inspired printing plant designed by Kirby, Petit & Green and built in 1911. Application is to replace windows. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF THE MANHATTAN 14-5103 –Block 141, lot 27–174 Duane Street-Tribeca West Historic District
An Italianate/neo-Grec style store and loft building designed by Schulze and Schoen and built in 1871. Application is to replace storefront infill, remove a fire escape, alter the rear facade and construct a rooftop addition. Zoned C6-2A; Special Tribeca Mixed Use District. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3293 -Block 172, lot 7501–378 Broadway -Tribeca East Historic District
An apartment building designed by Daniel Pang & Associates and built in 1990. Application is to alter the first floor facade and install signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-1276 -Block 193, lot 7501–395 Broadway-Tribeca East Historic District
A neo-Renaissance style store, loft, and office building designed by Robert Maynicke and built between 1899 and 1901. Application is to create new window openings. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3605 -Block 496, lot 32–240 Lafayette Street-SoHo-Cast Iron Historic District Extension
A dwelling originally built c. 1809-16 and remodeled and enlarged in the Italianate style by John B. McIntyre in 1873. Application is to legalize the installation of signage and lighting without Landmarks Preservation Commission permit(s). Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-1153 -Block 473, lot 51–134 Grand Street, aka 23-29 Crosby Street-SoHo-Cast Iron Historic District Extension
A Second Empire style warehouse building designed by William Field & Son and built in 1869. Application is to alter the ground floor. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4537 -Block 531, lot 17, 25 & 56–375-379 Lafayette Street, 30 Great Jones Street, and 32-38 Great Jones Street-NoHo Historic District Extension
A parking lot. Application is to amend Certificate of Appropriateness 13-0850 to construct a new parking attendant booth with ticket machines, and to install bollards and a bike rack. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-9611 -Block 552, lot 65–73 Washington Place-Greenwich Village Historic District
A Greek Revival style rowhouse built in 1847. Application is to legalize the installation of a stoop gate, lighting and replacing a plaque without Landmarks Preservation Commission permit(s). Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5042 -Block 617, lot 28–94 Greenwich Avenue-Greenwich Village Historic District
A late Federal style house built in 1829-30, altered in the mid-nineteenth century with the addition of a third floor,

altered again with the installation of a storefront at the ground floor. Application is to replace storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-1396 -Block 625, lot 43–13 8th Avenue-Greenwich Village Historic District
A vernacular Greek Revival style rowhouse with a commercial ground floor built in 1845. Application is to construct a rooftop addition. Zoned C1-6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3748 -Block 641, lot 45–349-353 West 12th Street-Greenwich Village Historic District
Three Italianate style rowhouses built in 1869-70, and later modified for commercial uses at the ground floor. Application is to modify door openings and install a railing on the loading dock. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-5467 -Block 611, lot 38–130 7th Avenue South-Greenwich Village Historic District
A commercial building designed by Scacchetti & Siegel and built in 1937. Application is to demolish the existing building and to construct a new building. Zoned C2-6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4360 -Block 589, lot 3–241 Bleecker Street-Greenwich Village Historic District Extension II
A rowhouse built in 1829 and altered in the Italianate/neo-Grec style between 1876 and 1885. Application is to install storefront infill and signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-8944 -Block 527, lot 66–30 Carmine Street-Greenwich Village Historic District Extension II
An altered neo-Grec/Queen Anne style tenement building with commercial ground floor, built in 1886. Application is to modify ground floor infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5202 -Block 586, lot 31–29 Carmine Street -Greenwich Village Historic District Extension II
A vacant lot. Application is to install a new fence gate. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3698 -Block 646, lot 30–420 West 14th Street-Gansevoort Market Historic District
A neo-Classical style store and loft building designed by Thomas H. Styles and built in 1903-04. Application is to install signage and to amend Certificate of Appropriateness 11-1354 to create a master plan governing the future installation of storefront infill. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3924 -Block 164, lot 37–25-29 Mott Street -Zion English Lutheran Church, Church of the Transfiguration-Individual Landmark
A Georgian Gothic style church built in 1801. Application is to legalize the installation of canopies without Landmarks Preservation Commission permit(s), and to install art work. Community District 3.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-8059 -Block 719, lot 5–465 West 21st Street-Chelsea Historic District
An Italianate style house built c. 1853. Application is to construct a rear yard addition and legalize the installation of lampposts at the stoop and the removal of ironwork from the parlor floor windows without Landmarks Preservation Commission permit(s). Zoned R7B, C2-5. Community District 4.

MISCELLANEOUS/AMENDMENT
BOROUGH OF MANHATTAN 14-5553 – Block 719, lot 75-460 West 22nd Street - Chelsea Historic District
An Italianate style house built c. 1854. Application is to amend Certificate of Appropriateness 14-1412 for the construction of a rooftop addition, and to alter and create window openings. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4759 -Block 824, lot 32–7 West 22nd Street-Ladies' Mile Historic District
A neo-Renaissance style store and loft building designed by James Barnes Baker and built in 1900-01. Application is to replace doors and construct a barrier-free access ramp. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 12-2627 -Block 996, lot 21–123 West 43rd Street-Town Hall-Individual Landmark & Interior Landmark
A Colonial Revival style theater building and auditorium designed by McKim, Mead, and White and built in 1919-21. Application is to install wall signs and poster boxes. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3028 -Block 849, lot 70–915 Broadway-Ladies' Mile Historic District
A Modern Eclectic style store, loft and office building designed by Joseph Martine and built in 1925-26. Application is to alter the entrance. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5168 -Block 999, lot 3–1560 Broadway -Embassy Theater - Interior Landmark
A French-inspired movie theater designed by Thomas Lamb and the decorating firm Rambusch Studio, and built in 1925. Application is to install escalators, signage, and modify the walls. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-2579 -Block 876, lot 10–1 Gramercy Park West-Gramercy Park Historic District
An Italianate style house built in 1849. Application is to alter the areaway and sidewalk, and install ironwork. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4222 -Block 876, lot 14–5 Gramercy Park West - Gramercy Park Historic District
A Greek Revival style town house, built between 1844 and 1850. Application to construct a front porch and stair, create an entrance, replace windows, construct a rear addition, combine masonry openings, and excavate the rear yard. Zoned R7B, C8-4A. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5122 -Block 1315, lot 24–220 East 42nd Street-Daily News Building Lobby- Interior Landmark & Individual Landmark
An Art Deco style office building and lobby designed by Raymond Hood and built in 1929-30 and altered in 1960 by Harrison & Abramovitz. Application is to modify installations within display cases. Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-1713 -Block 11221, lot 77–205 Columbus Avenue-Upper West Side/Central Park West Historic District
A neo-Grec style flats building designed by Hubert & Pirsson and built in 1886-87. Application is to replace storefront infill and install signage. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4488 -Block 1387, lot 62–18 East 73rd Street-Upper East Side Historic District
A townhouse built c. 1866, and altered in the neo-Georgian style by William Lawrence Bottomley in 1922-23. Application is to alter the mansard roof, construct a rear yard addition, masonry openings, and excavate the rear yard. Zoned R8B. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-3274 -Block 1377, lot 58–702-704 Madison Avenue, 706-708 Madison Avenue, 22-24 East 63rd Street -Upper East Side Historic District
A two-story neo-Federal style building designed by Merwin Shradly and built in 1940, a three-story neo-Federal style bank building designed by Frank Easton Newman and built in 1921, and an empty lot with a brick wall. Application is to demolish the two-story building and the brick wall, demolish portions of the west and south facades of the three-story bank building, and construct a new building with frontage on Madison Avenue and East 63rd Street. Zoned C5. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-0337 -Block 1410, lot 26–173 East 75th Street -Upper East Side Historic District Extension
A Renaissance Revival style school building designed by Robert J. Reiley and built in 1925-26. Application is to install an awning. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-8845 -Block 1409, lot 69–815 Park Avenue-Upper East Side Historic District
A neo-Georgian style apartment building designed by W.L. Rouse and L.A. Goldstone and built in 1917. Application is to establish a master plan governing the future replacement of windows. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5007 -Block 1522, lot 1–1185 Park Avenue- Expanded Carnegie Hill Historic District
A neo-Gothic style apartment building designed by Schwartz & Gross and built in 1928-29. Application is to replace guard booths. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-6035 -Block 1501, lot 16–17 East 89th Street-Expanded Carnegie Hill Historic District
A neo-Renaissance style apartment building, designed by Gaetan Ajello and built in 1924-25. Application is to replace storefront infill. Community District 8.

j25-jy9

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, July 10, 2013. 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 134 West 4th Street LLC to construct, maintain and use a stoop, steps and a fenced-in area on the south sidewalk of West 4th Street, west of MacDougal Street, 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, 2024 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, 2024-\$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.

#2 In the matter of a proposed revocable consent authorizing 680 Residential Owner LLC to construct, maintain and use a snowmelt system in the north sidewalk of East 61st 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, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the date of Approval to June 30, 2014 - \$1,657/annum

For the period July 1, 2014 to June 30, 2015 - \$1,703
For the period July 1, 2015 to June 30, 2016 - \$1,749
For the period July 1, 2016 to June 30, 2017 - \$1,795

For the period July 1, 2017 to June 30, 2018 - \$1,841
 For the period July 1, 2018 to June 30, 2019 - \$1,887
 For the period July 1, 2019 to June 30, 2020 - \$1,933
 For the period July 1, 2020 to June 30, 2021 - \$1,979
 For the period July 1, 2021 to June 30, 2022 - \$2,025
 For the period July 1, 2022 to June 30, 2023 - \$2,071
 For the period July 1, 2023 to June 30, 2024 - \$2,117

the maintenance of a security deposit in the sum of \$5,800 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.

#3 In the matter of a proposed revocable consent authorizing Buckeye Pipe Line Company, L.P. to continue to maintain and use a pipeline under certain streets in the Boroughs of Staten Island, Brooklyn and Queens. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2013 to June 30, 2014 - \$1,440,832
 For the period July 1, 2014 to June 30, 2015 - \$1,481,031
 For the period July 1, 2015 to June 30, 2016 - \$1,521,230
 For the period July 1, 2016 to June 30, 2017 - \$1,561,429
 For the period July 1, 2017 to June 30, 2018 - \$1,601,628
 For the period July 1, 2018 to June 30, 2019 - \$1,641,827
 For the period July 1, 2019 to June 30, 2020 - \$1,682,026
 For the period July 1, 2020 to June 30, 2021 - \$1,722,225
 For the period July 1, 2021 to June 30, 2022 - \$1,762,424
 For the period July 1, 2022 to June 30, 2023 - \$1,802,623

the maintenance of a security deposit in the sum of \$258,500 and the insurance shall be the amount of Two Million Dollars (2,000,000) per occurrence, and Thirty Five Million Dollars (\$35,000,000) aggregate.

#4 In the matter of a proposed revocable consent authorizing New York University to construct, maintain and use a conduit under, across and along First Avenue at intersection of East 25th Street, 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, 2024 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, 2014 - \$9,979/annum

For the period July 1, 2014 to June 30, 2015 - \$10,257
 For the period July 1, 2015 to June 30, 2016 - \$10,535
 For the period July 1, 2016 to June 30, 2017 - \$10,813
 For the period July 1, 2017 to June 30, 2018 - \$11,091
 For the period July 1, 2018 to June 30, 2019 - \$11,369
 For the period July 1, 2019 to June 30, 2020 - \$11,647
 For the period July 1, 2020 to June 30, 2021 - \$11,925
 For the period July 1, 2021 to June 30, 2022 - \$12,203
 For the period July 1, 2022 to June 30, 2023 - \$12,481
 For the period July 1, 2023 to June 30, 2024 - \$12,759

the maintenance of a security deposit in the sum of \$12,800 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.

#5 In the matter of a proposed modification of revocable consent authorizing The Mount Sinai Hospital to construct, maintain and use a ramp and steps on the north sidewalk of East 98th Street, east of Fifth Avenue, in the Borough of Manhattan. The proposed modified revocable consent is for a term of three years from the date of approval by the Mayor to June 30, 2016 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, 2016 - \$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.

j19-jy10

COURT NOTICE

SUPREME COURT

NOTICE

KINGS COUNTY IA PART 89 NOTICE OF PETITION INDEX NUMBER 10744/13

In the Matter of the Application of the City of New York relative to acquiring title in fee simple absolute to certain real property where not heretofore acquired for

EMS BATTALION 39 at 265 Pennsylvania Avenue,

Located within an area generally bounded by Pitkin Avenue (a/k/a Industrial Park Road) on the north, Pennsylvania Avenue (a/k/a Granville Payne Avenue) on the east, Belmont Avenue on the south, and Sheffield Avenue on the west, in the Borough of Brooklyn, City and State of New York.

PLEASE TAKE NOTICE that the Corporation Counsel of the City of New York intends to make application to the Supreme Court of the State of New York, Kings County, IA Part 89, for certain relief.

The application will be made at the following time and place: At the Kings County Courthouse, located at 360 Adams Street, in the Borough of Brooklyn, City and State of New York, on Thursday, July 25, 2013 at 2:30PM., or as soon thereafter as counsel can be heard.

The application is for an order:

1) authorizing the City to file an acquisition map in

the Office of the City Register;

- 2) directing that upon the filing of said map, title to the property sought to be acquired shall vest in the City;
- 3) providing that just compensation therefor be ascertained and determined by the Supreme Court without a jury; and
- 4) providing that notices of claim must be served and filed within one calendar year from the date of service of the Notice of Acquisition for this proceeding.

The City of New York, in this proceeding, intends to acquire title in fee simple absolute to certain real property where not heretofore acquired for the same purpose, for the continued use as a Fire Department Emergency Medical Service (EMS) Battalion 39 in the Borough of Brooklyn City and State of New York.

The description of the real property to be acquired is as follows:

In the matter of describing metes and bounds of real property to be acquired for EMS Battalion 39, located on Pennsylvania Avenue (100 feet wide) between Pitkin Avenue (80 feet wide) and Belmont Avenue (60 feet wide) in which all streets mentioned are as laid out on the "City Map" of the City of New York, Borough of Brooklyn, follows:

Beginning at a point on the easterly line of the said Pennsylvania Avenue, said point being distant 200.00 feet south of the intersection of the easterly line of the said Pennsylvania Avenue and the southerly line of the said Pitkin Avenue, measures along the easterly line of the said Pennsylvania Avenue;

- 1) Running thence eastwardly, perpendicular to the easterly line of the said Pennsylvania Avenue, and along the southerly line of tax lot 10 in Brooklyn tax block 3738 for 110.00 feet to a point on a westerly line of tax lot 15 in Brooklyn tax block 3738;
- 2) Thence, southwardly, forming an interior angle of 90 degrees with the previous course, partly along the said westerly line of tax lot 15 in Brooklyn tax block 3738 and partly along the westerly line of tax lot 30 in Brooklyn tax block 3738, for 75.00 feet to a point on the northerly line of tax lot 39 in Brooklyn tax block 3738;
- 3) Thence, westwardly, forming an interior angle of 90 degrees with the previous course, partly along the said northerly line of tax lot 39 in Brooklyn tax block 3738 and along the northerly line of tax lot 6 in Brooklyn tax block 3738, for 110.00 feet to a point on the easterly line of the said Pennsylvania Avenue;
- 4) Thence, northwardly, forming an interior angle of 90 degrees with the previous course, and along the easterly line of the said Pennsylvania Avenue for 75.00 feet back to the point of beginning.

This parcel consists of tax lot 7 in Brooklyn tax block 3738 as shown on the "Tax Map" of the City of New York, Borough of Brooklyn as said "Tax Map" existed on December 12, 2008 and comprises an area of 8,250 square feet or 0.18939 acres.

The property shall be acquired subject to encroachments, if any, of the structures, improvements and appurtenances standing or maintained partly upon the above described parcels and partly upon the lands and premises adjoining the same, as long as such encroachments shall stand.

Surveys, maps or plans of the property to be acquired are on file in the office of the Corporation Counsel of the City of New York, 100 Church Street, New York, New York 10007.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to EDPL § 402(B)(4), any party seeking to oppose the acquisition must interpose a verified answer, which must contain specific denial of each material allegation of the petition controverted by the opponent, or any statement of new matter deemed by the opponent to be a defense to the proceeding. Pursuant to CPLR 403, said answer must be served upon the office of the Corporation Counsel at least seven (7) days before the date that the petition is noticed to be heard.

Dated: June 10, 2013, New York, New York
 MICHAEL A. CARDOZO
 Corporation Counsel of the City of New York
 Attorney for the Condemnor
 100 Church Street, New York, New York 10007
 Tel. (212) 356-2671

SEE COURT NOTICE MAPS ON BACK PAGES

jy1-15

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

CITYWIDE PURCHASING

NOTICE

The Department of Citywide Administrative Services, Office of Citywide Purchasing is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>.

To begin bidding, simply click on 'Register' on the home page. There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more. Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Purchasing, 1 Centre Street, 18th Floor, New York, NY 10007.

jy24-d1

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):

- * Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906.
- * 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

"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."

AGING

AWARDS

Human / Client Services

SENIOR SERVICES – BP/City Council Discretionary - The funds for these contracts have been provided through a discretionary award to enhance services to the older adults. The contract term will be from July 1, 2012 to June 30, 2013.

Brooklyn Chinese American Association
 5000 8th Avenue, Brooklyn, NY 11220
 PIN#: 12513DISC2XX - \$110,000

71st Precinct Community Council, Inc.
 421 Empire Blvd., Brooklyn, NY 11225
 PIN#: 12513DISC2XT - \$10,000

City Harvest, Inc.
 6 East 32nd Street, New York, NY 10016
 PIN#: 12513DISC3TE - \$12,500

Brooklyn Community Pride Center, Inc.
 310 Atlantic Avenue, 3rd Fl., Brooklyn, NY 11201
 PIN#: 12513DISC2X1 - \$20,000

Wilson Major Morris Community Center, Inc.
 459 West 152nd Street, New York, NY 10031
 PIN#: 12513DISC3ZE - \$11,225

Lifestyles for the Disabled, Inc.
930 Willowbrook Road, Staten Island, NY 10314
PIN#: 12513DISC5X9 - \$20,500

National Council of Young Israel, Inc.
141-55 77th Avenue, Flushing, NY 11367
PIN#: 12513DISC4TM - \$10,000

Bronx Works, Inc.
60 East Tremont Avenue, Bronx, NY 10453
PIN#: 12513DISC1ZR - \$15,000

Housing Options and Geriatric Association Resources, Inc.
751 Dawson Street, Bronx, NY 10455
PIN#: 12513DISC1N6 - \$19,000

The Guild for Exceptional Children, Inc.
260 68th Street, Brooklyn, NY 11220
PIN#: 12513DISC2PN - \$23,000

jy9

SENIOR SERVICES – BP/City Council Discretionary – PIN# 12512DISC2PS – AMT: \$20,500.00 – TO: Brooklyn Community Pride Center, Inc., 310 Atlantic Ave., Brooklyn, NY 11225.

The funds for these contracts have been provided through a discretionary award to enhance services to the older adults. The contract term will be from July 1, 2011 to June 30, 2012.

jy9

TRANSPORTATION SENIOR SERVICES – Negotiated Acquisition - Available only from a single source. - These vendors have been awarded a contract by the Department for the Aging for the provisions of transportation services to older adults 60 years or older. The contract term will be from July 1, 2013 to June 30, 2014.

