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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY COUNCIL

■ NOTICE

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearing on the matter indicated below:
The Subcommittee on Landmarks, Public Sitings, and Dispositions will hold a public hearing, accessible remotely and



in person at 250 Broadway, 14th Floor, New York, NY 10007, on the following matters commencing at 10:00 A.M. on July 20, 2023. The hearing will be live-streamed on the Council's website at <https://council.nyc.gov/live/>. Please visit <https://council.nyc.gov/land-use/> in advance for information about how to testify and how to submit written testimony.

NEW 696-SEAT PRIMARY SCHOOL QUEENS CB - 9 G 230029 SCQ

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new approximately 696-seat primary school, located on a site bounded by Jamaica Avenue to the north, 121st Street to the east, and 120th Street to the west (Block 9330, Lots 1, 8, 10, and 12) in the Richmond Hill neighborhood of Queens, Council District 29, Community School District 27.

For questions about accessibility and requests for additional accommodations, please contact swerts@council.nyc.gov or nbenjamin@council.nyc.gov or (212) 788-6936 at least three (3) business days before the hearing.

Accessibility questions: [Kaitlin Greer, kgreer@council.nyc.gov](mailto:kaitlin.greer@council.nyc.gov), by: Monday, July 17, 2023, 3:00 P.M.



jy14-20

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

The City Planning Commission will hold a public hearing accessible both in-person and remotely via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, July 26, 2023, regarding the calendar items listed below. The public hearing will be held in person in the NYC City Planning Commission Hearing Room,

Lower Concourse, 120 Broadway, New York, NY. Anyone attending the meeting in-person is encouraged to wear a mask.

The meeting will be live streamed through Department of City Planning's (DCP's) website and accessible from the following webpage, which contains specific instructions on how to observe and participate, as well as materials relating to the meeting: <https://www.nyc.gov/site/nycengage/events/city-planning-commission-public-meeting/429097/1>

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

877 853 5247 US Toll-free
888 788 0099 US Toll-free
253 215 8782 US Toll Number
213 338 8477 US Toll Number

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

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

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

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

**CITYWIDE
No. 1**

CITY OF YES FOR CARBON NEUTRALITY

CITYWIDE N 230113 ZRY
IN THE MATTER OF an application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to remove impediments to, and expand opportunities for, decarbonization projects within all zoning districts.

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

**ARTICLE I
GENERAL PROVISIONS**

**Chapter 2
Construction of Language and Definitions**

* * *

**12-00
RULES FOR CONSTRUCTION OF LANGUAGE**

* * *

**12-10
DEFINITIONS**

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

* * *

Accessory use, or accessory

An "accessory use":

- (a) is a use conducted on the same zoning lot as the principal use to which it is related (whether located within the same or an accessory building or other structure, or as an accessory use of land), except that, where a principal #use# is located on two or more contiguous #zoning lots#, or #zoning lots# that would be contiguous but for the separation of #streets#, under the same single fee ownership or alternate ownership arrangements, such accessory use may serve all such #zoning lots#, and furthermore where specifically provided in the applicable district regulations or elsewhere in this Resolution, accessory docks, off-street parking or off-street loading need not be located on the same zoning lot; and
- (b) is a use which is clearly incidental to, and customarily found in

connection with, such principal use on the #zoning lot# or #zoning lots#, as applicable; and

- (c) is either in the same ownership as such principal #use#, or is operated and maintained on the same zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal #use#.

When "accessory" is used in the text, it shall have the same meaning as accessory use.

An #accessory use# includes, but is not limited to:

- (1) Living or sleeping accommodations for servants in connection with a #use# listed in Use Groups 1 and 2;
- (2) Living or sleeping accommodations for caretakers in connection with any #use# listed in Use Groups 3 through 18 inclusive, provided that:
 - (i) no #building# contains more than one living or sleeping accommodation for caretakers;
 - (ii) no such living or sleeping accommodation shall exceed 1,200 square feet of #floor area#;
 - (iii) the owner shall sign a Restrictive Declaration that any such caretaker will provide maintenance and/or repair services, and containing a list of services to be performed by such caretaker. Such Restrictive Declaration shall be recorded in the Office of the City Register, or, where applicable, the County Clerk's Office, of the county where the #building# is located. A copy of such declaration shall be provided to the Department of Buildings;
 - (iv) in C6-2M, C6-4M, M1-5M, M1-6M and M1-5B Districts, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#; and
 - (v) such living or sleeping accommodation shall not be considered a #residential use# or cause a #building# to be considered a #mixed building#.
- (3) Living or sleeping accommodations in connection with #commercial# or #manufacturing uses#, including living or sleeping accommodations in connection with a studio listed in Use Group 9, provided that:
 - (i) no #building# contains more than two kitchens; and
 - (ii) no such living or sleeping accommodations are located in a C7, C8 or #Manufacturing District#.
- (4) Keeping of domestic animals, but not for sale or hire. A #commercial# stable or kennel is not an #accessory use#.
- (5) Swimming pools not located within a #building# listed in Use Group 1 or 2, provided that:
 - (i) the #use# of such pools shall be restricted to occupants of the principal #use# and guests for whom no admission or membership fees are charged;
 - (ii) if #accessory# to a #use# listed in Use Group 2, except if such #use# is a #single-family# or #two-family residence#, the edge of the pool shall be located not less than 100 feet from any #lot line#;
 - (iii) if #accessory# to a #use# listed in Use Group 1 or Use Group 2, which #use# is a #single-family residence# or #two-family residence#, the edge of the pool shall be located not less than five feet from any #lot line#, except that such minimum distance between the edge of the pool and any #side lot line# may be not less than three feet in the case of lots less than 25 feet in width, providing that it is screened from adjoining lots by a six foot high continuous solid opaque fence along the #side lot line# adjacent to such pool. In the event that such pool is located between 50 and five feet from any #rear lot line# or #side lot line#, it shall be screened by a continuous fence supplemented with a strip of densely planted trees or shrubs at least four feet high at the time of planting along such #rear lot line# to such pool; and
 - (iv) illumination of such pools shall be limited to underwater lighting.
Swimming pool clubs are not #accessory uses#.
- (6) Domestic or agricultural storage in a barn, shed, tool room, or similar #building# or other structure#.
- (7) #Home occupations#.
- (8) A newsstand primarily for the convenience of the occupants of a #building#, which is located wholly within such #building# and

has no exterior #signs# or displays.

- (9) Incinerators.
- (10) In connection with #commercial# or #manufacturing uses#, the storage of goods normally carried in stock, used in, or produced by such #uses#, unless the storage is expressly prohibited under the applicable district regulation. The #floor area# used for such #accessory# storage shall be included in the maximum #floor area# permitted for specified #uses# set forth in the Use Groups.
- (11) Incidental repairs, unless expressly prohibited under the applicable district regulations. The #floor area# used for such #accessory# repairs shall be included in the maximum #floor area# permitted for specified #uses# set forth in the Use Groups.
- (12) The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a #building or other structure# on the same #zoning lot#, or in connection with the regrading of a #zoning lot#, but in the latter case, not below the legal #street# grade.
- (13) #Accessory# off-street parking spaces, ~~open or enclosed~~.
- (14) #Accessory# off-street loading berths.
- (15) #Accessory signs#.
- (16) #Accessory# radio or television towers.
- (17) #Accessory# activities when conducted underground as part of the operation of railroad passenger terminals, such as switching, storage, maintenance or servicing of trains.
- (18) #Accessory# sewage disposal plants, except such plants serving more than 50 #dwelling units#.
- (19) An ambulance outpost operated by or under contract with a government agency or a public benefit corporation and located either on the same #zoning lot# as, or on a #zoning lot# adjacent to, a #zoning lot# occupied by a fire or police station.
- (20) Electric vehicle charging in connection with parking facilities.
- (21) Solar energy systems-
- (20) Composting, without prohibition on the sale of compost to customers, or on the acceptance of organic material produced on another zoning lot.
- (21) #Accessory# mechanical equipment, including equipment serving the following #building# systems:
 - (i) mechanical, electrical, or plumbing systems;
 - (ii) fire protection systems;
 - (iii) power systems, including, energy generation systems such as solar or wind energy systems and generators; and
 - (iv) energy storage systems, where the amount of energy being stored shall not exceed 24 hours of the electrical load generated at peak demand by the principal #use# on the #zoning lot#. Where a #zoning lot# contains multiple #uses#, such calculation may be applied to the total demand of all the #uses# such power system is #accessory# to.

#Accessory# mechanical equipment shall be subject to the provisions of Sections 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS), or 37-20, as applicable.

* * *

Attached (building)

A #building# shall be considered "attached" when it #abuts# two #lot lines# other than a #street line#, or another #building# or #buildings# other than a #semi-detached building#.

Automated parking facility

An "automated parking facility" shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an #automated parking facility#.

Automotive service station

An "automotive service station" is a #building or other structure# or an open #use# on a #zoning lot#, or portion thereof, used exclusively for the storage and sale of gasoline or other motor fuels for motor vehicles, and for any #uses accessory# thereto.

The sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles with hand tools only, or the occasional washing of motor vehicles, or electric vehicle charging are permitted #accessory uses#.

A #public parking lot# or #public parking garage# is not a permitted #accessory use#.

* * *

Energy infrastructure equipment

"Energy infrastructure equipment" shall include renewable energy generation systems, such as solar or wind energy systems, and energy storage systems, such as fuel cells and batteries, which are essential throughout all districts in order to support the acceleration towards a distributed energy power grid with electricity from fully renewable sources.

#Energy infrastructure equipment# shall refer to equipment that is a principal #use# on a #zoning lot#. Where such equipment is #accessory# to another #use#, it shall be considered #accessory# mechanical equipment.

Provisions pertaining to #energy infrastructure equipment# shall apply to all types of energy generation systems, or energy storage systems, unless specific rules are otherwise specified, such as for solar and wind energy systems.

* * *

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

* * *

- (k) floor space that is or becomes unused or inaccessible within a #building#;
- (l) floor space that has been eliminated from the volume of an existing #building# in conjunction with the #development# of a new #building# or in the case of a major #enlargement#, as set forth in Section 11-31 (General Provisions); of another #building# on the same #zoning lot#;
- (m) floor space used for mechanical equipment that exceeds 50 square feet for the first #dwelling unit#, an additional 30 square feet for the second #dwelling unit#, and an additional 10 square feet for each additional #dwelling unit# in R2X, R3, R4 or R5 Districts. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;
- (n) (k) floor space in exterior balconies or in open or roofed terraces if more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. For the purposes of such calculation, exterior #building# walls on adjoining #zoning lots abutting# an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony; and
- (o) (l) any other floor space not specifically excluded.

However, the #floor area# of a #building# shall not include:

* * *

[RELOCATING MECHANICAL EQUIPMENT DESCRIPTIONS TO ACCESSORY USE DEFINITION]

- (8) floor space used for #accessory# mechanical equipment, including equipment serving the mechanical, electrical, or plumbing systems of #buildings# as well as fire protection systems, and power systems such as solar energy systems, generators, fuel cells, and energy storage systems. Such exclusion shall also include the minimum necessary floor space to provide for necessary maintenance and access to such equipment. However, such exclusion shall not apply in R2A Districts, and in R1-2A, R2X, R3, R4, or R5 Districts, such exclusion shall be limited to 50 square feet for the first #dwelling unit#, an additional 30 square feet for the second #dwelling unit# and an additional 10 square feet for each additional #dwelling unit#. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;

* * *

- (12) #qualifying exterior wall thickness#, up to eight inches:
 - (i) where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at

least 1.5 per inch; or

(ii) where such wall thickness is part of an exterior wall constructed after April 30, 2012, equal to the number of inches by which the wall's total thickness exceeds eight inches, provided the above-grade exterior walls of the #building# envelope are more energy efficient than required by the New York City Energy Conservation Code (NYCECC) as determined by the following:

(1) the area-weighted average U-factor of all opaque above-grade wall assemblies shall be no greater than 80 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC; and

(2) the area-weighted average U-factor of all above-grade exterior wall assemblies, including vertical fenestrations, shall be no more than 90 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC. For the purposes of calculating the area-weighted average U-factor, the amount of fenestration shall equal the amount of fenestration provided in such exterior walls, or an amount equal to the maximum fenestration area referenced in the NYCECC for the calculation of the baseline energy code requirement, whichever is less;

For the purposes of calculating compliance with this paragraph, (12)(ii), the term "above-grade" shall only include those portions of walls located above the grade adjoining such wall. Compliance with this paragraph shall be demonstrated to the Department of Buildings at the time of issuance of the building permit for such exterior walls. The total area of wall thickness excluded from the calculation of #floor area# shall be reflected on the next issued temporary or final certificate of occupancy for the #building#, as well as all subsequent certificates of occupancy;

(13) floor space in a #qualifying rooftop greenhouse# permitted pursuant to Sections 75-01 (Certification for Rooftop Greenhouses);

(14) floor space on a sun control device, where such space is inaccessible other than for maintenance;:

(15) floor space within a #fully electrified building# or a #ultra-low-energy building#, limited to an amount of floor space equivalent to no more than five percent of the #floor area# located within such #building#.

* * *

Front yard line level — see Yard line, front, level (of)

Fully electrified building

A "fully electrified building" is a #building# existing on [date of adoption] which complies with the requirements of Local Law 154 of 2021, as such requirements would apply to a new #building# where an application for the approval of construction documents is submitted to the Commissioner of Buildings after July 1, 2027.

* * *

Private road

A "private road" is a right-of-way, other than a #street#, that provides vehicular access from a #street# to five or more #dwelling units# that are within #buildings# or #building segments# that are located wholly beyond 50 feet of a #street line# or #street setback line#.

* * *

Regulations for #private roads# are located in Sections 26-00 (APPLICABILITY OF THIS CHAPTER) and 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS) (SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS).

* * *

Public parking garage

A "public parking garage" is a #building or other structure#:

(a) that provides parking or storage for motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and

(b) some or all of whose parking spaces are non-#accessory#.

[MOVING TO PARKING CHAPTERS]

#Car sharing vehicles# may occupy parking spaces in a #public parking

garage#; however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such garage. A #public parking garage# may include #accessory# off-street parking spaces limited to such spaces that are #accessory# to other #uses# on the same #zoning lot#.

~~Sale of motor fuel or motor oil or m~~Minor repairs incidental to the parking or storage of motor vehicles are is a permitted #accessory uses#.

Public parking lot

A "public parking lot" is any open area on a #zoning lot# that is:

(a) used for the parking or storage of motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and

(b) not #accessory# to a #use# on the same or another #zoning lot#.

[MOVING TO PARKING CHAPTERS]

#Car sharing vehicles# may occupy spaces in a #public parking lot#; however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such parking lot. Minor repairs incidental to the parking or storage of motor vehicles are a permitted #accessory use#.

* * *

Publicly accessible open area

A "publicly accessible open area" is an open area for public use on a #zoning lot developed# in accordance with the requirements of a #plaza#, #residential plaza#, #urban plaza# or #public plaza#.

Qualifying exterior wall thickness

"Qualifying exterior wall thickness" shall refer to the floor space occupied by exterior wall thickness added to a #building# existing on [date of adoption], where:

(a) for over-cladding projects: such wall thickness is added to a wall existing on [date of adoption], up to a maximum of 12 inches, provided the added wall thickness has an aggregate thermal resistance (R-value) of at least 1.5 per inch; or

(b) for re-cladding projects: such wall thickness is located within a new wall that replaces a wall existing on [date of adoption], where the qualifying portion is occupied by additional thickness relative to the previous wall, up to a maximum of 12 additional inches, and provided that the new wall shall comply with the minimum prescriptive and mandatory requirements for building thermal envelopes of the current New York City Energy Conservation Code.

Qualifying exterior wall thickness may include wall thickness occupied by conduits, ductwork, pipes, or other essential non-insulating building components.

Qualifying ground floor

A "qualifying ground floor" shall refer to the ground floor of a #development# or #enlargement# of a #Quality Housing building# on a #zoning lot#, or portion thereof, where:

* * *

Qualifying rooftop greenhouse

A "qualifying rooftop greenhouse" shall refer to any rooftop greenhouse that:

(a) is located on the roof of a #building# that does not contain #residences#;

(b) will be used primarily for cultivation of plants; and

(c) has roofs and walls consisting of at least 70 percent transparent materials.

Such qualifying rooftop greenhouses shall be exempt from the definition of #floor area#, and shall be considered a permitted obstruction to height and setback, as set forth in the applicable district regulations.

Rooftop greenhouses which do not meet the requirements of this definition may also be permitted pursuant to the underlying district regulations, but shall not be exempt from the definition of #floor area#, and shall not be permitted obstructions to height and setback.

* * *

Ultra low energy building

An "ultra-low-energy building" shall refer to a #building# #developed# after [date of adoption] which complies with requirements for ultra-low-energy usage. At time of application for plan approval to the Commissioner of Buildings, materials shall be submitted demonstrating:

- (a) that such #building# shall comply with the requirements of Local Law 154 of 2021, as such requirements would apply to a new #building# where an application for the approval of construction documents is submitted to the Commissioner of Buildings after July 1, 2027;
- (b) that such #building# shall be designed and constructed to reduce energy use:
 - (1) for #buildings# three #stories# or less: such #building# shall be a net-zero energy building which shall produce energy onsite from renewable energy sources in an amount equal to or greater than such building’s total energy needs; or
 - (2) for all other #buildings#:
 - (i) an energy use intensity that is no greater than 50 percent or more below the energy use intensity of such a building if designed and constructed according to one of the approved modeling methods in ASHRAE 90.1; or
 - (ii) a source energy use intensity not more than 38 kBtu per square foot per year;
- (c) that the proposed design has been analyzed using an energy model or alternative design analysis, and that a registered design professional has verified that the proposed design will meet the requirements of this definition; and
- (d) that plans have been prepared to conduct, as relevant: inspections, equipment commissioning, and airtightness testing during the construction phase.

No final certificate of occupancy shall be issued for such a #building# until a report prepared by a registered design professional has been submitted to the Commissioner of Buildings verifying that the #building# has completed and successfully passed the inspections, commissioning, and testing set forth in paragraph (d) of this definition.

The Department of City Planning may, by rule, update or supplement the requirements of this section exclusively for the purpose of keeping such requirements aligned with advancing technological and construction practices. Such updates may only modify the statutory reference in paragraph (a) of this definition; the specified parameters of paragraphs (b)(2)(i) or (b)(2)(ii) of this definition; or the referenced standard in paragraph (b)(2)(ii) of this definition.

* * *

**Chapter 3
Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core**

**13-00
GENERAL PURPOSES**

* * *

**13-02
Definitions**

* * *

[MOVING TO SECTION 12-10]

Automated parking facility

For the purposes of this Chapter, an “automated parking facility” shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an #automated parking facility#.

* * *

**13-10
PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE**

* * *

[NOW COVERED BY UNDERLYING RULES]

**13-101
Calculating parking spaces in automated parking facilities**

For the purposes of this Resolution, with regard to #automated parking facilities#, the term “tray” shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are

necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

* * *

[NOW COVERED BY UNDERLYING RULES]

**13-16
Permitted Parking for Car Sharing Vehicles and Commercial Vehicles**

#Car sharing vehicles# and commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted within #accessory# off-street parking facilities, #public parking garages# and #public parking lots#, as follows:

- (a) #Accessory# off-street parking facilities
 - #Car sharing vehicles# may occupy parking spaces in an #accessory# off-street parking facility, provided that such #car sharing vehicles# shall not exceed 20 percent of all parking spaces in such facility, or five spaces, whichever is greater;
- (b) #Public parking garages# and #public parking lots#
 - (1) In C1-5, C1-6, C1-7, C1-8, C1-9, C2 and C4 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#;
 - (2) In C5, C6, C8, M1, M2 and M3 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#. In addition, commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted, provided that the total amount of parking spaces occupied by commercial vehicles, including any #car sharing vehicles# and automobile rental establishment vehicles, shall not exceed, in total, 50 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#.

* * *

**13-20
SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES**

* * *

**13-23
Floor Area**

The definition of #floor area# in Section 12-10 shall be modified for purposes of this Chapter, as follows:

[NOW COVERED BY UNDERLYING RULES]

- (a) Attended parking facilities with parking lift systems
 - For portions of an attended parking facility with parking lift systems, individual lifted trays upon which a vehicle is stored which, in operation, rise to a height in excess of 23 feet, as measured above #curb level#, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.
- (b) #Automated parking facilities#
 - Floor space used for off-street parking spaces in an #accessory# #automated parking facility# up to a height of 40 feet above #curb level# shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission, pursuant to the provisions of Section 13-432 (Floor area exemption for automated parking facilities).

[NOW COVERED BY UNDERLYING RULES]

For portions of an #automated parking facility#, each tray upon which a vehicle is stored at a height in excess of 40 feet in parking facilities certified pursuant to Section 13-432, or 23 feet in all other #automated parking facilities#, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

* * *

**Chapter 6
Comprehensive Off-Street Parking Regulations in the Long Island City Area**

* * *

16-10 PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA

* * *

[NOW COVERED BY UNDERLYING RULES]

16-16 Permitted Parking for Car Sharing Vehicles and Commercial Vehicles

#Car-sharing vehicles# and commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted, as follows:

- (a) #Accessory# off-street parking facilities
#Car sharing vehicles# may occupy parking spaces in an #accessory# off-street parking facility, provided that such #car-sharing vehicles# shall not exceed 20 percent of all parking spaces in such facility, or five spaces, whichever is greater. #Accessory# #residential# off-street parking spaces shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after a written request therefor is made to the landlord.
(b) #Public parking garages# and #public parking lots#
(1) #Car sharing vehicles# shall be permitted within #public parking garages# and, where authorized pursuant to Section 16-342, #public parking lots#, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted.
(2) Commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted within #public parking garages# and, where authorized pursuant to Section 16-342, #public parking lots#, provided that the total amount of parking spaces occupied by commercial vehicles shall not exceed 10 percent of the total number of parking spaces permitted, or 10 spaces, whichever is less.

* * *

ARTICLE II RESIDENCE DISTRICT REGULATIONS

* * *

Chapter 2 USE REGULATIONS

* * *

22-14 Use Group 4

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas to provide recreational, religious, health and other essential services for the residents; or
(2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
(3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

* * *

B. Open #uses#

* * *

C. Special infrastructure

#Energy infrastructure equipment#, open or enclosed, limited to an aggregate #lot area# of not more than 10,000 square feet, and subject to the provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS)

C. D. #Accessory# #uses#

* * *

Chapter 3 Residential Bulk Regulations in Residence Districts

23-00 APPLICABILITY AND GENERAL PURPOSES

* * *

23-012 Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

* * *

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS) (SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND), inclusive

23-10 OPEN SPACE AND FLOOR AREA REGULATIONS

* * *

23-12 Permitted Obstructions in Open Space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the obstructions permitted for any #yard# set forth in paragraph (a) of Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted in any #open space# required on a #zoning lot#. For the purposes of applying such allowances to #open space#, all percentage calculations shall be applied to the area of the #open space# instead of the #yard#:

- (a) Air conditioning condensation units, #accessory#, for #single-# or #two-family# #residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are not more than 18 inches from a #street wall#, and fully screened from the #street# by vegetation;
(b) Awnings and other sun control devices. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:
(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
(c) (a) Balconies, unenclosed, subject to the provisions of Section 23-13;
(d) (b) Breezeways;
(e) (c) Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percentages set forth in Section 25-64 (Restrictions on Use of Open Space for Parking);
(f) Eaves, gutters or downspouts, projecting into such #open space# not more than 16 inches or 20 percent of the width of such #open space#, whichever is the lesser distance;
(g) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal-resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #open space# width, up to a maximum thickness of eight inches;
(d) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-442;
(e) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of the #open space#;
(h) (f) Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per #dwelling unit#, when #accessory# to a #single-family#, #two-family# or three-#family# #residence#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#. However, two such spaces for a #single-family# #residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;
(i) #Accessory# power systems, including, but not limited to,

generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:

- (1) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:—
 - (i) all generators and cogeneration equipment #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;
 - (ii) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;
 - (iii) where any equipment is located between a #street wall#, or prolongation thereof, and a #street line#, the entire width of such portion of the equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and
- (2) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:
 - (i) an area equivalent to 25 percent of a required #open space#;
 - (ii) in R1 through R5 Districts, a height of 10 feet above the adjoining grade; and
 - (iii) in R6 through R10 Districts, a height of 15 feet above the adjoining grade.
- (j) Ramps or lifts for people with physical disabilities;
- (k)(g) Solar energy systems:
 - (1) on the roof of an #accessory# #building#, limited to 18 inches in height as measured perpendicular to the roof surface; or
 - (2) affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;
 - (2) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (h) Steps;
- (t)(i) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#;
- (m)(j) Terraces, unenclosed, fire escapes or planting boxes, provided that no such items project more than six feet into or over such #open space#.