Riverdale Senior Services, Inc.
2600 Netherland Ave, Bronx, NY 10463
PIN#: 12514TRNA143 - \$105,213

Heights and Hills, Inc.
57 Willoughby Street, 4th Fl., Brooklyn, NY 11201
PIN#: 12514TRNA219 - \$262,130

Recreation Rooms and Settlement, Inc.
717 East 105th Street, Brooklyn, NY 11236
PIN#: 12514TRNA208 - \$186,991

Allen AME Neighborhood Preservation and Development Corp.
112-04 167th Street, Jamaica, NY 11433
PIN#: 12514TRNA467 - \$106,348

jy9

BROOKLYN NAVY YARD

ENGINEERING UNIT

SOLICITATIONS

Construction / Construction Services

DEMOLITION AND RECONSTRUCTION OF BERTHS 8, 8A, AND 8B – Competitive Sealed Bids – PIN# 090185 – DUE 07-31-13 AT 12:00 P.M. – The cost of the documents is \$100.00 payable only by a non-refundable certified check or money order. A mandatory pre-bid conference meeting will be held at the offices of the Brooklyn Navy Yard Development Corporation, Building 292, 3rd Floor Conference Room on Wednesday, July 17 at 11:00 A.M. Failure to attend the pre-bid conference will result in bidder disqualification.

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.

Brooklyn Navy Yard Development Corporation, 63 Flushing Avenue, Unit 300, Bldg. 292, 3rd Floor, Brooklyn, NY 11205.
James Corley (718) 907-5942; Fax: (718) 852-5492;
jcorley@brooklynnavyyard.com

jy9

CITYWIDE ADMINISTRATIVE SERVICES

AWARDS

Goods

ENTREES, FRESH AND FROZEN, "GP" D.O.C. – Competitive Sealed Bids – PIN# 8571300294 – AMT: \$1,590,354.30 – TO: Golden Platter Foods Inc., 37 Tompkins Point Road, Newark, NJ 07114.
● **ENTREES, FRESH AND FROZEN, "GP" D.O.C.** – Competitive Sealed Bids – PIN# 8571300294 – AMT: \$21,855.00 – TO: Angelina Specialty Foods Inc., P.O. Box 5, Yorktown, NY 10598.
● **ENTREES, FRESH AND FROZEN, "GP" D.O.C.** – Competitive Sealed Bids – PIN# 8571300294 – AMT: \$632,277.00 – TO: Jamac Frozen Food Corp., 570 Grand Street, Jersey City, NJ 07302.
● **ENTREES, FRESH AND FROZEN, "GP" D.O.C.** – Competitive Sealed Bids – PIN# 8571300294 – AMT: \$332,384.32 – TO: UFS Industries Inc. DBA Sally Sherman Foods, 300 N. Macquesten Parkway, Mt. Vernon, NY 10550.
● **MEATS AND POULTRY "GENERAL POPULATION" D.O.C.** – Competitive Sealed Bids – PIN# 8571300279 – AMT: \$24,210.00 – TO: Foodnation Inc., 47-05 Metropolitan Avenue, Ridgewood, NY 11385.
● **MEATS AND POULTRY "GENERAL POPULATION" D.O.C.** – Competitive Sealed Bids – PIN# 8571300279 – AMT: \$963,584.00 – TO: Advanced Commodities Inc. DBA Midwest Quality Foods, 840 West Bartlett Road, Suite 3, Bartlett, IL 60103.
● **MEATS AND POULTRY "GENERAL POPULATION" D.O.C.** – Competitive Sealed Bids – PIN# 8571300279 – AMT: \$258,553.50 – TO: Jamac Frozen Food Corp., 570 Grand Street, Jersey City, NJ 07302.
● **MEATS AND POULTRY "GENERAL POPULATION" D.O.C.** – Competitive Sealed Bids – PIN# 8571300279 – AMT: \$129,710.96 – TO: Golden Platter Foods Inc., 37 Tompkins Point Road, Newark, NJ 07114.

jy9

Construction / Construction Services

NEW COOLING TOWER SYSTEM, 100 CENTRE STREET, MANHATTAN – Competitive Sealed Bids – PIN# 85612B0025 – AMT: \$8,327,000.00 – TO: A.K.S. International, Inc., 37-04 19th Avenue, Astoria, New York 11105.

One (1) Contract that includes Mechanical, General Construction, Plumbing, and Electrical work for New Cooling Tower System at 100 Centre Street, Manhattan.

jy9

CITYWIDE PURCHASING

SOLICITATIONS

Services (Other Than Human Services)

PUBLIC SURPLUS ONLINE AUCTION – Other – PIN# 0000000000 – DUE 12-31-14.

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,
66-26 Metropolitan Avenue, Queens Village, NY 11379.
Donald Lepore (718) 417-2152; Fax: (212) 313-3135;
dlepore@dcas.nyc.gov

s6-f25

MUNICIPAL SUPPLY SERVICES

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:

- Collection Truck Bodies
- Collection Truck Cab Chassis
- 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.

j2-d31

CORRECTION

CENTRAL OFFICE OF PROCUREMENT

SOLICITATIONS

Goods & Services

CLEANING AND JANITORIAL SERVICES FOR TWO DOC LOCATIONS – Other – PIN# 072201406HMD – DUE 07-29-13 AT 11:00 A.M. – Request for Expressions of Interest: The NYC Department of Correction is currently seeking janitorial services for two of its locations - NYC Correction Academy, occupying approximately 37,100 square feet on the first and the Mezzanine Floors of the rented premises at 6626 Metropolitan Avenue, Middle Village, Queens, NY 11379 and Health Management Division, occupying approximately 10,900 total square feet on the Fourteenth and Fifteenth Floors of the rented premises at 59-17 Junction Boulevard, Rego Park, Queens, NY 11368. Interested vendors must furnish all labor, material, equipment and appliances necessary to perform specified cleaning and janitorial services. The janitorial services are required daily, weekly, monthly, quarterly and for special projects. The proposed contract term is for three years with an option to renew for an additional two years.

For more information regarding this procurement, please send a letter to Susana Hersh, Deputy Agency Chief Contracting Officer, 75-20 Astoria Blvd., Suite 160, East Elmhurst, NY 11370, or email to DOCACCO@DOC.NYC.GOV by July 29, 2013.

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.
The Bulova Corporate Center, 75-20 Astoria Blvd., Suite 160, East Elmhurst, NY 11370. Shaneza Shinath (718) 546-0684; Fax: (718) 278-6218; shaneza.shinath@doc.nyc.gov

jy8-12

ECONOMIC DEVELOPMENT CORPORATION

CONTRACTS

SOLICITATIONS

Goods & Services

FORMER FORDHAM LIBRARY – Request for Proposals – PIN# 5484-1 – DUE 09-12-13 AT 4:00 P.M. – seeking proposals from qualified developers for the redevelopment of the Former Fordham Library (the "Building") through either a purchase or ground lease (the "Transaction"). The Building is located at 2556 Bainbridge Avenue in the Bronx (Block 3286, Lot 14). Situated in the vibrant Fordham neighborhood, the Building presents a unique opportunity to repurpose a notable historic asset.

The sale or lease of the Building will benefit New York City through realized proceeds as well as potential additional tax revenues and job generation associated with the disposition and new construction generated by the Transaction.

NYCEDC plans to select a developer on the basis of factors stated in the RFP which include, but are not limited to: financial offer, respondent team qualification and economic impact on New York City.

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

Respondents may submit questions and/or request clarification from NYCEDC no later than 5:00 P.M. August 29, 2013. Questions regarding the subject matter of this RFP should be directed to FormerFordhamLibrary@nycdc.com. Answers to all questions will be posted on September 6, 2013 at www.nycdc.com/RFP.

Please submit 6 hard copies and 1 electronic copy of your proposal.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Economic Development Corporation, 110 William Street, 6th Floor, New York, NY 10038.
Maryann Catalano (212) 312-3969; Fax: (212) 312-3918;
FormerFordhamLibrary@nycdc.com

jy9

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

CONTRACT SERVICES

SOLICITATIONS

Construction / Construction Services

ROOF REPLACEMENT AND RESTORATION 850K - 1M – Competitive Sealed Bids – PIN# SAND26E – DUE 07-30-13 AT 1:30 P.M. – Coney Island Hospital, Roof Replacement and Restoration, Brooklyn, N.Y. Bid Documents Fee \$40.00 (company check or money order) payable to NYCHHC, non-refundable.

Mandatory Pre-Bid Meetings and Site Tours are as follows: 11:00 A.M. on Tuesday, July 16, 2013 and Tuesday, July 16, 2013 at 1:30 P.M. at 2601 Ocean Parkway, Brooklyn, NY 11235, Building #6, Room 209.

Technical Questions must be submitted in writing, email or fax, no later than five (5) calendar days before Bid Opening to Clifton McLaughlin, fax (212) 442-3851.

Requires Trade Licenses (where applicable). Under Article 15A of the State of New York, the following M/WBE goals apply to this contract MBE 23 percent and WBE 7 percent. These goals apply to any Bid submitted of \$100,000 or more. Bidders not complying with these terms will have their bids declared non-responsive.

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 Hospitals Corporation, 346 Broadway, 12th Floor West, New York, NY 10013.
Clifton McLaughlin (212) 442-3658.

jy9

MATERIALS MANAGEMENT

SOLICITATIONS

Goods

BARD PERIPHERAL VASCULAR PRODUCTS – Other – PIN# 034-0004 – DUE 08-05-13 AT 10:00 A.M. – This is a direct contract with the manufacturer.

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 Hospitals Corporation, 346 Broadway, 5th Floor, Room 516, New York, NY 10013-3990.
Boris Goltzman (212) 442-8345; Fax: (212) 442-3880;
boris.goltzman@nychhc.org

jy9

HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

AWARDS

Human / Client Services

PROVIDING PRIMARY CARE TO UNINSURED AND UNDERINSURED PATIENTS FOR GYNECOLOGICAL CARE – BP/City Council Discretionary – PIN# 13SD038201ROX00 – AMT: \$350,000.00 – TO: Community Health Project, Inc./Callen-Lorde Community Health Ctr., 356 West 18th Street, New York, NY 10011.

jy9

HOPWA – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE009301ROX00 – AMT: \$212,000.00 – TO: Project Hospitality, Inc., 100 Park Avenue, Staten Island, NY 10302.
● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE008201ROX00 – AMT: \$212,116.00 – TO: CAMBA, Inc., 1720 Church Avenue, Brooklyn, NY 11226.
● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE008101ROX00 – AMT: \$456,205.00 – TO: CAMBA, Inc., 1720 Church Avenue, Brooklyn, NY 11226.
● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE008701ROX00 – AMT: \$623,969.00 – TO: Harlem United Company Aids Center, Inc., 306 Lenox Avenue, 3rd Floor, New York, NY 10027.
● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE008801ROX00 – AMT: \$623,969.00 – TO: Harlem United Company Aids Center, Inc., 306 Lenox Avenue, 3rd Floor, New York, NY 10027.
● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE009201ROX00 – AMT: \$522,736.00 – TO: Project Hospitality, Inc., 100 Park Avenue, Staten Island, NY 10302.
● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE009401ROX00 – AMT: \$328,770.00 – TO: Services for the Underserved, Inc.,

305 Seventh Avenue, 7th Floor, New York, NY 10001.

● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE009101R0X00 – AMT: \$175,000.00 – TO: Project Hospitality, Inc., 100 Park Avenue, Staten Island, NY 10302.

● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE008901R0X00 – AMT: \$353,125.00 – TO: Institute for Community Living, Inc., 40 Rector Street, 8th Floor, New York, NY 10006.

● **MAINTENANCE AND TECHNICAL SUPPORT SERVICES FOR VRMS SOFTWARE** – Sole Source – Available only from a single source - PIN# 14MI001301R0X00 – AMT: \$110,337.50 – TO: Imagework Technologies Corp., 170 Hamilton Avenue, Suite 301, White Plains, NY 10601.

● **INFANT MORTALITY REDUCTION INITIATIVE** – BP/City Council Discretionary – PIN# 13FN057201R0X00 – AMT: \$185,475.00 – TO: Clergy United for Community Empowerment, 172-17 Linden Boulevard, Saint Albans, NY 11434.

● **HOPWA** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE008501R0X00 – AMT: \$223,620.00 – TO: Federation Employment and Guidance Services, Inc., 315 Hudson Street, 9th Floor, New York, NY 10013.

● **RENTAL ASSISTANCE FOR LOW-INCOME PERSONS LIVING WITH HIV/AIDS** – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 14AE008601R0X00 – AMT: \$4,135,000.00 – TO: Gay Men's Health Crisis, Inc., 446 West 33rd Street, New York, NY 10001.

• jy9

HOUSING AUTHORITY

PURCHASING

■ SOLICITATIONS

Goods & Services

SMD PAINT MATERIALS 8W, 22 ETC. – Competitive Sealed Bids – RFQ# 59708 SM – DUE 07-25-13 AT 10:30 A.M. – Interested firms may obtain a copy and submit it on NYCHA's website: Doing Business with NYCHA. <http://www.nyc.gov/html/nycha/html/business.shtml>. Vendors are instructed to access the "Register Here" line for "New Vendor;" if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Upon access, reference applicable RFQ number per solicitation.

Vendor electing to submit a non-electronic bid (paper document) will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor, New York, NY 10007; obtain receipt and present it to 6th Floor, Supply Management Dept., Procurement Group. A bid package will be generated at time of request.

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

Housing Authority, Supply Management Dept., 90 Church Street, 6th Floor, New York, NY 10007.

Bid documents available via internet ONLY:

http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml Robin Smith (212) 306-4702; Robin.Smith@nycha.nyc.gov

• jy9

SMD INTERIOR PLASTIC LAMINATED DOORS – Competitive Sealed Bids – RFQ# 59726 LW – DUE 08-08-13 AT 10:30 A.M. – Interested firms may obtain a copy and submit it on NYCHA's website: Doing Business with NYCHA. <http://www.nyc.gov/html/nycha/html/business.shtml>. Vendors are instructed to access the "Register Here" line for "New Vendor;" if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Upon access, reference applicable RFQ number per solicitation.

Vendor electing to submit a non-electronic bid (paper document) will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor, New York, NY 10007; obtain receipt and present it to 6th Floor, Supply Management Dept., Procurement Group. A bid package will be generated at time of request.

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

Housing Authority, Supply Management Dept., 90 Church Street, 6th Floor, New York, NY 10007.

Bid documents available via internet ONLY:

http://www.nyc.gov/html/nycha/html/business/goods_materials.shtml Wayne Lindenberg (212) 306-4703; Wayne.Lindenberg@nycha.nyc.gov

• jy9

PARKS AND RECREATION

REVENUE AND CONCESSIONS

■ SOLICITATIONS

Services (Other Than Human Services)

RENOVATION, OPERATION AND MAINTENANCE OF PARKING FACILITIES – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# B369-PL-2013 – DUE 08-06-13 AT 3:00 P.M. – MCU Park in Steeplechase Park, Coney Island, Brooklyn

There will be a recommended proposer meeting and site tour on Thursday, July 11, 2013 at 11:00 A.M. We will be meeting at the proposed concession site which is located at 1904 Surf Avenue, Brooklyn, NY 11224. We will be meeting in front of the parking lot entrance to the Stadium on Surf Avenue between West 19th and West 20th Streets (to the west of the Stadium). If you are considering responding to this RFP, please make every effort to attend this recommended meeting and site tour.

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

Parks and Recreation, 830 5th Avenue, Rm. 407, New York, NY 10065. Lauren Standhe (212) 360-3495; lauren.standhe@parks.nyc.gov

j25-jy9

AGENCY RULES

HEALTH AND MENTAL HYGIENE

■ NOTICE

NOTICE OF PUBLIC HEARING

Subject: Opportunity to Comment on Proposed Amendment of Article 201 (Births) of the New York City Health Code (Title 24 of the Rules of the City of New York)

Date / Time: August 9, 2013/ 2:00 P.M. to 4:00 P.M.

Location: New York City Department of Health and Mental Hygiene
Gotham Center, 14th Floor, Room 14-44
42-09 28th Street
Long Island City, NY 11101-4132

Contact: Rena Bryant
New York City Department of Health and Mental Hygiene
Board of Health
Secretary to the Board
Gotham Center, 14th Floor, WS 14-55, Box 31
Long Island City, NY 11101-4132
(347) 396-6071

Proposed Rule

The Department of Health and Mental Hygiene (“the Department”) is proposing that the Board of Health amend subdivision 201.05(d) of Article 201 of the Health Code to require electronic reporting of acknowledgments of paternity.

Instructions

- You may pre-register to speak at the hearing by contacting Rena Bryant at the address or phone number above before August 8, 2013.
- The Department will also consider written comments that it receives about the proposed amendment. Written comments must be received by the Department on or before the date of the hearing. Written comments can be mailed to Rena Bryant at the address above. They may also be submitted by e-mail to resolutioncomments@health.nyc.gov or posted electronically (without attachments) at either <http://www.nyc.gov/html/doh/html/about/notice.shtml> or through NYC RULES at www.nyc.gov/nycrules.
- To request a sign language interpreter or any other form of reasonable accommodation for a disability at the hearing, please contact Rena Bryant at the phone number above by July 26, 2013.
- Copies of written comments and a transcript of oral comments received at the hearing will be available within a reasonable time after the hearing transcript becomes available, between the hours of 9:00 A.M. and 5:00 P.M. and at the contact address above.
- The Department’s general policy is to make written comments available for public viewing on the Internet. The comments it receives, including any personal information provided with the comment, will be posted without change to <http://www.nyc.gov/html/doh/html/about/comment.shtml>.

STATEMENT OF BASIS AND PURPOSE

Statutory authority

This amendment to the New York City Health Code (the “Health Code”) is issued in accordance with §§ 556, 558 and 1043 of the New York City Charter (the “Charter”). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the “Department”) with the authority to regulate all matters affecting health in the City of New York. Sections 558(b) and (c) of the Charter empower the Board of Health (the “Board”) to amend the Health Code and to include in the Health Code all matters over which the Department has authority. Section 1043 of the Charter gives the Department rulemaking powers.

Basis and purpose of the changes

The Department requests that the Board amend Section 201.05(d) of the Health Code to require electronic reporting of acknowledgments of paternity for facilities reporting 100 or more live births annually.

Currently, facilities report most vital events using the Electronic Vital Event Registration System (EVERS). The Department has required all facilities reporting 100 or more live births annually to report them electronically since January 1, 1997. More than 99% of the 123,000 live births each year are reported electronically. Paper forms are used for home births, but most in-home delivery attendants voluntarily use EVERS for such reporting.

If a mother is not married, an Acknowledgment of Paternity (AOP) provides a way to legally establish paternity for a child (Public Health Law §4135-1). The AOP form can only be used if the mother was not married at any time during the pregnancy or when the child was born, and if only one man could be the father of the child. The AOP must be signed by

both the mother and the father before two witnesses not related to the parents. Hospitals file about 30% of all live births in New York City (36,000 annually) with AOPs. Parents later file another 5,000 AOPs, at which time a replacement birth record is prepared by the Department’s Bureau of Vital Statistics. AOPs must be filed with the Department to be effective.

At this time, all AOPs are completed on paper. However, the Department requires all hospital births to be reported electronically. Consequently, the Bureau of Vital Statistics receives the birth records immediately upon completion, but must wait for messenger or mail delivery of the associated paper AOPs. This delays birth registration and further processing, and often necessitates follow-up to hospitals for missing or incomplete AOPs. The proposed amendment will allow for a more efficient method in which hospitals will send the AOPs electronically through secure fax/image transmission to the Bureau of Vital Statistics. To make the process consistent with existing birth reporting practices, the proposed amendment would require all facilities reporting 100 or more live births per year to report acknowledgments of paternity electronically. To give facilities and the Department time to prepare, the Department proposes that the requirement take effect on January 1, 2014.