However, any such #open space# that is part of a required #yard#, #rear yard equivalent# or #court# may contain an obstruction listed in this Section only where such obstruction is permitted, pursuant to Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) or 23-87 (Permitted Obstructions in Courts), as applicable.

* * *

**23-142
Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts**

R1 R2 R3 R4 R5

In R1 and R2 Districts with a letter suffix and R3 through R5 Districts, the maximum #lot coverage#, minimum #open space# and maximum #floor area ratio# shall be as set forth in the following table:

* * *

In addition, the following rules shall apply:

- (c) In R3, R4 and R5 Districts, the permitted #floor area# of a #single-# or #two-family# #detached# or #semi-detached#

#residence# #developed# after June 30, 1989, may be increased by up to 300 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (e) (c), 23-4413 (Location of garages in side yards of corner lots) or 23-4424 (Location of garages in side yards of other zoning lots).

- (d) In R1-2A Districts and in R3, R4-1 and R4A Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family# #detached# or #semi-detached# #residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12, paragraph (e), 23-4413 or 23-4424, except that in R1-2A Districts, such parking spaces need not be located in the #side lot ribbon#.

* * *

**23-40
YARD REGULATIONS**

* * *

**23-44
Permitted Obstructions in Required Yards or Rear Yard Equivalents**

In all #Residence Districts#, the following obstructions set forth in this Section, inclusive, shall be permitted within a required #yard# or #rear yard equivalent# .:

[EXISTING OBSTRUCTIONS TO BE MOVED TO SUBSECTIONS]

- (a) In any #yard# or #rear yard equivalent# :
 - (1) Air conditioning condensation units, #accessory#, for #single-# or #two-family# #residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are not more than 18 inches from a #street wall#, and fully screened from the #street# by vegetation;
 - (2) Arbors or trellises;
 - (3) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
 - (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
 - (4) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-13. Such balconies are not permitted in required #side yards#;
 - (5) Canopies;
 - (6) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
 - (7) Eaves, gutters or downspouts projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
 - (8) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;
- Where #buildings# that have added exterior wall thickness, pursuant to this Section, are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;
- (9) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots# a fence may be up to six feet in height within that portion of

one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;

- (10) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;
- (11) Flagpoles;
- (12) Overhanging portions of a #building# in R4 and R5 Districts, except R4-1, R4A, R4B, R5A, R5B or R5D Districts, which are above the first #story# including the #basement# and which project not more than three feet into the required 18-foot #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;
- (13) Parking spaces for automobiles or bicycles, off-street, open, #accessory#, within a #side# or #rear yard#;
- (14) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:
 - (i) in R1, R2, R3-1, R3A, R3X, R4-1, R4A and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-621 (Location of parking spaces in certain districts);
 - (ii) in R3-2 Districts, R4 Districts other than R4-1, R4A and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-621;
 - (iii) in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof;

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached# #building# in an R3-1 or R4-1 District;

- (15) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:
 - (i) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:
 - (a) all generators and cogeneration equipment #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;
 - (b) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;
 - (c) where any equipment is located in a #front yard#, the entire width of such portion of such equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and
 - (ii) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:
 - (a) an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding

25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;

- (b) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and
 - (c) in R6 through R10 Districts, a height of 15 feet above the adjoining grade;
- (16) Ramps or lifts for people with physical disabilities;
 - (17) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
 - (18) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;
 - (19) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;
 - (20) Terraces or porches, open;
 - (21) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;
- (b) In any #rear yard# or #rear yard equivalent# :
 - (1) Balconies, unenclosed, subject to the provisions of Section 23-13;
 - (2) Breezeways;
 - (3) Fire escapes;
 - (4) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
 - (5) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:
 - (i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed 10 feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#. In addition, solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#;
 - (ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed 10 feet above adjoining grade, including the apex of a pitched roof in R3, R4 or R5 Districts, or 15 feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions); and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#;
 - (iii) enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single-# or #two-family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption);
 - (6) Recreational or drying yard equipment;
 - (7) Sheds, tool rooms or other similar #accessory# #buildings or other structures# for domestic or agricultural storage, with

a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;

- (8) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.
- (9) any portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residences for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), provided that:
- (i) such #zoning lot# is located in an R6 through R10 District other than an R6B, R7B or R8B District;
 - (ii) the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less;
 - (iii) such #building# portion is located within 100 feet of a #wide street#; and
 - (iv) such space shall be accessible to all residents of the #building#.

In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

23-441

General permitted obstructions

In all #Residence Districts#, the following obstructions shall be permitted within any required #yard# or #rear yard equivalent#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

- (a) In any #yard# or #rear yard equivalent# :
1. #Accessory# mechanical equipment, limited in depth to 18 inches from an exterior wall;
 2. Arbors or trellises;
 - (2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
 - (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
 - (3) Bicycles or micromobility parking, including necessary ancillary structures
 - (4) Canopies;
 - (5) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
 - (6) Eaves, gutters, downspouts, or other similar projections, extending into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
 - (7) Electric vehicle charging equipment;
 - (8) Flagpoles;
 - (9) #Qualifying exterior wall thickness#;
 - (10) Ramps or lifts for people with physical disabilities;
 - (11) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:
 - (i) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects; or

(ii) above other permitted obstructions, as applicable, provided that the additional height shall be limited to 18 inches;

- (12) Terraces or porches, open;
- (13) Window sills, or similar projections extending into such #yard# or #rear yard equivalent# not more than four inches;

(b) In any #rear yard# or #rear yard equivalent#:

- (1) Breezeways;
 - (2) Fire escapes;
 - (3) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
 - (4) Recreational or drying yard equipment;
 - (5) Sheds, tool rooms or other similar #accessory# #buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
 - (6) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:
 - i. on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a detached #accessory# #building or other structure#, or on any roof with a slope greater than 20 degrees; or
 - (ii) affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;
 - (7) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.
- However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

23-442

Additional permitted obstructions

In all #Residence Districts#, the obstructions set forth in Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted within a required #yard# or #rear yard equivalent#:

[MOVING PROVISIONS ONLY TO APPLICABLE TO RES TO SPECIFIC SUBSECTIONS]

- (a) In any #yard# or #rear yard equivalent# :
- (1) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-13. Such balconies are not permitted in required #side yards#;
 - (2) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots# a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;
 - (3) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;
 - (4) Overhanging portions of a #building# in R4 and R5 Districts, except R4-1, R4A, R4B, R5A, R5B or R5D Districts, which are above the first #story# including the #basement# and which project not more than three feet into the required 18-foot #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;
 - (5) Parking spaces for automobiles, off-street, open, #accessory#, within a #side# or #rear yard#;

- (6) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:
 - (i) in R1, R2, R3-1, R3A, R3X, R4-1, R4A and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-621 (Location of parking spaces in certain districts);
 - (ii) in R3-2 Districts, R4 Districts other than R4-1, R4A and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-621;
 - (iii) in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof;

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached# #building# in an R3-1 or R4-1 District;

- (7) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:
 - i. all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
 - (ii) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:
 - a. an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;
 - (b) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and
 - (c) in R6 through R10 Districts, a height of 15 feet above the adjoining grade;

- (8) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;
- (9) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;
- (10) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;

- (b) In any #rear yard# or #rear yard equivalent# :
 - (1) Balconies, unenclosed, subject to the provisions of Section 23-13;
 - (2) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:
 - (i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed 10 feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#;
 - (ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear

yard#, shall not exceed 10 feet above adjoining grade, including the apex of a pitched roof in R3, R4 or R5 Districts, or 15 feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#;

- (iii) enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single-# or #two-family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption);

- (3) any portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residences for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), provided that:

- (i) such #zoning lot# is located in an R6 through R10 District other than an R6B, R7B or R8B District;
- (ii) the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less;
- (iii) such #building# portion is located within 100 feet of a #wide street#; and
- (iv) such space shall be accessible to all residents of the #building#.

In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-62 (Permitted Obstructions), limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

**23-441
23-443**

Location of garages in side yards of corner lots

In all #Residence Districts#, on #corner lots#, enclosed #accessory# off-street parking spaces shall be considered permitted obstructions in any portion of a #side yard# which is within 30 feet of both #side lot lines#, provided that, in an R1 or R2A District, on a #corner lot# whose mean width is 45 feet or more, no structure used for such purposes shall be less than five feet from any #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#.

**23-442
23-444**

Location of garages in side yards of other zoning lots

In all #Residence Districts#, on #zoning lots# other than #corner lots#, where no #rear yard# is required under the provisions of Sections 23-541 (Within one hundred feet of corners) or 23-542 (Along short dimension of block), enclosed #accessory# off-street parking spaces shall be considered permitted obstructions in any portion of a #side yard# that is within 30 feet of the #rear lot line#.

* * *

23-461

Side yards for single- or two-family residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

- (c) Additional regulations

- (3) Permitted obstructions in open areas between #buildings#

Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall-air conditioning condensation units; chimneys, downspouts, eaves, exterior wall thickness, gutters, open #accessory# off-street parking spaces, #qualifying exterior wall thickness#, ramps for access by people with disabilities, and steps as set forth in paragraph (a) the applicable provisions of Section 23-44, inclusive, shall

be permitted obstructions in open areas required pursuant to paragraphs (c)(1) and (c)(2) of this Section, provided that such obstructions, not including #accessory# off-street parking spaces, #qualifying exterior wall thickness# or #accessory# mechanical equipment, may not reduce the minimum width of the open area by more than three feet.

* * *

23-462

Side yards for all other buildings containing residences

R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, except as set forth in Section 23-461 (Side yards for single- or two-family residences) or Section 23-49 (Special Provisions for Side Lot Line Walls), #side yards# shall be provided for all #zoning lots# with #buildings# containing #residences# as provided in this Section:

R6 R7 R8 R9 R10

- (c) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of eight feet, measured perpendicular to the #side lot line#, and extend along the entire #side lot line#, except where a #court# is provided in accordance with the applicable provisions of Section 23-60 (HEIGHT AND SETBACK REGULATIONS). Obstructions permitted pursuant to paragraph (a) of The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

* * *

23-60

HEIGHT AND SETBACK REGULATIONS

* * *

23-62

Permitted Obstructions

In all #Residence Districts#, the obstructions set forth in this Section, inclusive, shall be permitted to penetrate a maximum height limit or #sky exposure plane# set forth in Sections 23-63 (Height and Setback Requirements in R1 Through R5 Districts), 23-64 (Basic Height and Setback Requirements), 23-66 (Height and Setback Requirements for Quality Housing Buildings) or 23-69 (Special Height Limitations).

[EXISTING PERMITTED OBSTRUCTION LIST BEING SPLIT INTO A GLOBAL LIST AND A RESIDENCE DISTRICT SPECIFIC LIST]

In all #Residence Districts#, except as provided in Section 23-621 (Permitted obstructions in certain districts), the obstructions listed in paragraphs (a) through (r) in this Section shall be permitted to penetrate a maximum height limit or #sky exposure plane# set forth in Sections 23-63 (Height and Setback Requirements in R1 Through R5 Districts), 23-64 (Basic Height and Setback Requirements), 23-66 (Height and Setback Requirements for Quality Housing Buildings) or 23-69 (Special Height Limitations):

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
(3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with paragraph (j) of this Section. When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;
(b) Balconies, unenclosed, subject to the provisions of Section 23-13;
(c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 23-63, 23-64, 23-65 (Tower Regulations) or 23-66;
(d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
(f) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached# #single-# or #two-family residence#;
(g) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof, roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
(2) all mechanical equipment shall be screened on all sides;
(3) such obstructions and screening are contained within a volume that complies with one of the following:
(i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or
(ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.
For the purposes of this paragraph, (g), #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#;
(h) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;
(i) Flagpoles or aerials;
(j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
(k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
(l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

- (m) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
 - (i) in R1 through R5 Districts, a height of six feet;
 - (ii) in R6 through R10 Districts, a height of 15 feet; and
 - (iii) when located on a bulkhead or other obstruction pursuant to paragraph (g) of this Section, a height of six feet;
 - (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects:

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.

- (n) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (o) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (p) Wind energy systems on portions of #buildings# with a height of 100 feet or greater, provided:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) the diameter of the swept area of the rotor does not exceed 15 feet;
- (q) Window washing equipment mounted on a roof;
- (r) Wire, chain link or other transparent fences.

* * *

23-621

General permitted obstructions

In all #Residence Districts#, the following obstructions shall be permitted to penetrate a maximum height limit or #sky exposure plane#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with this Section.

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

- (b) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in the applicable height and setback regulations;

- (c) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;
- (e) Flagpoles or aerials;
- (f) Parapet walls, not more than four feet in height, as measured from the maximum height limit. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (g) #Qualifying exterior wall thickness#
- (h) Roof thickness, up to 12 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to [date of adoption]. For a #building# that has added roof thickness pursuant to this paragraph, the height of any other permitted obstruction may be measured from the finished level of the roof instead of the maximum height limit or #sky exposure plane#.
- (i) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (j) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:
 - 1. on the roof, or any portion thereof, of a #building#, with a slope less than 20 degrees: up to a height of 15 feet, or, when located on a bulkhead or other obstruction of this Section, a height of six feet; or
 - (2) on the roof, or any portion thereof, of a #building#, which has a slope of more than 20 degrees: up to a height of 60 inches in height, as measured perpendicular to the roof surface;
- (k) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (l) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;
- (m) Window washing equipment mounted on a roof;
- (n) Wire, chain link or other transparent fences.

* * *

23-622

Additional permitted obstructions

In all #Residence Districts#, the obstructions set forth in Section 23-621 (General permitted obstructions), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or #sky exposure plane#.

- (a) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (b) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached# #single-# or #two-family residence#;
- (c) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:
 - 1. such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street

wall# width of the #building# facing such frontage;

- 2. the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;
- 3. the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and
- (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:
 - i. in R3-2, R4, and R5 Districts, except R4-1, R4A, R4B and R5A Districts, a height of 25 feet above the maximum permitted height;
 - ii. in R6 through R10 Districts:
 - i. where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height; and
 - ii. where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
- (5) all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
- (d) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) the diameter of the swept area of the rotor does not exceed 15 feet;

**23-621
23-623**

Permitted obstructions in certain districts

R2A R2X R3 R4 R4-1 R4A R5A

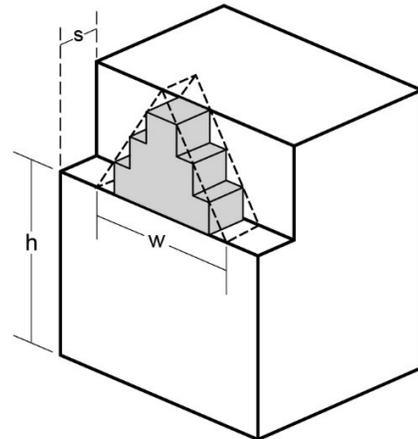
(a) In the districts indicated, permitted obstructions are limited to chimneys, #qualifying exterior wall thickness#, flag poles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-621. However, in R3-2 and R4 Districts, except R4-1, R4A and R4B Districts, elevator or stair bulkheads, roof water tanks, #energy infrastructure equipment# and #accessory# mechanical equipment provided pursuant to paragraph (g) of Section 23-62 shall additionally be permitted for #buildings# containing #affordable independent residences for seniors#.

- (b) In R2X Districts, dormers may be considered permitted obstructions if:
- (1) the aggregate width of dormers facing the #street line# is equal to not more than 50 percent of the width of the #street wall line#;
 - (2) the aggregate width of dormers facing the #rear lot line# is equal to not more than 50 percent of the width of the #rear wall line#;
 - (3) the aggregate width of dormers facing a #side lot line# is equal to not more than 50 percent of the width of a straight line connecting and perpendicular to the #street wall line# and the #rear wall line#; and
 - (4) on a #corner lot#, the aggregate width of dormers facing a #side lot line# is equal to not more than 50 percent of the width of the #rear wall line# facing such #side lot line#.

R6 R7 R8 R9 R10

- (c) In the districts indicated, for #Quality Housing buildings#, the permitted obstructions set forth in Section 23-62 shall apply to any #building or other structure#, except that within a required front setback distance above a maximum base height, the following rules shall apply:
- (1) Dormers shall be allowed as a permitted obstruction, provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. For each

foot above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.



h - Maximum base height
 s - Required setback or initial setback distance
 w - Maximum width of dormer at maximum base height (60% of street wall width of highest story entirely below maximum base height)

Dormer

- (2) Solar energy systems on a roof shall be limited to four feet or less in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher. However, on a roof with a slope greater than 20 degrees, such systems shall be limited to 18 inches in height as measured perpendicular to the roof surface.
- (3) Wind energy systems shall not be allowed as permitted obstructions.
- (4) Window washing equipment shall not be allowed as permitted obstructions.

* * *

23-663

Tower regulations in R9D and R10X districts

R9D R10X

In the districts indicated, any #Quality Housing building# #or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621- 23-623 (Permitted obstructions in certain districts) shall not be counted towards tower coverage. Such tower may exceed a height limit of 85 feet above the #base plane# provided the base of such tower complies with the applicable #street wall# location and height and setback provisions of Sections 23-661 and 23-662, respectively, and provided that the tower portion complies with the following, as applicable:

* * *

23-711

Standard minimum distance between buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

In addition, the following rules shall apply:

- (f) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph, (f), shall apply to any #zoning lot# with two or more #buildings# where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines

drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a "front building," and any #building# containing #residences# with at least 75 percent of its #floor

- (g) for #buildings# existing on April 30, 2012, the minimum distances set forth in the table in this Section, and any #non-complying# distance greater than eight feet, may be reduced by up to eight inches of exterior wall thickness, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A #non-complying# distance of eight feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings.

The obstructions permitted for any #yard# set forth in paragraph (a) of Section 23-441 (General permitted obstruction allowances), shall be permitted in such minimum distance.

* * *

23-80 COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS

* * *

23-861 General provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section 23-862 (Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts) or Section 23-863 (Minimum distance between legally required windows and any wall in an inner court), the minimum distance between a #legally required window# and:

- (a) any wall;
(b) a #rear lot line#, or vertical projection thereof; or
(c) a #side lot line#, or vertical projection thereof;

shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening; provided, however, that a #legally required window# may open on any #outer court# meeting the requirements of Section 23-84 (Outer Court Regulations), except for small #outer courts# in R6 through R10 Districts, the provisions for which are set forth in paragraph (b) of Section 23-841 (Narrow outer courts).

The obstructions permitted for any #yard# set forth in paragraph (a) of Section 23-441 (General permitted obstruction allowances), shall be permitted in such minimum distance.

However, for shallow #interior lots# in R6 through R10 Districts, the minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, may be reduced to equal the #rear yard# depth required pursuant to the provisions of Section 23-52 (Special Provisions for Shallow Interior Lots). However, in no event shall such minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, be less than 20 feet.

In R3, R4 and R5 Districts, the minimum dimension between a #legally required window# and a #side lot line# shall be 15 feet. Such 15 foot dimension shall be measured in a horizontal plane perpendicular to the #side lot line# or vertical projection thereof. Furthermore, such area with a 15 foot dimension shall be open to the sky from ground level up for the entire length of the #side lot line#. Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall air conditioning condensation units, chimneys, downspouts, eaves, exterior wall thickness #qualifying exterior wall thickness#, gutters, open #accessory# off-street parking spaces, ramps for access by the handicapped, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and provided that such obstructions, not including #qualifying exterior wall thickness# and #accessory# mechanical equipment, will not reduce the minimum width of the open area by more than three feet.

* * *

23-862 Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts

R9 R10

In the districts indicated, on a #corner lot# less than 10,000 square feet in #lot area#, a #legally required window# may open on a #yard# bounded on one side by a #front lot line# and having a minimum width of 20 feet, provided that the provisions of Section 23-44 (Permitted

Obstructions in Required Yards or Rear Yard Equivalents) shall not apply to such #yard#. However, #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, awnings and other sun control devices, exterior wall thickness #qualifying exterior wall thickness#, and solar energy systems on walls, as set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted within such minimum distance.

* * *

23-87 Permitted Obstructions in Courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the obstructions permitted for any #yard# set forth in paragraph (a) of Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted within the minimum area and dimensions needed to satisfy the requirements for a #court#. For the purposes of applying such allowances to #courts#, all percentage calculations shall be applied to the area of the #court# instead of the #yard#:

- (a) Arbors or trellises;
(b) Awnings and other sun control devices. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:
(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
(2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
(c) Eaves, gutters, downspouts, window sills, or similar projections extending into such #court# not more than four inches;
(d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #court# width, up to a maximum thickness of eight inches;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #courts# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #court#;

- (e)(a) Fences;
(f)(b) Fire escapes in #outer courts#;
Fire escapes in #outer court recesses# not more than five feet in depth;
Fire escapes in #inner courts# where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;
Fire escapes in #outer court recesses# more than five feet in depth where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;
(g) Flagpoles;
(h)(c) Open terraces, porches, steps, ramps or lifts for people with physical disabilities;
(i)(d) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-442;

[MOVING SCREENING PROVISIONS TO SECTION 26-60]

#Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:

- (1) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:
(i) all generators and cogeneration equipment #accessory# to #buildings# other than #single-# or #two-family residences# shall be completely enclosed within a #building# or other structure#, except as necessary for mechanical ventilation;
(ii) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family residences#, may be unenclosed, provided that such equipment is located at least

five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;

(iii) where any equipment is located between a #street wall#, or prolongation thereof, and a #street line#, the entire width of such portion of the equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and

(2) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:

(i) an area equivalent to 25 percent of any #court# containing #legally required windows#;

(ii) in R1 through R5 Districts, a height of 10 feet above the lowest level of such #court#; and

(iii) in R6 through R10 Districts, a height of 15 feet above the lowest level of such #court#.

(j) (e) Recreational or drying yard equipment;

(k) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), shall be permitted.

* * *

**Chapter 4
Bulk Regulations for Community Facilities in Residence Districts**

* * *

**24-30
YARD REGULATIONS**

* * *

**24-33
Permitted Obstructions in Required Yards or Rear Yard Equivalents**

In all #Residence Districts#, the obstructions set forth in Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted when located within a required #yard# or #rear yard equivalent#:

(a) In any #yard# or #rear yard equivalent#:

(1) Arbors or trellises;

(2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(i) shall be limited to a maximum projection of 2 feet, 6 inches into such required #yard#; and

(ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;

(3) Canopies;

(4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;

(5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;

(6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum

thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

(7)(1) Fences;

(8) Flagpoles;

(9)(2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;

(3) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-442;

(10) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:

(i) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:

(a) all generators and cogeneration equipment shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;

(b) all other types of equipment may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, the entirety of such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;

(c) where any equipment is located in a #front yard#, the entire width of such portion of the equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and

(ii) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:

(a) an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;

(b) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and

(c) in R6 through R10 Districts, a height of 15 feet above the adjoining grade;

(11) Solar energy systems, on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

(12)(4) Steps, and ramps or lifts for people with physical disabilities;

(13) Terraces or porches, open;

(14)(5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.

(b) In any #rear yard# or #rear yard equivalent#:

(1) Balconies, unenclosed, subject to the provisions of

Section 24-165 24-166;

- (2) Breezeways;
- (3)(2) Any #building# or portion of a #building# used for #community facility# #uses#, including #accessory# parking spaces for bicycles within such #building#, provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#, and further provided that the area within such #building# dedicated to #accessory# parking spaces for bicycles shall not exceed the area permitted to be excluded from #floor area#, pursuant to Section 25-85 (Floor Area Exemption). In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, pursuant to Section 24-51 (Permitted Obstructions), shall be permitted above such an #accessory building#, or portion thereof. However, the following shall not be permitted obstructions:
 - (i) in all #Residence Districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;
 - (ii) in R1, R2, R3-1, R3A, R3X, R4-1 R4A or R4B Districts, any portion of a #building# used for any #community facility# #use#;
 - (iii) in all #Residence Districts# not listed in paragraph (b)(3)(ii) of this Section, beyond 100 feet of a #wide street#, any portion of a #building# used for a #community facility# #use# other than a #school#, house of worship, college or university, or hospital and related facilities;
- (4) Fire escapes;
- (5) Greenhouses, #accessory#, non-commercial, limited to one #story# or 15 feet in height above natural grade level, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard# or #rear yard equivalent# on a #zoning lot#;
- (6) (3) Parking spaces, off-street, #accessory# to a #community facility# #use#, provided that the height of an #accessory building#, or portion of a #building# used for such purposes, shall not exceed 15 feet above #curb level#. However, such #accessory building# or portion of a #building# shall not be a permitted obstruction in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts;
- (7) Recreation or drying yard equipment;
- (8) Sheds, tool rooms or other similar #accessory buildings# or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
- (9) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #community facility# #use# or attached parking structure; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
- (10) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

* * *

**24-35
Minimum Required Side Yards**

R1 R2 R3 R4 R5

- (a) In the districts indicated, if a #building# containing a #community facility# #use# has an #aggregate width of street walls# equal to 80 feet or less or, for #abutting# #buildings#, if the combined #aggregate width of street walls# of all such #abutting# #buildings# on a #zoning lot# is equal to 80 feet or less, then two #side yards# shall be provided, each with a minimum required width of eight feet. If such #building# or #buildings# have an #aggregate width of street walls# equal

to more than 80 feet, two #side yards# shall be provided, each equal to not less than 10 percent of the #aggregate width of street walls#. The provisions of this paragraph (a) shall not apply in R5D Districts. In lieu thereof, the #side yard# regulations set forth in Sections 23-461 and 23-462, as applicable, shall apply.