The Department seeks to further require facilities to retain AOPs reported electronically for a period of at least three years from the date of birth and require facilities to make these records available to the Department for inspection upon request. This retention period would be consistent with the current requirement for hospitals to retain birth worksheets, and would enable inspection of original AOPs if necessary.

Statement pursuant to Charter §1043. The proposed amendments were not included in the Department’s FY 2013 Regulatory Agenda because the need for the amendments was not anticipated at the time the Regulatory Agenda was promulgated.

“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.

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

The resolution is as follows:

RESOLVED, that subdivision 201.05(d) of Article 201 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be amended to be printed as follows:

§201.05 Preparation and certification of certificate of birth and confidential medical report of birth.

* * * * *

(d) All facilities required to file birth certificates electronically and facilities reporting fewer than 100 births per year which elect to report electronically, shall apply to the Department prior to implementing any system and, upon approval by the Department, shall make electronic reports of births and, on and after January 1, 2014, acknowledgments of paternity, only in such manner and on computer programs prescribed and provided or otherwise authorized by the Department. Facilities subject to this requirement must retain acknowledgments of paternity reported electronically for a period of at least three years from the date of birth and must make these records available to the Department for inspection upon request.

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

CERTIFICATION PURSUANT TO CHARTER §1043(d)

RULE TITLE: Proposed Amendment of Article 201 (Births) of the NYC Health Code

REFERENCE NUMBER: 2013 RG 056

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 24, 2013
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: Proposed Amendment of Article 201 (Births) of the NYC Health Code

REFERENCE NUMBER: DOHMH-33

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/ Andrea Bender
Mayor's Office of Operations

June 24, 2013
Date

iv9

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on the proposed amendment of Article 165 of the New York City Health Code, related to swimming pools.

Date/Time: August 9, 2013/10:00 A.M. to 12:00 P.M.

Location: New York City Department of Health and Mental Hygiene
42-09 28th Street
14th Floor, Room 14-44
Queens, NY 11101

Contact: Rena Bryant
New York City Department of Health and Mental Hygiene
Board of Health
Secretary to the Board of Health
42-09 28th Street, CN31
Queens, NY 11101
(347) 396-6071

Proposed Rule

The Department of Health and Mental Hygiene is proposing that the Board of Health amend Article 165 of the New York City Health Code to require the posting of signage by bathing establishment operators warning that intentional hyperventilation and competitive, repetitive or prolonged underwater swimming or breath-holding can be dangerous; and to clarify the responsibilities of a pool operator regarding discouraging such activities and the supervision required if they do occur, and to require the updating of a pool's safety plan.

Instructions

- Prior to the hearing, you may submit written comments about the proposed amendment by mail to Ms. Bryant at the contact address above, or electronically through NYC RULES at www.nyc.gov/nycrules or by email to RESOLUTIONCOMMENTS@HEALTH.NYC.GOV or online (without attachments) at <http://www.nyc.gov/html/doh/html/about/notice.shtml> on or before 5:00 P.M., August 9, 2013.
- If you are interested in pre-registering to speak, please notify Rena Bryant by August 8, 2013. Please include a phone number where, if necessary, you may be reached during normal business hours. You can also register at the door until 10:00 A.M.; however, preference will be given to those who pre-register. At the public hearing, you can speak up to five minutes.
- 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 26, 2013.
- Copies of written comments and a summary of oral comments received at the hearing will be available for public inspection within a reasonable time after the hearing between the hours of 9:00 A.M. and 5:00 P.M. at the contact address above.
- The Department's general policy is to make written comments available for public viewing on the internet. All comments received, including any personal information provided, will be posted without change to <http://www.nyc.gov/html/doh/html/about/comment.shtml>.

STATUTORY AUTHORITY

These amendments to the New York City Health Code ("Health Code") are proposed pursuant to Sections 556, 558 and 1043 of the New York City Charter ("Charter"). Section 556 of the Charter grants the New York City Department of Health and Mental Hygiene ("Department") jurisdiction to regulate all matters affecting health in the City of New York. Specifically, Section 556 (a)(3) requires the Department to, "exercise its functions, powers and duties in the area extending over the city, and over the waters adjacent thereto..." Sections 558 (b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's

authority extends. Section 1043 of the Charter grants rule-making powers to the Department.

STATEMENT OF BASIS AND PURPOSE

Intentional hyperventilation and competitive, repetitive or prolonged underwater swimming or breath-holding can be dangerous. During these activities the levels of oxygen and carbon dioxide in the body can drop, delaying the breathing reflex. Coupled with the lack of oxygen to the brain, a swimmer can lose consciousness and drown.

The Department has identified four drowning incidents in New York City and 12 other incidents in New York State between 1988 and 2011 that were confirmed or suspected to have been caused by a loss of consciousness underwater due to lack of oxygen caused by intentional hyperventilation or by competitive, repetitive or prolonged underwater swimming or breath-holding. Four of the sixteen swimmers involved died in incidents associated with intentional hyperventilation. Yet, many swimmers are unaware of the risks associated with these activities.

The Department has also studied relevant policies, practices and guidance of multiple jurisdictions and organizations with respect to these specific swimming behaviors. Several jurisdictions require pool operators to post signs regarding the risks associated with prolonged breath-holding activities and extended underwater swimming. These signage requirements can be found in the rules of local governmental jurisdictions that regulate pool facilities and in the policies of large governmental entities and non-governmental organizations that own and operate pool facilities. Additionally, governmental agencies and safety awareness organizations have developed guidance and educational material that promotes swimming behavior rules and/or signage requirements to reduce the risks of the above activities.

Article 165 of the Health Code addresses bathing establishments, including swimming pools. The Department is proposing that this article be amended to require that the operators of bathing establishments discourage intentional hyperventilation and competitive, repetitive or prolonged underwater swimming or breath-holding, but if allowed, only under supervision in accordance with the pool's approved pool safety plan. The amendments would also require all pool operators to post signage advising swimmers that these activities are dangerous.

The Department also proposes to require pool operators to update their safety plan when there are programing or operational changes at the facility and/or as directed by the Department.

PROPOSED CHANGES TO THE HEALTH CODE

The following changes to Article 165 are proposed:

- §165.19 - Pool Safety Plan – The proposed amendments would require a pool's safety plan to be updated when there are changes to operations or conditions and/or as directed by the Department.
- §165.21 (l) - Facility Operating Policy – The proposed amendments would add a provision stating that intentional hyperventilation and competitive, repetitive or prolonged underwater swimming or breath-holding be discouraged, and permitted only when supervised in accordance with a pool safety plan approved pursuant to §165.19.
- §165.41(u)(2)(k) - Safety and Warning Signs – The proposed amendments would add a requirement to include a sign warning that intentional hyperventilation and competitive, repetitive or prolonged underwater swimming or breath-holding are dangerous and can be deadly. This rule will take effect 90 days after adoption by the Board of Health.

The proposal is as follows:

Matter in brackets [] is to be deleted.
Matter underlined is new.

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

RESOLVED, that §165.19 of Article 165 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, is amended and to be published with explanatory notes, to read as follows:

ARTICLE 165

BATHING ESTABLISHMENTS

§165.19 **Pool Safety Plan.**

The operator[s] of a pool[s] and/or spray ground[s] shall develop, maintain and implement a written safety plan which consists of policies and procedures to be followed by the personnel during normal operation and emergencies for protecting the public from accidents and injuries. The [S]safety plan[s] must include procedures for daily bather supervision, injury prevention, reacting to emergencies, injuries and other incidents, providing first aid and summoning help. The safety plan shall be approved by the department and shall be accessible for use and inspection by the department at all times. The owner or pool operator shall review the plan periodically and update the plan [whenever a change occurs in] before making any change to operations, conditions, or the facility or when directed to do so by the department. Changes made to the plan shall be submitted to the department for approval before implementation.

Notes: §165.19 was amended by resolution of the Board of Health adopted on XXX to require the pool operator to update its safety plan when directed to do so by the Department in addition to when updates are necessary because of changes in operation or programs offered at the pool.

RESOLVED, that §165.21 of Article 165 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, is amended and to be published with explanatory notes, to read as follows:

§165.21 **Facility Operating Policy.**

* * *

(l) Intentional hyperventilation and competitive, repetitive or prolonged underwater swimming or breath-holding are strongly discouraged, and allowed only when supervised in accordance with the pool safety plan approved in accordance with §165.19.

Notes: Subdivision (l) of §165.21 was added by resolution of the Board of Health adopted on XXX to require the pool operator to permit certain underwater activities only under supervision as described in the approved pool safety plan.

RESOLVED, that paragraph (2) of subdivision (u) of §165.41 of Article 165 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, is amended and to be published with explanatory notes, to read as follows:

§165.41 **General Requirements for Pools.**

(u) Safety and warning signs.
(2) Warning signs. A sign or signs shall be securely posted in a conspicuous place or places in the pool area and bather preparation facility and shall provide the following information:

(K) "Intentional hyperventilation and competitive, repetitive or prolonged underwater swimming or breath-holding are dangerous and can be deadly." The sign shall include a pictogram designed by the Department that conveys these dangers.

Notes: Paragraph (2) of Subdivision (u) of §165.41 was amended by resolution of the Board of Health adopted on XXX to require the pool operator to add signage that "Intentional hyperventilation and competitive, repetitive or prolonged underwater swimming or breath-holding are dangerous and can be deadly," and that the sign include a pictogram designed by the Department that conveys these dangers. Section 164.41(2)(k) will take effect 90 days after adoption by the Board of Health. Nothing in this Section prevents the operator from posting any additional sign or adding language to required signs alerting bathers to activities that are limited or prohibited under the facility's safety plan.

**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: Hyperventilation Sign in Bathing Establishments

REFERENCE NUMBER: 2013 RG 051

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 21, 2013
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: Hyperventilation Sign in Bathing Establishments

REFERENCE NUMBER: DOHMH-32

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/ Ruby B. Choi
Mayor's Office of Operations

June 21, 2013
Date

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NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed amendments to Article 175 (Radiation Control) of the New York City Health Code, primarily concerning standards of protection for radiation exposure, in order to maintain compatibility with federal regulations.

Date/Time: August 12, 2013/10:00 A.M. to 12:00 P.M.

Location: New York City Department of Health and Mental Hygiene
42-09 28th Street
14th Floor, Room 14-45
Long Island City, NY 11101-4132

Contact: Rena Bryant
42-09 28th Street, 14th Floor, WS 14-55
Long Island City, NY 11101-4132
(347) 396-6071

Proposed Rule

The Department of Health and Mental Hygiene is proposing that the Board of Health amend Article 175 of the Health Code to make certain technical additions and revisions primarily concerning standards of protection for radiation in order to ensure compatibility with applicable federal regulations.

Instructions

You may submit written comments about the proposed amendment by mail to:

New York City Department of Health and Mental Hygiene
Board of Health
Attention: Rena Bryant
42-09 28th Street, 14th Floor, WS 14-55
Long Island City, NY 11101-4132

or, electronically through NYC RULES at www.nyc.gov/nycrules or, by email to resolutioncomments@health.nyc.gov or, online (without attachments) at <http://www.nyc.gov/html/doh/html/about/notice.shtml> on or before 5:00 P.M., on August 12, 2013.

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 29, 2013.

Comments

Within a reasonable time after receipt, electronic copies of written comments will be available online at the Department's website and paper copies will be available between the hours of 9:00 A.M. and 5:00 P.M. at:

New York City Department of Health and Mental Hygiene
Board of Health
Attention: Rena Bryant
42-09 28th Street, 14th Floor, WS 14-55
Long Island City, NY 11101-4132

Statutory Authority

These amendments to the New York City Health Code ("Health Code") are proposed pursuant to Sections 556, 558 and 1043 of the New York City Charter ("Charter") and applicable state and federal law.

- Section 556 of the Charter grants the New York City Department of Health and Mental Hygiene ("Department") jurisdiction to regulate matters affecting health in New York City. Specifically, Section 556 (c)(11) of the Charter authorizes the Department to supervise and regulate public health aspects of ionizing radiation within the five boroughs of New York City.
- Sections 558 (b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends.
- Section 1043 of the Charter grants rule-making powers to the Department.

The New York State Sanitary Code, in 10 NYCRR §16.1(b)(3), states that localities that have a population of more than 2,000,000 may establish their own radiation licensure requirements in place of State regulations, provided that the local requirements are consistent with Sanitary Code requirements. Section 274 of the federal Atomic Energy Act of 1954 (codified at 42 USC §2021, "Atomic Energy Act")

authorizes "Agreement States" to regulate byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass. New York State is an "Agreement State" within the meaning of the Atomic Energy Act, and the New York City Department of Health and Mental Hygiene program is a component of the relevant Agreement.

Statement of Basis and Purpose

New York State is an Agreement State, meaning that New York State and the United States Nuclear Regulatory Commission (NRC) have entered into an agreement under the Atomic Energy Act through which the NRC has delegated authority to the State to regulate radioactive material at non-reactor sites within its jurisdiction¹. The New York State Agreement is comprised of the regulatory programs of three agencies:

1. the New York State Department of Health,
2. the New York State Department of Environmental Conservation, and
3. the New York City Department of Health and Mental Hygiene.

¹ New York State's agreement with NRC is available online at, <http://nrc-stp.ornl.gov/special/regs/nyagreements.pdf>.

Under the Agreement and section 16.1 of the State Sanitary Code, the New York City Department of Health and Mental Hygiene, through its Office of Radiological Health (ORH), regulates radioactive material for medical, research and academic purposes within the five boroughs of New York City.

ORH regulations for radioactive material are contained in Article 175 of the Health Code. ORH licenses and inspects radioactive materials facilities for compliance with Article 175 for the protection of the health and safety of patients, radiation program employees and the general public. There are about 375 licensed sites in New York City possessing radioactive material for medical, academic and research purposes. ORH inspects these facilities once every 1, 2 or 3 years depending on the type of use.

Each Agreement State program is required to maintain compatibility with the NRC regulatory program. NRC Compatibility Categories specify the type of wording of proposed State program regulatory changes corresponding to relevant NRC regulations. The following are the NRC Compatibility Categories:

- Compatibility A – Identical
- Compatibility B – Essentially Identical
- Compatibility C – Reflect the "essential objectives" of relevant NRC regulations
- Compatibility D – Not required for compatibility
- Compatibility H&S – Recommended for Health and Safety "best practices"

The majority of proposed changes in this Notice are Compatibility A and B. Some are compatibility C and H&S.

These proposed technical amendments to Article 175 are in response to NRC amendments of 10 CFR Part 20, concerning standards of protection for radiation, and 10 CFR § 19.13, regarding notification and reporting to individuals who are exposed to radiation as part of their employment, and are indicated in NRC Regulation Amendment Tracking Sheets (RATS) 1998-5, 1998-6 and 2008-1, available online at http://nrc-stp.ornl.gov/rss_regamendments.html. The provisions in Article 175 that require amendment are §§175.02 (*Definitions*), 175.03 (*Standards for protection against radiation*), 175.04 (*Notices, instructions and reports to workers; inspections*) and 175.104 (*Waste disposal*).

At its meeting on June 28, 2013, the Board of Health adopted a resolution that included amendments to §§ 175.02 and 175.04 that renumbered portions of those sections which are also proposed to be amended below. The amendments proposed below reflect Article 175 of the Health Code as it exists at the time this proposal was approved for publication, and do not yet reflect the changes approved for adoption on June 28, 2013.

Matter in brackets [] is deleted.
Matter underlined is new.

RESOLVED, that subdivision (a) of Section 175.02 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on March 13, 2012, be and the same hereby is amended to update various definitions concerning radiation exposure limits to ensure compatibility with applicable federal regulations, to be printed together with explanatory notes to read as follows:

§ 175.02 Definitions

As used in this Code, the following definitions shall apply:

(63) "Declared pregnant woman" means a woman who has voluntarily informed her employer the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

(95) "[Eye] lens dose equivalent" means the external [dose equivalent to] exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

(110) "High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 1 mSv (0.1 rem) in 1 hour at 30 centimeters [(12 inches)] from [any source of] the radiation

source or 30 centimeters from any surface that the radiation penetrates. [For the purposes of this Code, rooms or areas in which diagnostic x-ray systems are used for healing arts purposes are not considered high radiation areas.]

(115) "Individual monitoring devices" (individual monitoring equipment) means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal ("lapel") air sampling devices. [For purposes of this Code, "personnel dosimeter" and "dosimeter" are equivalent terms. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, and personal air sampling devices.]

(183) ["Public dose" means the dose received by a member of the public from exposure to sources of radiation or to radioactive material released by a licensee or to any other source of radiation under the control of the licensee. Public dose does not include occupational dose, dose received from background radiation, exposure to individuals administered radioactive material and released under §175.103(c)(9), dose received as a patient from medical practices, or dose from voluntary participation in medical research programs] Reserved.

(256) "Total effective dose equivalent" (TEDE) means the sum of the [deep] effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

(276) "Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 5 Gy (500 rad) in 1 hour at 1 meter [(3 feet)] from a radiation source or 1 meter from any surface that the radiation penetrates. [At very high doses received at high dose rates, units of absorbed dose (gray and rad) are appropriate, rather than units of dose equivalent (sievert and rem)].

Notes: The Department proposes that the Board of Health amend §175.02(a) of the Health Code to update various definitions concerning radiation exposure limits to ensure compatibility with applicable federal regulations.

RESOLVED, that subdivisions (b), (c), (f), (k), and (l) of Section 175.03 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, subdivision (f) as last amended by resolution on April 3, 2001, subdivision (c) as last amended by resolution on September 26, 2006, subdivisions (b), (k), and (l) as last amended by resolution on March 13, 2012, be and the same hereby is amended to ensure compatibility with applicable federal regulations concerning radiation exposure limits, to be printed together with explanatory notes to read as follows:

§175.03 Standards for protection against radiation.

(b) *Radiation protection programs.* (1) *Radiation Protection Programs.* Each person who operates or permits the operation of a radiation installation or who operates, transfers, receives, produces, possesses or uses, or permits the operation, transfer, receipt, production, possession or use of any radiation source shall:
(i) use, to the extent practicable, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and [public] doses to members of the public that are as low as is reasonably achievable (ALARA) below the limits specified in this Code;

(c) *Occupational dose limits.* (1) *Occupational dose limits for adults.*
(i) Except for planned special exposures pursuant to §175.03(c)(6), the licensee or registrant shall control the occupational dose to any individual adult from licensed or registered activities to ensure that such dose does not exceed:

(B) annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities of:
(a) a lens [an eye] dose equivalent of 0.15 Sv (15 rem), and

(iii) When the external exposure is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the Department. The assigned deep dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure:
(A) the deep dose equivalent, [eye] lens dose equivalent and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable; or

(3) *Determination of external dose from airborne radioactive material.*
(i) Licensees, when determining the dose from airborne radioactive material, shall include the contribution to the deep dose equivalent, [eye] lens dose equivalent, and shallow dose equivalent from external exposure to the radioactive cloud. (See Appendix B of this section, footnotes 1 and 2.)

(5) *Determination of prior occupational dose.* (i) For each individual who may enter the licensee's or registrant's restricted area and is likely to receive [, in a year,] an annual occupational dose requiring monitoring pursuant to §175.03(f)(2), the licensee or registrant shall:

(ii) Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:

(B) all doses in excess of the limits [,] (including doses [received] during accidents and emergencies), received during the lifetime of the individual; and

(iii) In complying with the requirements of [§175.03(c)(5)(i) subparagraphs (i) or (ii) of this paragraph, a licensee or registrant may:

(A) accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual may have received during the current year; and

(C) obtain reports of the individual's dose [equivalent] equivalent(s) from the most recent employer for work involving radiation exposure, or the individual's current employer[,] (if the individual is not employed by the licensee or registrant), by telephone, telegram, facsimile, or letter. The licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

(vi) The licensee or registrant shall retain the records on form RAD-4, "Cumulative Occupational Radiation Exposure History," or equivalent until the Department authorizes their disposition. The licensee or registrant shall retain records used in preparing form RAD-4 or equivalent for 3 years after the record is made. This includes records required under the standards for protection against radiation in effect prior to January 1, 1994.

(8) *Dose to an embryo/fetus.* (i) The licensee or registrant shall ensure that the dose equivalent to [an] the embryo/fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 5 mSv (0.5 rem). (See [§175.03(k)(8)] §175.03(k)(9) for recordkeeping requirements.)

(iii) The dose to an embryo/fetus shall be taken as the sum of:

(B) the dose equivalent to the embryo/fetus resulting from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman.

(iv) If, by the time the woman declares pregnancy to the licensee or registrant, the dose equivalent to the embryo/fetus [has exceeded 4.5 mSv (0.45 rem)] is found to have exceeded 5 mSv (0.5 rem), or is within 0.5 mSv (0.05 rem) of this dose, the licensee or registrant shall be deemed to be in compliance with §175.03(c)(8)(i) if the additional dose to the embryo/fetus does not exceed 0.5 mSv (0.05 rem) during the remainder of the pregnancy.

(f) *Surveys and monitoring.* (1) *General.* (i) Each licensee or registrant shall make, or cause to be made, surveys that: (A) [are] may be necessary for the licensee or registrant to comply with this Code; and (B) are necessary under the circumstances to evaluate: (a) the magnitude and extent of radiation levels; and

(c) the potential radiological hazards [that could be present] of the radiation levels and residual radioactivity detected.

(2) *Personnel monitoring.* (i) *External radiation sources.* Each [person who possesses any radiation source shall supply and require the proper use of appropriate, calibrated and operable] licensee shall monitor occupational exposure to radiation from licensed and unlicensed radiation sources under the control of the licensee and shall supply and require the use of individual monitoring devices by:

(B) minors and declared pregnant women likely to receive, in 1 year from sources external to the body, a deep dose equivalent in excess of 10 percent of any of the applicable limits in §175.03(c)(7) or §175.03(c)(8); and

(k) *Records.* (1) *General provisions.* (i) [Each] (A) Except as required by federal law or regulations, each licensee or registrant shall use [SI units (becquerel, gray, sievert and coulomb per kilogram) or special units (curie, rad, rem and roentgen) including multiples and subdivisions,] the following units: curie, rad, rem, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by this subdivision.

(B) In the records required by this subdivision, the licensee may record quantities in the International System of Units (SI) in parentheses following each of the units specified in paragraph (a) of this subdivision. However, all quantities must be recorded as stated in clause (A) of this subparagraph.

(ii) The licensee or registrant shall make a clear distinction between the quantities entered on the records required by this section, such as, total effective dose equivalent, total organ dose equivalent, shallow dose equivalent, [eye] lens dose equivalent, deep dose equivalent, or committed effective dose equivalent.

(9) *Records of individual monitoring results.* (i) *Recordkeeping Requirement.* Each licensee or registrant shall

maintain records of doses received by all individuals for whom monitoring was required pursuant to §175.03(f)(2) of this Code, and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect before the effective date of these requirements need not be changed. These records shall include, when applicable: (A) the deep dose equivalent to the whole body, [eye] lens dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities; and

(D) the specific information used to [calculate] assess the committed effective dose equivalent pursuant to §175.03(c)(4)(iii);[, and when required by §175.03(f)(2); and

(l) *Reports.* (1) *Reports of stolen, lost, or missing licensed or registered sources of radiation.*

(2) *Notification of incidents.* (i) *Immediate notification.* Notwithstanding other requirements for notification, each licensee or registrant shall immediately report each event involving byproduct, source, or special nuclear material or a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

(A) an individual to receive:

(b) [an eye] a lens dose equivalent of 0.75 Sv (75 rem) or more; or

(ii) *Twenty-four hour notification.* Each licensee or registrant shall, within 24 hours of discovery of the event, report to the Department each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

(A) an individual to receive, in a period of 24 hours:

(b) [an eye] a lens dose equivalent exceeding 0.15 Sv (15 rem); or

Notes: The Department proposes that the Board of Health amend subdivisions (b), (c), (f), (k), and (l) of §175.03 of the Health Code to ensure compatibility with applicable federal regulations concerning radiation exposure limits.

RESOLVED, that subdivision (d) of Section 175.04 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on March 23, 2011, be and the same hereby is amended to ensure compatibility with applicable federal regulations concerning exposure limits for radiation facility workers, to be printed together with explanatory notes to read as follows:

§175.04 Notices, instructions and reports to workers; inspections.

(d) *Notification and reports to workers.*

(3) Each licensee and/or registrant shall [furnish a report of the worker's exposure to sources of radiation at the request of the worker formerly engaged in activities controlled by the licensee or registrant] make dose information available to workers as shown in records maintained by the licensee and/or registrant under the provisions of §175.03(k)(9). The licensee shall provide an annual report to each individual monitored under §175.03(f)(2) of the dose received in that monitoring year if:

(i) The individual's occupational dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue; or

(ii) The individual engaged or formerly engaged in activities controlled by the licensee or registrant requests his or her annual dose report. The report shall include the dose record for each year the worker was required to be monitored pursuant to §175.03(f)(2) of this Code, or the equivalent provisions of previous versions of such section of this Code. Such report shall be furnished to the Department within thirty (30) days from the date of the request, or within thirty (30) days after the dose of the individual has been determined by the licensee or registrant, whichever is later. The report shall cover the period of time that the worker's activities involved exposure to sources of radiation and shall include the dates and locations of licensed or registered (including certified registrations) activities.

(4) When a licensee and/or registrant is required pursuant to §175.03(l)(3)(2), or §175.03(l)(4) or §175.03(l)(5) to report to the Department any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee and/or registrant shall also provide the individual a report on the exposure data included [therein] in the report to the Department. [Such reports shall be transmitted at a time not later than the transmittal to the Department.]

Notes: The Department proposes that the Board of Health amend §175.04 of the Health Code to ensure compatibility with applicable federal regulations concerning exposure limits for radiation facility workers.

RESOLVED, that subdivision (f) and Appendix A of Section 175.104 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on June 27, 1994, be and the same hereby is amended to ensure compatibility with applicable federal regulations concerning the transfer or disposal of radioactive waste, to be printed together with explanatory notes to read as follows:

§175.104 Waste disposal.

(f) *Transfer for disposal and manifests.* (1) The requirements

of [§175.104(f)] this subdivision and [Appendix A of §175.104] Appendix G to 10 CFR Part 20 are designed to:

(i) control transfers of low-level radioactive waste [intended for disposal at a licensed low-level radioactive waste] by any waste generator, waste collector, or waste processor licensee, as defined in Appendix G to 10 CFR Part 20, who ships low-level waste either directly, or indirectly through a waste collector or waste processor, to a licensed low-level waste land disposal facility, as defined in 10 CFR §61.2;

(ii) establish a manifest tracking system, and

(iii) supplement existing requirements concerning transfers and recordkeeping for those wastes.

(2) Each shipment of radioactive waste designated for disposal at a licensed low-level radioactive waste disposal facility shall be accompanied by a shipment manifest as specified in Section I of [Appendix A of §175.104] Appendix G to 10 CFR Part 20.

(3) Each shipment manifest shall include a certification by the waste generator as specified in Section II of [Appendix A of §175.104] Appendix G to 10 CFR Part 20.

(4) Each person involved in the transfer of waste for disposal [or in the] and disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, shall comply with the requirements specified in Section III of [Appendix A of §175.104] Appendix G to 10 CFR Part 20.

(6) Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility must document the information required on NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with Appendix G to 10 CFR Part 20.

(7) Any licensee shipping byproduct material as defined in §175.02(a)(33)(iii) and (iv) intended for ultimate disposal at a land disposal facility licensed under 10 CFR Part 61 must document the information required on the NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with Appendix G to 10 CFR Part 20.

APPENDIX A

[REQUIREMENTS FOR TRANSFER OF LOW-LEVEL RADIOACTIVE WASTE FOR DISPOSAL AT LAND DISPOSAL FACILITIES AND MANIFESTS

I. Manifest. The shipment manifest shall contain the name, address, and telephone number of the person generating the waste. The manifest shall also include the name, address, and telephone number or the name and U.S. Environmental Protection Agency hazardous waste identification number of the person transporting the waste to the land disposal facility. The manifest shall also indicate: a physical description of the waste, the volume, radionuclide identity and quantity, the total radioactivity, and the principal chemical form. The solidification agent shall be specified. Waste containing more than 0.1% chelating agents by weight shall be identified and the weight percentage of the chelating agent estimated. Wastes classified as Class A, Class B, or Class C in Section I of Appendix B shall be clearly identified as such in the manifest. The total quantity of the radionuclides hydrogen-3, carbon-14, technetium-99, and iodine-129 shall be shown. The manifest required by this paragraph may be shipping papers used to meet U.S. Department of Transportation or U.S. Environmental Protection Agency regulations or requirements of the receiver, provided all the required information is included. Copies of manifests required by this section may be legible carbon copies or legible photocopies.

II. Certification. The waste generator shall include in the shipment manifest a certification that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the U.S. Department of Transportation, the New York State Department of Environmental Protection and this Department. An authorized representative of the waste generator shall sign and date the manifest.

III. Control and Tracking. (a) Any radioactive waste generator who transfers radioactive waste to a land disposal facility or a licensed waste collector shall comply with the requirements in III. (a)(1) through (8). Any radioactive waste generator who transfers waste to a licensed waste processor who treats or repackages waste shall comply with the requirements of III. (a)(4) through (8). A licensee shall:

- (1) Prepare all wastes so that the waste is classified according to Section I of Appendix B and meets the waste characteristics requirements in Section II of Appendix B;
 - (2) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with Section I of Appendix B;
 - (3) Conduct a quality control program to ensure compliance with Section I and II of Appendix B; the program shall include management evaluation of audits;
 - (4) Prepare shipping manifests to meet the requirements of Section I and II;
 - (5) Forward a copy of the manifest to the intended recipient, at the time of shipment, or deliver to a collector at the time the waste is collected, obtaining acknowledgment of receipt in the form of a signed copy of the manifest or equivalent documentation from the collector;
 - (6) Include one copy of the manifest with the shipment;
 - (7) Retain a copy of the manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by §175.101 of this Code; and
 - (8) For any shipments or any portion of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with Section III. (e).
- (b) Any waste collector licensee who handles only prepackaged waste shall:
- (1) Acknowledge receipt of the waste from the generator within 1 week of receipt by returning a signed copy of the manifest or equivalent documentation;

(2) Prepare a new manifest to reflect consolidated shipments; the new manifest shall serve as a listing or index for the detailed generator manifests. Copies of the generator manifests shall be a part of the new manifest. The waste collector may prepare a new manifest without attaching the generator manifests, provided the new manifest contains for each package the information specified in Section I of this appendix. The collector licensee shall certify that nothing has been done to the waste that would invalidate the generator's certification;

(3) Forward a copy of the new manifest to the land disposal facility operator at the time of shipment;

(4) Include the new manifest with the shipment to the disposal site;

(5) Retain a copy of the manifest and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by §175.101 of this Code, and retain information from generator manifest until disposition is authorized by the Department; and

(6) For any shipments or any portion of a shipment for which acknowledgment of receipt is not received within the times set forth in this section, conduct an investigation in accordance with Section III. (e).

(c) Any licensed waste processor who treats or repackages wastes shall:

(1) Acknowledge receipt of the waste from the generator within 1 week of receipt by returning a signed copy of the manifest or equivalent documentation;

(2) Prepare a new manifest that meets the requirements of Sections I and II of this appendix. Preparation of the new manifest reflects that the processor is responsible for the waste;

(3) Prepare all wastes so that the waste is classified according to Section I of Appendix B and meets the waste characteristics requirements in Section II of Appendix B;

(4) Label each package of waste to identify whether it is Class A waste, Class B waste, or Class C waste, in accordance with Sections I and III of Appendix B;

(5) Conduct a quality control program to ensure compliance with Sections I and II of Appendix B. The program shall include management evaluation of audits;

(6) Forward a copy of the new manifest to the disposal site operator or waste collector at the time of shipment, or deliver to a collector at the time the waste is collected, obtaining acknowledgment of receipt in the form of a signed copy of the manifest or equivalent documentation by the collector;

(7) Include the new manifest with the shipment;

(8) Retain copies of original manifests and new manifests and documentation of acknowledgment of receipt as the record of transfer of licensed material required by §175.101 of this Code; and

(9) For any shipment or portion of a shipment for which acknowledgment is not received within the times set forth in this section, conduct an investigation in accordance with Section III. (e).

(d) The land disposal facility operator shall:

(1) Acknowledge receipt of the waste within 1 week of receipt by returning a signed copy of the manifest or equivalent documentation to the shipper. The shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator. The returned copy of the manifest or equivalent documentation shall indicate any discrepancies between materials listed on the manifest and materials received;

(2) Maintain copies of all completed manifests or equivalent documentation until the Agency authorizes their disposition; and

(3) Notify the shipper, that is, the generator, the collector, or processor, and the Agency when any shipment or portion of a shipment has not arrived within 60 days after the advance manifest was received.

(e) Any shipment or portion of a shipment for which acknowledgment is not received within the times set forth in this section shall:

(1) Be investigated by the shipper if the shipper has not received notification or receipt within 20 days after transfer.

(i) Such investigation shall include tracing the shipment and filing a report with the Department. Each licensee who conducts a trace investigation shall file a written report with the Department within 2 weeks of completion of the investigation] (Reserved).

Notes: The Department proposes that the Board of Health amend Health Code §175.104 and its Appendix A to ensure compatibility with applicable federal regulations concerning the transfer or disposal of radioactive waste.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-0428**

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

**RULE TITLE: Amendment of Radiation Control
Rules (Health Code Article 175)**

REFERENCE NUMBER: 2013 RG 038

**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 25, 2013
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: Amendment of Radiation Control
Rules (Health Code Article 175)**

REFERENCE NUMBER: DOHMH-30

RULEMAKING AGENCY: DOHMH

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

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

/s/ *Francisco X. Navarro* June 25, 2013
Mayor's Office of Operations Date

☛ jy9

**NOTICE OF ADOPTION
OF AMENDMENTS TO ARTICLE 175
OF THE NEW YORK CITY HEALTH CODE**

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 175 of the New York City Health Code (the "Health Code") was published in the City Record on April 22, 2013 and a public hearing was held on May 24, 2013. No testimony or written comments were received. On its own initiative, the Department modified certain legal citations; however no substantive changes have been made to the resolution. At its meeting on June 28, 2013, the Board of Health adopted the following resolution.

Statutory Authority

These amendments to the New York City Health Code are proposed pursuant to Sections 556, 558 and 1043 of the Charter and applicable state and federal law.

- Section 556 of the Charter grants the New York City Department of Health and Mental Hygiene ("Department") jurisdiction to regulate matters affecting health in New York City. Specifically, Section 556 (c)(11) of the Charter authorizes the Department to supervise and regulate public health aspects of ionizing radiation within the five boroughs of New York City.
- Sections 558 (b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends.
- Section 1043 of the Charter grants rule-making powers to the Department.

The New York State Sanitary Code, in 10 NYCRR §16.1(b)(3), states that localities that have a population of more than 2,000,000 may establish their own radiation licensure requirements in place of State regulations, provided that the local requirements are consistent with Sanitary Code requirements. Section 274 of the federal Atomic Energy Act of 1954 (codified at 42 USC §2021, "Atomic Energy Act") authorizes "Agreement States" to regulate byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass. New York State is an "Agreement State" within the meaning of the Atomic Energy Act, and the New York City Department of Health and Mental Hygiene program is a component of the relevant Agreement.

Statement of Basis and Purpose

New York State is an Agreement State, meaning that New York State and the United States Nuclear Regulatory Commission (NRC) have entered into an agreement under the Atomic Energy Act through which the NRC has delegated authority to the State to regulate radioactive material at non-reactor sites within its jurisdiction.¹ The New York State Agreement is comprised of the regulatory programs of three agencies:

1. the New York State Department of Health,
2. the New York State Department of Environmental Conservation, and
3. the New York City Department of Health and Mental Hygiene.

Under the Agreement and section 16.1 of the State Sanitary Code, the New York City Department of Health and Mental Hygiene, through the Office of Radiological Health (ORH), regulates radioactive material for medical, research and academic purposes within the five boroughs of New York City.

ORH regulations for radioactive material are contained in Article 175 of the Health Code. ORH licenses and inspects radioactive materials facilities for compliance with Article 175 for the protection of the health and safety of patients, radiation program employees and the general public. There are about 375 licensed sites in New York City possessing radioactive material for medical, academic and research purposes. ORH inspects these facilities once every 1, 2 or 3 years depending on the type of use.

Each Agreement State program is required to maintain compatibility with the NRC regulatory program. NRC Compatibility Categories A and B require that the wording of proposed State program regulatory changes should be "essentially identical", and Category C should reflect the "essential objectives" of relevant NRC regulations. The majority of the rule changes proposed here are under NRC compatibility category B.

In 2007, the NRC promulgated changes to Title 10 of the CFR as the result of an expanded definition of byproduct material. Byproduct material was initially considered material produced by nuclear reactors, and waste product created through the process of producing material for use in reactors. Through an amendment to the Atomic Energy Act, the definition of byproduct material was subsequently widened to include materials produced through a significantly different process - accelerator-produced material - and to include discrete sources of radium-226 (a naturally occurring material).

¹ New York State's agreement with NRC is available online at, <http://nrc-stp.ornl.gov/special/regs/nyagreements.pdf>.

I. Amendments for Expanded Definitions of Byproduct Material

NRC has significantly broadened its definition of byproduct material to include a wider range of radioactive materials. Byproduct material used to be defined as:

- Material made radioactive through use of nuclear fuel in a utilization facility (most often a nuclear reactor, or a strategic military device), or
- Waste products remaining after source material (e.g., refined uranium ore) is enriched² to make it suitable for use as nuclear fuel in a reactor or as strategic military material.

The broadened definition of byproduct material in Title 10 of the CFR now includes, in addition to the above described materials, the following:

- Any discrete sources of radium-226,
- Any material which the NRC determines to pose a threat comparable to that posed by a discrete source of radium-226, or
- Material made radioactive by a particle accelerator.

Incorporating this expanded definition of byproduct material requires a number of amendments to Article 175, in particular, the following:

- §175.02 (*Definitions*) A number of definitions must be changed or added as a result of the new definition of byproduct material.
- §175.03 (*Standards for protection against radiation*) Several radioactive materials must be added to lists in appendices defining environmental release limits of radioactive material. Certain headings in these lists are to be changed.
- §175.101 (*General requirements for radioactive materials licenses*)
 - Exemptions are proposed to cover licensing of certain items containing small quantities of radioactive material.
 - Requirements are proposed to the descriptive information of material sources which an applicant for a license must provide.
 - Requirements are proposed stating that an application for a license to use certain accelerator-produced material must include a request to produce those materials or provide evidence of an existing license held by its supplier of those accelerator-produced materials.
 - Applicants who apply to use their own accelerator-produced radioactive drugs must provide evidence of their ability to produce those drugs.
- §175.102 (*Requirements for specific types of radioactive materials licenses*) New requirements are proposed for generally-licensed³ materials regarding:
 - Labeling of products,
 - Leak testing of articles containing specified isotopes,
 - Limitations on transfer of devices, and
 - Records retention following transfer of disposal of devices.
- §175.104 (*Waste disposal*) New requirements are proposed for byproduct material regarding:
 - ultimate disposal of byproduct material at waste disposal facilities.
 - manifesting of byproduct material intended for transfer to waste disposal facilities.