R6 R7 R8 R9 R10

- (b) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall be at least eight feet wide. Permitted obstructions pursuant to paragraph (a) of The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

* * *

**24-50
HEIGHT AND SETBACK REGULATIONS**

* * *

**24-51
Permitted Obstructions**

In all #Residence Districts#, the obstructions set forth in Section 23-621 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted and may thus penetrate a maximum height limit or #sky exposure plane# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

[REPETITIVE OBSTRUCTIONS BEING ELIMINATED AND REFERENCE MADE TO ONE GLOBAL REFERENCE]

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 23-62 (Permitted Obstructions);
 When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;
- (b) (a) Balconies, unenclosed, subject to the provisions of Section 24-166;
- (c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 24-52, 24-53 or 24-54 (Tower Regulations);
- (d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (f) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
 - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their

average height, in feet, does not exceed an area equal to four feet times the width, in feet, of the #street wall# of the #building# facing such frontage;

- (2) all mechanical equipment shall be screened on all sides;
- (3) such obstructions and screening are contained within a volume that complies with one of the following:
 - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or
 - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph (f), #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#;

(b) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

- 1. such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
- 2. the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;
- 3. the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and
- (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:
 - i. where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
 - ii. where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
- (5) all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(g) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;

(h) Flagpoles or aerials;

(i)(c) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

(j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the

roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;

(k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (k), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;

(l)(d) #Qualifying Rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#; - permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(m) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(n) Solar energy systems:

- (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
- (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
 - (i) in R1 through R5 Districts, a height of six feet;
 - (ii) in R6 through R10 Districts, a height of 15 feet; and
 - (iii) when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of six feet;
- (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

(o)(e) Spires or belfries;

(p) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(q) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(r)(f) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:

- (1) the highest point of the wind turbine assembly does not exceed 55 feet;
- (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
- (3) the diameter of the swept area of the rotor does not exceed 15 feet;

(s) Window washing equipment mounted on a roof;

- (t) Wire, chain link or other transparent fences.
* * *

**24-55
Required Side and Rear Setbacks**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-166 (Balconies); and awnings and other sun control devices, decks, exterior wall thickness #qualifying exterior wall thickness#, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), are permitted to project into or over any open areas required by the provisions of this Section.

* * *

**24-60
COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES**

* * *

**24-65
Minimum Distance Between Required Windows and Walls or Lot Lines**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum distance between required windows and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to required windows in #buildings# of three #stories# or less. For #buildings# existing on April 30, 2012, the minimum distances set forth in this Section, and any #non-complying# distance greater than eight feet, may be reduced by up to eight inches of exterior wall thickness from each #building# wall, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A #non-complying# distance of eight feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings.

* * *

**24-68
Permitted Obstructions in Courts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the obstructions permitted for any #yard# set forth in paragraph (a) of Section 23-441 (General permitted obstruction allowances), as well as the following, shall not be considered obstructions when located within a #court#: For the purposes of applying such allowances to #courts#, all percentage calculations shall be applied to the area of the #court# instead of the #yard#:

- (a) Arbors or trellises;
- (b) Awnings and other sun control devices. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:
 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (c) Eaves, gutters, downspouts, window sills or similar projections, extending into such #court# not more than four inches;
- (d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #court# width, up to a maximum thickness of eight inches;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #courts# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #court#;

- (e)(a) Fences;
- (f)(b) Fire escapes in #inner courts#, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

- Fire escapes in #outer courts#;
- Fire escapes in #outer court recesses#, not more than five feet in depth;
- Fire escapes in #outer court recesses#, more than five feet in depth, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;
- (g) Flagpoles;
- (c) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-442;

[MOVING SCREENING PROVISIONS TO SECTION 26-60]

- (h) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:
 - (1) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:
 - (i) all generators and cogeneration equipment shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;
 - (ii) all other types of equipment may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, the entirety of such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open; and
 - (iii) where any equipment at the ground floor level is located between a #street wall#, or prolongation thereof, and a #street line#, the entire width of such portion of the equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and
 - (2) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:
 - (i) an area equivalent to 25 percent of any #court# containing #legally required windows#;
 - (ii) in R1 through R5 Districts, a height of 10 feet above the lowest level of such #court#; and
 - (iii) in R6 through R10 Districts, a height of 15 feet above the lowest level of such #court#;
- (i)(d) Recreational or yard drying equipment;
- (j)(e) Steps, and ramps or lifts for people with physical disabilities;
- (k) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (l) Terraces, open, porches or steps.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), shall be permitted.

* * *

**Chapter 5
Accessory Off-street Parking and Loading Regulations**

* * *

**25-40
RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES**

**25-41
Purpose of Spaces and Rental to Non-Residents**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to #residences# shall comply with the provisions of this Section.

25-411
In R1 or R2 Districts

R1 R2

In the districts indicated, such spaces shall be designed and operated exclusively for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#.

25-412
In all other Residence Districts

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, such spaces shall be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#, except as set forth in this Section.

However, such spaces may be:

- (a) #Accessory# off-street parking spaces may be rented for periods of not less than one week and not more than one month to persons who are not occupants of the #residences# to which such spaces are #accessory# for the accommodation of the private passenger motor vehicles used by such non-residents, provided that such spaces are operated in accordance with the regulations promulgated by the Commissioner of Buildings, in a manner which will not adversely affect the residential character of the neighborhood; or
- (b) In R3-2 through R10 Districts, other than R4-1, R4A, R4B and R5A Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater may be allocated to publicly available electric vehicle charging facilities, or #car sharing vehicles#.

occupied by #car sharing vehicles, provided that:

- (1) in R3-2 and R4 Districts, except R4-1, R4A and R4B Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all spaces in a #group parking facility# that contains 20 or more spaces; and
- (2) in R5, R6, R7, R8, R9 and R10 Districts, except R5A Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater.

Such spaces provided pursuant to paragraphs (a) and (b) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

25-42
Use of Spaces Accessory to Permitted Non-Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented, except as set forth in this Section.

- (a) except as may be #Accessory# off-street parking spaces provided for houses of worship may be shared pursuant to Section 25-542 (Shared parking facilities for houses of worship).
- (b) However, #car sharing vehicles# may occupy such spaces only pursuant to the provisions of paragraphs (a) and (b) of this Section. In R3-2 through R10 Districts, other than other than R4-1, R4A, R4B and R5A Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to: publicly available electric vehicle charging facilities, or #car sharing vehicles#.

R1 R2 R3 R4 R5A

- (a) In the districts indicated, #car sharing vehicles# may occupy parking spaces #accessory# to a non-residential use# in a #group parking facility# containing 20 spaces or more that is #accessory# to a college or university #use# listed in Use Group 3; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facility#.

R5 R5B R5D R6 R7 R8 R9 R10

- (b) In the districts indicated, except R5A Districts, #car sharing vehicles# may occupy parking spaces #accessory# to a non-residential use# in a #group parking facility# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facility#.

25-43
Restrictions on Automotive Repairs and Sale of Motor Fuel

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil or automotive accessories are not permitted, except as provided in this Section in specified districts.

25-431
Limited repairs or motor fuel sales permitted in specified districts

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, within a #completely enclosed# garage, #detached# from a #building# containing #residences# and containing not less than 150 #accessory# off-street parking spaces, minor automotive repairs (not including body work) are permitted, ~~and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces.~~

25-44
Electric Vehicle Charging

Electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces, except as otherwise permitted by the provisions of Section 25-412 (In all other Residence Districts) or 25-42 (Use of Spaces Accessory to Permitted Non-Residential Uses).

* * *

25-60
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

* * *

25-62
Size and Location of Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- a. Minimum maneuvering space

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space, except as follows:

- 1. Standard attended facilities

~~However, an An~~ area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

[EXISTING TEXT BEING RELOCATED]

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

- 2. Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

- 3. #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one parking space. The term "tray" shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in #automated parking facilities# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

- b. Driveway access

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.

[RELOCATING ABOVE]

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

c. Minimum size for each parking space

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

However, the width of a parking stall may be reduced to eight feet for #detached#, #semi-detached# or #zero lot line buildings# on a #zoning lot# where not more than four #accessory# parking spaces are required if such #accessory# parking spaces are located in a #side lot ribbon# and are subject to the provisions of Section 25-621 (Location of parking spaces in certain districts).

d. Special rules for certain areas

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #community facility# #uses#, each required parking space in a parking area not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such open parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (PARKING LOTS) shall also apply.

* * *

25-626 Calculating floor area in parking facilities with lift systems, or in automated parking facilities

For enclosed #accessory# off-street parking facilities, for the purposes of determining #floor area# in an #automated parking facility#, or an attended parking facility with parking lift systems, each tray upon which a vehicle is stored at a height that exceeds the permitted exemption set forth in the definition of #floor area# in Section 12-10, or as otherwise modified in this Resolution, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

* * *

25-65 Surfacing

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all open off-street parking spaces shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick, except that where required parking spaces are located in #side lot ribbons#, hard surface ribbons may be permitted. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

* * *

25-68 For Parking Facilities Containing Car Sharing Vehicles

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed within 20 feet of either the entrance to the parking facility or the attendant's station, at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

- (a) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility;
(b) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility; and

- (c) where such parking facility contains #accessory residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord."

* * *

25-76 Surfacing

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

* * *

25-80 BICYCLE PARKING

* * *

25-83 Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 25-84 (Certification for Off-site Bicycle Parking Spaces).

* * *

25-84 Certification for Off-site Bicycle Parking Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for colleges, universities, seminaries, hospitals and related facilities, except animal hospitals, #accessory# bicycle parking spaces required pursuant to Section 25-811 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that all such bicycle parking spaces are:

- (a) located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#, or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#; and
(b) subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces as accessible throughout the life of the #use# generating the #accessory# bicycle parking spaces.

A plaque shall be placed within 30 feet of a #building# entrance, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the certificate of occupancy for both the #building# in which the off-site bicycle parking spaces are located, and the #building# containing the #use# to which such bicycle parking spaces are #accessory#.

* * *

25-85 Floor Area Exemption

* * *

However, in no event shall this Section apply to #single-# or #two-family residences# and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site pursuant to Section 25-84 (Certification for Off-site Bicycle Parking Spaces).

* * *

26-00 APPLICABILITY OF THIS CHAPTER

The regulations of this Chapter shall apply:

* * *

- (d) to #developments#, #enlargements# or #conversions# in all districts, as applicable, as set forth in Section 26-40 (STREET

TREE PLANTING AND PLANTING STRIP REQUIREMENTS); and

- (e) to #Quality Housing buildings# where supplemental ground floor level rules apply to #buildings# with #qualifying ground floors#, as set forth in Section 26-50 (SPECIAL GROUND FLOOR LEVEL PROVISIONS FOR QUALIFYING GROUND FLOORS); and
- (f) to all #energy infrastructure equipment# and #accessory# mechanical equipment not located within a #completely enclosed building#, as set forth in Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS).

* * *

26-41 Street Tree Planting

In accordance with applicability requirements of underlying district regulations, one #street# tree, pre-existing or newly planted, shall be provided for every 25 feet of #street# frontage of the #zoning lot#. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree.

(a) Design criteria

Such #Street# trees shall be planted at approximately equal intervals along the entire length of along the curb of the #street# adjacent to the #zoning lot#, within

- (1) tree beds or connected tree beds designed in compliance with standards set forth by the Department of Transportation; or
- (2) raingardens designed in compliance with standards set forth by the Department of Environmental Protection.

For #zoning lots# with over 100 feet of #street# frontage, wherever two required #street# tree beds will be separated by less than 25 feet, such tree pits shall be combined and designed as a single continuous tree bed.

The species and caliper of all #street# trees shall be determined by the Department of Parks and Recreation, and all such trees shall be planted in accordance with the #street# tree planting standards of the Department of Parks and Recreation.

(b) Alternate compliance

Where the Department of Parks and Recreation determines that such tree planting would be infeasible adjacent to the #zoning lot#, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district such trees may be provided in an alternate manner, or waived, using any combination of provisions, as appropriate, set forth in this paragraph (b).

(1) Raingardens

Where the Department of Parks and Recreation determines that such tree planting would be infeasible, such required #street# tree may be substituted for a raingarden designed in compliance with standards set forth by the Department of Environmental Protection.

(2) Planters

Where the Department of Parks and Recreation or Department of Transportation determines below-grade infrastructure causes one or more tree planting location to be infeasible, such tree may be provided in permanent planters designed in compliance with standards set forth by the Department of Transportation.

(3) Off-site locations

such tree shall Where the Department of Parks and Recreation determines that such tree planting would be infeasible, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district, one or more #street# trees may be planted in an alternative off-site location, to be selected by the Department of Parks and Recreation, except that if the Department of Parks and Recreation determines that no alternative location is available, or if no alternative location is provided within 30 days of an application for a Department of Parks and Recreation permit, such off-site tree shall be waived. Off-site trees shall be planted at alternative locations within:

- (a)(i) an existing empty #street# tree pit or planting strip; or
- (b)(ii) an unpaved area owned by the City of New York.

All such alternative locations shall be within the Community District or one-half mile of such #zoning lot#.

(4) Payment option

Where the Department of Parks and Recreation determines that such tree planting would be infeasible, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district, in lieu of planting an off-site tree in an available alternative location, or in the event that planting adjacent to the #zoning lot# cannot be completed due to the season, funds equivalent to the cost of planting such tree, as established by rule of the Department of Parks and Recreation, may be deposited in an account of the City of New York. Such funds shall be dedicated to the planting of #street# trees by the City at an alternative location or, in the case of an off-season deposit, in front of the #zoning lot# at the next appropriate planting season.

The species and caliper of all #street# trees shall be determined by the Department of Parks and Recreation, and all such trees shall be planted in accordance with the #street# tree planting standards of the Department of Parks and Recreation.

* * *

26-60 SPECIAL SCREENING AND ENCLOSURE PROVISIONS

26-61 Special At-grade Screening and Enclosure Regulations

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment located below the rooftop level, other than solar or wind energy systems or equipment with a depth limited to 18 inches from an exterior wall, shall be subject to the following provisions when not located within a #completely enclosed building#, whether or not such equipment is located within a required #open space#, #yard#, or #court#:

(RELOCATING FROM PERMITTED OBSTRUCTIONS AND EXPANDING APPLICABILITY)

- (a) all generators and cogeneration equipment utilizing fossil fuels which are #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;
- (b) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #lot line#, and where located between a #street wall#, or prolongation thereof, and the #street line#, such equipment is within three feet of a #street wall#;
- (c) where the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open; and
- (d) where any equipment is located in a #front yard#, or is located between the #street wall, or prolongation thereof, and a #street line#, the entire width of such portion of such equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation.

26-62 Special Rooftop Screening and Enclosure Regulations

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment located on roofs, other than solar energy systems, shall be subject to the following provisions when not located within a #completely enclosed building#, whether or not such equipment is penetrating a maximum height limit or a #sky exposure plane#:

All such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.

* * *

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

* * *

Chapter 2 Use Regulations

32-00 GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each

Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, including each #use# listed separately therein, are permitted in #Commercial Districts# as indicated in Sections 32-11 through 32-25, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 32-01 (Special Provisions for Adult Establishments). For the purposes of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto.

* * *

**32-10
USES PERMITTED AS-OF-RIGHT**

* * *

**32-15
Use Group 6**

C1 C2 C4 C5 C6 C8

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and
(2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

The #uses# listed in subgroup A are also permitted within a #large-scale residential development# to provide daily convenience shopping for its residents.

* * *

D. Public Service Establishments⁵

* * *

- Public utility stations for oil or gas metering or regulating¹
Solar energy systems

E. Clubs

Non-commercial clubs, without restrictions on activities or facilities [PRC-D]

F. Special infrastructure

- Electric vehicle charging and battery swapping, open or enclosed
#Energy infrastructure equipment#, open or enclosed, with no size limitations, and subject to the provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS)
Public bicycle and micromobility parking, open or enclosed
Recycling, or organic material, receiving, limited to 5,000 square feet per establishment

F. G. #Accessory# #uses#

* * *

**32-16
Use Group 7**

C2 C6* C8

Use Group 7 consists primarily of home maintenance or repair services which:

- (1) fulfill recurrent needs of residents in nearby areas;
(2) have a relatively small service area and are, therefore, widely distributed throughout the City; and
(3) are incompatible in primary retail districts since they break the continuity of retail frontage.

* * *

D. Auto Service Establishments

- Automobile glass and mirror shops [PRC-B1]
Automobile seat cover or convertible top establishments, selling or installation [PRC-B1]
(MOVING TO USE GROUP 6)
Electric vehicle charging stations and automotive battery swapping facilities [PRC-B1]
Tire sales establishments, including installation services [PRC-B1]

* * *

**32-17
Use Group 8**

* * *

C. Automotive Service Establishments

* * *

#Public parking garages# or #public parking lots# with a capacity of 150 spaces or less, subject to the provisions set forth for #accessory# off-street parking spaces in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), and provided that such #public parking lots# are not permitted as of right in C6-1A Districts and such #public parking garages# are not permitted as of right in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts. #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

#Public parking garages# and #public parking lots# shall be subject to select provisions set forth in Article III, Chapter 6. In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

* * *

**32-23
Use Group 14**

C2 C3 C7 C8

Use Group 14 consists of the special services and facilities required for boating and related activities.

* * *

B. Clubs

Non-commercial clubs, without restrictions on activities or facilities [PRC-D]

C. Special infrastructure

- Electric vehicle charging and battery swapping, open or enclosed
#Energy infrastructure equipment#, open or enclosed, with no size limitations, and subject to the provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS)
Public bicycle and micromobility parking, open or enclosed
Recycling, or organic material, receiving, limited to 5,000 square feet per establishment

E. D. #Accessory# #uses#

* * *

**32-40
SUPPLEMENTARY USE REGULATIONS**

**32-41
Enclosure Within Buildings**

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions) and 36-61 (Permitted Accessory Off-street Loading Berths), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

#Accessory uses# may be open or enclosed, notwithstanding any limitations on the principal #use#, provided that any open #accessory uses# are customarily found in connection with such principal #use#.

* * *

**32-42
Location Within Buildings**

**32-421
Limitation on floors occupied by commercial uses**

C1 C2 C3

In the districts indicated, in any #building#, or portion of a #building# occupied on one or more of its upper #stories# by #residential# #uses# or by #community facility# #uses#, no #commercial# #uses# listed

in Use Group 6A through 6E, 7, 8, 9 or 14A or 14B shall be located above the level of the first #story# ceiling, provided, however, that permitted #signs#, other than #advertising signs#, #accessory# to such #commercial# #uses# may extend to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill of the second #story#. In any other #building#, or portion thereof, not more than two #stories# may be occupied by #commercial# #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9, or 14A or 14B.

However, in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts, non-#residential# #uses# listed in Use Group 6A through 6E, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two #stories# in any #building# constructed after September 17, 1970. For #buildings# constructed in such districts prior to September 17, 1970, located in Community District 6 in the Borough of Manhattan, such non-#residential# #uses# may occupy the lowest two #stories# in such #building#, provided that:

- (a) the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the second #story# has not been occupied by a #community facility# #use#, a #dwelling unit# or a #rooming unit#, notwithstanding the certificate of occupancy, if any, for a continuous period from May 1, 2013, until a certification has been issued pursuant to this Section; and
(b) the second #story# of at least one other #building# on the same #block# frontage is occupied by a #use# listed in such Use Groups 6, 7, 8, 9 or 14.

#Accessory# mechanical equipment serving #commercial uses# listed in such Use Groups shall not be subject to the location restrictions of this Section.

32-422 Location of floors occupied by commercial uses

C4 C5 C6

In the districts indicated, in any #building#, or portion of a #building# occupied by #residential# #uses#, #commercial# #uses# listed in Use Group 5, 6A through 6E, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 may be located only on a #story# below the lowest #story# occupied in whole or in part by such #dwelling units# or #rooming units#, except that this limitation shall not preclude the location of any such #commercial# #use# below the level of the first #story# ceiling, or the extension of a permitted #sign#, other than an #advertising sign#, #accessory# to such #commercial# #use#, to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#.

#Accessory# mechanical equipment serving #commercial uses# listed in such Use Groups shall not be subject to the location restrictions of this Section.

* * *

32-43 Ground Floor Use in Certain Locations

* * *

32-435 Ground floor use in high density Commercial Districts

The regulations of this Section shall apply to any #development# occupied by #predominantly residential use#, constructed after April 21, 1977, located on any #zoning lot# within C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 or C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts. However, this Section shall not apply within any Special Purpose District nor shall it apply to any #Quality Housing building#, except as otherwise set forth herein.

* * *

(c) Retail Continuity

For #buildings# with front #building# walls that are at least 50 feet in width and front upon a #wide street#, a minimum of 50 percent of the width of such front #building# wall shall be occupied at the ground floor level by #commercial# #uses#, as permitted by district regulations.

In C1-8, C1-9, C2-7, C2-8 and C4-6 Districts and C1 or C2 Districts mapped within R9 or R10 Districts, #uses# which occupy such 50 percent of the front #building# wall shall be limited to those listed in Use Groups 6A, and 6C and 6F, excluding banks and loan offices, except that in C4-6 Districts only, such #uses# may additionally include those listed in Use Groups 8A, 8B and 10A. All #uses# permitted by the underlying district regulations are permitted in the remaining 50 percent of the front #building# wall.

* * *

Chapter 3 Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-04 Lower Density Growth Management Areas

For areas designated as #lower density growth management areas#, pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

* * *

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS) (SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND); inclusive

* * *

33-23 Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Commercial Districts#, the obstructions set forth in Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted when located within a required #yard# or #rear yard equivalent#:

[REPETITIVE OBSTRUCTIONS BEING ELIMINTATED AND REFERENCE MADE TO ONE GLOBAL REFERENCE]

- (a) In any #yard# or #rear yard equivalent#:
(1) Arbors or trellises;
(2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
(i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
(ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
(3) Canopies;
(4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
(5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
(6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;
Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;
(7)(1) Fences;
(8) Flagpoles;
(9)(2) Parking spaces for automobiles or bicycles, off-street, open, #accessory# ;
(10)(3) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:
i. all equipment shall be subject to the applicable

provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS); and

- ii. the height of all equipment shall not exceed a height of 23 feet above #curb level#;

~~#Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that all equipment shall not exceed a height of 23 feet above #curb level#;~~

- (11) ~~Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;~~

- (12)(4) ~~Steps, and ramps or lifts for people with physical disabilities;~~

- (13) ~~Terraces or porches, open;~~

- (14)(5) ~~Walls, not exceeding eight feet in height and not roofed or part of a #building#.~~

- (b) In any #rear yard# or #rear yard equivalent#:

- (1) Balconies, unenclosed, subject to the provisions of Section 24-166;

- (2) Breezeways;

- (3)(2) Any #building# or portion of a #building# used for any permitted #use# other than #residences#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 33-42 (Permitted Obstructions), shall be permitted above such a #building#, or portion thereof;

- (4) Fire escapes;

- (5)(3) ~~Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 33-42, shall be permitted above such an #accessory# #building#, or portion thereof; OR~~

- (4) Solar energy systems affixed to solar canopies and located over parking spaces associated with #public parking lots#, automobile rental establishments, or commercial or public utility vehicle parking facilities, as permitted, provided that the height shall not exceed 15 feet above the level of the adjoining grade.