² Enrichment is a process which increases the concentration in natural uranium of the isotope U-235, which is material most suitable for fuel in a utilization facility.

³ A general license is a license granted to manufacturers to produce and distribute common articles which a user may possess without themselves requiring a radioactive materials license. Materials which are generally licensed include smoke detectors, EXIT signs, and watches with luminous dials.

II. Exemptions from Licensing, General Licenses and Distribution of Byproduct Material: Licensing and Reporting Requirements

NRC's expanded definition of byproduct material has affected

provisions in Article 175 regarding licensing, distribution and reporting with respect to certain classes of radioactive material or articles containing such radioactive materials. In particular, changes are proposed with respect to:

- §175.101 (*General requirements for radioactive materials licenses*)
 - Exempt quantities may not be aggregated to the extent that combined quantities exceed the limits for exempt amounts set forth in Schedule B of this section, except for byproduct material combined within a device placed in use before May 3, 1999, or as otherwise permitted by regulation.
 - Exemptions to licensing are proposed for certain specified items.
- §175.102 (*Requirements for specific types of radioactive materials licenses*)
 - New reporting requirements are proposed with respect to persons transferring radioactive material to a licensee or shipping radioactive material for export.

In response to the 2007 NRC changes to Title 10 of the CFR concerning the changed definition of byproduct material, New York City must make matching changes to Article 175 of the Health Code to remain compatible with applicable federal regulations.

The amendments are as follows:

Matter in brackets [] is deleted. Matter underlined is new.

RESOLVED, that subdivision (c) of Section 175.01 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on June 30, 1999, be and the same hereby is amended to update the appropriate Department mailing address, to be printed together with explanatory notes to read as follows:

§175.01 Applicability and inapplicability, communications.

(c) *Communications.* [(1)] Except as otherwise provided for in this Code, or as authorized by the Department, all applications, notifications, reports or other communications filed pursuant to this Code shall be addressed to the Department at:

[Bureau] Office of Radiological Health
 [2 Lafayette Street, 11th Floor] 42-09 28th Street, 14th Floor
 [New York] Long Island City, New York [10007] 10011

Notes: The Board of Health amended §175.01(c) of the Health Code on June 28, 2013 to update the appropriate Department mailing address for the Office of Radiological Health.

RESOLVED, that subdivision (a) of Section 175.02 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on March 13, 2012, be and the same hereby is amended to add new definitions and update various other definitions to ensure compatibility with applicable federal regulations, and the paragraphs contained therein be accordingly renumbered, to be printed together with explanatory notes to read as follows:

- Paragraphs 6 through 55 are renumbered as paragraphs 7 through 56;
- Paragraphs 56 through 61 are renumbered as paragraphs 58 through 63;
- Paragraphs 62 through 76 are renumbered as paragraphs 65 through 79;
- Paragraphs 77 through 134 are renumbered as paragraphs 81 through 138;
- Paragraphs 135 through 172 are renumbered as paragraphs 140 through 177;
- Paragraphs 173 through 294 are renumbered as paragraphs 179 through 300;

§175.02 Definitions.

(a) As used in this Code, the following definitions shall apply:

 (6) "Act" means the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended.

 [(33)] (34) "Byproduct material" means:
 (i) Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or [utilizing] using special nuclear material; and
 (ii) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition.

 (57) "Consortium" means an association of medical use licensees and a PET radionuclide production facility in the same geographical area that jointly own or share in the operation and maintenance cost of the PET radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the consortium for noncommercial distributions among its associated members for medical use. The PET radionuclide production facility within the consortium must be located at an educational institution or a federal facility or a medical facility.

 (64) "Cyclotron" means a particle accelerator in which the charged particles travel in an outward spiral or circular path. A cyclotron accelerates charged particles at energies usually in excess of 10 megaelectron volts and is commonly used for production of short half-life radionuclides for medical use.

(80) "Discrete source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.

 [(161)] (165) "Particle accelerator" [(See "Accelerator").] means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 megaelectron volt. For the purposes of this definition, "accelerator" is an equivalent term.

 (177) "Positron emission tomography (PET) radionuclide production facility" means a facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.

 [(278)] (283) "Waste" means those low-level radioactive wastes containing source, special nuclear, or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste [has the same meaning as in the Low-Level Radioactive Waste Policy Act, P.L. 96-573, as amended by P.L. 99-240, effective January 15, 1986; that is,] means radioactive waste [(a) not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in [Section 11e.(2) of the Atomic Energy Act (uranium or thorium tailings and waste) and (b) classified as low-level radioactive waste consistent with existing law and in accordance with (a) by the U.S. Nuclear Regulatory Commission] subparagraphs (ii), (iii) and (iv) of the definition of "Byproduct material" set forth in this section.

 Notes: The Board of Health amended §175.02(a) of the Health Code on June 28, 2013 to add certain new definitions and update various other definitions to ensure compatibility with applicable federal regulations, particularly 10 CFR §§20.1003 and 30.4.

RESOLVED, that the names of the tables in the Note in the Introduction, the list of elements in the first chart, and the names of the tables in the second chart in Appendix B of Section 175.03 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on March 16, 2005, be and the same hereby is amended to update the name of Table 1 and Table 3 and add new elements to the list of elements to ensure compatibility with applicable federal regulations, to be printed together with explanatory notes to read as follows:

§175.03 Standards for protection against radiation.

APPENDIX B

ANNUAL LIMITS ON INTAKE (ALI) AND DERIVED AIR CONCENTRATIONS (DAC) OF RADIONUCLIDES FOR OCCUPATIONAL EXPOSURE; EFFLUENT CONCENTRATIONS; CONCENTRATIONS FOR RELEASE TO SANITARY SEWERAGE

 Table 1 "Occupational [Values] Exposures"

 Table 3 "Concentration for Releases to Sewerage"

LIST OF ELEMENTS		Atomic		Atomic	
Name	Symbol	Number	Name	Symbol	Number
Arsenic	As	33	Niobium	Nb	41
Astatine	At	85	Nitrogen	N	7
Barium	Ba	56	Osmium	Os	76
			Oxygen	O	8
			Palladium	Pd	46

 Table 1
Occupational [Values] Exposures

 Table 2
Effluent Concentrations

 Table 3
Concentration for Releases to [Sewers] Sewerage

Notes: The Board of Health amended §175.03 of the Health

Code on June 28, 2013 to update certain radioactive material release limits and sections headings in Appendix B to ensure compatibility with applicable federal regulations, particularly 10 CFR Part 20 Appendix B.

RESOLVED, that Section 175.101 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on September 25, 2008, be and the same hereby is amended to ensure compatibility with applicable federal regulations relating to certain exempt quantities of byproduct material, to be printed together with explanatory notes, such that

- Subdivisions (a), (c), (f), (j), (m), and (n) are amended;
- Appendixes A through C are renamed Schedules A through C, respectively, and amended;
- Appendixes D and E are renamed Appendix A and C, respectively; and
- A new Appendix B is added

to read as follows:

§175.101 General requirements for radioactive materials licenses.

(a) *License required.* (1) (i) Except for the removal of source material from its place of deposit in nature or as otherwise provided in this Code, no person shall transfer, receive, produce, possess or use any radioactive material except pursuant to a license issued by the Department.

(ii) Except as provided in 10 CFR §§ 30.3(b)(2), (b)(3), (c)(2), and (c)(3), and for persons exempt as provided in 10 CFR § 30.3 and 10 CFR Part 150, no person shall manufacture, produce, transfer, receive, acquire, own, possess, or use byproduct material unless authorized in a specific or general license issued in accordance with this Code.

(c) *Exempt radioactive material other than source material.* (1) *Exempt concentrations.* (i) Except as provided in §175.101(c)(1)(ii), any person is exempt from the provisions of this Code to the extent that such person receives, possesses, uses, transfers, owns or acquires products containing radioactive material introduced in concentrations not in excess of those listed in [Appendix] Schedule A of this section.

(2) *Exempt quantities.* (i) Except as provided in §175.101(c)(2)(ii), (iii) and (iv), any person is exempt from the provisions of this Code to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities, each of which does not exceed the applicable quantity set forth in [Appendix] Schedule B of this section.

(iii) No person shall, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in [Appendix] Schedule B of this section, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under §175.101(c)(2)(i) or equivalent regulations of the U.S. Nuclear Regulatory Commission or an agreement state, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to §32.18 of 10 CFR Part 32, or by the Department, which license states that the radioactive material may be transferred by the licensee to persons exempt under §175.101(c)(2)(i) or the equivalent regulations of the U.S. Nuclear Regulatory Commission or any agreement state.

(iv) Pursuant to 10 CFR § 30.18(b), any person who possesses byproduct material received or acquired before September 25, 1971, under the general license then provided in 10 CFR § 31.4 or similar general license of a state, is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in 10 CFR Parts 30 through 34, 36 and 39 to the extent that this person possesses, uses, transfers, or owns byproduct material.

(3) *Exempt items.* Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, or persons who initially transfer such products for sale or distribution, any person is exempt from the provisions of this Code to the extent that such person receives, possesses, uses, transfers, owns or acquires the following products:

(i) Timepieces or timepiece hands or dials containing radium which were manufactured under a specific license issued by the Department or an agreement state and which meet the following or equivalent conditions:
 (A) The timepiece or timepiece hands or dials contain no more than the following specified quantities of radium:

- (e) 1.48 kBq (0.04 µCi) per clock hand; [or]
- (f) 4.44 kBq (0.12 µCi) per clock dial; or
- (g) 37 kBq (1 µCi) of radium-226 per timepiece in intact timepieces manufactured prior to November 30, 2007.

(ii) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified radiation dose rates:

(H) 37 kBq (1 µCi) of radium-226 per timepiece in timepieces [acquired prior to September 1, 1984] manufactured prior to November 30, 2007.

[(vii) Thermostat dials and pointers containing not more than 925 MBq (25 millicuries) of hydrogen-3 per thermostat.]

vii. Reserved.

viii. Reserved.

(x) Ionizing radiation measuring instruments containing, for

purposes of internal calibration or standardization, one or more sources of radioactive material, provided that: (A) each source contains no more than one exempt quantity set forth in [Appendix] Schedule B of this section, and (B) each instrument contains no more than 10 exempt quantities. For purposes of this requirement, an instrument's source(s) may contain either one or different types of radioactive materials and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in [Appendix] Schedule B of this section, provided that the sum of such fractions shall not exceed unity; and (C) for the purposes of §175.101(c)(3)(x), 1.85 kBq (0.05 µCi) of americium-241 shall be considered one exempt quantity.

[(xi) Spark gap irradiators containing not more than 37 kBq (1 µCi) of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least 3 gallons (11.4 liter) per hour.]

xi. Reserved.

(6) [Any person, except those who manufacture, process, or produce gas and aerosol detectors containing radioactive material, is exempt from the provisions of this Code to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided that detectors containing radioactive material shall have been manufactured, imported, or transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR §32.26, or by an agreement state pursuant to equivalent regulations.

(i) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an agreement state shall be considered exempt, provided that the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet requirements equivalent to 10 CFR § 32.26.]

Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing byproduct material, pursuant to 10 CFR § 30.20(a), any person is exempt from the requirements for a license set forth in section 81 of the act and from the regulations in 10 CFR Parts 19, 20, and 30 through 36, and 39 to the extent that the person receives, possesses, uses, transfers, owns, or acquires byproduct material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under 10 CFR § 32.26, which license authorizes the initial transfer of the product for use under this section. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007 in accordance with a specific license issued by a state under comparable provisions to 10 CFR § 32.26 authorizing distribution to persons exempt from regulatory requirements.

(f) *Applications for specific licenses.*

(3) [For those applicants or licensees who are required to establish and maintain a radiation safety committee pursuant to this Code, each application or supplementary statement shall be transmitted with a letter signed by the chairman of the radiation safety committee indicating the committee's approval of the requested licensing action.] An application for a specific license to use byproduct material in the form of a sealed source or in a device that contains the sealed source must:

(i) Identify the source or device by manufacturer and model number as registered with the U.S. Nuclear Regulatory Commission under 10 CFR § 32.210, with an agreement state, or for a source or a device containing radium-226 or accelerator-produced radioactive material with a state under provisions comparable to 10 CFR § 32.210;

(ii) Contain the information identified in 10 CFR § 32.210(c); or
(iii) For sources or devices containing naturally occurring or accelerator-produced radioactive material manufactured prior to November 30, 2007 that are not registered with the U.S. Nuclear Regulatory Commission under 10 CFR § 32.210 or with an agreement state, and for which the applicant is unable to provide all categories of information specified in 10 CFR § 32.210(c), the applicant must provide:

(A) All available information identified in 10 CFR § 32.210(c) concerning the source, and, if applicable, the device; and
(B) Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information must include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.

(4) [At any time subsequent to the filing of an application for a license, including amendments, and before the termination of a license issued in response thereto, the Department may require the applicant to submit one or more supplementary statements containing additional information to enable the Department to determine whether such application should be approved or denied, or whether a previously issued license should be amended, suspended or revoked.] An application from a medical facility, educational institution, or federal facility to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to licensees in its consortium authorized for medical use under 10 CFR Part 35 or equivalent agreement state requirements, shall include:

(i) A request for authorization for the production of PET radionuclides or evidence of an existing license issued under 10 CFR Part 30 or agreement state requirements for a PET radionuclide production facility within its consortium from which it receives PET radionuclides;

(ii) Evidence that the applicant is qualified to produce radioactive drugs for medical use by meeting one of the criteria in 10 CFR § 32.72(a)(2);

(iii) Identification of any individual authorized to prepare the PET radioactive drugs if the applicant is a pharmacy, and documentation that any such individual meets the requirements of an authorized nuclear pharmacist as specified in 10 CFR § 32.72(b)(2); and
(iv) Information identified in 10 CFR § 32.72(a)(3) on the PET drugs to be noncommercially transferred to members of its consortium.

(j) *Emergency response plan.* (1) Each application for a license to possess radioactive materials in unsealed form, on foils or plated sources, or sealed in glass and in excess of the quantities specified in [Appendix] Schedule C of this section shall include either:

(2) One or more of the following factors may be used to support an evaluation submitted pursuant to §175.101(j)(1)(i):

(iii) The release fraction in the respirable size range would be lower than the release fraction shown in [Appendix] Schedule C of this section due to the chemical or physical form of the material.

(v) Facility design or engineered safety features in the facility would cause the release fraction to be lower than that shown in [Appendix] Schedule C of this section.

(vi) Operating restrictions or procedures would prevent a release fraction as large as that shown in [Appendix] Schedule C of this section.

(k) *Conditions of specific licenses.* (1) Each of the following is hereby made a condition of each specific license:

(ix) (A) Authorization under 10 CFR § 30.32(j) to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to medical use licensees in its consortium does not relieve the licensee from complying with applicable FDA, Federal, and State requirements governing radioactive drugs.

(B) Each licensee authorized under 10 CFR § 30.32(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall:

(a) Satisfy the labeling requirements in 10 CFR § 32.72(a)(4) for each PET radioactive drug transport radiation shield and each syringe, vial, or other container used to hold a PET radioactive drug intended for noncommercial distribution to members of its consortium; and
(b) Possess and use instrumentation to measure the radioactivity of the PET radioactive drugs intended for noncommercial distribution to members of its consortium and meet the procedural, radioactivity measurement, instrument test, instrument check, and instrument adjustment requirements in 10 CFR § 32.72(c).

(C) A licensee that is a pharmacy authorized under 10 CFR § 30.32(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium shall require that any individual that prepares PET radioactive drugs : (a) an authorized nuclear pharmacist who meets the requirements in 10 CFR § 32.72(b)(2); or (b) an individual under the supervision of an authorized nuclear pharmacist as specified in 10 CFR § 35.27.

(D) A pharmacy, authorized under 10 CFR § 30.32(j) to produce PET radioactive drugs for noncommercial transfer to medical use licensees in its consortium that allows an individual to work as an authorized nuclear pharmacist, shall meet the requirements of 10 CFR § 32.72(b)(5). All reports and notifications required by 10 CFR § 32.72(b)(5) shall be provided to the Department.

(x) Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall test the generator eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85 contamination, respectively, in accordance with 10 CFR § 35.204. The licensee shall record the results of each test and retain each record for 3 years after the record is made.

(m) *Reciprocity.*

(1) The holder of a license issued by the New York State Department of Labor, the New York State Department of Health, the U.S. Nuclear Regulatory Commission or any agreement state, may bring, possess or use radioactive material covered by such license within the Department's jurisdiction for a period not in excess of [180] 30 days in any twelve consecutive months without obtaining a license from the Department, provided that:

(n) *Financial assurance and recordkeeping for decommissioning.*

(1)(a) Each applicant for a specific license authorizing the possession and use of unsealed radioactive material of half-life greater than 120 days and in quantities exceeding 10⁵ times the applicable quantities set forth in Appendix B to this section shall submit a decommissioning funding plan as described in §175.101(n)(5). The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by 10⁵ is greater than one (1) (unity rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in Appendix B to this section.

[(1)(b) Each holder of, or applicant for, any specific license authorizing the possession and use of sealed sources or plated foils of half-life greater than 120 days and in quantities exceeding 10 times the applicable quantities set forth in Appendix B to this section shall submit a decommissioning funding plan as described in §175.101(n)(5). The

decommissioning funding plan must also be submitted when a combination of isotopes is involved if R, as defined in §175.101(n)(1)(a), divided by 10¹² is greater than one (1) (unity rule). The decommissioning funding plan must be submitted to the Department within 2 years of the effective date of this provision.

[(1)(c) Each applicant for a specific license authorizing the possession and use of more than 100 mCi of source material in a readily dispersible form shall submit a decommissioning funding plan as described in §175.101(n)(5).

[(1)(d) Each applicant for a specific license authorizing possession and use of quantities of source material greater than 10 mCi but less than or equal to 100 mCi in a readily dispersible form shall either:

[(1)(e) Each applicant for a specific license authorizing the possession and use of unsealed special nuclear material in quantities exceeding 10⁵ times the applicable quantities set forth in Appendix B to this section shall submit a decommissioning funding plan as described in §175.101(n)(5). A decommissioning funding plan must also be submitted when a combination of isotopes is involved if R, as defined in §175.101(n)(1)(a), divided by 10⁵ is greater than one (1) (unity rule).

[APPENDIX] SCHEDULE A

Concentration of Isotope A in Product 1	Concentration of Isotope B in Product 1	#1
+		
Exempt concentration of Isotope A	Exempt concentration of Isotope B	

Source: 10 CFR 30.70 Schedule A-Exempt concentrations.