- (6) Solar energy systems:

- (i) on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial# or #community facility# #use# or attached parking structure;
- (ii) on the roof of a #building# permitted as an obstruction to such #yard#, shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
- (iii) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

- (7) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# that is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

* * *

33-25

Minimum Required Side Yards

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #side yards# are required. However, if an open area extending along a #side lot line# is provided at any level, it shall be either:

- (a) at least eight feet wide at every point; or
- (b) at least five feet wide at every point, with an average width of eight feet, such average being the mean of the width of the open area at its narrowest point and its width at its widest point, provided that:
 - (1) such widest point shall be on a #street line#;
 - (2) no portion of a #building# shall project beyond a straight line connecting such two points; and
 - (3) in the case of a #zoning lot# bounded by a #side lot line# extending from #street# to #street#, such average shall be computed and such open area shall be provided as though each half of such #side lot line# bounded a separate #zoning lot#.

Permitted obstructions pursuant to paragraph (a) of The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

* * *

33-42

Permitted Obstructions

In all #Commercial Districts#, the obstructions set forth in Section 23-621 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted and may thus penetrate a maximum height limit or #sky exposure planes#, as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks) or 33-491 (Limited Height Districts):

[REPETITIVE OBSTRUCTIONS BEING ELIMINTATED AND REFERENCE MADE TO ONE GLOBAL REFERENCE]

- (a) ~~Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with paragraph (j) of this Section.~~

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

- (b) (a) Balconies, unenclosed, subject to the provisions of Section 24-166;
- (c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 33-43, 33-44 or 33-45 (Tower Regulations);
- (d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (f) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
 - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such

obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;

- (2) all mechanical equipment shall be screened on all sides;
- (3) such obstructions and screening are contained within a volume that complies with one of the following:

- (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (f), #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#;

- (b) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
- (2) the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;
- (3) the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and
- (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:
 - iii. where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
 - iv. where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
- (5) all equipment shall be subject to the applicable provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

- (g) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;

- (h) Flagpoles or aerials;
- (i) (c) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (l) (d) #Qualifying Rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#; permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (m) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (n) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
 - (i) in #Commercial Districts# mapped within R1 through R5 Districts and in C3 and C4-1 Districts, a height of six feet;
 - (ii) in all other #Commercial Districts# and #Commercial Districts# mapped within R6 through R10 Districts, a height of 15 feet; and
 - (iii) when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of six feet;
 - (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;
- (o) (e) Spires or belfries;
- (p) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (q) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (r) (f) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a

height of 100 feet or greater, provided that:

- (1) the highest point of the wind turbine assembly does not exceed 55 feet;
- (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
- (3) in districts where new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet;

(s) Window washing equipment mounted on a roof;

(t) Wire, chain link or other transparent fences.

* * *

**33-431
In C1 or C2 Districts with bulk governed by surrounding Residence District**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for #buildings# other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

* * *

However, in accordance with the provisions of Section 32-42 (Location Within Buildings), no #commercial building# or portion thereof occupied by non-#residential uses# listed in Use Groups 6A, 6B, 6C, 6F, 7, 8, 9, or 14A or 14B shall exceed in height 30 feet or two #stories#, whichever is less.

* * *

**33-432
In other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

* * *

However, in accordance with the provisions of Section 32-42 (Location within Buildings), in C1, C2 or C3 Districts, no #commercial building#, or portion thereof, occupied by non-#residential uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9, or 14A or 14B shall exceed in height 30 feet or two #stories#, whichever is less.

* * *

**33-441
In C1 or C2 Districts with bulk governed by surrounding Residence District**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be determined by the #Residence District# in which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

* * *

However, in accordance with the provisions of Section 32-42 (Location within Buildings), no #commercial building#, or portion thereof, occupied by non-#residential uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9, or 14A or 14B shall exceed in height 30 feet or two #stories#, whichever is less.

* * *

**33-442
In other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be as set forth in the following table:

* * *

However, in accordance with the provisions of Section 32-42 (Location Within Buildings), in C1, C2 or C3 Districts, no #commercial building# or portion thereof occupied by #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9, or 14A or 14B shall exceed in height 30 feet or two #stories#, whichever is less.

* * *

Chapter 4

Bulk Regulations for Residential Buildings in Commercial Districts

* * *

**34-232
Modification of side yard requirements**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 34-233 (Special provisions applying along district boundaries), no #side yard# shall be required for any #residential building#. However, if any open area extending along a #side lot line# is provided, such open area shall have a width of not less than eight feet. Permitted obstructions, pursuant to paragraph (a) of The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

* * *

**Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts**

* * *

**35-52
Modification of Side Yard Requirements**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying Adjacent to R1 Through R5 Districts), no #side yard# shall be required although, if any open area extending along a #side lot line# is provided at any level, it shall have a width of not less than eight feet. Permitted obstructions, pursuant to paragraph (a) of The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

However, in C3A Districts, #side yards# shall be provided in accordance with the regulations for R3A Districts as set forth in Section 23-461 (Side yards for single- or two-family residences).

* * *

**35-65
Height and Setback Requirements for Quality Housing Buildings**

C1 C2 C4 C5 C6

In the districts indicated, the #street wall# location provisions of Sections 35-651 and the height and setback provisions of Section 35-652, shall apply to #Quality Housing buildings#. In certain districts, the heights set forth in Section 35-652 may be increased pursuant to either the provisions of Section 35-653 (Tower regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable. Additional provisions are set forth in Section 35-655. The height of all #buildings or other structures# shall be measured from the #base plane#.

In all such districts, the permitted obstructions provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section ~~23-621~~ 23-623 (Permitted obstructions in certain districts).

* * *

**35-653
Tower regulations**

C6-3D C6-4X

In the districts indicated, any #building or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-65 (Tower Regulations), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section ~~23-621~~ 23-623 (Permitted obstructions in certain districts) shall not be included in tower coverage. Such tower may exceed a height limit of 85 feet above the #base plane# provided the base of such tower complies with the applicable provisions of Section 35-651 (Street wall location) and the setback provisions of Section 35-652 (Maximum height of buildings and setback regulations), and provided that the tower portion complies with the provisions of paragraphs (a), (b) and (c) of Section 23-663 (Tower regulations).

* * *

Chapter 6
Accessory Off-Street Parking and Loading Regulations

36-00
GENERAL PURPOSES AND DEFINITIONS

* * *

36-02
Applicability of District Regulations

Except as otherwise provided in this Section, the regulations of this Chapter on permitted and required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#...

* * *

36-029
Applicability of regulations to public parking garages and public parking lots

The following provisions of this Chapter shall apply to #public parking garages# and #public parking lots# in addition to #accessory# off-street parking facilities:

Table with 2 columns: Section number and description of regulation (e.g., Restrictions on the Use of Parking Spaces in Public Parking Garages and Public Parking Lots).

* * *

36-40
RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

* * *

36-46
Restrictions on the Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots

36-461
Restrictions on Use of Accessory Off-street Parking Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces, open or enclosed, shall be used primarily for the owners, occupants, employees, customers, residents or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

- (a) Any off-street parking spaces #accessory# to #residences# which are not needed by the occupants of such #residences#...

[EXISTING TEXT MOVED FROM SUBSEQUENT SECTIONS]

- 1. in C1 and C5 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#...
2. in C3 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.

- (b) In C1 or C2 Districts mapped within, or with an equivalent of R3-2 through R10 Districts, other than other than R4-1, R4A, R4B and R5A Districts, and in C3 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to: publicly available electric vehicle charging facilities, #car sharing vehicles#, or vehicles stored by automobile rental establishments.

- (c) In C4, C5, C6, C7 and C8 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to: publicly available electric vehicle charging facilities, #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

Any spaces #accessory# to #residences# shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

Or may be occupied by #car sharing vehicles#, only as set forth in the following paragraphs:

- (1) In C1 or C2 Districts mapped within #Residence Districts#

In C1 or C2 Districts mapped within R3, R4 or R5A Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all parking spaces in #group parking facilities# containing 20 or more spaces. In C1 or C2 Districts mapped within R5 Districts, except R5A Districts, and in R6, R7, R8, R9 or R10 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all parking spaces, whichever is greater.

- (2) In C1 or C2 Districts not mapped within #Residence Districts#, or in C3, C4, C5, C6 Districts

In the districts indicated, except C3 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all parking spaces, whichever is greater. In C3 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all parking spaces in #group parking facilities# containing 20 or more spaces.

Such spaces provided pursuant to paragraph (a) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

- (b) #Car sharing vehicles# may occupy off-street parking spaces #accessory# to a non-#residential use# in #group parking facilities# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facilities#.

In addition, the rental of such spaces to non-residents shall be subject to the restrictions applying to the specified districts as set forth in Sections 36-461 and 36-462, except that such restrictions shall not apply to spaces occupied by #car sharing vehicles#.

[CONSOLIDATING WITH SECTION ABOVE]

36-461
Restrictions on rental of spaces accessory to residences in C1 or C5 Districts

C1-C5

In the districts indicated, off-street parking spaces #accessory# to #residences# shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#, provided, however that rental for shorter periods may be permitted by the Board of Standards and Appeals in accordance with the provisions of Section 73-47 (Rental of Accessory Off-street Parking Spaces to Non-Residents).

36-462
Restrictions on rental of spaces accessory to residences in C3 Districts

C3

In the district indicated, off-street parking spaces #accessory# to #residences# shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.

36-462
Restrictions on the Use of Parking Spaces in Public Parking Garages and Public Parking Lots

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, off-street parking spaces in #public parking garages# and #public parking lots# may be made available for electric charging, or allocated to #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking, only as follows:

- (a) In all districts, all spaces within a #public parking garage# or #public parking lot# may be allocated to publicly available electric vehicle charging facilities;
(b) In C1 or C2 Districts mapped within, or with an equivalent of R3-2 through R10 Districts, other than other than R4-1, R4A, R4B and R5A Districts, and in C3 Districts, up to 50 percent of the parking spaces within a #public parking garage# or #public parking lot# may be allocated to: #car sharing vehicles#, or vehicles stored by automobile rental establishments.
(c) In C4, C5, C6, C7 and C8 Districts, up to 50 percent of the parking spaces within a #public parking garage# or #public parking lot# may be allocated to: #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

36-47 Restrictions on Automotive Repairs and Sale of Motor Fuel

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces. However, where such parking spaces are provided in a #building or other structure#, unattached to the #building# containing #residences#, minor automotive repairs (not including body work) are permitted, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces. The provisions of this Section are not applicable to #accessory# off-street parking spaces provided in #public parking garages#.

36-48 Electric Vehicle Charging

Electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces, except as otherwise permitted by the provisions of Section 36-461 (Restrictions on Use of Accessory Off-street Parking Spaces).

* * *

36-50 ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

* * *

36-52 Size, Location and Identification of Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, all #accessory# off-street parking spaces shall comply with the size and location provisions of this Section.

36-52.1 Size of spaces

C1 C2 C3 C4 C5 C6 C7 C8

a. Minimum maneuvering space

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space, except as follows: -However, an

1. Standard attended facilities

An area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

[EXISTING TEXT BEING RELOCATED FROM BELOW]

In any case where a reduction of the required area per

parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

2. Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

3. #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one street parking space. The term "tray" shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in #automated parking facilities# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

b. Driveway access

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.

[EXISTING TEXT BEING RELOCATED ABOVE]

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

c. Minimum size for each parking space

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

d. Special rules for certain areas

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, for #commercial# or #community facility# #uses#, each required parking space not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (PARKING LOTS) shall also apply.

* * *

36-52.4 Calculating floor area in parking facilities with lift systems, or in automated parking facilities

For enclosed #accessory# off-street parking facilities, or #public parking garages#, for the purposes of determining #floor area# in an #automated parking facility#, or an attended parking facility with parking lift systems, each tray upon which a vehicle is stored at a height that exceeds the permitted exemption set forth in the definition of #floor area# in Section 12-10, or as otherwise modified in this Resolution, as applicable, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

* * *

36-55 Surfacing

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations

promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory# #group parking facility# shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

* * *

36-70 BICYCLE PARKING

* * *

36-73 Restrictions on Operation, Size and Location of Bicycle Parking Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 36-74 (Certification for Off-site Bicycle Parking Spaces).

* * *

All required bicycle parking spaces that are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces that are #accessory# to a #commercial# or #community facility# #use# shall be made available for the storage and independent access of bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities must be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to #community facilities# with sleeping accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock, or similar means, provided that access is through a commonly accessible area and access is made available to eligible users on an equal basis. Rooms containing required bicycle parking spaces may also contain non-required #accessory# bicycle spaces, as well as non-#accessory# bicycle spaces permitted by the underlying district regulations.

* * *

36-74 Certification for Off-site Bicycle Parking Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, ~~for colleges, universities, seminaries, hospitals and related facilities, except animal hospitals,~~ #accessory# bicycle parking spaces required pursuant to Section 36-711 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that all such bicycle parking spaces are:

- (a) located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#, or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#; and
- (b) subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces as accessible throughout the life of the #use# generating the #accessory# bicycle parking spaces.

A plaque shall be placed within 30 feet of an entrance of the #building#, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the certificate of occupancy for both the #building# in which the off-site bicycle parking spaces are located, and the #building# containing the #use# to which such bicycle parking spaces are #accessory#.

* * *

36-75 Floor Area Exemption

* * *

However, in no event shall this Section apply to #single-# or #two-family residences#; and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site, pursuant to Section 36-74 (Certification for Off-site Bicycle Parking Spaces).

37-00 GENERAL PURPOSES

Chapter 7 Special Urban Design Regulations

Special urban design regulations are set forth in this Chapter to improve the quality of the streetscape and to promote a lively and engaging pedestrian experience along commercial streets in various neighborhoods.

The provisions of this Chapter shall apply as follows:

* * *

- (a) Section 37-10 sets forth applicability of Article II, Chapter 6 to zoning lots accessed by private roads in C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts; as well as sets forth special regulations for lower density growth management areas in the Borough of Staten Island;
 - (b) Section 37-20, inclusive, sets forth special regulations for lower density growth management areas in the Borough of Staten Island;
- Section 37-20, inclusive, sets forth special regulations for all #energy infrastructure equipment# and #accessory# mechanical equipment not located within a #completely enclosed building#:
- (c) Section 37-30, inclusive, sets forth special streetscape provisions that apply in conjunction with provisions specified in the supplemental use provisions of Article III, Chapter 2, special provisions for certain areas in Article VI, or in Special Purpose Districts in Articles VIII through XIV;
 - (d) Section 37-40, inclusive, sets forth provisions for relocating or renovating subway stairs in certain areas;
 - (e) Section 37-50, inclusive, sets forth requirements for pedestrian circulation spaces that apply in conjunction with provisions specified in certain Special Purpose Districts;
 - (f) Section 37-60, inclusive, sets forth provisions for publicly accessible open areas such as plazas, residential plazas and urban plazas created prior to October 17, 2007;
 - (g) Section 37-70, inclusive, sets forth provisions for public plazas;
 - (h) Section 37-80 sets forth provisions for arcades; and
 - (i) Section 37-90, inclusive, sets forth provisions for certain open parking areas, including landscaping.

* * *

37-10 SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS

37-11 Applicability of Article II, Chapter 6, to Lots with Private Roads

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) shall apply to any #zoning lot# with #buildings# accessed by #private roads#, except where such #zoning lot# contains #private roads# constructed prior to February 6, 2002. In addition, the open area between #buildings# and sidewalks required pursuant to Section 26-25 need not be planted where such open areas front upon #commercial# #uses#.

However, in C3A Districts located within #lower density growth management areas#, the provisions of 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

37-12 Special Screening For Lower Density Growth Management Areas in Staten Island

[EXISTING TEXT BEING RELOCATED]

In all C1, C2 and C4-1 Districts in the Borough of Staten Island, all #developments# or #enlargements# containing non-#residential uses# shall be screened from adjoining #zoning lots# containing only #residential uses# by a planting strip at least five feet wide along the common #side lot line#, densely planted with evergreen shrubs at least

four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted. However, no such screening shall be required where both such #buildings# front upon a #street line# that forms the boundary of a #block# front mapped entirely as a #Commercial District#.

37-20 SPECIAL SCREENING AND ENCLOSURE PROVISIONS SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND

[RELOCATING RULES TO 37-12]

37-21 Special Screening Requirements Between Residential and Non-Residential Uses

In all C1, C2 and C4-1 Districts in the Borough of Staten Island, all #developments# or #enlargements# containing non-#residential-uses# shall be screened from adjoining #zoning-lots# containing only #residential-uses# by a planting strip at least five feet wide along the common #side lot line#, densely planted with evergreen shrubs at least four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted. However, no such screening shall be required where both such #buildings# front upon a #street line# that forms the boundary of a #block# front mapped entirely as a #Commercial District#.

37-21 Special At-grade Screening and Enclosure Regulations

In all districts, other than C8 Districts, all #energy infrastructure equipment# and #accessory# mechanical equipment located below the rooftop level, other than solar or wind energy systems or equipment with a depth limited to 18 inches from an exterior wall, shall be subject to the following provisions when not located within a #completely enclosed building#, whether or not such equipment is located within a required #open space#, #yard#, or #court#:

[EXPANDING SCREENING RULES TO APPLY TO COMMERCIAL DISTRICTS]

- a. all generators and cogeneration equipment utilizing fossil fuels which are #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;
- (b) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #side# or #rear lot line# and where located between a #street wall#, or prolongation thereof, and the #street line#, such equipment is within three feet of a #street wall#; and
- (c) where the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.

37-22 Special Rooftop Screening and Enclosure Regulations

[RELOCATING MECHANICAL SCREENING RULES AND EXPANDING APPLICABILITY]

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment located on roofs, other than solar energy systems, shall be subject to the following provisions when not located within a #completely enclosed building#, whether or not such equipment is penetrating a maximum height limit or a #sky exposure plane#:

All such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.

* * *

37-50 REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE

* * *

37-53 Design Standards for Pedestrian Circulation Spaces

- (a) Arcade

* * *

- (3) Permitted obstructions

Except for #building# columns, and exterior wall thickness #qualifying exterior wall thickness# pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), an arcade shall be free from obstructions of any kind.

* * *

- (b) #Building# entrance recess area

* * *

- (2) Permitted obstructions

Any portion of a #building# entrance recess area under an overhanging portion of the #building# shall have a minimum clear height of 15 feet. It shall be free of obstructions except for exterior wall thickness #qualifying exterior wall thickness# pursuant to Section 33-23, and #building# columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the #street line#. Between a #building# column and a wall of the #building#, there shall be a clear path at least five feet in width.

* * *

- (c) Corner arcade

* * *

- (2) Permitted obstructions

Except for #building# columns, exterior wall thickness #qualifying exterior wall thickness# pursuant to Section 33-23, a corner arcade shall be free from obstructions of any kind.

* * *

- (d) Corner circulation space

* * *

- (2) Permitted obstructions

A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements does not exceed 20 percent of the area of the corner circulation space and that such elements and any attachments thereto are at least eight feet above #curb level#. A corner circulation space shall be clear of all other obstructions including, without limitation, door swings, #building# columns, #street# trees, planters, vehicle storage, parking or trash storage. However, exterior wall thickness #qualifying exterior wall thickness# may be added pursuant to Section 33-23. No gratings, except for drainage, shall be permitted.

* * *

- (f) Sidewalk widening

* * *

- (3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for those obstructions permitted under paragraph (f)(2) of this Section, exterior wall thickness #qualifying exterior wall thickness# to Section 33-23, and for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements, measured on the plan, does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb level#.

* * *

- (h) Through #block# connection

* * *

- (2) Design standards for a through #block# connection

(i) A through #block# connection shall provide a straight, continuous, unobstructed path at least 15 feet wide. If covered, the clear, unobstructed height of a through #block# connection shall not be less than 15 feet. exterior wall thickness #qualifying exterior wall thickness#, as set forth in Section 33-23, shall be a permitted obstruction to such path.

* * *

37-70 PUBLIC PLAZAS

* * *

37-72 Access and Circulation

* * *

37-721 Sidewalk frontage

To facilitate pedestrian access to a #public plaza#, the following rules shall apply to the area of the #public plaza# located within 15 feet of a #street line# or sidewalk widening line:

- (a) At least 50 percent of such area shall be free of obstructions and comply with the following provisions:
(1) at least 50 percent of the #public plaza# frontage along each #street line# or sidewalk widening line shall be free of obstructions; and
(2) such unobstructed access area shall extend to a depth of 15 feet measured perpendicular to the #street line#.
(b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted obstructions) shall be allowed...

For #corner public plazas#, the requirements of this Section shall apply separately to each #street# frontage, and the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions.

* * *

37-726 Permitted obstructions

- a. #Public plazas# shall be open to the sky and unobstructed except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: water features, including fountains, reflecting pools and waterfalls; sculptures and other works of art; seating, including benches, seats and moveable chairs; trees, planters, planting beds, lawns and other landscape features; arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights and lighting stanchions; public telephones; public restrooms; permitted temporary exhibitions; permitted awnings, canopies or marquees; permitted freestanding #signs#; play equipment; exterior wall thickness #qualifying exterior wall thickness# added pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents); permitted kiosks and open-air cafes; stages; subway station entrances, which may include escalators; and drinking fountains.

* * *

- (b) Permitted obstructions may occupy a maximum percentage of the area of a #public plaza#, as follows:

* * *

Trees planted flush-to-grade in accordance with the provisions of Section 37-742 (Planting and trees) and tree canopies do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions, except that lawn, turf or grass areas intended for public access and seating shall not count as obstructions, provided such lawns do not differ in elevation from the adjoining #public plaza# elevation by more than six inches. exterior wall thickness #qualifying exterior wall thickness# added pursuant to Section 33-23 in any #publicly accessible open area# or #public plaza# built prior to April 30, 2012; shall not count as obstructions for the purpose of calculating total area occupied by permitted obstructions.

37-90 PARKING LOTS

* * *

37-92 Landscaping

The provisions of Section 37-921 (Perimeter landscaping) shall apply to open #accessory# off-street parking facilities and #public parking lots# with 18 or more spaces or at least 6,000 square feet in area that front upon a #street#.

The provisions of Section 37-922 (Interior landscaping) shall additionally apply to open #accessory# off-street parking facilities and #public parking lots# with 36 or more spaces or at least 12,000 square feet in area.

However, where more than 75 percent of the parking spaces in such #accessory# off-street parking facility or #public parking lot# will be covered by solar canopies, the requirements of such Sections may be modified by the provisions of Section 37-923 (Alternative compliance for solar canopies).

37-921 Perimeter landscaping

All open parking areas subject to the provisions of this Section with 18 spaces or more or 6,000 square feet or more in area that front upon a #street# shall be screened at the #street line# by a perimeter landscaped area at least seven feet in width measured perpendicular to the #street line#. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Walkways may also traverse the perimeter landscaped area in order to provide a direct connection between the public sidewalk and a walkway within or adjacent to the open parking area. In the event a perimeter landscaped area is greater than seven feet in width, the first seven feet adjacent to the open parking area must comply with paragraphs (a) and (b) of this Section. The remainder of the landscaped perimeter area may comply with paragraphs (a) and (b) or be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material.

* * *

37-922 Interior landscaping

All open parking areas subject to the provisions of this Section of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one tree for every eight parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be in addition to the trees required in the perimeter screening area. Each such tree shall have a minimum caliper of three inches and be located in a planting island with a minimum area of 150 square feet of pervious surface.

* * *

37-923 Alternative compliance for solar canopies

For open parking areas where solar canopies will cover more than 75 percent of the parking spaces in a #accessory# off-street parking facility or #public parking lot#, or any portion thereof with more than 10 parking spaces, the provisions of Sections 37-921 or 37-922 may be modified as follows:

- a. the tree planting requirements of paragraph (b)(3) of Section 37-921 need not apply where a solar canopy is proposed within 10 feet of a portion of a perimeter landscaped area along a #street# frontage necessitating a tree; and
b. the interior landscaping requirements of Section 37-922 need not apply to such portion covered by a solar canopy.

* * *

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

42-00 GENERAL PROVISIONS

[CLEANING UP INCONSISTENT REFERENCES TO ACCESSORY USE]

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group.

Use Groups 4B, 4C, 5, 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18, including each #use# listed separately therein, and certain #uses# listed in Use Groups 3A, 4A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts# as indicated in Sections 42-11 to 42-15, inclusive, except that any such #use# which is also an #adult

establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

* * *

**42-11
Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B**

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18, 32-21.

Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

* * *

**42-12
Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16**

M1 M2 M3

Use Group 3A shall be limited to museums that are ancillary to existing motion picture production studios or radio or television studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment. In addition, the regulations of this Section are modified, where applicable, by the regulations of Section 63-11 (Special Use Regulations for FRESH Food Stores in M1 Districts).

* * *

#Public parking garages# and #public parking lots# shall be subject to select provisions set forth in Article IV, Chapter 4. In the #Manhattan Core#, automobile rental establishments, #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 6.