[APPENDIX B

EXEMPT QUANTITIES

Radioactive material	Microcuries ¹
Americium 241	.01
Antimony 122 (Sb 122)	100
Antimony 124 (Sb 124)	10
Antimony 125 (Sb 125)	10
Arsenic 73 (As 73)	100
Arsenic 74 (As 74)	10
Arsenic 76 (As 76)	10
Arsenic 77 (As 77)	100
Barium 131 (Ba 131)	10
Barium 133 (Ba 133)	10
Barium 140 (Ba 140)	10
Beryllium 7 (Be 7)	100
Bismuth 210 (Bi 210)	1
Bromine 82 (Br 82)	10
Cadmium 109 (Cd 109)	10
Cadmium 115m (Cd 115m)	10
Cadmium 115 (Cd 115)	100
Calcium 45 (Ca 45)	10
Calcium 47 (Ca 47)	10
Carbon 14 (C14)	100
Cerium 141 (Ce 141)	100
Cerium 143 (Ce 143)	100
Cerium 144 (Ce 144)	1
Cesium 131 (Cs 131)	1,000
Cesium 134m (Cs 134m)	100
Cesium 134 (Cs 134)	1
Cesium 135 (Cs 135)	10
Cesium 136 (Cs 136)	10
Cesium 137 (Cs 137)	10
Chlorine 36 (Cl 36)	10
Chlorine 38 (Cl 38)	10
Chromium 51 (Cr 51)	1,000
Cobalt 58m (Co 58m)	10
Cobalt 58 (Co 58)	10
Cobalt 60 (Co 60)	1
Copper 64 (Cu 64)	100
Dysprosium 165 (Dy 165)	10
Dysprosium 166 (Dy 166)	100
Erbium 169 (Er 169)	100
Erbium 171 (Er 171)	100
Europium 152 9.2h (Eu 152 9.2h)	100
Europium 152 13 yr (Eu 152 13yr)	1
Europium 154 (Eu 154)	1
Europium 155 (Eu 155)	10
Fluorine 18 (F 18)	1,000
Gadolinium 153 (Gd 153)	10
Gadolinium 159 (Gd 159)	100
Gallium 72 (Ga 72)	10
Germanium 71 (Ga 71)	100
Gold 198 (Au 198)	100
Gold 199 (Au 199)	100
Hafnium 181 (Hf 181)	10
Holmium 166 (Ho 166)	100
Hydrogen 3 (H3)	1,000
Indium 113m (In 113m)	100
Indium 114m (In 114m)	10
Indium 114 (In 114)	1
Indium 115m (In 115m)	100
Indium 115 (In 115)	10
Iodine 125 (I 125)	1
Iodine 126 (I 126)	1
Iodine 129 (I 129)	0.1
Iodine 131 (I 131)	1
Iodine 132 (I 132)	10
Iodine 133 (I 133)	1
Iodine 134 (I 134)	10
Iodine 135 (I 135)	10
Iridium 192 (Ir 192)	10
Iridium 194 (Ir 194)	100
Iron 55 (Fe 55)	100
Iron 59 (Fe 59)	10
Krypton 85 (Kr 85)	100
Krypton 87 (Kr 87)	10

Lanthanum 140 (La 140)	10
Lutetium 177 (Lu 177)	100
Manganese 52 (Mn 52)	10
Manganese 54 (Mn 54)	10
Manganese 56 (Mn 56)	10
Mercury 197m (Hg 197m)	100
Mercury 197 (Hg 197)	100
Mercury 203 (Hg 203)	10
Molybdenum 99 (Mo 99)	100
Neodymium 147 (Nd 147)	100
Neodymium 149 (Nd 149)	100
Nickel 59 (Ni 59)	100
Nickel 63 (Ni 63)	10
Nickel 65 (Ni 65)	100
Niobium 93m (Nb 93m)	10
Niobium 95 (Nb 95)	10
Niobium 97 (Nb 97)	10
Osmium 185 (Os 185)	10
Osmium 191m (Os 191m)	100
Osmium 191 (Os 191)	100
Osmium 193 (Os 193)	100
Palladium 103 (Pd 103)	100
Palladium 109 (Pd 109)	100
Phosphorous 32 (P 32)	10
Platinum 191 (Pt 191)	100
Platinum 193m (Pt 193m)	100
Platinum 193 (Pt 193)	100
Platinum 197m (Pt 197m)	100
Platinum 197 (Pt 197)	100
Plutonium 239	.01
Polonium 210 (Po 210)	0.1
Potassium 42 (K 42)	10
Praseodymium 142 (Pr 142)	100
Praseodymium 143 (Pr 143)	100
Promethium 147 (Pm 147)	10
Promethium 149 (Pm 149)	10
Radium 226 (Ra 226)	0.1
Rhenium 186 (Re 186)	100
Rhenium 188 (Re 188)	100
Rhodium 103m (Rh 103m)	100
Rhodium 105 (Rh 105)	100
Rubidium 86 (Rb 86)	10
Rubidium 87 (Rb 87)	10
Ruthenium 97 (Ru 97)	100
Ruthenium 103 (Ru 103)	10
Ruthenium 105 (Ru 105)	10
Ruthenium 106 (Ru 106)	1
Samarium 151 (Sm 151)	10
Samarium 153 (Sm 153)	100
Scandium 46 (Sc 46)	10
Scandium 47 (Sc 47)	100
Scandium 48 (Sc 48)	10
Selenium 75 (Se 75)	10
Silicon 31 (Si 31)	100
Silver 105 (Ag 105)	10
Silver 110m (Ag 110m)	1
Silver 111 (Ag 111)	100
Sodium 22 (Na 22)	10
Sodium 24 (Na 24)	10
Strontium 85 (Sr 85)	10
Strontium 89 (Sr 89)	1
Strontium 90 (Sr 90)	0.1
Strontium 91 (Sr 91)	10
Strontium 92 (Sr 92)	10
Sulfur 35 (S 35)	100
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	10
Technetium 97m (Tc 97m)	100
Technetium 97 (Tc 97)	100
Technetium 99m (Tc 99m)	100
Technetium 99 (Tc 99)	10
Tellurium 125m (Te 125m)	10
Tellurium 127m (Te 127m)	10
Tellurium 127 (Te 127)	100
Tellurium 129m (Te 129m)	10
Tellurium 129 (Te 129)	100
Tellurium 131m (Te 131m)	10
Tellurium 132 (Te 132)	10
Terbium 160 (Tb 160)	10
Thallium 200 (Tl 200)	100
Thallium 201 (Tl 201)	100
Thallium 202 (Tl 202)	100
Thallium 204 (Tl 204)	10
Thulium 170 (Tm 170)	10
Thulium 171 (Tm 171)	10
Tin 113 (Sn 113)	10
Tin 125 (Sn 125)	10
Tungsten 181 (W 181)	10
Tungsten 185 (W 185)	10
Tungsten 187 (W 187)	100
Vanadium 48 (V 48)	10
Xenon 131m (Xe 131m)	1,000
Xenon 133 (Xe 133)	100
Xenon 135 (Xe 135)	100
Ytterbium 175 (Yb 175)	100
Yttrium 90 (Y 90)	10
Yttrium 91 (Y 91)	10
Yttrium 92 (Y 92)	100
Yttrium 93 (Y 93)	100
Zinc 65 (Zn 65)	10
Zinc 69m (Zn 69m)	100
Zinc 69 (Zn 69)	1,000
Zirconium 93 (Zr 93)	10
Zirconium 95 (Zr 95)	10
Zirconium 97 (Zr 97)	10
Any radioactive material not listed above other than alpha emitting radioactive material	0.1
Any alpha radionuclide not listed above or mixtures of alphaemitters of unknown composition	0.1

¹To convert microcuries (mCi) to kilobecquerels (kBq), multiply microcuries by 37.]

**SCHEDULE B
EXEMPT QUANTITIES**

Byproduct material	Microcuries ¹
Antimony 122 (Sb 122)	100

Antimony 124 (Sb 124)	10
Antimony 125 (Sb 125)	10
Arsenic 73 (As 73)	100
Arsenic 74 (As 74)	10
Arsenic 76 (As 76)	10
Arsenic 77 (as 77)	100
Barium 131 (Ba 131)	10
Barium 133 (Ba 133)	10
Barium 140 (Ba 140)	10
Bismuth 210 (Bi 210)	1
Bromine 82 (Br 82)	10
Cadmium 109 (Cd 109)	10
Cadmium 115m (Cd 115m)	10
Cadmium 115 (Cd 115)	100
Calcium 45 (Ca 45)	10
Calcium 47 (Ca 47)	10
Carbon 14 (C 14)	100
Cerium 141 (Ce 141)	100
Cerium 143 (Ce 143)	100
Cerium 144 (Ce 144)	1
Cesium 129 (Cs 129)	100
Cesium 131 (Cs 131)	1,000
Cesium 134m (Cs 134m)	100
Cesium 134 (Cs 134)	1
Cesium 135 (Cs 135)	10
Cesium 136 (Cs 136)	10
Cesium 137 (Cs 137)	10
Chlorine 36 (Cl 36)	10
Chlorine 38 (Cl 38)	10
Chromium 51 (Cr 51)	1,000
Cobalt 57 (Co 57)	100
Cobalt 58m (Co 58m)	10
Cobalt 58 (Co 58)	10
Cobalt 60 (Co 60)	1
Copper 64 (Cu 64)	100
Dysprosium 165 (Dy 165)	10
Dysprosium 166 (Dy 166)	100
Erbium 169 (Er 169)	100
Erbium 171 (Er 171)	100
Europium 152 9.2 h (Eu 152 9.2 h)	100
Europium 152 13 yr (Eu 152 13 yr)	1
Europium 154 (Eu 154)	1
Europium 155 (Eu 155)	10
Fluorine 18 (F 18)	1,000
Gadolinium 153 (Gd 153)	10
Gadolinium 159 (Gd 159)	100
Gallium 67 (Ga 67)	100
Gallium 72 (Ga 72)	10
Germanium 68 (Ge 68)	10
Germanium 71 (Ge 71)	100
Gold 195 (Au 195)	10
Gold 198 (Au 198)	100
Gold 199 (Au 199)	100
Hafnium 181 (Hf 181)	10
Holmium 166 (Ho 166)	100
Hydrogen 3 (H3)	1,000
Indium 111 (In 111)	100
Indium 113m (In 113m)	100
Indium 114m (In 114m)	10
Indium 115m (In 115m)	100
Indium 115 (In 115)	10
Iodine 123 (I 123)	100
Iodine 125 (I 125)	1
Iodine 126 (I 126)	1
Iodine 129 (I 129)	0.1
Iodine 131 (I 131)	1
Iodine 132 (I 132)	10
Iodine 133 (I 133)	1
Iodine 134 (I 134)	10
Iodine 135 (I 135)	10
Iridium 192 (Ir 192)	10
Iridium 194 (Ir 194)	100
Iron 52 (Fe 52)	10
Iron 55 (Fe 55)	100
Iron 59 (Fe 59)	10
Krypton 85 (Kr 85)	100
Krypton 87 (Kr 87)	10
Lanthanum 140 (La 140)	10
Lutetium 177 (Lu 177)	100
Manganese 52 (Mn 52)	10
Manganese 54 (Mn 54)	10
Manganese 56 (Mn 56)	10
Mercury 197m (Hg 197m)	100
Mercury 197 (Hg 197)	100
Mercury 203 (Hg 203)	10
Molybdenum 99 (Mo 99)	100
Neodymium 147 (Nd 147)	100
Neodymium 149 (Nd 149)	100
Nickel 59 (Ni 59)	100
Nickel 63 (Ni 63)	10
Nickel 65 (Ni 65)	100
Niobium 93m (Nb 93m)	10
Niobium 95 (Nb 95)	10
Niobium 97 (Nb 97)	10
Osmium 185 (Os 185)	10
Osmium 191m (Os 191m)	100
Osmium 191 (Os 191)	100
Osmium 193 (Os 193)	100
Palladium 103 (Pd 103)	100
Palladium 109 (Pd 109)	100
Phosphorous 32 (P 32)	10
Platinum 191 (Pt 191)	100
Platinum 193m (Pt 193m)	100
Platinum 193 (Pt 193)	100
Platinum 197m (Pt 197m)	100
Platinum 197 (Pt 197)	100
Polonium 210 (Po 210)	0.1
Potassium 42 (K 42)	10
Potassium 43 (K 43)	10
Praseodymium 142 (Pr 142)	100
Praseodymium 143 (Pr 143)	100
Promethium 147 (Pm 147)	10
Promethium 149 (Pm 149)	10
Rhenium 186 (Re 186)	100
Rhenium 188 (Re 188)	100
Rhodium 103m (Rh 103m)	100
Rhodium 105 (Rh 105)	100
Rubidium 81 (Rb 81)	10

Rubidium 86 (Rb 86)	10
Rubidium 87 (Rb 87)	10
Ruthenium 97 (Ru 97)	100
Ruthenium 103 (Ru 103)	10
Ruthenium 105 (Ru 105)	10
Ruthenium 106 (Ru 106)	1
Samarium 151 (Sm 151)	10
Samarium 153 (Sm 153)	100
Scandium 46 (Sc 46)	10
Scandium 47 (Sc 47)	100
Scandium 48 (Sc 48)	10
Selenium 75 (Se 75)	10
Silicon 31 (Si 31)	100
Silver 105 (Ag 105)	10
Silver 110m (Ag 110m)	1
Silver 111 (Ag 111)	100
Sodium 22 (Na 22)	10
Sodium 24 (Na 24)	10
Strontium 85 (Sr 85)	10
Strontium 89 (Sr 89)	1
Strontium 90 (Sr 90)	0.1
Strontium 91 (Sr 91)	10
Strontium 92 (Sr 92)	10
Sulphur 35 (S 35)	100
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	10
Technetium 97m (Tc 97m)	100
Technetium 97 (Tc 97)	100
Technetium 99m (Tc 99m)	100
Technetium 99 (Tc 99)	10
Tellurium 125 m (Te 125 m)	10
Tellurium 127m (Te 127m)	10
Tellurium 127 (Te 127)	100
Tellurium 129m (Te 129m)	10
Tellurium 129 (Te 129)	100
Tellurium 131m (Te 131m)	10
Tellurium 132 (Te 132)	10
Terbium 160 (Tb 160)	10
Thallium 200 (Tl 200)	100
Thallium 201 (Tl 201)	100
Thallium 202 (Tl 202)	100
Thallium 204 (Tl 204)	10
Thulium 170 (Tm 170)	10
Thulium 171 (Tm 171)	10
Tin 113 (Sn 113)	10
Tin 125 (Sn 125)	10
Tungsten 181 (W 181)	10
Tungsten 185 (W 185)	10
Tungsten 187 (W 187)	100
Vanadium 48 (V 48)	10
Xenon 131m (Xe 131m)	1,000
Xenon 133 (Xe 133)	100
Xenon 135 (Xe 135)	100
Ytterbium 175 (Yb 175)	100
Yttrium 87 (Y 87)	10
Yttrium 88 (Y 88)	10
Yttrium 90 (Y 90)	10
Yttrium 91 (Y91)	10
Yttrium 92 (Y92)	100
Yttrium 93 (Y93)	100
Zinc 65 (Zn 65)	10
Zinc 69m (Zn 69m)	100
Zinc 69 (Zn 69)	1,000
Zirconium 93 (Zr 93)	10
Zirconium 95 (Zr 95)	10
Zirconium 97 (Zr 97)	10
Any byproduct material not listed above other than alpha emitting byproduct materials	0.1

¹ To convert microcuries (µCi) to kilobecquerels (kBq), multiply microcuries by 37.

Source: 10 CFR 30.71 Schedule B

[APPENDIX] SCHEDULE C

**QUANTITIES OF RADIOACTIVE MATERIAL
REQUIRING CONSIDERATION OF THE NEED FOR
AN EMERGENCY PLAN FOR RESPONDING TO A
RELEASE**

Radioactive material ¹	Release fraction	Quantity (curies) ²

Promethium-147	0.01	4000
Radium-226	0.001	100

FOOTNOTES:

³ Waste packaged in Type B containers does not require an emergency plan.

Source: 10 CFR Part 30.72 Schedule C

APPENDIX [D] A

**APPENDIX B
QUANTITIES OF LICENSED MATERIAL REQUIRING
LABELING**

Materials	Microcuries
Americium-241	.01
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	100
Arsenic-74	10
Arsenic-76	10
Arsenic-77	100
Barium-131	10
Barium-133	10
Barium-140	10

Bismuth-210	1
Bromine-82	10
Cadmium-109	10
Cadmium-115m	10
Cadmium-115	100
Calcium-45	10
Calcium-47	10
Carbon-14	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Cesium-131	1,000
Cesium-134m	100
Cesium-134	1
Cesium-135	10
Cesium-136	10
Cesium-137	10
Chlorine-36	10
Chlorine-38	10
Chromium-51	1,000
Cobalt-58m	10
Cobalt-58	10
Cobalt-60	1
Copper-64	100
Dysprosium-165	10
Dysprosium-166	100
Erbium-169	100
Erbium-171	100
Europium-152 9.2h	100
Europium-152 13 yr	1
Europium-154	1
Europium-155	10
Fluorine-18	1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-72	10
Germanium-71	100
Gold-198	100
Gold-199	100
Hafnium-181	10
Holmium-166	100
Hydrogen-3	1,000
Indium-113m	100
Indium-114m	10
Indium-115m	100
Indium-115	10
Iodine-125	1
Iodine-126	1
Iodine-129	0.1
Iodine-131	1
Iodine-132	10
Iodine-133	1
Iodine-134	10
Iodine-135	10
Iridium-192	10
Iridium-194	100
Iron-55	100
Iron-59	10
Krypton-85	100
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100
Manganese-52	10
Manganese-54	10
Manganese-56	10
Mercury-197m	100
Mercury-197	100
Mercury-203	10
Molbdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	100
Nickel-63	10
Nickel-65	100
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	10
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	100
Palladium-109	100
Phosphorus-32	10
Platinum-191	100
Platinum-193m	100
Platinum-193	100
Platinum-197m	100
Platinum-197	100
Plutonium-239	.01
Polonium-210	0.1
Potassium-42	10
Praseodymium-142	100
Praseodymium-143	100
Promethium-147	10
Promethium-149	10
Radium-226	.01
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	100
Rubidium-86	10
Rubidium-87	10
Ruthenium-97	100
Ruthenium-103	10
Ruthenium-105	10
Ruthenium-106	1
Samarium-151	10
Samarium-153	100
Scandium-46	10
Scandium-47	100
Scandium-48	10
Seleium-75	10
Silicon-31	100
Silver-105	10
Silver-110m	1
Silver-111	100
Sodium-24	10

Strontium-85	10
Strontium-89	1
Strontium-90	0.10
Strontium-91	10
Strontium-92	10
Sulphur-35	100
Tantalum-182	10
Techneium-96	10
Techneium-97m	100
Techneium-97	100
Techneium-99m	100
Techneium-99	10
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	100
Tellurium-129m	10
Tellurium-129	100
Tellurium-131m	10
Tellurium-132	10
Terbium-160	10
Thallium-200	100
Thallium-201	100
Thallium-202	100
Thallium-204	10
Thorium (natural) ¹	100
Thulium-170	10
Thulium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Uranium (natural) ²	100
Uranium-233	.01
Uranium-234—Uranium-235.	01
Vandium-48	10
Xenon-131m	1,000
Xenon-133	100
Xenon-135	100
Ytterbium-175	100
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10
Zirconium-95	10
Zirconium-97	10

Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition .01
 Any radionuclide other than alpha emitting radio-nuclides, not listed above or mixtures of beta emitters of unknown composition .1

¹Based on alpha disintegration rate of Th-232, Th-230 and their daughter products.

²Based on alpha disintegration rate of U-238, U-234, and U-235.

Source: 10 CFR Appendix B to Part 30—Quantities of Licensed Material Requiring Labeling

APPENDIX [E] C

Notes: The Board of Health amended §175.101 of the Health Code and its Appendices and Schedules on June 28, 2013 to ensure compatibility with applicable federal regulations, particularly relating to certain exempt quantities of byproduct material and 10 CFR Part 30 and its Appendices.