* * *

**42-14
Use Group 17**

M1 M2 M3

Use Group 17 consists primarily of #manufacturing# #uses# that:

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

* * *

- C. Miscellaneous #uses#
Agriculture, including greenhouses, nurseries or truck gardens
Composting, open or enclosed
Docks for passenger ocean vessels, other than #gambling vessels#
- D. Special #uses# in M1-5B Districts

M1-5B

- (1) #Joint living-work quarters for artists# in #buildings# in M1-5B Districts, provided:

* * *

- (2) #Commercial# and #manufacturing# #uses# below the floor level of the second #story# provided, in M1-5B Districts, in any #buildings#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B; or 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings# unless modified by

the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781;

* * *

**42-15
Use Group 18**

M3

Use Group 18 consists primarily of industrial #uses# which:

- (1) either involve considerable danger of fire, explosion or other hazards to public health or safety, or cannot be designed without appreciable expense to conform to high performance standards with respect to the emission of objectionable influences; and
- (2) normally generate a great deal of traffic, both pedestrian and freight.

* * *

B. Storage or miscellaneous #uses#, open or enclosed

Coal or gas storage

Dumps, recycling or material recovery facilities, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

* * *

**42-141
Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts**

In M1-5B Districts, the requirements of paragraphs D.(1)(b), D.(1)(c), D.(1)(d) and D.(1)(e) or D.(2) of Section 42-14 (Use Group 17) may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

* * *

- (c) The provisions of paragraph D.(2) of Section 42-14 may be modified provided a #use# other than those listed in Use Groups 7, 9, 11, 16, 17A, 17B; or 17C or 17E occupied the #floor area# below the level of the second #story# as of September 1, 1980, and an application under this provision has been filed with the City Planning Commission not later than June 21, 1983.

* * *

**42-41
Enclosure of Commercial or Manufacturing Activities**

M1 M2 M3

In all districts, as indicated, all commercial or manufacturing activities established by #development#, #enlargement#, #extension# or change of #use#, except storage of materials or products, shall be subject to the provisions of this Section with respect to enclosure, except as otherwise specifically provided in the Use Groups permitted in the district, and in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-street Loading Berths). With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

#Accessory uses# may be open or enclosed, notwithstanding any limitations on the principal #use#, provided that any open #accessory uses# are customarily found in connection with such principal #use#.

* * *

**Chapter 3
Bulk Regulations**

* * *

**43-20
YARD REGULATIONS**

Definitions and General Provisions

* * *

**43-23
Permitted Obstructions in Required Yards or Rear Yard Equivalents**

In all #Manufacturing Districts#, the obstructions set forth in Section 23-441 (General permitted obstruction allowances), as well as the

following obstructions, shall be permitted within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:
 - (1) Arbors or trellises;
 - (2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
 - (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
 - (3) Canopies;
 - (4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
 - (5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
 - (6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

- (7)(1) Fences;
 - (8) Flagpoles;
 - (9)(2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
 - (10)(3) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that the height of all equipment shall not exceed a height of 23 feet above #curb level#;
- Power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that all equipment shall not exceed a height of 23 feet above #curb level#;
- (11) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
 - (12)(4) Steps, and ramps or lifts for people with physical disabilities;
 - (13) Terraces or porches, open;
 - (14)(5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.

- (b) In any #rear yard# or #rear yard equivalent#:
 - (1) Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, shall be permitted upon such #building#, or portion thereof, pursuant to Section 43-42 (Permitted Obstructions);
 - (2) Breezeways;
 - (3) Fire escapes;

- (4)(2) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#; or
 - 3. Solar energy systems affixed to solar canopies and located over parking spaces associated with #public parking lots#, automobile rental establishments, or commercial or public utility vehicle parking facilities, as permitted, provided that the height shall not exceed 15 feet above the level of the adjoining grade.
- (5) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#:
 - (i) up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial# or #community facility# #use# or attached parking structure; or
 - (ii) shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
- (6) Water-conserving devices, required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

* * *

43-40 HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions

* * *

43-42 Permitted Obstructions

In all #Manufacturing Districts#, the obstructions set forth in Section 23-621 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks) or 43-49 (Limited Height Districts).

[REPETITIVE OBSTRUCTIONS BEING ELIMINATED AND REFERENCE MADE TO ONE GLOBAL REFERENCE]

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with this Section.
 - When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;
- (b) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 43-43, 43-44 or 43-45 (Tower Regulations);
- (c) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- (d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(e) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:

- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- (2) all mechanical equipment shall be screened on all sides;
- (3) such obstructions and screening are contained within a volume that complies with one of the following:
 - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
 - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (e), #abutting# #buildings# on a single #zoning lot# may be considered to be a single #building#;

(a) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:

- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
- (2) the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;
- (3) the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and
- (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:
 - v. where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
 - vi. where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
- (5) all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(f) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing

#building#, and there is no penetration of #floor area# above a maximum height limit;

- (g) Flagpoles or aerials;
- (h)(b) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (i) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (j) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (j), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (k)(c) #Qualifying Rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#; permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
 - (i) a height of 15 feet;
 - (ii) a height of six feet when located on a bulkhead or other obstruction, pursuant to paragraph (e) of this Section;
 - (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;
- (n)(d) Spires or belfries;
- (o) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (q)(e) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) in districts where #residences# or #joint living-work quarters for artists# are permitted as-of-right, by special permit or by authorization, or within 100 feet of such districts, the

diameter of the swept area of the rotor does not exceed 15 feet;

- (r) Window washing equipment mounted on a roof;
- (s) Wire, chain link or other transparent fences.

* * *

43-624

Height and setback in M1-6D Districts

In M1-6D Districts, the height and setback provisions of this Section shall apply to all #buildings#.

- (a) Rooftop and permitted obstruction regulations
 - (1) Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#; except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, a maximum base height or #sky exposure plane# may be penetrated, as follows:

- (i) Structural columns

Structural columns may penetrate a maximum height limit or #sky exposure plane#, provided that such columns are one story or less in height, have a #street wall# no greater than 30 inches in width, and are spaced not less than 15 feet on center.

- (ii) Dormers

On any #street# frontage, dormers may be provided in accordance with the provisions of paragraph (c) of Section 23-621 23-623 (Permitted obstructions in certain districts).

- (2) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and #conversions# of #non-residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be subject to the provisions of Section 37-22 (Special Rooftop Screening and Enclosure Regulations) fully screened on all sides. However, no such screening requirements shall apply to water tanks.

* * *

Chapter 4 Accessory Off-Street Parking and Loading Regulations

* * *

44-02 Applicability

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces apply to #manufacturing#, #commercial# or #community facility# #uses#, as set forth in the provisions of the various Sections. In limited instances certain regulations also apply to #public parking garages# and #public parking lots#.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

* * *

44-026 Applicability of regulations to public parking garages and public parking lots

The following provisions of this Chapter shall apply to #public parking garages# and #public parking lots# in addition to #accessory# off-street parking facilities:

Section 44-352

(Restrictions on the Use of Parking Spaces in Public Parking Garages and Public Parking Lots)

Section 44-423

(Calculating floor area in parking facilities with lift systems, or in automated parking facilities)

Section 44-43

(Location of Access to the Street)

Section 44-44

(Surfacing)

Section 44-45

(Screening)

Section 44-47

(Parking Lot Maneuverability and Curb Cut Regulations)

* * *

44-21 General Provisions M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility# #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

* * *

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

Type of #Use#	Parking Spaces Required, in Relation to Specified Unit of Measurement	Districts
FOR MANUFACTURING OR COMMERCIAL USES		
#Manufacturing# or semi-industrial #uses#. #Uses# in Use Group 17B, 17D; or 18A or 18C, or in PRC-F in Use Group 11 or 16, and with a minimum of either 7,500 square feet of #floor area# or 15 employees.	None required 1 per 1,000 square feet of #floor area# ¹ , or 1 per 3 employees, whichever will require a larger number of spaces	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

* * *

44-35 Restrictions on the Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots

44-351 Restriction on Use of Accessory Off-street Parking Spaces M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or visitors of the #use# or #uses# to which such spaces are #accessory#_ except as set forth in this Section.

In all districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to: publicly available electric vehicle charging facilities, #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

#Car sharing vehicles# may occupy #accessory# off-street parking spaces in #group parking facilities# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facilities#.

44-352 Restrictions on the Use of Parking Spaces in Public Parking Garages and Public Parking Lots

M1 M2 M3

In all districts, as indicated, off-street parking spaces in #public parking garages# and #public parking lots# may be made available for electric charging, or allocated to #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking, only as follows:

- (a) In all districts, all spaces within a #public parking garage# or #public parking lot# may be allocated to publicly available electric vehicle charging facilities;
- (b) In all districts, up to 50 percent of the parking spaces within a #public parking garage# or #public parking lot# may be allocated to: #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

44-36 Restrictions on Automotive Repairs and Sale of Motor Fuel

M1 M2 M3

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil, or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces. However where such parking spaces are provided in a #building or other structure#, minor automotive repairs (not including body work) are permitted, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces. The provisions of this Section are not applicable to #accessory# off-street parking spaces provided in #public parking garages#.

44-37 Electric Vehicle Charging

Electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces, except as otherwise permitted by the provisions of Section 44-351 (Restrictions on Use of Accessory Off-street Parking Spaces).

* * *

44-42 Size and Identification of Spaces

44-421 Size of spaces

M1 M2 M3

- (a) Size of spaces Minimum maneuvering space

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space, except as follows: :

- 1. Standard attended facilities

However, an An area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of the Department of Buildings, or where the applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

[EXISTING TEXT BEING RELOCATED FROM BELOW]

In any case where a reduction of the required area per parking space is permitted on the basis of the applicant's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

- 2. Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

- 3. #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one parking space. The term "tray" shall refer to the structural

support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in #automated parking facilities# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

- (b) Driveway access

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

[EXISTING TEXT BEING RELOCATED ABOVE]

In any case where a reduction of the required area per parking space is permitted on the basis of the applicant's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

- (c) Minimum size for each parking space

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

44-422 Identification of car sharing vehicles

- (b) Identification of #car sharing vehicles#

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

- (1) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility; and
- (2) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility.

44-423 Calculating floor area in parking facilities with lift systems, or in automated parking facilities

For enclosed #accessory# off-street parking facilities, or #public parking garages#, for the purposes of determining #floor area# in an #automated parking facility#, or an attended parking facility with parking lift systems, each tray upon which a vehicle is stored at a height that exceeds the permitted exemption set forth in the definition of #floor area# in Section 12-10, or as otherwise modified in this Resolution, as applicable, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

* * *

44-44 Surfacing

M1 M2 M3

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced, and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory# #group parking facility# shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

* * *

44-60 BICYCLE PARKING

* * *

However, in no event shall #accessory# bicycle parking spaces be excluded from the calculation of #floor area# in the case of #single-# or #two-family residences# or in the case of #accessory# bicycle parking spaces provided off-site pursuant to Section 36-74 (Certification for Off-

site Bicycle Parking Spaces).

* * *

ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING
BUILDINGS

* * *

Chapter 2
Non-Conforming Uses

52-22
Structural Alterations

No structural alterations shall be made in a #building or other
structure# substantially occupied by a #non-conforming# #use#, except
when made:

- (a) in order to comply with requirements of law; or
(b) in order to accommodate a conforming #use#; or
(c) in order to conform to the applicable district regulations on
performance standards; or
(d) in the course of an #enlargement# permitted under the provisions
of Sections 52-41 to 52-46, inclusive, relating to Enlargements or
Extensions; or
(e) in the course of an alteration to improve the energy performance
of the #building or other structure#, including, but not limited to,
the addition of solar energy systems, energy storage systems, or
#qualifying exterior wall thickness#;
(f) or except as set forth in Sections 52-81 to 52-83, inclusive, relating
to Regulations Applying to Non-Conforming Signs.

* * *

52-41
General Provisions

A #non-conforming# #use# may be #enlarged# or #extended# within
the district in which such #non-conforming# #use# is located only
in accordance with the provisions of this Chapter. However, a #non-
conforming# #single-# or #two-family residence# in an R3, R4 or R5
District may be #enlarged# or #extended# in accordance with the
#bulk# regulations specified for the district in which it is located.
Furthermore, #enlargements# or #extensions# designed exclusively
to permit conformity with the regulations on performance standards,
designed in order to improve energy performance, or designed in order
to provide required #accessory# off-street parking spaces or off-street
loading berths on the same #zoning lot# as the #use# to which such
spaces or berths are #accessory# are not subject to the restrictions set
forth herein.

For the purposes of this Section and Sections 52-31 (General
Provisions), 52-42 (C6, C8 or Manufacturing Districts) and 52-43 (C1
or C4 Districts), the applicable district regulations on #accessory#
off-street parking spaces or loading berths shall be determined in
accordance with the following tables. The term "required" as used in
this Section shall mean some or all of, but not more than, the number
of spaces or berths which would be required by such applicable district
regulations for #development# for such #use#.

* * *

52-60
DISCONTINUANCE

52-61
General Provisions

* * *

Except in Historic Districts as designated by the Landmarks
Preservation Commission, the provisions of this Section shall not apply
to vacant ground floor or #basement# stores in #buildings designed for
residential use# located in R5, R6 or R7 Districts where the changed or
reactivated #use# is listed in Use Group 6A, 6B, or 6C or 6F excluding
post offices, veterinary medicine for small animals, automobile supply
stores, electrolysis studios and drive-in banks. In addition, the changed
or reactivated #use# shall be subject to the provisions of Section 52-34
(Commercial Uses in Residence Districts).

* * *

Chapter 4
Non-Complying Buildings

* * *

54-21
General Provisions

Repairs, #incidental alterations#, or structural alterations may be
made in a #non-complying# #building or other structure#, except that
such alterations made in the course of an #enlargement# shall be
subject to the provisions of Section 54-31 (General Provisions).

* * *

54-30
ENLARGEMENTS OR CONVERSIONS

54-31
General Provisions

Except as otherwise provided in Section 54-313 this Chapter, a
#non-complying# #building or other structure# may be #enlarged# or
#converted#, provided that no #enlargement# or #conversion# may be
made which would either create a new #non-compliance# or increase
the degree of #non-compliance# of a #building or other structure# or
any portion thereof.

* * *

54-313
Single- or two-family residences with non-complying front
yards or side yards

- (b) In all districts, for an existing #single-# or #two-family residence#
with a #non-complying# #side yard#, an #enlargement# involving
a vertical extension of existing #building# walls facing such #non-
complying# #side yard# is permitted, provided the following
conditions are met:

* * *

Notwithstanding the provisions set forth in paragraphs (a)(1)
and (b)(1) of this Section, when an existing #building# has added
exterior wall thickness #qualifying exterior wall thickness#
pursuant to Section 23-44 (Permitted Obstructions in Required
Yards or Rear Yard Equivalents), such vertical extensions may
align with the location of the finished exterior #building# wall of
the existing #building#.

* * *

54-42
Use of Alternative Formula

In any case where the applicant alleges that #floor area# is an
inappropriate measure of the extent of damage or destruction, and
elects to substitute reconstruction costs for #floor area#, an application
may be made to the Board of Standards and Appeals to determine
the extent of the damage or destruction. Such a #building# may be
reconstructed as provided in Section 54-41 (Permitted Reconstruction),
substituting the ratio which the cost of reconstructing the damaged or
destroyed portion of such #building# bears to the cost of reconstructing
the entire #building#, for the percentage of total #floor area#. In
determining reconstruction costs, the cost of land shall be excluded.

54-50
MODIFICATIONS TO THE PROVISIONS OF THIS CHAPTER

54-51
Energy Infrastructure or Retrofits

Notwithstanding the other provisions of this Chapter, in all districts,
a #development#, #enlargement# or alteration comprised exclusively
of the addition of #energy infrastructure equipment#, #accessory#
mechanical equipment, or #qualifying exterior wall thickness#,
whether to a #building# or to an open area of the #zoning lot#, may
create a new #non-compliance# or increase the degree of #non-
compliance# of a #building or other structure#, provided that:

- (a) where locating such equipment into a #non-complying# #open
space#, #yard#, #rear yard equivalent#, or #court#, as applicable,
such equipment shall comply with the applicable height and area
restrictions for the respective open area set forth in the applicable
underlying district regulations, as applied to the level and size of
the #non-complying# open area;
(b) where locating such equipment onto the rooftop of a #building#
that is #non-complying# with height and setback regulations, such
equipment shall comply with the height and area regulations for
such permitted obstruction set forth in the applicable underlying
district regulations, as applied to the level of the rooftop, inclusive
of any #non-compliance# into a required setback area, #yard#, or
other required open area;
(c) at any level, all #energy infrastructure equipment# or #accessory#
mechanical equipment will be enclosed or screened in compliance
with the applicable provisions for such permitted obstructions;
and
(d) where locating #qualifying exterior wall thickness# into either a
#non-complying# #open space#, #yard#, #rear yard#, or #court#,
or into a #non-complying# distance between two #buildings# or a
#non-complying# distance between a #building# and #lot line#, or
in a location not otherwise permitted by underlying #street wall
location rules#, such additional encroachment of wall thickness
shall not exceed the depth permitted by the underlying permitted
obstruction regulations.

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

* * *
* * *

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-11
Definitions

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS) and Section 64-11 (Definitions).

Development

For the purposes of this Chapter, a "development" shall also include:

- (a) an #enlargement#;
- (b) any alteration that increases the height or coverage of an existing #building# or other structure#;
- (c) an #extension#; or
- (d) a change of #use# from one Use Group to another, or from one #use# to another in the same Use Group, or from one #use# listed in Section 62-21 (Classification of Uses in the Waterfront Area) to another such #use#.

However, a #development# shall not include incidental modifications to a #zoning lot#, including but not limited to, the addition of deployable flood control measures and any associated permanent fixtures, the addition of temporary structures such as trash receptacles, food carts or kiosks, and the incorporation of minor permanent structures such as light stanchions, bollards, fences, or structural landscaped berms and any associated flood gates. All such modifications shall remain subject to any associated permitted obstruction allowances, as applicable.

Furthermore, a #development# shall not include the exclusive addition of #energy infrastructure equipment#, #accessory# mechanical equipment, electric vehicle charging facilities, as a primary or #accessory# #use#, or #qualifying exterior wall thickness#, whether added to a #building# or to an open area of the #zoning lot#.

* * *

62-341
Developments on land and platforms

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

- (a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

* * *

- (4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 and, where applicable, Sections 64-331, 64-332 or 64-432, shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

- (i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in paragraph (d) of this Section, provided that such dormer complies with the provisions of paragraph (c)(1) of Section ~~23-621~~ 23-623.

* * *

62-80
SPECIAL REVIEW PROVISIONS

* * *

62-82
Authorizations by the City Planning Commission

* * *

62-825
Modifications for wind energy systems

In any district, the City Planning Commission may authorize modifications to the applicable #bulk# or #waterfront public access area# regulations in order to accommodate wind energy systems, whether #accessory# or as part of #energy infrastructure equipment#, provided the Commission finds that:

- (a) there would be a practical difficulty in complying with regulations set forth for wind energy systems as set forth in the underlying district regulations, and as modified by this Chapter, without such modifications;
- (b) that such modifications are the minimum necessary to allow for an appropriate wind energy system; and
- (c) that the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located.

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

* * *

Chapter 3
Special Regulations Applying to FRESH Food Stores

* * *

63-11
Special Use Regulations for FRESH Food Stores in M1 Districts

In M1 Districts, the regulations of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit Use Group 6A food stores with #floor area# greater than 30,000 square feet.

* * *

Chapter 4
Special Regulations Applying in Flood Zones

* * *

64-30
SPECIAL BULK REGULATIONS

* * *

64-311
Special floor area modifications for all buildings

For all #buildings#, the definition of #floor area# in Section 12-10 (DEFINITIONS) shall be modified in accordance with the provisions of this Section.

- (a) Mechanical equipment

In R1-2A, R2A, R2X, R3, R4 or R5 Districts, the limitations on exempting #floor area# for mechanical equipment set forth in paragraphs (m) and (s) in the definition of #floor area# in Section 12-10 (DEFINITIONS), shall not apply, provided that all mechanical equipment is located at or above the #flood-resistant construction elevation#.

- (b) Flood control devices

In all districts, for every linear foot of protection by temporary flood control devices and associated fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter, up to 15 square feet of floor space used for the storage of such devices may be excluded from the definition of #floor area#, provided that in no event shall such exempted floor space exceed 1,000 square feet.

- (c) Buildings containing non-#residential uses#

In #Commercial# and #Manufacturing Districts#, where the permitted #commercial# or #manufacturing# #floor area ratio# does not exceed 1.0, up to 500 square feet of floor space may be excluded from the definition of #floor area#, provided that:

* * *

64-312
Permitted obstructions in required yards, courts, and open spaces for all zoning lots

The regulations for permitted obstructions in #yards#, #courts# and #open space# shall be modified in accordance with the provisions of this Section.

- (a) Mechanical equipment

[THE ALLOWANCE FOR MECHANICAL EQUIPMENT TO BE LOCATED IN THE SAME PLACES AS POWER SYSTEMS, AS WELL, AS THE ACCOMPANYING ENCLOSURE AND SCREENING REQUIREMENTS, ARE BEING RELOCATED TO THE RELEVANT SECTIONS OF THE UNDERLYING DISTRICT REGULATIONS.]

In all districts, the underlying allowances for #accessory# power systems as permitted obstructions in any #open space#, #yard#, #rear yard equivalent#, or #court#, may be expanded to include all and #accessory# mechanical equipment, provided that shall be modified so that

- (1) all equipment shall be subject to the following enclosure and screening requirements, as applicable:
 - (i) all power system equipment shall be enclosed within a #building or other structure#, or screened, as applicable, pursuant to the requirements set forth in the applicable underlying district allowances;
 - (ii) all other types of equipment, including all mechanical, electrical and plumbing equipment, shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation; and
- (2) the size and location of all #accessory# mechanical equipment, including all screening and enclosures containing such equipment, shall not exceed the size limitations specified in the underlying allowances, except that, where such

In all districts, where such #energy infrastructure equipment# or #accessory# mechanical equipment is elevated above the #flood-resistant construction elevation#, the underlying permitted obstruction regulations for such equipment permitted size and location of such #accessory# mechanical equipment may be modified as follows:

- (i)(1) where any equipment is required to be located at least five feet from any #lot line#, such distance may be reduced to three feet for #zoning lots# that have less than the prescribed minimum #lot area# or #lot width# required by the applicable district regulations;
- (ii)(2) the maximum height of such permitted obstructions for the applicable district:
 - (a)(i) may be measured from the #reference plane# instead of the level of the adjoining grade or #curb level#, as applicable; or
 - (b)(ii) for #zoning lots# containing #residences# and a #lot area# greater than or equal to one and one-half acres, may exceed the applicable height limitations, provided that:
 - (1)(a) such equipment is contained within a #building or other structure# that is located at least 30 feet from any #legally required window#;
 - (2)(b) any stack associated with heating, ventilation, and air conditioning (HVAC) systems exhausts at a height at least as tall as the tallest #building# containing #residences# on the #zoning lot#; and
 - (3)(c) such #building or other structure# complies with one point of the streetscape mitigations set forth in Section 64-52 (Ground floor level mitigation options); and
- (iii)(3) the maximum area that such equipment may occupy within a required #side yard#, #rear yard# or #rear yard equivalent#, or any #court# containing #legally required windows# need not apply where the height of such obstructions do not exceed the applicable underlying height allowances, as modified by the provisions of paragraph (a)(2)(i)(ii)(a) of this Section.

(b) Berms

In all districts, structural landscaped berms and associated flood gates, including emergency egress systems that are assembled prior to a storm and removed thereafter, shall be permitted obstructions in any required #open space#, #yard# or #rear yard equivalent# on the #zoning lot#, provided that the height of such berm does not exceed the highest #flood-resistant construction elevation# required on the #zoning lot#, or five feet above the lowest adjoining grade, whichever is higher.

(c) Flood control devices

In all districts, temporary flood control devices and associated permanent fixtures, including emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in #yards# and #rear yard equivalents#, #courts#, #open space#, #public plazas#, #arcades#, pedestrian circulation spaces and all other publicly accessible open spaces. However, permanent fixtures for self-standing flood control

devices installed in #publicly accessible open areas#, #arcades#, and pedestrian circulation spaces shall be flush-to-grade.

(d) Steps

In all #Residence Districts#, the provisions of paragraph (a)(17) of Section 23-44 (Permitted Obstructions in Required Yards or Rear-Yard Equivalents) (8) of section 23-442 (Additional permitted obstructions) shall be modified to allow steps within a required #yard# or #rear yard equivalent#, provided that such steps access any #story# located at or below the #first story above the flood elevation#.

64-313

Special height and setback regulations for all buildings

The regulations for permitted obstructions to applicable height and setback regulations shall be modified in accordance with the provisions of this Section.

(a) Bulkheads and mechanical equipment in low-density #Residence Districts#

In R3-2, R4, and R5 Districts, except R4-1, R4A, R4B and R5A Districts, for #buildings# other than #single-# and #two-family residences#, the underlying permitted obstructions regulations governing elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, and #accessory# mechanical equipment, other than solar or wind energy systems, may be modified as follows:

- (1) In R3-2 and R4 Districts, for #buildings#, or portions thereof, subject to the provisions of Article II, Chapter 3, the provisions of Section 23-621 (Permitted obstructions in certain districts) shall be modified to permit such obstructions, provided that:
 - (i) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#;
 - (ii) all mechanical equipment shall be screened on all sides;
 - (iii) the #lot coverage# of all such obstructions and such screening shall not exceed 250 square feet or 10 percent of the #lot coverage# of the #building#, whichever is greater; and
 - (iv) such obstructions are limited to a height of 15 feet above the maximum height of perimeter walls;
- (2) In R3-2 and R4 Districts, for #buildings#, or portions thereof, subject to the provisions of Article II, Chapter 4, the provisions of paragraph (f) of Section 24-51 (Permitted Obstructions) shall apply, except that the maximum #lot coverage# may be increased from 20 percent to 30 percent of the #lot coverage# of the #building#, provided that such obstructions are limited to a maximum height of 25 feet;
- (3) In R5 Districts, the provisions of paragraph (g) of Section 23-62 (Permitted Obstructions), and paragraph (f) of Section 24-51 shall apply, as applicable, except that the maximum #lot coverage# may be increased from 20 percent to 30 percent of the #lot coverage# of the #building#, provided that such obstructions are limited to a maximum height of 25 feet.

(b) Bulkheads and mechanical equipment in medium- and high-density #Residence Districts#, and #Commercial# and #Manufacturing Districts#

In R6 through R10 Districts, and in all #Commercial# and #Manufacturing Districts#, the underlying permitted obstructions regulations of paragraph (g) of Section 23-62, paragraph (f) of Section 24-51, paragraph (f) of Section 33-42, or paragraph (e) of Section 43-42, as applicable, governing elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, and #accessory# mechanical equipment, other than solar or wind energy systems, may be modified as follows:

- (1) where the maximum permitted height of a #building#, or portion thereof is less than 120 feet:
 - (i) the maximum #lot coverage# may be increased from 20 percent to 30 percent of the #lot coverage# of the #building#, provided that such obstructions are limited to a maximum height of 25 feet; or
 - (ii) the maximum permitted height of such volume may be increased from 25 feet to 33 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#;
- (2) where the maximum permitted height of a #building#, or portion thereof is 120 feet or greater:

- (i) the maximum #lot coverage# may be increased from 20 percent to a maximum #lot coverage# of 30 percent of the #lot coverage# of the #building#, provided that such obstructions are limited to a maximum height of 40 feet; or
- (ii) the maximum permitted height of such volume may be increased from 40 feet to 55 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage of the #building#.

(e) (a) Dormers

For #Quality Housing buildings#, or portions thereof, as an alternative to the provisions of paragraph (c) of Section 23-621 23-623, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

* * *

Chapter 6
Special Regulations Applying Around Mass Transit Stations

* * *

66-234
Special height and setback modifications

The height and setback modifications of this Section shall apply as follows:

(a) Permitted obstructions

(1) #Easement volumes#

Any portion of an #easement volume# shall be considered a permitted obstruction within a required setback or above any maximum base height, maximum #building# height, or #sky exposure plane# set forth in height and setback regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Dormers

For #Quality Housing buildings#, as an alternative to the provisions of paragraph (c) of Section 23-621 23-623, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases. For the purposes of this paragraph, the width of the #street wall# shall be determined pursuant to the provisions of paragraph (a) of Section 234 66-233 (Special street wall modifications).

* * *

ARTICLE VII
ADMINISTRATION

* * *

Chapter 3
Special Permits by the Board of Standard of Appeals

* * *

73-11
General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to 73-35, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

In the #Special Midtown District#, the powers of the Board to permit special permit #uses# are modified by the provisions of Sections 81-13 (Special Permit Use Modifications) and 81-061 (Applicability of Chapter 3 of Article VII).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# shall be subject to the height and setback requirements of an R2 District:

- Camps
- Public utility or public service facilities
- Radio and television towers, non-#accessory#
- Riding academies or stables.

* * *

73-14
Public Service Establishments

In all #Residence Districts#, the Board of Standards and Appeals may permit the #uses# set forth in paragraph (a) of this Section, provided that the findings set forth in paragraph (b) are met.

a. The Board may permit the following #uses#:

- e)Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet,
 - p)Potable water pumping stations, or
 - t)Telephone exchanges or other communications equipment structures, or
 - #Energy infrastructure equipment#, without size restriction.
- provided that the following findings are made:

b. In order to grant such permit, the Board shall find:

- (a)(1) that such #use# will serve the residential area within which it is proposed to be located;
- 2. that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and
- (b)(3) in the case of such electric or gas utility substations or potable water pumping stations, that the site for such #use# has a minimum #lot area# of 4,500 square feet.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements that electric utility substations shall meet the performance standards for an M1 District; that such electric or gas utility substations or potable water pumping stations shall be surrounded with fences, barriers, or other safety devices; or that any such #use# shall be landscaped.

* * *

73-65
Public Utilities and Special Infrastructure

73-651
Enlargement of Ppublic Uutility Ffacilities

The Board of Standards and Appeals may permit modifications to the #bulk# regulations for certain #enlargements# of public utility facilities set forth in paragraph (a) of this Section, provided that the findings set forth in paragraph (b) are met.

a. The Board may permit an #enlargements# which does not comply with the applicable district #bulk# regulations for any #building or other structures# existing on December 15, 1961, within which any one of the following public utilities is located:

- Electric or gas utility substations
- Telephone exchanges or other communications equipment structures
- Water or sewage pumping stations; or
- #Energy infrastructure equipment#

b. In order to grant such permit, the Board shall find:

provided that the following findings are made:

- (a)(1) that the growth of the utility service demand in the area served by the #building or other structure# requires such #enlargement# to house the additional facilities needed to fulfill the demand;
- (b)(2) that the network of lines, pipes or other distribution facilities located below the surface of the #streets# is so integrated with the operations carried on within such #building# that the provision of such additional facilities at another location would cause substantial duplication of plant and facilities and inconvenience to the public; and
- (c)(3) that #non-compliance#, if any, with the applicable #yard# or height and setback regulations is the minimum made necessary by essential engineering requirements.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and shall require that the certificate of occupancy shall be limited to such #use#.

73-652

Energy infrastructure equipment and mechanical equipment

The Board of Standards and Appeals may permit the #bulk# modifications set forth in paragraph (a) of this Section, provided that the findings set forth in paragraph (b) are met.

- a. The Board may permit modifications to all #bulk# regulations, other than #floor area ratio#, in order to accommodate #energy infrastructure equipment# or #accessory# mechanical equipment.
b. In order to grant such permit, the Board shall find:
(1) that such modifications would facilitate one or more of the following sustainability goals:
i. Reduce the electrical demand of the #building# on the energy grid;
ii. Increase energy generation or storage at an essential location for the purposes of operating the energy grid;
iii. Support compliance with the standards of the New York City Energy Conservation Code (NYCECC); or
iv. Support compliance with the carbon emission reduction requirements of Local Law 97 of 2019;
(2) that such modifications are the minimum necessary to allow for an appropriate installation, with consideration for collocation of other #uses#, whether upon a rooftop, within a #building# or other structure#, or in an open area on the #zoning lot#; and
(3) that the proposed modifications will not impair the character or the future use or development of the surrounding area.

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

* * *

Chapter 5
Certifications

75-00
CERTIFICATIONS

75-01
Certification for Rooftop Greenhouses

A rooftop greenhouse shall be excluded from the definition of #floor area# and may exceed #building# height limits, upon certification by the Chairperson of the City Planning Commission that such rooftop greenhouse:

- (a) is located on the roof of a #building# that does not contain #residences# or other #uses# with sleeping accommodations;
(b) will only be used for cultivation of plants, or primarily for cultivation of plants when #accessory# to a #community facility use#;
(c) is no more than 25 feet in height;
(d) has roofs and walls consisting of at least 70 percent transparent materials, except as permitted pursuant to paragraph (f)(3) of this Section;
(e) where exceeding #building# height limits, is set back from the perimeter wall of the #story# immediately below by at least six feet on all sides; and
(f) has been represented in plans showing:
(1) the area and dimensions of the proposed greenhouse, the location of the existing or proposed #building# upon which the greenhouse will be located, and access to and from the #building# to the greenhouse;
(2) that the design of the greenhouse incorporates a rainwater collection and reuse system; and
(3) any portions of the greenhouse dedicated to office or storage space #accessory# to the greenhouse, which shall be limited to 20 percent of the floor space of the greenhouse, and shall be exempt from the transparency requirement in paragraph (d) of this Section.

Plans submitted shall include sections and elevations, as necessary to demonstrate compliance with the provisions of paragraphs (a) through (f) of this Section, as applicable. A copy of the proposed rooftop greenhouse plan shall be delivered to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the Commission. The certification of a rooftop greenhouse shall not be complete until the earlier of the date that the affected Community Board submits comments regarding such proposal

to the Chairperson of the Commission or informs the Chairperson that such Community Board has no comments; or 45 days from the date that such proposal was submitted to the affected Community Board.

No building permits or certificates of occupancy related to the addition of #residences# or other #uses# with sleeping accommodations within the #building# may be issued by the Department of Buildings unless and until such rooftop greenhouse has been fully dismantled. A Notice of Restrictions shall be recorded for the #zoning lot# providing notice of the certification pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson of the City Planning Commission, and the filing and recording of such instrument shall be a precondition to the use of such rooftop greenhouse. The recording information for the rooftop greenhouse certification shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the rooftop greenhouse remains intact.

* * *

Chapter 8
Special Regulations Applying to Large-Scale Residential Developments

* * *

78-06
Ownership

* * *

- (3) The owner(s) of a developed parcel(s) within a #large-scale residential development# located in a former urban renewal area listed in paragraph (b)(2), where at least 50 percent of such parcel(s) is located within a C1-9 or C2-8 District, may make application for, and may be granted, modifications of authorizations or special permits previously granted under the provisions of this Chapter, in order to utilize available #floor area# for #commercial# or #community facility# #uses#, subject to the conditions of paragraph (b)(5) of this Section and provided further that:
(i) no #residential use# existing prior to July 23, 2008, located above the level of the ground floor may be changed to a non-#residential use#;
(ii) the #enlarged# portion of the #building# shall be restricted to #community facility# #uses# and #commercial# #uses# listed in Use Groups 6A, and 6C and 6F, provided that any ground floor #community facility# #use#, and any bank or loan office shall occupy not more than 25 feet of the #wide street# frontage, measured to a depth of 30 feet from the #wide# #street line#, and no #community facility# #use# shall be permitted above the level of the second #story# ceiling;

* * *

78-22
Accessory Uses in Large-Scale Residential Developments

A #large-scale residential development# in a #Residence District# may contain as #accessory# #uses#, any #commercial# #uses# listed in Use Group 6A or 6F which in the aggregate occupy not more than two percent of the total #floor area# in the #large-scale residential development#, and of which no single establishment occupies more than 15,000 square feet of #floor area#, provided that upon a review of the site plan, the City Planning Commission finds that such #commercial# #uses#:

* * *

78-35
Special Bonus Provisions

* * *

78-353
Bonus for enclosed parking

In R4 or R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the provisions of Section 78-34 (Special Permit Provisions for Certain Large-scale Developments), the permitted #residential# #floor area ratio# may be increased over the amount earned by other provisions of Section 78-35 (Special Bonus Provisions) and the required #open space ratio# for the #large-scale residential development# as a whole correspondingly decreased as set forth in this Section provided that at least two-thirds of the required off-street parking is enclosed.

District	Increase in #Floor Area Ratio#	Decrease in #Open Space Ratio#
R4	.25	14.5
R5	.25	10.0

For any #large-scale residential developments# comprising #buildings# of not more than four #stories# receiving a bonus under this Section, the Commission may modify where appropriate the requirements of Section 23-12 (Permitted Obstructions in Open Space), paragraph (e) (c).

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 1
Special Midtown District**

* * *

**81-252
Permitted obstructions**

Except as set forth in this Section, structures which under the provisions of Sections 33-42 or 43-42 (Permitted obstructions) or 34-11 or 35-10 (GENERAL PROVISIONS), are permitted to penetrate a maximum height limit or a #sky exposure plane# shall not be permitted as exceptions to the height limitations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses# set forth in Section 81-26 (Height and Setback Regulations—Daylight Compensation), nor shall they be excluded in determining daylight blockage pursuant to the provisions of Section 81-27 (Alternate Height and Setback Regulations—Daylight Evaluation).

The following shall be permitted as exceptions to the height regulations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses#, set forth in Section 81-26, and shall be excluded in determining daylight blockage, pursuant to the provisions of Section 81-27:

- (a) unenclosed balconies conforming to the provisions of Section 23-13 (Balconies); and
- (b) #qualifying exterior wall thickness# exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.

* * *

**Chapter 2
Special Lincoln Square District**

* * *

**82-40
SPECIAL HEIGHT LIMITATION**

[CLARIFYING RELATION TO UNDERLYING PERMITTED OBSTRUCTION ALLOWANCES, LIKE REMAINDER OF SPECIAL DISTRICT]

On Block 1 or 2, as indicated on the District Plan in Appendix A of this Chapter, the maximum height of a #building or other structure# shall not exceed 275 feet above #curb level#, except that a penthouse may be located above such height, provided that such penthouse:

- (1) contains not more than four #stories# or 40 feet, whichever is less; and
- (2) the gross area of each #story# does not exceed 80 percent of the gross area of that #story# directly below it.

The underlying allowances for permitted obstructions above such maximum height limit shall apply.

* * *

**Chapter 4
Special Battery Park City District**

* * *

**84-135
Limited height of buildings**

For the purposes of this Section, the term “#buildings#” shall include #buildings or other structures#. No portion of any #building# may be built to a height greater than 85 feet above #curb level#, except that:

* * *

[REMOVING LIST AND REFERENCING UNDERLYING]

- (e) Sections 23-62 and 33-42 (Permitted obstructions) are hereby made inapplicable. Any portion of a #building# that exceeds an established height limit shall be subject to the following provisions:
 - (1) The obstructions set forth in Section 23-62 and 33-42, as applicable, along with heliostats, may following shall not be considered obstructions and may thus penetrate a maximum height limit:
 - (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
 - (ii) Elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment (including enclosure walls), pursuant to Section 33-42;
 - (iii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
 - (iv) External wall thickness, pursuant to Section 33-42;
 - (v) Flagpoles and aerials;
 - (vi) Heliostats and wind energy systems;
 - (vii) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
 - (viii) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (e)(1)(viii), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
 - (ix) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
 - (x) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
 - (xi) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section 33-42, do not exceed a height of six feet;
 - (3) on walls existing on April 30, 2012, projecting no

more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects. However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

- (xii) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
 - (xiii) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
 - (xiv) Wire, chain link or other transparent fences.
- (2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:
- (i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (e)(1) of this Section;
 - (ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and
 - (iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top; and
- (f) in #special height locations# in Appendices 2.2 and 3.2 of this Chapter, no portion of a #building#, including permitted obstructions, shall exceed a height of 450 feet above #curb level#.

* * *

**84-333
Limited height of buildings**

[REMOVING LIST AND REFERENCING UNDERLYING]

The maximum height of any #building or other structure#, or portion thereof, shall not exceed 400 feet on any portion of subzone C-1 shown as a #special height location# in Appendix 3.2 of this Chapter, except that permitted obstructions, pursuant to Section 33-42, shall be allowed to penetrate a maximum height limit.

The maximum height of any #building or other structure#, or any portion thereof, located within subzone C-2 shall not exceed 180 feet above #curb level#, except that:

- (a) the maximum height of any #building or other structure#, or portion thereof, shown as a #special height location#, shall not exceed the height set forth in Appendix 3.2; and
- (b) Sections 23-62 and 33-42 (Permitted obstructions) are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:
 - (1) The obstructions set forth in Section 23-62 and 33-42, as applicable, may following shall not be considered obstructions and may thus penetrate a maximum height limit:
 - (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# or a #building# at any level;
 - (ii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
 - (iii) Elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosure walls), pursuant to Section 33-42;
 - (iv) Fences, wire, chain link or other transparent type;
 - (v) Flagpoles and aerials;

- (vi) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (vii) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (b)(1)(vii), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (viii) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (ix) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (x) Solar energy systems:
 - (a) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (b) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section 33-42, do not exceed a height of six feet;
 - (c) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

- (xi) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
 - (xii) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher.
- (2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:
- (i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (b)(1) of this Section;
 - (ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and

(iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top.

(c) In no event shall the height of any #building#, including permitted obstructions, exceed 800 feet above #curb level#.

* * *

**Chapter 5
Special United Nations Development District**

* * *

[ALLOWING ENERGY GENERATION AND STORAGE TO BE ADDED]

**85-05
Limited Height of Buildings**

The maximum height of a #building# or other structure#, including elevator or stair bulkheads, #accessory# water tanks or cooling towers, chimneys, parapets, arbors or trellises and flagpoles, located within the #Special United Nations Development District#, shall not exceed 550 feet above the established grade of the easterly side of Second Avenue midway between East 43rd and East 45th Streets. No portion of any #building# within the #Special United Nations Development District# may be built to a height greater than the present height of the United Nations Secretariat Building within 200 feet west of the westerly boundary of First Avenue. No portion of any #development# on the south side of 44th Street within the #Special United Nations Development District# may be built to a height greater than 183 feet above #curb level# or 15 #stories#, whichever is less. However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above all such height limits, subject to the provisions of Section 33-42.

* * *

**Chapter 6
Special Forest Hills District**

* * *

**86-12
Modification of Uses Along Austin Street**

The #use# regulations in the #Special Forest Hills District# shall be modified to permit Use Groups 10A, 10E, 12A, 12B, and 12D and 12E within C2 Districts fronting on Austin Street.

The provisions of Section 32-423 (Limitation on ground floor location) shall not apply to #uses# located along Austin Street.

* * *

**Chapter 7
Special Harlem River Waterfront District**

* * *

**87-31
Permitted obstructions**

In the Core and North Subdistricts, the provisions of Section 33-42 (Permitted obstructions) shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section ~~23-621~~ 23-623 (Permitted obstructions in certain districts).

* * *

**87-322
Base heights and transition heights**

In the Core Subdistrict, the following base heights, required setbacks and maximum transition heights shall apply. Towers are permitted above the maximum heights set forth in this Section only in accordance with Section 87-323 (Tower provisions).

* * *

(b) Required setbacks

* * *

Dormers provided in accordance with paragraph (c)(1) of Section ~~23-621~~ 23-623 (Permitted obstructions in certain districts) shall be permitted obstructions in all setback areas, except along the #shore public walkway#. Such dormers shall not exceed the maximum transition height set forth in paragraph (c) of this Section.

* * *

**87-323
Tower provisions**

All #stories# that partially or wholly exceed the applicable maximum heights set forth in Section 87-322 (Base heights and transition heights) shall be considered a "tower" and may exceed such transition height only in accordance with the tower provisions of this Section.

* * *

(b) Setbacks

All towers shall comply with the applicable setback provisions set forth in paragraph (b) of Section 87-322.

The former provisions of paragraph (c)(1) of Section ~~23-621~~ 23-623 (Permitted obstructions in certain districts) shall not apply to the tower portion of a #building#. In lieu thereof, up to 50 percent of the width of the #street wall# of a tower shall be permitted to encroach into a required setback area, except in setback areas along the #shore public walkway#.

* * *

**88-33
Height and Setback**

In the #Special Hudson Square District#, the height and setback regulations of the underlying districts shall not apply. In lieu thereof, the provisions of this Section shall apply to all #buildings#.

(a) ~~Rooftop regulations~~ Permitted obstructions

1. Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#, ~~except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.~~

In addition, dormers may penetrate a maximum base height provided that such dormers comply with the provisions of paragraph (c) of Section ~~23-621~~ 23-623 (Permitted obstructions in certain districts).

(2) Screening requirements for mechanical equipment

For all #developments#, #enlargements# and #conversions# of #commercial# or #manufacturing# #floor area# to #residences#, all mechanical equipment located on any roof of a #building# or other structure# shall be fully screened on all sides. ~~However, no such screening requirements shall apply to water tanks.~~

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 1
Special Lower Manhattan District**

* * *

**91-111
Additional uses in C5 Districts**

In addition to the special permit #uses# cited in Section 91-06, the #use# regulations for C5 Districts within the #Special Lower Manhattan District# are modified to permit the following #uses#:

From Use Group 7:

Use Groups 7B ~~and 7E~~

From Use Group 8:

Use Groups 8A*, ~~and 8B and 8E~~

From Use Group 12:

Use Groups 12A**, 12B, ~~and 12C and 12E~~

* * *

**Chapter 2
Special Park Improvement District**

* * *

92-043
Special height limitation

The maximum height of a #building or other structure#, or portion thereof, shall not exceed 19 #stories# or 210 feet above #curb level#, whichever is less. However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Sections 23-62 or 33-42, as applicable.

* * *

Chapter 3
Special Hudson Yards District

* * *

93-052
Applicability of Article I, Chapter 3

#Public parking lots# authorized prior to January 19, 2005, and #accessory# off-street parking facilities for which a special permit has been granted prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Article I, Chapter 3, in their entirety shall be applied to Subdistricts F and G.

The following provisions of Article I, Chapter 3, governing #automated parking facilities#, as defined in Section 13-02, automobile rental establishments, commercial or public utility vehicle parking, and off-street loading berths shall apply to Subdistricts A, B, C, D and E, as applicable:

- (a) for #automated parking facilities#, the provisions of Section 13-101 (Calculating parking spaces in automated parking facilities), paragraph (b) of Section 13-25 (Reservoir Spaces), and paragraph (b) of Section 13-27 (Minimum and Maximum Size of Parking Facilities), paragraph (a)(3) of Section 36-521 (Size of spaces), and Section 36-524 (Calculating floor area in parking facilities with lift systems);
(b) for automobile rental establishments, the provisions of Section 13-15 (Permitted Parking for Automobile Rental Establishments), paragraph (b) of Section 13-221 (Enclosure and screening requirements), Section 13-241 (Location of curb cuts), paragraph (b) of Section 13-242 (Maximum width of curb cuts), paragraph (c) of Section 13-25, and paragraph (c) of Section 13-27;
(c) for commercial or public utility vehicle parking, the applicable provisions of Section 36-46, inclusive (Restrictions on the Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots); 13-16 (Permitted Parking for Car-Sharing Vehicles and Commercial Vehicles); and
(d) for off-street loading berths, the provisions of Section 13-30, inclusive.

Additional provisions of Article I, Chapter 3, shall be applicable as specified in Section 93-80, inclusive.

* * *

93-41
Rooftop Regulations

- (a) Subdistricts A, B, C, D, E and G

The provisions of Section 33-42 (Permitted obstructions) shall apply to all #buildings# within Subdistricts A through E and G, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-623 23-621 (Permitted obstructions in certain districts).

- (b) Subdistrict F

In Subdistrict F, the provisions of paragraph (b) of Section 33-42 shall apply, except that for towers above a height of 350 feet, in lieu of the provisions of 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS), rooftop mechanical structures shall comply with the tower top articulation provisions set forth in Section 93-569 shall apply.

* * *

93-55
Special Height and Setback Regulations in the South of Port Authority Subdistrict E

- (a) #Zoning lots# with Eighth Avenue frontage

* * *

- 2. any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-64, as applicable, may penetrate the

#sky exposure plane#;

- (2) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane#. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-623 23-621, may penetrate the #sky exposure plane#.

* * *

Chapter 7
Special 125th Street District

* * *

97-212
Uses not permitted on the ground floor of buildings

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings# #developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings# #enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 97-213 (Access to non-ground floor uses).

From Use Group 2:

All #uses#.

From Use Groups 3A and 3B:

All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:

All #uses#.

From Use Groups 6A, 6B, and 6C and 6E:

Banks (except for automated teller machines, provided the width of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, measured to a depth of 30 feet from 125th Street, except that such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:

All #uses#.

From Use Group 7:

All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, and 8D and 8E:

All #uses#.