RESOLVED, that subdivision (g) of Section 175.102 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on June 27, 1994, be and the same hereby is amended to update requirements for certain radioactive materials licenses to ensure compatibility with applicable federal regulations, to be printed together with explanatory notes to read as follows:

(g) *General licenses.*

[(4) *Certain measuring, gauging or controlling devices.* (i) A general license is hereby issued to receive, possess or use radioactive material when contained in devices used at a fixed location and designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere, when such devices are manufactured or imported in accordance with the specifications contained in a specific license issued to the supplier by the Department, the U.S. Nuclear Regulatory Commission or an agreement state, and authorizing distribution under this general license or its equivalent, provided that:

(A) such devices are labeled in accordance with the provisions of the specific license which authorizes the distribution of the devices

(B) such devices bear a label containing the following or a substantially similar statement which contain the information called for in the following statement:

The transfer, receipt, possession or use of this device, Model² _____, Serial number² _____, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or of a State with which the Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. Removal of this label is prohibited.

CAUTION-RADIOACTIVE MATERIAL

(Name of supplier²)

¹ Regulations under the Federal Food, Drug and Cosmetic

Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in §121.3001 of 21 CFR Part 121.

² The model, serial number, and name of supplier may be omitted from this label provided they are elsewhere specified in the labeling affixed to the device.]

(4) *Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere.*

(i) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and federal, state or local government agencies to acquire, receive, possess, use or transfer, in accordance with the provisions of subparagraphs (ii), (iii) and (iv) of this paragraph, byproduct material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(ii)(A) The general license in subparagraph (i) of this paragraph applies only to byproduct material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in:

(a) A specific license issued under 10 CFR § 32.51;

(b) An equivalent specific license issued by an agreement state; or

(c) An equivalent specific license issued by a state with provisions comparable to 10 CFR § 32.51.

(B) The devices must have been received from one of the specific licensees described in clause (ii)(A) of this section or through a transfer made under clause (iii)(I) of this paragraph.

(iii) Any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in subparagraph (i) of this section:

(A) Shall assure that all labels affixed to the device at the time of receipt remain affixed, and bearing a statement that removal of the label is prohibited, and must comply with all instructions and precautions provided by such labels;

(B) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six month intervals or as frequently as is specified in the label; however:

(a) Devices containing only krypton need not be tested for leakage of radioactive material, and

(b) Devices containing only tritium or not more than 100 microcuries of other beta and/or gamma emitting material or 10 microcuries of alpha emitting material, and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

(C) Shall assure that the tests required by clause (iii)(B) of this paragraph and other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed:

(a) In accordance with the instructions provided by the labels; or

(b) By a person holding a specific license pursuant to Parts 30 and 32 of 10 CFR or from an agreement state to perform such activities;

(D) Shall maintain records showing compliance with the requirements of clauses (iii)(B) and (iii)(C) of this paragraph. The records must show the results of tests. The records also must show the dates of performance of, and the names of persons performing, testing, installing, servicing, and removing from the installation radioactive material and its shielding or containment. The licensee shall retain these records as follows:

(a) Each record of a test for leakage or radioactive material required by clause (iii)(B) of this paragraph must be retained for three years after the next required leak test is performed or until the sealed source is transferred or disposed of.

(b) Each record of a test of the on-off mechanism and indicator required by clause (iii)(B) of this paragraph must be retained for three years after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of.

(c) Each record that is required by clause (iii)(C) of this paragraph must be retained for three years from the date of the recorded event or until the device is transferred or disposed of.

(E) Shall immediately suspend operation of the device if there is a failure of, or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 bequerel (0.005 microcurie) or more removable radioactive material. The device may not be operated until it has been repaired by the manufacturer or other person holding a specific license to repair such devices that was issued under parts 30 and 32 or by an agreement state. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by a specific license to receive the byproduct material in the device or as otherwise approved by the U.S. Nuclear Regulatory Commission. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 0.005 microcurie or more removable radioactive material, or failure of or damage to a source likely to result in contamination of the premises or the environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use, must be furnished to the Department by the licensee within 5 days as required by §175.03(l)(7). Upon such a failure, damage, or possible indication of failure or damage, the Department may determine to apply the criteria set out in 10 CFR § 20.1402;

(F) Shall not abandon the device containing byproduct material;

(G) Shall not export the device containing byproduct material except in accordance with 10 CFR Part 110;

(H)(a) Shall transfer or dispose of the device containing byproduct material only by: export as provided by clause (iii)(G) of this paragraph; transfer to another general licensee as authorized in clause (iii)(I) of this paragraph; transfer to a person authorized to receive the device by a specific license issued under Parts 30 and 32 of 10 CFR; transfer to a person authorized to collect waste under Part 30 of 10 CFR or the

equivalent regulation of an agreement state; or transfer as otherwise approved under item (iii)(H)(c) of this paragraph.

(b) Shall, within 30 days after the transfer of a device to a specific licensee or export, furnish a report to the Department. The report must contain: (I) The identification of the device by the manufacturer's (or initial transferor's) name, model number, and serial number; (II) The name, address, and license number of the person receiving the device (license number not applicable if exported); and (III) The date of the transfer.

(c) Shall obtain written Department approval before transferring the device to any licensee not specifically identified in item (iii)(H)(a) of this paragraph; however, a holder of a specific license may transfer a device for possession and use under its own specific license without prior approval, if, the holder:

(I) Verifies that the specific license authorizes the possession and use, or applies for and obtains an amendment to the license authorizing the possession and use;

(II) Removes, alters, covers, or clearly and unambiguously augments the existing label (otherwise required by clause (iii)(A) of this paragraph) so that the device is labeled in compliance with 10 CFR § 20.1904; however the manufacturer, model number, and serial number must be retained;

(III) Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and

(IV) Reports the transfer under item (iii)(H)(b) of this paragraph.

(I) Shall transfer the device to another general licensee only if:

(a) The device remains in use at a particular location. In this case, the transferor must give the transferee a copy of this section (§175.102), copies of 10 CFR §§ 20.2201, 20.2202, 30.51, 31.2, and 31.5 and any safety documents identified in the label of the device. Within 30 days of such a transfer, the transferor shall report to the Department;

(I) The manufacturer's (or initial transferor's) name;

(II) The model number and the serial number of the device transferred;

(III) The transferee's name and mailing address for the location of use; and

(IV) The name, title, and phone number of the responsible individual identified by the transferee in accordance with clause (iii)(L) of this paragraph to have knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements; or

(b) The device is held in storage in the original shipping container by an intermediate person at its intended location of use prior to initial use by a general licensee.

(J) Shall comply with the provisions of 10 CFR §§ 20.2201 and 20.2202 for reporting radiation incidents, theft or loss of licensed material, but pursuant to 10 CFR § 31.5(c)(10), is exempt from the other requirements of 10 CFR Parts 19, 20, and 21.

(K) Shall respond to written requests from the Department or U.S. Nuclear Regulatory Commission to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it must, within that same time period, request more time to supply the information by providing a written justification for the request to the Department.

(L) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, must ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard.

(M)(a) Except as provided in item (iii)(M)(d) of this paragraph, shall register, in accordance with items (iii)(M)(b) and (c) of this paragraph, devices containing at least 370 megabecquerels (10 millicuries) of cesium-137, 3.7 megabecquerels (0.1 millicurie) of strontium-90, 37 megabecquerels (1 millicurie) of cobalt-60, 3.7 megabecquerels (0.1 millicurie) of radium-226, or 37 megabecquerels (1 millicurie) of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each address for a location of use, as described under subitems (iii)(M)(c)(IV) of this paragraph, represents a separate general licensee and requires a separate registration and fee as specified in this Code.

(b) If in possession of a device meeting the criteria of item (iii)(M)(a) of this paragraph, must register these devices annually with the Department and must pay the fee required by §5.07 of this Code. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the Department. The registration information must be submitted to the Department within 30 days of the date of the request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices meeting the criteria of item (iii)(M)(a) of this paragraph is subject to the bankruptcy notification requirement in 10 CFR § 30.34(h) and §175.101(k)(1)(vi).

(c) In registering any device meeting the criteria listed in item (iii)(M)(a) of this paragraph, the general licensee must furnish the following information and any other information specifically requested by the Department: (I) Name and mailing address of the general licensee.

(II) Information about each device: the manufacturer (or initial transferor), model number, serial number, the radioisotope and activity (as indicated on the label).

(III) Name, title, and telephone number of the responsible person designated as a representative of the general licensee under clause (i)(L) of this paragraph.

(IV) Address or location at which each device is used or stored. For portable devices, the address of the primary place of storage.

(V) Certification by the responsible representative of the general licensee that the information concerning each device has been verified through a physical inventory and checking

of label information.

(VI) Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.

(d) A person generally licensed by an agreement state with respect to any device meeting the criteria in item (iii)(M)(a) of this paragraph are not subject to the registration requirements of this clause if the device is used in an area subject to NRC jurisdiction for less than 180 days in any calendar year. The Department will not request registration information from such a licensee.

(N) Shall report any change to the mailing address for the location of use (including change in name of general licensee) to the Department within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage.

(O) May not hold any device that is not in use for longer than 2 years. When any device with shutters is not being used, the shutter must be locked in the closed position. The testing required by clause (iii)(B) of this paragraph need not be performed during a period of storage only. However, when a device is put back into service or transferred to another person, and has not been tested within the required test interval, it must be tested for leakage before use or transfer, and the shutter tested before use. Any devices kept in standby for future use is excluded from the two-year time limit in this clause if the general licensee performs quarterly physical inventories of any such device while it is in standby.

(iv) The general license in subparagraph (i) of this paragraph does not authorize the manufacture or import of devices containing byproduct material.

(5) Labeling of devices

(i) (A) Each person licensed under 10 CFR § 32.57 shall affix to each source, or storage container for the source, a label which contains sufficient information relative to safe use and storage of the source and includes the following statement, or a substantially similar statement which contains the information called for in the following statement:

(B) "The receipt, possession, use, and transfer of this source, Model _____, Serial No. _____, are subject to a general license and the regulations of the United States Nuclear Regulatory Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label. CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS AMERICIUM-241 (or RADIUM-226). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of manufacturer or initial transferor)"

(C) such devices shall be installed on the premises of the general licensee by a person authorized to install such devices under a specific license issued to the installer by the Department, the U.S. Nuclear Regulatory Commission or an agreement state, if a label affixed to the device at the time of receipt states that installation by a specific licensee is required. This requirement does not apply while devices are held in storage in the original shipping container pending installation by a specific licensee.

(ii) Persons who receive, possess or use a device pursuant to the general license [of §175.102(g)(3)(i)] issued under this subdivision:

(D) shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at the time of installation of the device or replacement of the radioactive material on the premises of the general licensee and thereafter at least every six (6) months or at such longer intervals not to exceed three (3) years as are specified in the label required by [§175.102(g)(3)(i)(A)] §175.102(g)(5)(i)(A) provided, that devices containing only krypton-85 need not be tested for leakage, and devices containing only hydrogen-3 need not be tested for any purpose;

(E) shall have all the tests required by [§175.102(g)(3)(ii)(D)] §175.102(g)(5)(i)(D) and all other services involving the radioactive material, its shielding and containment, performed by the supplier or other person duly authorized by a specific license issued by the Department, the U.S. Nuclear Regulatory Commission or an agreement state, to manufacture, install or service such devices;

[(4)] (6) Luminous safety devices for aircraft.

[(5)] (7) Calibration and reference sources.

[(6)] (8) Ice detection devices.

(9) Certain items and self-luminous products containing radium-226.

(i) A general license is hereby issued to any person to acquire, receive, possess, use, or transfer, in accordance with the provisions of subparagraphs (i), (ii), and (iii) of this paragraph, radium-226 contained in the following products manufactured prior to November 30, 2007.

(A) Antiquities originally intended for use by the general public. For the purposes of this clause, "antiquities" means products, originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts, and healing pads.

(B) Intact timepieces containing greater than 0.037 megabecquerel (1 microcurie), nonintact timepieces, and timepiece hands and dials no longer installed in timepieces.

(C) Luminous items installed in air, marine, or land vehicles.

(D) All other luminous products, provided that no more than 100 items are used or stored at the same location at any one time.

(E) Small radium sources containing no more than 0.037 megabecquerel (1 microcurie) of radium-226. For the

purposes of this clause, "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources used in educational demonstrations (such as cloud chambers and spinthariscopes), electron tubes, lightning rods, ionization sources, static eliminators, or other items as designated by the U.S. Nuclear Regulatory Commission.

(ii) Persons who acquire, receive, possess, use, or transfer byproduct material under the general license issued in subparagraph (i) of this paragraph are exempt from the applicable provisions of this Code, to the extent that the receipt, possession, use, or transfer of byproduct material is within the terms of the general license; provided, however, that this exemption does not apply to any such person specifically licensed under this Code.

(iii) Any person who acquires, receives, possesses, uses, or transfers byproduct material in accordance with the general license in subparagraph (i) of this paragraph:

(A) Shall notify the Department and the U.S. Nuclear Regulatory Commission if there is any indication of possible damage to the product that appears as if it could result in a loss of the radioactive material. A report containing a brief description of the event and the remedial action taken, must be furnished to the Department and to the Director of the Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 within 30 days.

(B) Shall not abandon or dispose of products containing radium-226 (as required by 10 CFR § 31.12(c)(2)). The product, and any radioactive material from the product, may only be disposed of according to 10 CFR § 20.2008 or by transfer to a person authorized by a specific license to receive the radium-226 in the product or as otherwise approved by the Department.

(C) Shall not export products containing radium-226 except in accordance with 10 CFR Part 110.

(D) Shall dispose of products containing radium-226 at a disposal facility authorized to dispose of radioactive material in accordance with any federal, state or City solid or hazardous waste law, including the federal Solid Waste Disposal Act, by transfer to a person authorized to receive radium-226 by a specific license issued under §175.101 of this Code, or equivalent regulations of U.S. Nuclear Regulatory Commission or of an agreement state, or as otherwise approved by the U.S. Nuclear Regulatory Commission.

(E) Shall respond to written requests from the Department or the U.S. Nuclear Regulatory Commission to provide information relating to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the general licensee cannot provide the requested information within the allotted time, it shall, within that same time period, request a longer period to supply the information by providing the Department or the U.S. Nuclear Regulatory Commission a written justification for the request.

(iv) The general license in subparagraph (i) of this paragraph does not authorize the manufacture, assembly, disassembly, repair, or import of products containing radium-226, except that timepieces may be disassembled and repaired.

Notes: The Board of Health amended §175.102 of the Health Code on June 28, 2013 to ensure compatibility with applicable federal regulations, particularly relating to specific types of licenses and certain exempt quantities of byproduct material and 10 CFR Part 31.

RESOLVED, that subdivision (d) of Section 175.103 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on March 23, 2011, be and the same hereby is amended to update internal cross-references for medical use of certain radioactive materials to ensure compatibility with applicable federal regulations, to be printed together with explanatory notes to read as follows:

(d) *Unsealed Byproduct Material—Written Directive Not Required.*

(1) *Use of unsealed byproduct material for uptake, dilution, and excretion studies for which a written directive is not required.* Except for quantities that require a written directive under §175.103[(e)] (b)(6) of this Code, a licensee may use any unsealed byproduct material prepared for medical use for uptake, dilution, or excretion studies that is—

(2) *Use of unsealed byproduct material for imaging and localization studies for which a written directive is not required.* Except for quantities that require a written directive under §175.103[(e)] (b)(6) of this Code, a licensee may use any unsealed byproduct material prepared for medical use for imaging and localization studies that is—

Notes: The Board of Health amended §175.103 of the Health Code on June 28, 2013 to update internal cross-references for medical use of certain radioactive materials to ensure internal accuracy and compatibility with applicable federal regulations.

RESOLVED, that subdivisions (a) and (f) Section 175.104 of Article 175 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be and the same hereby is amended to ensure compatibility with applicable federal regulations relating to waste disposal of byproduct material, to be printed together with explanatory notes to read as follows:

(a) *General requirements.* (1) A licensee shall dispose of licensed material only:

(iv) as authorized [pursuant to §175.104(b), (c), (d) or (e)] under 10 CFR §§ 20.2002, 20.2003, 20.2004, 20.2005, or 20.2008.

(2) A person shall be specifically licensed to receive waste containing licensed material from other persons for:

(v) [storage until transferred to a storage or disposal facility authorized to receive the waste] disposal at a geologic repository under 10 CFR Parts 60 or 63.

(3)(i) The licensed material that is described in subparagraphs (iii) and (iv) of the definition of byproduct material set forth in paragraph (34) of §175.02, may be disposed of in accordance with 10 CFR Part 61 or the equivalent regulations of an agreement state, even though it is not defined as low-level radioactive waste. Therefore, any licensed byproduct material being disposed of at a facility, or transferred for ultimate disposal at a facility licensed under 10 CFR Part 61 must meet the requirements of 10 CFR § 20.2006.

(ii) A licensee may dispose of byproduct material described in subparagraphs (iii) and (iv) of the definition of byproduct material set forth in paragraph (34) of §175.02, at a disposal facility authorized to dispose of such material in accordance with any federal, state or City solid or hazardous waste law, including the federal Solid Waste Disposal Act, as authorized under the federal Energy Policy Act of 2005.

[(3)] (4) A licensee or applicant for a license shall obtain any permits required by the New York State Department of Environmental Conservation pursuant to 6 NYCRR Part 380, or any successor law or regulation.

[(4)] (5) A licensee or applicant for a license shall develop, document and implement a discharge minimization program required by the New York State Department of Environmental Conservation pursuant to 6 NYCRR Section 380-7, or any successor law or regulation.

(f) *Transfer for disposal and manifests.*

(5) Any licensee shipping byproduct material described in the definition of byproduct material set forth in subparagraphs (iii) and (iv) of paragraph (34) of §175.02, intended for ultimate disposal at a land disposal facility licensed under 10 CFR Part 61 must document the information required on the NRC's Uniform Low-Level Radioactive Waste Manifest and transfer this recorded manifest information to the intended consignee in accordance with 10 CFR Part 20, Appendix G.

(6) The licensee or applicant for a license shall comply with the requirements of the New York State Department of Environmental Conservation as codified in 6 NYCRR Part 381, or any successor law or regulation.

Notes: The Board of Health amended §175.104 of the Health Code on June 28, 2013 to ensure compatibility with applicable federal regulations, particularly relating to waste disposal of byproduct material.

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NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLES 3 AND 151 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Articles 3 and 151 of the New York City Health Code (the "Health Code") was published in the City Record on April 22, 2013 and a public hearing was held on May 23, 2013. No testimony or written comments were received, and no changes have been made to the resolution. At its meeting on June 28, 2013, the Board of Health adopted the following resolution.

Statement of Basis and Purpose

Statutory Authority

These amendments to the New York City Health Code (the "Health Code") are issued in accordance with §§556, 558, 1043 and 1046 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the "Department") with authority to regulate all matters affecting health in the city of New York. Paragraphs (b) and (c) of §558 of the Charter empower the Board of Health (the "Board") to amend the Health Code and provide how the Health Code will be enforced. Section 1043 of the Charter gives the Department rulemaking powers and §1046 authorizes City agencies to adopt rules governing adjudications.

Background of Amendments

On November 2, 2010, New York City voters approved Charter revisions including an amendment authorizing the Mayor, by Executive Order, to consolidate certain administrative tribunals into OATH. In addition, the Charter amendment required the establishment of a committee whose mandate was to recommend which tribunals or types of cases should be transferred to OATH. The Mayor's Committee on Consolidation of Administrative Tribunals ("Mayor's Committee") issued its "Report and Recommendations," dated June 7, 2011, containing an Appendix with recommended modifications to rules of the various tribunals ("Report" and "Appendix").