From Use Groups 9A, and 9B and 9C:

All #uses#, except for #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, and 10B and 10C:

Depositories for storage, and wholesale offices or showrooms.

Use Group 11:

All #uses#.

Use Groups 12A and 12B:

Trade expositions.

Use Groups 12C and 12D:

All #uses#.

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

Within the Special District, for such #developments# and #enlargements# that are no more than one #story#, a #use# permitted by the regulations of the underlying district shall be allowed.

* * *

97-431
Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-623-23-621 (Permitted obstructions in certain districts).

* * *

Chapter 8
Special West Chelsea District

* * *

98-422
Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-623-23-621 (Permitted obstructions in certain districts). However, dormers may not exceed the maximum #building# height in Subareas C, F and G where the maximum base height and maximum #building# height are the same.

All mechanical equipment located within 15 feet of the level of the #High Line bed# that is within 25 feet of the #High Line#, measured horizontally, or within the #High Line frontage#, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the #High Line#.

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Downtown Brooklyn District

101-00
GENERAL PURPOSES

* * *

101-01
Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-702 (Definitions Specific to the Atlantic Avenue Subdistrict) or in this Section.

[MOVING TO SECTION 12-10]

Automated parking facility

An “automated parking facility” shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system, and shall not refer to a parking facility with parking lift systems that require an attendant to operate the vehicle that is to be parked.

Development or to develop

For purposes of this Chapter, “development” includes a #development#, an #enlargement# or an #extension#.

To “develop” is to create a #development#.

* * *

101-20
SPECIAL BULK REGULATIONS

* * *

101-221
Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-623-23-621 (Permitted obstructions in certain districts).

* * *

[WILL BE ADDRESSED IN UNDERLYING PROVISIONS]

101-534
Stackers in garages

Within an enclosed attended parking facility with parking lift systems, for individual lifted trays upon which a vehicle is stored, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except if located in portions of a #building# exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

101-535
Automated parking facilities

For an #automated parking facility#, the minimum size of spaces regulated in Sections 25-62 (Size and Location of Spaces) and 36-521 (Size of spaces) shall not apply.

For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are needed to routinely store and retrieve vehicles for the efficient operation of such #automated parking facility#.

Within an #automated parking facility#, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except if located in portions of a #building# exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

101-536
101-534
Special permit for public parking garages

* * *

Chapter 4
Special Manhattanville Mixed Use District

* * *

104-131
Use Group 6A

In Subdistrict B, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16), shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

* * *

104-32
Rooftop Regulations

The special rooftop regulations of Section 104-32, inclusive, shall apply in Subdistricts A and C.

104-321
Rooftop Mechanical equipment

#Energy infrastructure equipment# and #accessory# mechanical Mechanical equipment, other than solar or wind energy systems open or enclosed, may be located on the roof of a #building# in accordance with the following provisions:

- (a) #Energy infrastructure equipment# and #accessory# mechanical Mechanical equipment shall not exceed the maximum height for rooftop of mechanical equipment specified for each Parcel as set forth in Appendix B of this Chapter and shall be measured from the roof level of the highest #story# of the #building#. Such mechanical equipment may penetrate the maximum #building# height specified for each Parcel as set forth in Appendix B.
- (b) Such mechanical equipment shall be set back at least 10 feet from the #upper street wall# of the #building#. In addition, such equipment shall not penetrate a #sky exposure plane# that begins at the point of intersection of the roof and the #upper street wall# of the #building#, and rises over the #building# at a slope of 2.7 feet of vertical distance for each foot of horizontal distance, except for permitted obstructions set forth in Section 104-322. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#.
- (c) Such mechanical equipment shall not overhang any recess in the #building# wall that is open to the sky.

104-322
Permitted obstructions

The obstructions set forth in Section 33-42, other than the rooftop equipment permitted pursuant to Section 104-321, as well as the following obstructions, following shall not be considered obstructions and thus may penetrate the applicable maximum #building# height and the applicable maximum height for rooftop mechanical equipment set forth in Appendix B of this Chapter, and may also penetrate the #sky exposure plane# set forth in Section 104-321 (Mechanical Rooftop equipment). Within 50 feet of the #upper street wall#, the width of such obstructions shall be limited in total to 10 percent of the #aggregate width of street walls# of a #building#, per #street# frontage, at any

level above the maximum level of rooftop mechanical equipment as set forth in Section 104-321. Beyond 50 feet from the upper street wall#, the permitted obstructions may occupy an area not to exceed 30 percent of the #building# coverage at the ground level. Where portions of the upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#. However, in no event shall such obstructions be located within 10 feet of the #upper street wall#.

- (a) Antennae and structural support thereto;
- (b) Chimneys, flues, intake and exhaust vents limited to a #lot coverage# of 900 square feet with neither length nor width of any single such obstruction, nor the total length or width of all such obstructions, greater than 30 feet;
- (c) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (d) Elevator and stair bulkheads to a maximum height of 15 feet above the permitted maximum height of mechanical equipment;
- (e) Flagpoles or aerials;
- (f) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such #sky exposure plane#;
- (g) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (h)(b) Pipes and supporting structures;
- (i)(c) Railings;
- (j) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph (j), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (k) Rooftop greenhouses, permitted pursuant to Section 75-01- (Certification for Rooftop Greenhouses);
- (l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
 - (i) a height of 15 feet; and
 - (ii) when located on a bulkhead or other obstruction, pursuant to paragraph (d) of this Section, a height of six feet;
 - (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;
- (n) Spires or belfries;
- (o) Vegetated roofs, not more than 3 feet, 6 inches in height excluding

vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

- (p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (q) Window washing equipment mounted on the roof;
- (r) Wire, chain link or other transparent fences.

* * *

**Appendix B
Base Plane and Building Height Table**

Parcel*	#Base Plane*** (in feet)	Maximum #Building# Height** Above #Base Plane# (in feet)	Maximum Height of Rooftop Mechanical Equipment (in feet)
A	21.6	140	40
B	10.37	60	20
C1	20.74	180	60

* * *

**Chapter 7
Special South Richmond Development District**

* * *

**107-223
Permitted obstruction in designated open space**

The following shall not be considered as obstructions when located in #designated open space#:

- (a) Awnings and other sun control devices, pursuant to Section 23-44 (Permitted Obstructions);
- (b) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (c) Eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches;
- (d) Fences or walls, conditioned upon certification by the City Planning Commission that:
 - (1) such fences or walls will not obstruct or preclude public access or circulation of pedestrians, cyclists or horseback riders through the public easement within #designated open space#; and
 - (2) the location, size, design and materials of such fences or walls are appropriate to the character of the #designated open space#;
- (e) Exterior wall thickness #Qualifying exterior wall thickness#, pursuant to Section 23-44;
- (f) Solar energy systems on walls, pursuant to Section 23-44 existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

No #accessory# off-street parking facilities shall be permitted in #designated open space#. No #building# or other structure# shall be erected in #designated open space# except as permitted by the provisions of Section 107-221 (Active recreational facilities). Any existing #building# or other structure# located within the #designated open space# on September 11, 1975, and not complying with the provisions of this Section or the other Sections specified in the preceding paragraph, shall not be #enlarged# but may be continued as a #non-conforming# #use# or #non-complying# #building# subject to the applicable provisions of Article V (Non-conforming Uses and Non-complying Buildings) in accordance with the underlying district regulations.

* * *

**107-40
SPECIAL USE, BULK AND PARKING REGULATIONS**

* * *

**107-48
Special Landscaping and Buffering Provisions**

* * *

**107-483
Planting and screening for open parking areas**

(a) Tree planting requirements

One tree, of three inch caliper or more, pre-existing or newly planted, shall be provided for each four parking spaces. Such trees may be located in the perimeter landscaped area of the parking area or in planting islands within the parking area.

However, where 30 or more parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section 37-922 (Interior landscaping).

For open parking areas with at least 36 parking spaces, the total number of trees required pursuant to Section 37-922 (Interior landscaping) shall be superseded by the number of trees required pursuant to this Section.

Notwithstanding the above, For open parking areas where solar canopies will cover more than 75 percent of the parking spaces in a #accessory# off-street parking facility or #public parking lot#, or any portion thereof with more than 10 parking spaces, the provisions of Section 37-923 (Alternative compliance for solar canopies), including associated applicability and modifications to the provisions of Sections 37-921 (Perimeter landscaping) and 37-922, may be applied in lieu of the provisions of this Section.

* * *

**107-671
In Areas F and K**

In Areas F and K, as shown in the District Plan (Map 4 in Appendix A), the City Planning Commission may authorize one or more #uses# in the Use Groups specified in this Section not permitted by the underlying district regulations.

* * *

In each case the Commission may prescribe additional conditions and safeguards, including requirements for adequate screening, planting or landscaping.

Areas (as designated on the District Map)	Permitted Use Groups
F	12
K	7A 7B 7D 7E

* * *

**Chapter 8
Special Little Italy District**

* * *

**109-124
Height and setback regulations**

The maximum height of any #building or other structure# shall not exceed 75 feet or seven #stories# above the #curb level#, whichever is less, unless allowed by the City Planning Commission pursuant to Section 109-514.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section 33-42.

However, the provisions of this Section shall not apply to #enlargements# if, prior to February 2, 2011, a building permit has been lawfully issued authorizing such construction.

* * *

**109-323
Height and setback regulations**

The maximum permitted height of a #street wall# at the #street line# without setback shall not exceed 100 feet above #curb level# and, above this height, no portion of a #building or other structure# shall penetrate a #sky exposure plane# commencing at 100 feet and rising over the #zoning lot# at a ratio of 1.5 to 1.0.

In addition, no portion of a #building or other structure# shall penetrate a #rear sky exposure plane# commencing at a height of 100 feet above #curb level# and at a distance of 100 feet from and parallel to the #street line#, and rising over the #zoning lot# at a ratio of 1.5 to 1.0 along #wide streets# and at a ratio of 1.0 to 1.0 along #narrow streets#.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such

height limits, subject to the provisions of Section 33-42.

* * *

**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 1
Special Tribeca Mixed Use District**

* * *

**111-20
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7**

* * *

(d) Areas A4, A5, A6 and A7

- (2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621-23-623 (Permitted obstructions in certain districts).

* * *

**Chapter 4
Special Bay Ridge District**

* * *

**114-12
Special Height and Setback Regulations**

**114-121
Special rooftop regulations**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621-23-623 (Permitted obstructions in certain districts).

**114-122
Maximum building height and setback**

In the #Special Bay Ridge District#, the height and setback and maximum #building# height regulations of the underlying districts have been modified as follows:

(a) In C8-2 Districts

In C8-2 Districts, the maximum height of a #building or other structure# shall be 70 feet. Any portion of a #building or other structure# that exceeds a height of 60 feet shall be set back with a depth of at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

(b) For #community facilities# in #Residence Districts#

In R3A, R3X, R3-2, R4A, R4-1, R4B and R5B Districts, the maximum height of a #building or other structure# containing #community facility uses# shall not exceed 32 feet.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Sections 24-51 or 33-42, as applicable.

* * *

**Chapter 5
Special Downtown Jamaica District**

* * *

**115-15
Modification of Use Regulations in M1-4 Districts**

* * *

Use Groups 6 and 10

All #uses# listed in Sections 32-15 (Use Group 6) and 32-19 (Use Group 10), shall be permitted and shall not be subject to the limitations specified in Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10E, 11, 12A, 12C, 12D, 12E, 13, 14 and 16).

* * *

From Use Group 18:

Breweries, limited to 10,000 square feet of #floor area# per establishment

#Uses# #accessory# to the preceding listed #uses#

* * *

115-20 SPECIAL BULK REGULATIONS

* * *

115-231 Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Jamaica District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 23-623 (Permitted obstructions in certain districts).

* * *

Chapter 6 Special Stapleton Waterfront District

* * *

116-20 SPECIAL BULK REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

The special #bulk# regulations of Section 116-20, inclusive, shall apply to Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

* * *

116-231 Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in Subareas A, B and C, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 23-623 (Permitted obstructions in certain districts).

* * *

116-233 Height and setback

Within the #Special Stapleton Waterfront District#, the underlying height and setback regulations shall be modified as follows:

(a) Subareas A and B1

(3) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section 23-621 23-623 (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is lower.

* * *

Chapter 7 Special Long Island City Mixed Use District

* * *

117-22 Modification of Use Group 6A

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) pertaining to Use Group 6A shall be modified as follows:

Food stores, including supermarkets, grocery stores or delicatessen stores, shall not be limited as to #floor area# per establishment.

* * *

117-62 Special Use Regulations

In the Dutch Kills Subdistrict, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

* * *

Chapter 8 Special Union Square District

* * *

118-30 STREET WALL, HEIGHT AND SETBACK REGULATIONS

* * *

No #development# or #enlargement# shall penetrate such #sky exposure plane# except pursuant to Section 33-45 (Tower Regulations). However, Section 33-45 shall not be applicable to any portion of a #building# located within 100 feet of a #street line# opposite a #public park#.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section 33-42.

* * *

ARTICLE XII SPECIAL PURPOSE DISTRICTS

* * *

Chapter 1 Special Garment Center District

* * *

121-42 Height of Street Walls and Maximum Building Height Within Subdistrict A-2

(b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 (Tower Regulations) or 35-64 (Special Tower Regulations for Mixed Buildings), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and
(2) permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621 23-623 (Permitted obstructions in certain districts), may penetrate the #sky exposure plane#.

* * *

Chapter 4 Special Willets Point District

* * *

124-22 Height and Setback Regulations

* * *

(b) Required setbacks and maximum #building# height

Except as provided in paragraph (c)(6) of this Section, setbacks are required for all portions of #buildings or other structures# that exceed a height of 85 feet. Such setbacks shall be provided at a height not lower than 60 feet. The depth of the required setback shall be at least 10 feet measured from any required #street wall# fronting on a #wide street#, and at least 15 feet from any required #street wall# fronting on a #narrow street#. Where portions of #buildings or other structures# that exceed a height of 85 feet are not located above a required #street wall#, such portions shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. However, dormers may penetrate a height of 85 feet in accordance with the provisions of paragraph (c) of Section 23-621 23-623 (Permitted obstructions in certain districts). Within the area limited to 232 feet above mean sea level, as shown on Map 3 in the Appendix to this Chapter, no portion of a #building or other structure# shall exceed a height of 120 feet except in accordance with the tower provisions of paragraph (c) of this Section.

* * *

Chapter 5 Special Southern Hunters Point District

* * *

**125-31
Rooftop Regulations**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Southern Hunters Point District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 23-623 (Permitted obstructions in certain districts).

* * *

**Chapter 6
Special College Point District**

* * *

**126-11
Recreational Uses**

The regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following #uses# as-of-right within the #Special College Point District#:

From Use Group 4A:

Non-commercial recreation centers

From Use Group 4B:

Golf courses

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residences#

#Public parks#, playgrounds or private parks

From Use Group 4C:

#Accessory# #uses#

* * *

**Chapter 8
Special St. George District**

* * *

**128-31
Rooftop Regulations**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 23-623 (Permitted obstructions in certain districts).

* * *

**128-33
Maximum Base Height**

In C4-2 Districts within the Upland Subdistrict, the maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. Where a maximum base height of 65 feet applies as shown on Map 3, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 128-35. When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet.

In R7-3 Districts, the maximum base height shall be 75 feet.

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, all portions of #buildings or other structures# above such maximum base heights shall provide a setback at least 10 feet in depth measured from any #street wall# facing a #wide street# and 15 feet in depth from any #street wall# facing a #narrow street#.

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, dormers may exceed the maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 23-623 (Permitted obstructions in certain districts). However, on any #zoning lot# that includes a tower #developed# or #enlarged# pursuant to Section 128-35, dormers shall not be permitted.

* * *

**128-61
Special Permit for North Waterfront Sites**

* * *

Pursuant to such Proposed Plans, the Commission may:

(a) permit the following #uses# :

- (1) #commercial# #uses# as set forth in Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) with no limitation on #floor area# per establishment;

* * *

**ARTICLE XIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Coney Island District**

* * *

**131-132
Coney North and Coney West Subdistricts**

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the "building line" shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

* * *

- (b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:

All #uses#

From Use Groups 3A and 3B:

All #uses#, except for libraries, museums or non-commercial art galleries

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds

From Use Group 5A:

All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, where permitted pursuant to Section 32-02

From Use Groups 6B, and 6E:

Offices, veterinary medicine offices or non-commercial clubs

From Use Group 6C:

Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue
Electrolysis studios, frozen food lockers and loan offices

From Use Group 6D:

All #uses#

From Use Group 7:

All #uses#, except for bicycle rental or repair shops

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops

From Use Groups 8C, and 8D and 8E:

All #uses#

From Use Groups 9A, and 9B and 9C:

All #uses#, except for #health and fitness establishments#, public auction rooms, photographic developing or printing establishments

for the consumer, or art, music, dancing or theatrical studios

From Use Groups 10A; and 10B and 10C:

Depositories for storage, and wholesale offices or showrooms

Use Group 11:

All #uses#

Use Groups 12A and 12B:

Trade expositions

Use Groups 12C and 12D:

All #uses#

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

* * *

131-41

Rooftop Regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 23-623 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

* * *

Chapter 3

Special Southern Roosevelt Island District

* * *

133-234

Permitted obstructions

Sections 23-62, 24-51 and 33-42 (Permitted obstructions) shall be modified to allow #energy infrastructure equipment# and #accessory# mechanical equipment #accessory# energy-generating systems on the roof of a #building#, or any other structures supporting such systems, as permitted obstructions, without limitations.

* * *

Chapter 4

Special Governors Island District

* * *

134-24

Height and Setback Regulations

(b) Southern Subdistrict

Within the Southern Subdistrict, the following height and setback regulations shall apply.

Where heights are measured from the #base plane#, the #base plane# shall be established at 12.348 feet above Manhattan Datum.

* * *

(4) Permitted obstructions in the Eastern Subarea and Western Subarea

In the Eastern Subarea and Western Subarea, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, modified as follows:

- (i) the obstructions permitted by paragraph (f)(b) of Section 33-42 may exceed the maximum #building# height by 40 feet with no restriction on area; and
(ii) no such obstructions shall be permitted within the setback required by paragraph (b)(2) of this Section.

* * *

Chapter 5

Special Bay Street Corridor District

* * *

135-14

Modification of Supplemental Use Provisions

In Subdistricts A, B and C, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified as follows:

- (a) For #mixed buildings#, offices, as listed in Use Group 6B, shall be permitted on the lowest two #stories# of a #building#, provided that no access exists between such offices and any #residential uses#;
(b) For #commercial buildings#, the provisions restricting the location of #uses# listed in Use Groups 6A, 6B, 6C, 6F, 7, 8, 9 or 14 to two #stories#, shall not apply; and
(c) Any brewery #developed# or #enlarged# in accordance with the provisions of Section 135-14, shall be subject to the provisions of Section 32-421.

* * *

135-25

Special Height and Setback Regulations

The underlying height and setback provisions are modified by the provisions of this Section.

Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#. Such visual corridors shall be considered #wide streets# for the purposes of applying the height and setback regulations of this Section.

(d) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section 23-621 23-623 (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building# or other structure# permitted in paragraph (a) of this Section, whichever is less.

* * *

Chapter 6

Special Downtown Far Rockaway District

* * *

136-313

Minimum and maximum base height

Within Subdistrict A, the provisions of Section 136-222 (Minimum and maximum base height) shall not apply. In lieu thereof, for #residential buildings#, #mixed buildings# and #commercial buildings#, the provisions of this Section shall apply. The #street wall# height and setback regulations of the underlying district shall apply except as modified in this Section.

(b) Dormers

The provisions of paragraph (c) of Section 23-621 23-623 (Permitted obstructions in certain districts) shall be modified to allow dormers as a permitted obstruction within the required front setback distance above a maximum base height, as follows:

- (1) Within 75 feet of intersecting #streets#, dormers shall be permitted without limitation on width.
(2) Where dormers are provided pursuant to paragraph (b)(1) of this Section, and such dormers exceed the maximum width permitted pursuant to paragraph (c) of Section 23-621 23-623, for any portion of a #building# with an #aggregate width of street walls# greater than 75 feet, a setback shall be provided above the maximum base height between such dormer and any other dormer for a width of at least 20 feet, or the remaining width of such #street wall#, as applicable.
(3) Beyond 75 feet of intersecting #streets#, the provisions of paragraph (c) of Section 23-621 23-623 shall apply. The width of any dormers provided pursuant to the provisions of paragraph (b)(1) of this Section shall be included in the aggregate width of all dormers.

However, the provisions of this paragraph (b) shall not apply to portions of #buildings# with frontage on Redfern Avenue, except that these provisions shall apply to portions of #buildings# with frontage on both Redfern Avenue and Mott Avenue.

* * *

Chapter 9:

Special Gowanus Mixed Use District

* * *

139-221

Permitted obstructions in required yards

In all #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the permitted obstruction provisions of paragraph (b)(3)-(2) of Section 33-23 and paragraph (b)(1) of Section 43-23 shall be modified such

that, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use# (except any #building# portion containing rooms used for living or sleeping purposes) shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

* * *

**139-237
Special street wall articulation requirements**

In all subdistricts, for #street walls# with widths exceeding 200 feet, a minimum of 20 percent and no more than 50 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such recess or projection shall be considered a permitted obstruction into a required setback, and the depth of such recess or projection shall not exceed three feet.

In addition, in Subdistrict D, the underlying dormer provisions of paragraph (c) of Section 23-621 23-623 shall be modified for portions of #buildings# facing Third Street, so that above the maximum base height, dormers shall be permitted only within 75 feet of the intersection of two #streets#.

* * *

**139-315
Use of parking facilities for car sharing vehicles**

[UNNECESSARY, COVERED BY UNDERLYING REGULATIONS]

The underlying regulations regarding the occupation of #accessory# or required off-street parking spaces by #car sharing vehicles# shall be modified so that, in all districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 20 percent of all spaces in a #group parking facility#.

**139-316
Use of parking facilities for public parking**

All #accessory# off-street parking spaces may be made available for public use. However, parking spaces #accessory# to #residences# shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request is made to the landlord.

* * *

**139-221
Permitted obstructions in required yards**

In all #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the permitted obstruction provisions of paragraph (b)(3)(2) of Section 33-23 and paragraph (b)(1) of Section 43-23 shall be modified such that, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use# (except any #building# portion containing rooms used for living or sleeping purposes) shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#. Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 33-23 or 44-23, as applicable, shall be permitted above such modified height limitations.

* * *

**139-232
Permitted obstructions**

In all districts, the underlying permitted obstruction regulations shall be modified by this Section.

[UNNECESSARY, COVERED BY UNDERLYING REGULATIONS]

(a) **Solar energy systems**

The underlying permitted obstruction regulations shall be modified to permit solar energy systems as a permitted obstruction up to a #lot coverage# of 100 percent of the #lot coverage# of the roof.

(b)(a) **Balconies**

Unenclosed balconies complying with the provisions of Section 23-132 (Balconies in R6 through R10 Districts) may encroach into any required open area on the #zoning lot#. However, balconies that encroach into #waterfront public access areas# shall be regulated by the provisions of paragraph (a)(1) Section 139-51 (Area-wide Modifications).

(e)(b) **Dormers**

Above the maximum base height, dormers shall be permitted

to encroach into a required setback area, except setback areas adjoining tower portions of #buildings# and setback areas facing #waterfront public access areas#, provided that:

* * *

[UNNECESSARY, COVERED BY UNDERLYING REGULATIONS]

**139-32
Special Permitted Off-street Parking Regulations**

For portions of an #automated parking facility#, as that term is defined in Section 13-02, each tray upon which a vehicle is stored shall be considered one parking space, regardless of its size. In addition, at a height in excess of 23 feet above #curb level# each parking tray shall be considered #floor area# in an amount of 153 square feet or the size of such lifted tray, whichever is greater.

**139-33
139-32
Special Loading Regulations**

* * *

**139-42
Street Tree Requirements**

In all districts, all #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

In addition, for #zoning lots# with over 100 feet of street frontage, wherever two required #street# tree pits will be separated by less than 25 feet, such tree pits shall be combined and designed as a single continuous tree pit.

* * *

Article XIV - Special Purpose Districts

**Chapter 1
Special Jerome Corridor District**

* * *

**141-21
Special Yard Regulations**

In #Commercial Districts#, for #zoning lots# or portions thereof, with #street lines# along the elevated rail structure on Jerome or River Avenues and within 100 feet of such #street lines#, the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to permit any #building# or portion of a #building# used for any permitted #use# other than #residences#, to be a permitted obstruction within a required #yard#, #rear yard equivalent# or other #open space# required pursuant to the provisions of Section 33-20 (YARD REGULATIONS), inclusive, or Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), inclusive, provided that the height of such portion of a #building# shall not exceed two #stories#, excluding #basement#, nor in any event 30 feet above #curb level#. Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 33-23, shall be permitted above such modified height limitations.