By Executive Order No. 148 (June 8, 2011) (the "Executive Order"), the Mayor ordered the "transfer of the administrative tribunals established by the Board of Health pursuant to Section 558 of the Charter" to OATH, effective July 3, 2011. According to the Executive Order, certain provisions of the Health Code and other Rules of the City of New York pertaining to the Department's Administrative Tribunal, as well as some additional interim procedures, would be deemed interim rules of OATH in accordance with the Mayor's Committee's Report and Appendix. These provisions, rules, and procedures, were designated interim rules until OATH itself completed official rulemaking in accordance with the Charter.

At its meeting on December 13, 2011, the Board adopted a Resolution repealing Article 7 ("Administrative Tribunal") of the Health Code, and amending other provisions of the Health Code that refer to Article 7 and/or the Administrative Tribunal. Certain provisions of Article 7 survived the transfer to OATH and were added to Article 3 ("General Provisions")

of the Health Code. These provisions, incorporated in a new §3.12 ("Administrative Tribunal") became effective July 20, 2012 when the OATH rules for the OATH Health Tribunal became effective.

Section 3.12 of the Health Code was further amended by the Board at its June 12, 2012 meeting (also made effective July 20, 2012) to provide for service of notices of violations (NOVs) returnable to the Environmental Control Board (ECB) ("Administrative Tribunal and Environmental Control Board proceedings"), which under the Charter has concurrent jurisdiction with the former Administrative Tribunal to adjudicate NOVs issued for violations of the Health Code. ECB's rules provide that NOVs returnable to ECB that are not served personally pursuant to Charter §1049-a(d)(2) may be served "alternatively as provided by the statute, rule or other provision of law governing the violation alleged." 48 RCNY §3-31 (c).

As amended, Health Code §3.12 (c) currently provides that NOVs returnable to ECB may be served personally, or by any form of mail delivery "that provides proof of mailing and receipt." Health Code §151.05, which was adopted by the Board on March 15, 2011 and provides for hearing of NOVs returnable to ECB, similarly requires proof of mailing and receipt. The Department has been serving NOVs returnable to ECB by US Postal Service (USPS) first class mail. Although no return receipt is provided with this method of mailing, a uniquely numbered certificate of mailing provided by the USPS was used to track delivery. Until recently, the USPS website reported the actual address where the NOV was delivered and the date and time of its delivery when the number of the certificate of mailing was entered online. The USPS website, however, no longer provides address-specific information, but only the zip code where the mail was delivered. Because Health Code §3.12 (c) currently requires proof of receipt of the NOV, ECB has advised the Department that NOVs mailed this way will be dismissed if service of the NOV is challenged by the respondent. The dismissals will be automatic and occur even though respondents receive their NOVs and appear at their hearings. Accordingly, the Board is further amending §3.12 (c) and §151.05 (b) to delete the requirement that it prove receipt of an NOV as an essential element of service to avoid these dismissals.

City agencies are authorized by §1046(b) of the Charter to make rules governing service of notices of adjudicatory hearings, as well as other elements of such proceedings; how notice is to be proved is not specified.

"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.

The resolution is as follows:

Deleted material is in [brackets]; new text is underlined.

RESOLVED, that paragraph (2) of subdivision (c) of §3.12 of Article 3 (General Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is amended, to be printed together with explanatory notes as follows:

§3.12 Administrative Tribunal and Environmental Control Board proceedings.

* * *
(c) *Service of notices of violations returnable to the Environmental Control Board.*

(1) *Personal service.* Notices of violation returnable to the Environmental Control Board may be served in person upon (i) the person alleged to have committed the violation, (ii) the permittee or registrant, (iii) the person who was required to hold the permit or to register, (iv) a member of the partnership or other group concerned, (v) an officer of the corporation, (vi) a member of a limited liability company, (vii) a management or general agent, or (viii) any other person of suitable age and discretion as may be appropriate, depending on the organization or character of the person, business, or institution charged.

(2) *Service by mail.* Notices of violation returnable to the Environmental Control Board may be served by [certified or registered] mail [through] deposited with the U.S. Postal Service, or [by any type of mail utilizing] any other mailing service [that provides proof of mailing and receipt,] to any such person at the address of the premises that is the subject of the NOV or, as may be appropriate, at the residence or business address of (i) the alleged violator, (ii) the individual who is listed as the permittee or applicant in the permit issued by the Board or the Commissioner or in the application for a permit, or (iii) the registrant listed in the registration form. In the case of service by mail, documentation of [delivery or receipt provided by the delivery or] mailing [service is] is sufficient proof of service of the notice of violation.

* * *
Notes: Paragraph (2) of subdivision (c) of §3.12 was amended by resolution adopted June 28, 2013, to clarify that mail service of notices of violation returnable to the Environmental Control Board is sufficient if proof of mailing alone is shown.

RESOLVED, that subdivision (b) of §151.05 of Article 151 (Rodents, Insects and Other Pests) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is amended, to be printed together with explanatory notes as follows:

§151.05 Notices of violation.

* * *
(b) Service of a notice of violation. A notice of violation shall be served by delivery to an owner or other person in control of property or premises, upon a member of the partnership, limited liability company or other group, upon an officer, director or managing agent of a corporation, or upon any other person of suitable age and discretion owning or in control of such property. Service may be made to such person(s) at the address of the premises that is the subject of the NOV or at such person's last known residence or business address,

(1) By personal delivery in accordance with Article 3 of the New York Civil Practice Law and Rules or Article 3 of the Business Corporations Law; or

(2) By [certified or registered] mail delivered by the U.S. Postal Service or by any other type of mailing [or delivery] service, [that provides proof of mailing or receipt by the respondent.] Documentation of [delivery or receipt provided by the delivery or] mailing [service] shall be sufficient proof of service of the notice of violation.

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NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 5 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 5 of the New York City Health Code (the "Health Code") was published in the City Record on April 22, 2013 and a public hearing was held on May 23, 2013. No testimony was given, one written comment was received, and no changes have been made to the resolution. At its meeting on June 28, 2013, the Board of Health adopted the following resolution.

STATEMENT OF BASIS AND PURPOSE

Statutory authority

These amendments to the New York City Health Code (the "Health Code") are made in accordance with §§ 556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the "Department") with the authority to regulate all matters affecting health in the City of New York. Sections 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters over which the Department has authority. Section 1043 of the Charter gives the Department rulemaking powers.

Basis and purpose of the changes

1. Adding a new §5.04 re: operation without a permit.

The Board is amending Article 5 of the Health Code to add a new §5.04, authorizing the Department to padlock and seal premises where businesses are operating without required permits. The term permit, as defined in §5.03(b) of the Health Code, includes licenses and registrations.

Several times a year, the Department identifies businesses operating without the permits required by the Health Code. These businesses include swimming pools and spas, pet shops, food service establishments, animal shelters, animal grooming and kennel facilities and commercial stables. The Department regards such businesses, which are unregulated and uninspected, as nuisances, inherently dangerous to life or health. The definition of a nuisance and the Department's authority to order the abatement of a nuisance derive from New York City Administrative Code ("Administrative Code") §17-142 *et seq.*

Currently, if the Department identifies an unpermitted business and determines that the operators of the business are unwilling to obtain the necessary permit, it orders the operators of the business to cease and desist operation. The Department also orders the owners of the building in which the business is located to take whatever measures may be necessary to prohibit the operation of the unpermitted business on their property. If the business continues to operate without obtaining a necessary permit, the Department schedules a hearing at the City Office of Administrative Trials and Hearings (OATH) Tribunal, where the business operator and property owner may show cause why the Department should not padlock and seal the premises, pursuant to the Department's nuisance abatement authority under Administrative Code §17-145.

The amendment to Article 5 codifies this practice in the Health Code, providing notice to businesses of the likely consequences of operating without necessary permits or in violation of orders to cease and desist from operation, and enables the Department to continue acting expeditiously to protect public health. This remedy will be utilized only when the Department has conducted a thorough investigation and has exhausted less stringent measures to obtain compliance with permitting or other Health Code requirements, such as meetings, telephone calls or correspondence with the operator of an unpermitted business or the property owner.

2. Amending §5.05(d) re: requiring e-mail addresses for non-emergency communications.

Health Code §5.05(c) requires a permit application to contain all information required by the Department. In December 2011, as part of an extensive revision of Article 5 ("General Permit Provisions") of the Health Code, §5.05(d) was amended to require permit applicants to provide in their applications for new and renewal permits an "[e]-mail address and other information to enable the Department to contact the permitted entity in an emergency."

This addition was made in response to a comment received from the New York State Restaurant Association on earlier revisions to Article 81 ("Food Preparation and Food Establishments") of the Health Code that stated:

We suggest that the Department develop a system to collect the email addresses of DOH permit holders, FSE owners and their agents. This system could be used [as] a vehicle for the DOH to disseminate important information regarding permit renewals, changes to the Health Code, public hearings and other important information.

The Department agrees with the New York State Restaurant Association that all permittees would benefit from e-mail notifications and should be required to provide e-mail addresses. Thus, Health Code §5.05(d) is being broadened to allow the Department to collect and use e-mail addresses

from all permittees to send them information about non-emergency matters, such as newsletters generally promoting food and environmental safety, proposed Health Code changes, and other issues of educational and technical interest to permittees in the many areas regulated by the Department. As required under applicable laws, the Department will continue to mail and personally serve letters denying issuance of new permits, Commissioner's orders, notices of violation, and permit or license renewal applications; and will continue to publish proposed amendments to the Health Code.

E-mail is a medium that provides for the immediate and timely, but also cost-efficient, communication of educational materials, information on rule changes, and other important notices. Electronic communication conserves increasingly limited staff resources and saves considerable amounts of money in mailing and reproduction costs. Such communication aids the Department in protecting and promoting the health of all New Yorkers, and helps it foster productive working relationships with regulated businesses.

The Department's Bureau of Child Care already uses electronic communication to notify permittees of proposed Health Code amendments as well as changes in policies, reporting requirements, and other information affecting a permittee's operation of a child care service. The Bureau has required applicants for new and renewal child care service permits to provide "proof of the service's ability to receive electronic communications" since September 2009, when the Board amended Article 47 of the Health Code. Health Code §§ 47.09(a) and (c) require e-mail addresses for the child care service's education director and for one or more other persons designated by the service permittee to receive electronic communications from the Department.

Finally, the Department does not expect this change to overly burden permittees and applicants for new permits. During the week of January 7, 2013, the Department surveyed applicants at the Citywide Licensing Center for Department restaurant permits and found that 57 of the 65 surveyed persons had an e-mail address; and that 49 had used both computers and mobile phones (n=39) to access e-mail for business communications during the past five days, or used either computers (n=5) or a mobile phone (n=1) for the same purpose. Although several persons said they had no interest in obtaining an e-mail address, others said that they could obtain one if they needed it, knew that they would be able to set up a free e-mail account with an internet service provider, and could access their e-mail through family or friends or at nearby public libraries if they were required to have an e-mail address.

Accordingly, the Board is amending §5.05(d) of the Health Code to clarify that communication other than emergency messages may be conveyed by e-mail to permitted entities.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the text below, unless otherwise specified or unless the context clearly indicates otherwise.

The resolution is as follows:

Matter to be deleted is in brackets []

New matter is underlined>

RESOLVED, that Article 5 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be amended, to add a new §5.04 to be printed together with explanatory notes as follows:

§5.04 Operating without a permit; sanctions.

(a) Operation without a permit deemed a nuisance. Operating a business or conducting an activity regulated by the Health Code ("Code") without the permit required by the Code is hereby declared a nuisance.

(1) No person may operate a business or conduct an activity regulated by the Code without the permit required by the Code.

(2) No person may allow the operation of a business or conducting of an activity regulated by the Code in any property owned by such person unless the person operating such business or conducting such activity has a permit required by the Code.

(b) Order to cease and desist. When the Department determines that a business or activity regulated by the Code is being operated or conducted without the permit required by the Code, the Commissioner or designee may order the person operating the business or conducting the activity to cease and desist from such business or activity. The Department may also order the person who owns the premises in which the business is operated or activity is conducted to take whatever action may be necessary to prohibit such business or activity from continuing on such premises.

(c) Sealing and padlocking. If the business or activity ordered to cease and desist continues without the required permit, the Commissioner or designee may, after providing a hearing at the City Office of Administrative Trials and Hearings (OATH) for the person operating such business or conducting such activity and the owner of the premises, take any measure authorized by the Code or other applicable law to enforce an order to cease and desist. Such measures may include, but are not limited to, ordering and arranging for the premises to be sealed and padlocked.

Notes: §5.04 was added to Article 5 by resolution adopted by the Board of Health on June 28, 2013 to provide notice to persons operating a business or conducting an activity without a permit required by the Code, that such business or activity is deemed a nuisance and is subject to padlocking and sealing if the operators do not cease and desist from such business or activity.

RESOLVED, that §5.05 of Article 5 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes as follows:

§5.05 Applications.

* * *

(d) Application contents. [The] In addition to the following information, the application shall be accompanied by such other information, evidence or documentation as the Department may require or as may be provided for in this Code or other applicable law enforced by the Department[, including but not limited to the following]. The application shall, at a minimum, include:

(1) The name, age, gender, residence and business address, and telephone numbers of the permittee, each member of partnership, limited liability company or group, and each officer of the corporation, as applicable.

(2) The ability of the permittee, or of its individual members or officers, to read and write English.

(3) To the extent that such information is relevant to the conduct of the business, trade, occupation or other activity under permit, information concerning the permittee, its individual members or officers, relating to education, training or experience, moral character, physical health, addiction to alcohol or habit-forming drugs, history of prior criminal conviction, including violations and offenses, history of mental illness, and record of insolvency or bankruptcy.

(4) Proof of current Workers' Compensation and Disability Benefits insurance coverage for all employees, or of a certificate of exemption filed with the Workers' Compensation Board.

(5) [E-mail address and other information to enable the Department to contact the permitted entity in an emergency.] The e-mail address of (i) the individual owner of the permitted business, (ii) the person exercising daily management and control of the permitted business, or (iii) the person who is authorized by law to accept service of process on behalf of the permittee.

(6) Any information that the Department determines may be necessary in order to contact the permittee in the event of an emergency.

* * *

Notes: Paragraph (5) of subdivision (d) was amended by resolution adopted on June 28, 2013 to require that every applicant for a Department permit provide an e-mail address for the owner or another person responsible for the management and control of the business or activity.

RESOLVED, that the Table of Section Headings in Article 5 (General Permit Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York,

be amended to be printed together with explanatory notes to read as follows:

**ARTICLE 5
GENERAL PERMIT PROVISIONS**

- §5.01 Scope.
- §5.03 Definitions.
- §5.04 **Operating without a permit; sanctions.**
- §5.05 **Applications.**
- ***
- §5.21 **Appeal to Board; stay of action.**

Notes: Article 5 was further amended by resolution adopted on June 28, 2013 to add a new §5.04 to provide notice to persons operating a business or conducting an activity without a permit required by the Code, that such business or activity is deemed a nuisance and is subject to padlocking and sealing if the operators do not cease and desist from such business or activity.

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SPECIAL MATERIALS

COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007 on July 18, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
47	15968	10
48	15968	9
49	15968	8
50	15968	7
51	15968	6
53	15968	3
57	15937	27
58	15937	25

Acquired in the proceeding, entitled: BEACH 46TH STREET, subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

jy3-18

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 1200, New York, NY 10007 on June 27, 2013, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

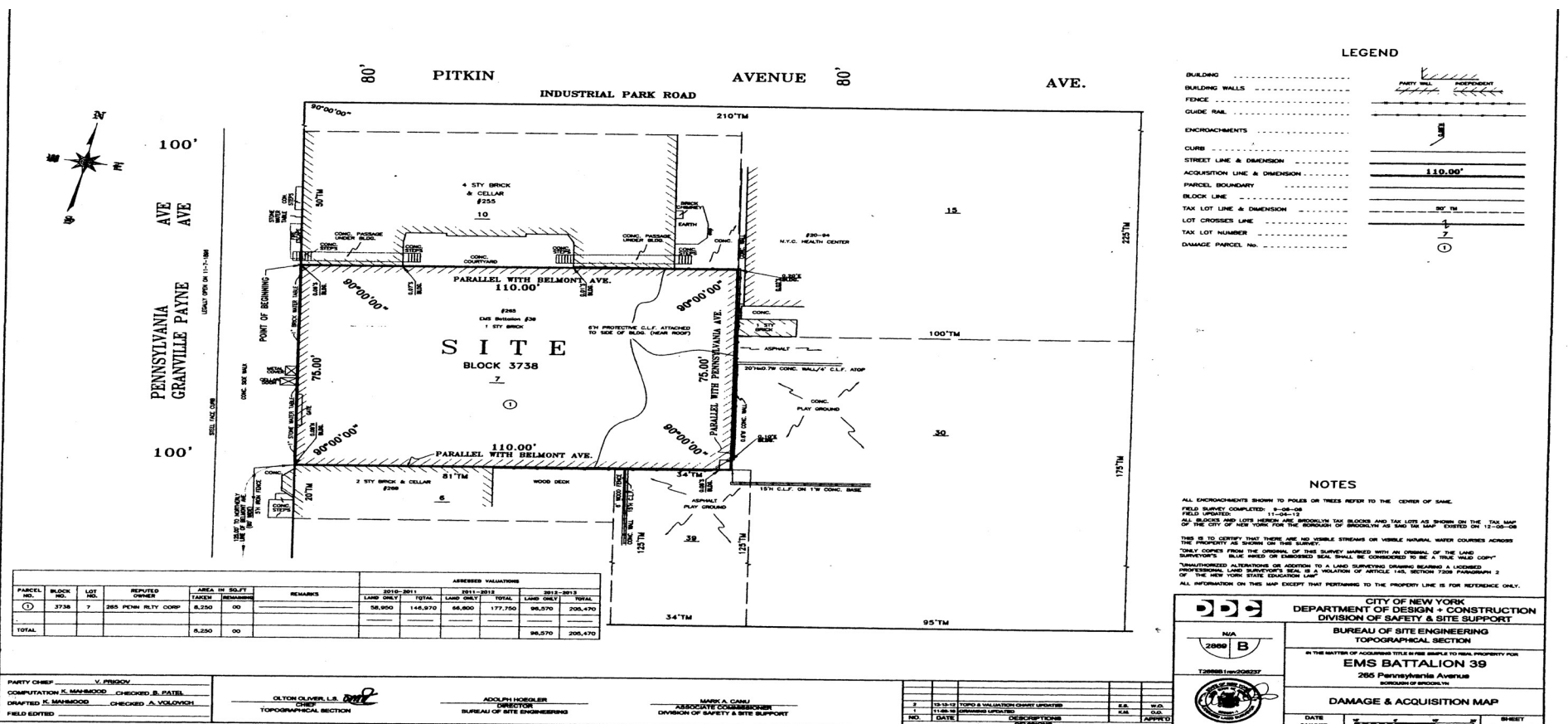
Damage Parcel No.	Block	Lot
37	15968	29
38	15968	27
39	15968	26
40	15968	24
41	15968	19
44	15968	14
45	15968	12

Acquired in the proceeding, entitled: BEACH 46th Street subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C LIU
NEW YORK CITY COMPTROLLER

j27-12

COURT NOTICE MAP FOR EMS BATTALION 39 AT 265 PENNSYLVANIA AVENUE



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, 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. 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 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.

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.

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 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

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 & 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.

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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