* * *

**141-23
Special Height and Setback Regulations Along the Elevated Rail Structure Outside Subdistrict A**

For #zoning lots#, or portions thereof, within 100 feet of #street lines# along the elevated rail structure on Jerome or River Avenues, and located outside Subdistrict A, the underlying height and setback provisions are modified by the provisions of this Section.

(c) **Required and permitted articulation**

For #street walls# fronting the elevated rail structure on Jerome or River Avenues with widths exceeding 100 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such projections shall be considered a permitted obstruction into a required setback, and the depth of such projections along the elevated rail structure shall not exceed three feet.

In addition, the underlying dormer provisions of paragraph (c) of Section 23-621 23-623 shall be modified for portions of #buildings# facing the elevated rail structure, so that above the maximum base height set forth in paragraph (b) of this Section, dormers shall be permitted only within 75 feet of a corner.

* * *

141-24
Special Height and Setback Regulations in Subdistrict A

In Subdistrict A, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback provisions are modified by the provisions of this Section.

(c) Required and permitted articulation

* * *

In addition, the underlying dormer provisions of paragraph (c) of Section 23-621 23-623 shall apply, except that in Subareas A1 through A3, for #street walls# intersecting within 100 feet of the corners designated on Maps 2, 3 and 4, and irrespective of the width of the #street wall# below the maximum base height, dormers shall be permitted within 100 feet of such intersecting #street walls#. Such dormers need not decrease in width as the height above the maximum base height increases.

* * *

Chapter 2
Special Inwood District

* * *

142-41
Permitted Obstructions in Subareas A2, A3, B1, B3 and B4

In Subareas A2, A3, B1, B3 and B4, as shown on Map 1 (Special Inwood District - Subdistricts and Subareas) in the Appendix to this Chapter, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, along all #street# frontages, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 23-623 (Permitted obstructions in certain districts), and balconies shall be permitted in conjunction with #residential uses# as set forth in Section 23-132 (Balconies in R6 through R10 Districts).

* * *

Chapter 3
Special SoHo-NoHo Mixed Use District

* * *

143-23
Special Yard Regulations

The applicable #rear yard# and #rear yard equivalent# regulations shall be modified as follows:

(a) Permitted obstructions

In any #rear yard# or #rear yard equivalent#, any #building# or portion of a #building# used for #commercial#, #manufacturing#, or #residential uses#, other than dwelling units, shall be a permitted obstruction, provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#.

In addition, in M1-5 Districts paired with an R9X District north of Howard Street, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use#, shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 43-23 Decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 43-42 (Permitted obstructions), shall be permitted above such modified height limitations.

143-24
Special Height and Setback Regulations

For the purposes of this Section, Watts Street, West Broadway, Centre Street, and Great Jones Street shall be considered #wide streets#.

The applicable height and setback regulations are modified as follows:

(d) Dormers

As an alternative to the dormer provisions of paragraph (c) of Section 23-621 23-623, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

* * *

[END]

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

Accessibility questions: (212) 720-3508, AccessibilityInfo@planning.nyc.gov, by: Thursday, July 20, 2023, 5:00 P.M.



jy12-26

COMMUNITY BOARDS

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the following matter has been scheduled for a public hearing by Bronx Community Board:

BOROUGH OF THE BRONX

COMMUNITY BOARD 10 - Wednesday, July 26, 2023 at 7:00 P.M., Greek American Institute, 3573 Bruckner Boulevard South, Bronx, NY 10461.

A public hearing with respect to an application to the NYS Office of Cannabis Management (OCM) from Green Sun, Inc. to open an adult-use retail dispensary, at 3220 Westchester Avenue, Bronx, NY 10461.



jy19-26

BOARD OF EDUCATION RETIREMENT SYSTEM

MEETING

The Board of Education Retirement System Board of Trustees Meeting will be held in-person at our 55 Water Street office (50th floor) on Tuesday, July 25, 2023 from 4:00 P.M. - 6:00 P.M. If you would like to attend this meeting, please contact BERS Executive Director, Sanford Rich, at Srich4@bers.nyc.gov.

jy17-25

EQUAL EMPLOYMENT PRACTICES COMMISSION

MEETING

When and where is the Commission Meeting? The Equal Employment Practices Commission's 267th Commission Meeting will take place at 10:15 a.m. on Thursday, July 20, 2023, in the Commission's Conference Room/Library located at 253 Broadway, Suite 602, New York, NY 10007. The meeting will also be conducted by video conference via Webex and streamed live via YouTube using the details below:

Webex Details

Meeting number (event number): 2335 547 9365
Meeting password: NXhWeMEf437 (69493633 from phones and video systems)

- Join by internet: https://nyceepc.webex.com/nyceepc/j.php?MTID=m1a93c78e2d16e52cce89e67beeab682b
Join by phone: (646) 992-2010 United States Toll (New York City) (408) 418-9388 United States Toll
Join by video system or application: Dial 23355479365@webex.com. You can also dial 173.243.2.68 and enter your meeting number.

YouTube Details

- Live Stream video link: https://youtu.be/6zUTi5ly-XM

How do I ask questions during the Commission meeting?
Anyone can ask questions during the Commission meeting by:

- **Webex** - You can submit your questions directly through the chat panel of the WebEx once joined via the internet option above
- **Email** - You can email questions to ibowen@eepc.nyc.gov.

Is there a deadline to submit questions? Yes, you must submit all questions during the meeting session on June 1, 2023.

Can I review the recording of the Commission Meeting? Yes, you can review the recorded Commission meeting, which will be made available online by going to the Equal Employment Practices Commission's YouTube page <https://www.youtube.com/channel/UCDgAeD4p-esdjymDTdGScfA/featured>.

Accessibility questions: Imani Bowen, ibowen@eepc.nyc.gov, by: Wednesday, July 19, 2023, 4:00 P.M.



July 10, 2023

HOUSING AUTHORITY

NOTICE

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, July 26, 2023 at 10:00 A.M. in the Ceremonial Room on the 5th Floor of 90 Church Street, New York, New York (unless otherwise noted). Copies of the Calendar will be available on NYCHA's website or may be picked up at the Office of the Corporate Secretary at 90 Church Street, 5th Floor, New York, New York, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes will also be available on NYCHA's website or may be picked up at the Office of the Corporate Secretary no earlier than 3:00 P.M. on the Friday following the Board Meeting.

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

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

The meeting will be streamed live on NYCHA's YouTube Channel at <https://www.youtube.com/c/nycha> and NYCHA's website at <https://www1.nyc.gov/site/nycha/about/board-meetings.page>.

For additional information, please visit NYCHA's website or contact (212) 306-6088.

Accessibility questions: Office of the Corporate Secretary, (212) 306-6088, by: Monday, July 24, 2023 4:00 P.M.



July 6, 2023

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, July 25, 2023, a public hearing will be held in the public hearing room at 1 Centre Street, 9th Floor, Borough of Manhattan, with respect to the following properties, and then followed by a public meeting. Participation by videoconference may be available as well. Please check the hearing page on LPC's website (<https://www.nyc.gov/site/lpc/hearings/hearings.page>) for updated hearing information. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Please note that the order and estimated times are subject to change. An overflow room is located outside of the primary doors of the public hearing room. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact Gregory Cala, Community and Intergovernmental Affairs Coordinator, at gcala@lpc.nyc.gov or (212) 602-7254 no later than five (5) business days before the hearing or meeting. Members of the public not attending in person can observe the meeting on LPC's YouTube channel at www.youtube.com/nyc/lpc and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's

website, on the Monday before the public hearing. Finally, please be aware: COVID-19 safety protocols are in effect at the location; all attendees over the age of two who are medically able to tolerate a face covering will be required to wear a face covering, regardless of vaccination status.

41 Willow Street - Brooklyn Heights Historic District

LPC-23-09526 - Block 220 - Lot 9 - **Zoning: R6**
CERTIFICATE OF APPROPRIATENESS

An altered rowhouse built before 1900 and a freestanding garage. Application is to construct a rear yard addition, modify the façade and install a bay window on the house, enlarge and alter the garage, excavate in the rear yard, and install fencing.

287 Carroll Street - Carroll Gardens Historic District

LPC-23-01667 - Block 443 - Lot 59 - **Zoning: R6B**
CERTIFICATE OF APPROPRIATENESS

A rowhouse designed by William J. Bedell and built in 1874. Application is to alter windows, install sun shades and construct a rear yard addition.

39-10 47th Street - Sunnyside Gardens Historic District

LPC-23-02961 - Block 149 - Lot 42 - **Zoning: R4**
CERTIFICATE OF APPROPRIATENESS

A Colonial Revival style rowhouse designed by Clarence Stein, Henry Wright and Frederick Ackerman and built in 1925. Application is to legalize coating of the rear façade without Landmarks Preservation Commission permit(s).

37-45 87th Street - Jackson Heights Historic District

LPC-23-08090 - Block 1475 - Lot 55 - **Zoning: R5**
CERTIFICATE OF APPROPRIATENESS

An Anglo-American Garden Home style semi-detached house designed by C.F. McAvoy and built in 1924. Application is to legalize the construction of a side addition and modify a retaining wall and fence, all constructed without Landmarks Preservation Commission permit(s).

57-34 Catalpa Avenue - Ridgewood South Historic District

LPC-23-11738 - Block 3466 - Lot 25 - **Zoning: C4-3A**
CERTIFICATE OF APPROPRIATENESS

A Renaissance and Romanesque Revival style model tenement building designed by Louis Berger and Company and built in 1909. Application is to install a storefront.

319 38th Road, aka 319 Hillside Avenue - Douglaston Historic District

LPC-22-10864 - Block 8068 - Lot 31 - **Zoning: R1-2**
CERTIFICATE OF APPROPRIATENESS

A Post-Modern style free-standing house designed by Hsu Associates and built in 1995. Application is to demolish the existing house, construct a new house and garage, regrade the site, and install retaining walls and paving.

137-141 Duane Street, aka 62-66 Thomas Street - Tribeca East Historic District

LPC-23-07645 - Block 147 - Lot 7509 - **Zoning: C6-2A**
CERTIFICATE OF APPROPRIATENESS

A Gothic Revival/Early 20th Century Commercial style store and loft building, altered from a combination of three 19th and early 20th century buildings by Joseph J. Furman in 1934-1935. Application is to legalize the removal of leaded glass transoms and the installation of signage without Landmarks Preservation Commission permit(s).

1 Bond Street - NoHo Historic District

LPC-23-00202 - Block 529 - Lot 7504 - **Zoning: M1-5B**
CERTIFICATE OF APPROPRIATENESS

A French Second Empire style factory building designed by Stephen Decatur Hatch and built in 1879-80. Application is to create new window openings.

36 Perry Street - Greenwich Village Historic District

LPC-23-10508 - Block 612 - Lot 13 - **Zoning: R6**
CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse built in 1845. Application is to construct rooftop and rear yard additions, and alter the rear façade.

154 West 73rd Street - Upper West Side/Central Park West Historic District

LPC-23-08265 - Block 1144 - Lot 54 - **Zoning: R8B**
CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style rowhouse with Queen Anne style elements designed by Martin V. B. Ferdon and built in 1882-83. Application is to construct rooftop and rear yard additions and excavate at the rear yard.

985 Fifth Avenue - Metropolitan Museum Historic District

LPC-23-11727 - Block 1491 - Lot 4 - **Zoning: R10**
CERTIFICATE OF APPROPRIATENESS

An apartment building designed by Wechsler & Schimenti and built in 1969-70. Application is to demolish the existing building and construct a new building.

**163-165 East 78th Street - Individual Landmark
LPC-23-11878 - Block 1413 - Lot 26 - Zoning: R8B
CERTIFICATE OF APPROPRIATENESS**

A pair of vernacular rowhouses with Italianate style influences built in 1861 and later combined and enlarged. Application is to modify an entry, alter the penthouse, construct rear yard and rooftop additions, and perform excavation.

**10 East 76th Street - Upper East Side Historic District
LPC-23-11675 - Block 1390 - Lot 64 - Zoning: R8B
CERTIFICATE OF APPROPRIATENESS**

A rowhouse designed by John G. Prague and built in 1881-82 and altered in the Beaux-Arts style by Schwartz & Gross in 1907-08. Application is to replace areaway ironwork installed without Landmarks Preservation Commission permit(s), replace windows, alter the rear facades, construct a rear yard addition, and construct rooftop bulkheads.

jy12-25



SUPREME COURT

NEW YORK COUNTY

■ NOTICE

**NEW YORK COUNTY
I.A.S. PART 17
NOTICE OF ACQUISITION
INDEX NUMBER 451304/2023
CONDEMNATION PROCEEDING**

IN THE MATTER OF the Application of the CITY OF NEW YORK,
Petitioner,

To Acquire by Exercise of its Powers of Eminent Domain, a Fee Interest in Certain Real Property Known as Tax Block 709, Lot 17; Located in the Borough of Manhattan, Required as Part of the

**HUDSON PARK AND BOULEVARD PROJECT, PHASE 2,
STAGE 5**

PLEASE TAKE NOTICE, that by Order of the Supreme Court of the State of New York, County of New York, IAS Part 17 (Hon. Shlomo S. Hagler, J.S.C.), duly entered in the office of the Clerk of the County of New York on June 27, 2023 (the "Order") [DE 29], the application of the City of New York (the "City") to acquire title in fee simple absolute to Tax Block 709, Lot 17 (subject to certain exclusions), for the purpose of extending the Hudson Park and Boulevard in connection with the HUDSON PARK AND BOULEVARD PROJECT, PHASE 2, STAGE 5, was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of the County of New York and the Office of the City Register, Borough of Manhattan. Said map, showing the property acquired by the City, was filed with the Office of the City Register on June 30, 2023, and was filed with the Office of the Clerk on June 30, 2023. The property interests vested in the City on June 30, 2023.

PLEASE TAKE FURTHER NOTICE, that the property acquired by the City in this Phase 2, Stage 5 of the Hudson Park and Boulevard Project includes a fee interest in Manhattan Tax Block 709, Lot 17 (the "Stage 5 Acquisition Parcel"), which is in the area generally bounded by Tenth and Eleventh Avenues, West 37th to West 38th Streets, in the Borough of Manhattan, City, County and State of New York. This acquisition is for the purpose of extending the Hudson Park and Boulevard. When complete, the mid-block park will run from 33rd to 39th Street and Hudson Boulevard will run from 33rd to 38th Street, between 10th and 11th Avenues.

PLEASE TAKE FURTHER NOTICE, that the City's acquisition of the Stage 5 Acquisition Parcel is under and subject to all right, title, and interest of Amtrak, which were remised, released, and quitclaimed unto Amtrak pursuant to a Deed and Indenture, from CRC Properties, Inc., dated June 27, 1986, and recorded in the Office of the City Register, New York County, in Reel 1203, Page 1015 (the "Amtrak Deed").

PLEASE TAKE FURTHER NOTICE, that the City's acquisition of the Stage 5 Acquisition Parcel is under and subject to the terms and conditions of that certain unrecorded agreement titled Mid-Town – Jerrart – Amtrak Access and Construction Agreement Regarding Amtrak's West Side Rail Line, dated April 23, 1990, by and among Mid-Town Development Limited Partnership ("Mid-Town"), Jerrart Venture ("Jerrart"), and Amtrak (the "Access and Construction Agreement") that is attached as Exhibit D to the City's Petition [DE 5], but the City's acquisition of the Stage 5 Acquisition Parcel is not subject to Exhibits A-1, A-2, A-3, B-1, or C-1 to the Access and Construction Agreement. The City's acquisition of the Stage 5 Acquisition Parcel includes Mid-Town's interests in the Access and Construction Agreement but excludes Amtrak's interests in the Access and Construction Agreement.

PLEASE TAKE FURTHER NOTICE, that upon acquisition of the Stage 5 Acquisition Parcel, the City obtained, under and subject to the terms and conditions of (i) the Amtrak Deed, and (ii) Amtrak's rights under the Access and Construction Agreement, the rights and obligations of the "Developer" of the Stage 5 Acquisition Parcel, as the term "Developer" is defined and used in the Amtrak Deed (including Exhibit A to the Amtrak Deed) and in the Access and Construction Agreement.

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law ("EDPL") of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof shall have until (and including) December 27, 2023 to file a written claim with the Clerk of the Court of New York County, and to serve within the same timeframe a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 and upon Carter Ledyard & Milburn LLP, 28 Liberty Street, 41st Floor, New York, New York 10005. Pursuant to EDPL § 504, the claim shall include:

- (A) the name and post office address of the condemnee;
 - (B) reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
 - (C) a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
 - (D) if represented by an attorney, the name, address and telephone number of the condemnee's attorney.
- Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY, 10007.

Dated: New York, NY
July 6, 2023

HON. SYLVIA O. HINDS-RADIX, CARTER LEDYARD & MILBURN
CORPORATION COUNSEL OF LLP
THE CITY OF NEW YORK

By: Michael Chestnov
Senior Counsel
100 Church Street
New York, New York 10007
(212) 356-3529

*Attorneys for Petitioner,
The City of New York*

By: Michael H. Bauscher
John R. Casolaro
28 Liberty Street
New York, New York 10005
(212) 732-3200

*Attorneys for Petitioner,
The City of New York*

jy14-27

**NEW YORK COUNTY
I.A.S. PART 17
NOTICE OF ACQUISITION
INDEX NUMBER 451242/2023
CONDEMNATION PROCEEDING**

In the Matter of the Application of the CITY OF NEW YORK,
Petitioner,

To Acquire by Exercise of its Powers of Eminent Domain, a Fee Interest in Certain Real Property Known as Tax Block 710, Lot 15; Located in the Borough of Manhattan, Required as Part of the

HUDSON PARK AND BOULEVARD PROJECT, PHASE 2, STAGE 4

PLEASE TAKE NOTICE, that by Order of the Supreme Court of the State of New York, County of New York, IAS Part 17 (Hon. Shlomo S. Hagler, J.S.C.), duly entered in the office of the Clerk of the County of New York on June 27, 2023 (the "Order") [DE 29], the application of the City of New York (the "City") to acquire title in fee simple absolute to Tax Block 710, Lot 15 (subject to certain exclusions), for the purpose of extending the Hudson Park in connection with the HUDSON PARK AND BOULEVARD PROJECT, PHASE 2 STAGE 4, was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of the County of New York and the Office of the City Register, Borough of Manhattan. Said map, showing the property acquired by the City, was filed with the Office of the City Register on June 30, 2023, and was filed with the Office of the Clerk on June 30, 2023.

PLEASE TAKE FURTHER NOTICE, that the property acquired by the City in this Phase 2, Stage 4 of the Hudson Park and Boulevard Project includes a fee interest in Manhattan Tax Block 710, Lot 15 (the "Stage 4 Acquisition Parcel"), which is in the area generally bounded by Tenth and Eleventh Avenues, West 38th to West 39th Streets, in the Borough of Manhattan, City, County and State of New York. This acquisition is for the purpose of extending the Hudson Park. When completed, the mid-block park will run from 33rd to 39th Street and Hudson Boulevard will run from 33rd to 38th Street, between 10th and 11th Avenues.

PLEASE TAKE FURTHER NOTICE, that the City's acquisition of the Stage 4 Acquisition Parcel is under and subject to all right, title, and interest of Amtrak, which were remised, released and quitclaimed unto Amtrak pursuant to a Deed and Indenture, from CRC Properties, Inc., dated June 27, 1986, and recorded in the Office of the City Register, New York County, in Reel 1203, Page 1015 (the "Amtrak Deed").

PLEASE TAKE FURTHER NOTICE, that the City's acquisition of the Stage 4 Acquisition Parcel is under and subject to the terms and conditions of that certain unrecorded agreement titled Mid-Town – Jerrart – Amtrak Access and Construction Agreement Regarding Amtrak's West Side Rail Line, dated April 23, 1990, by and among Mid-Town Development Limited Partnership, Jerrart Venture ("Jerrart"), and Amtrak (the "Access and Construction Agreement") that is attached as Exhibit D to the City's Petition [DE 5], but the City's acquisition of the Stage 4 Acquisition Parcel is not subject to Exhibits A-1, A-2, A-3, B-1, or C-1 to the Access and Construction Agreement. The City's acquisition of the Stage 4 Acquisition Parcel includes Jerrart's interests in the Access and Construction Agreement, but excludes Amtrak's interests in the Access and Construction Agreement.

PLEASE TAKE FURTHER NOTICE, that the City's acquisition of the Stage 4 Acquisition Parcel is under and subject to the terms and conditions of that certain unrecorded agreement titled Easement Agreement Between National Railroad Passenger Corporation and Jerrart Ventures dated August 27, 2015, by and between Jerrart and Amtrak (the "2015 Easement") that is attached as Exhibit E to the City's Petition [DE 6]. The City's acquisition of the Stage 4 Acquisition Parcel includes Jerrart's interest in the 2015 Easement, but excludes Amtrak's interests in the 2015 Easement.

PLEASE TAKE FURTHER NOTICE, that the City's acquisition of the Stage 4 Acquisition Parcel is subject to Amtrak's rights under the 2015 Easement including but not limited to Amtrak's easement rights in the signal shed, the billboard, and any other improvements made by Amtrak or utilized by Amtrak that are located on the Stage 4 Acquisition Parcel.

PLEASE TAKE FURTHER NOTICE, that upon acquisition of the Stage 4 Acquisition Parcel, the City obtained, under and subject to the terms and conditions of (i) the Amtrak Deed, (ii) Amtrak's rights under the Access and Construction Agreement, and (iii) Amtrak's rights under the 2015 Easement, the rights and obligations of the "Developer" of the Stage 4 Acquisition Parcel, as the term "Developer" is defined and used in the Amtrak Deed (including Exhibit A to the Amtrak Deed) and in the Access and Construction Agreement.

PLEASE TAKE FURTHER NOTICE, that the City's acquisition of the Stage 4 Acquisition Parcel is subject to that certain 31-page (excluding exhibits) Billboard Advertising Agreement between Amtrak and Clear Channel Outdoor, Inc. ("Clear Channel"), as amended by that certain three-page First Amendment to Billboard Advertising Agreement dated December 20, 2015 (as so amended, the "Billboard Advertising Agreement"), and shall not impair the rights of Amtrak or Clear Channel in the Billboard Advertising Agreement.

PLEASE TAKE FURTHER NOTICE, that the City's acquisition of the Stage 4 Acquisition Parcel shall not impair the rights of Amtrak or Jerrart in that certain eight-page Revenue Sharing Agreement dated August 27, 2015 between Amtrak and Jerrart (the "Revenue Sharing Agreement")

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law ("EDPL") of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof shall have until (and including) December 27, 2023 to file a written claim with the Clerk of the Court of New York County, and to serve within the same timeframe a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 and upon Carter Ledyard & Milburn LLP, 28 Liberty Street, 41st Floor, New York, New York 10005. Pursuant to EDPL § 504, the claim shall include:

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

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

PLEASE TAKE FURTHER NOTICE, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007.

Dated: New York, NY
July 6, 2023

HON. SYLVIA O. HINDS-RADIX, CARTER LEDYARD & MILBURN LLP
CORPORATION COUNSEL OF
THE CITY OF NEW YORK

By: Michael Chestnov
Senior Counsel
100 Church Street
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*Attorneys for Petitioner,
The City of New York*

By: Michael H. Bauscher
John R. Casolaro
28 Liberty Street
New York, New York 10005
(212) 732-3200
*Attorneys for Petitioner,
The City of New York*

jy14-27

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
 In the Matter of the Application of :
 THE CITY OF NEW YORK, : Index No.: 451121/2023
 :
 Petitioner, :
 :
 To Acquire by Exercise of its Powers :
 of Eminent Domain, Fee Interests in : **NOTICE OF**
 Certain Real Property Known as Tax : **ACQUISITION**
 Block 708, Lot 48; and Fee Interests :
 and a Temporary Easement in Tax :
 Block 710, Lot 11; all Located in the :
 Borough of Manhattan, Required as :
 Part of the :
 HUDSON PARK AND BOULEVARD :
 PROJECT, PHASE 2, STAGE 3. :
 -----x

PLEASE TAKE NOTICE, that by Order of the Supreme Court of the State of New York, County of New York, IAS Part 17 (Hon. Shlomo S. Hagler, J.S.C.), duly entered in the office of the Clerk of the County of New York on June 15, 2023 (the "Order") [DE 21], the application of the City of New York (the "City") to acquire title in fee simple absolute to Tax Block 708, Lot 48, and portions of Tax Block 710, Lot 11 located within the Phase 2 Hudson Boulevard and Park (as that term is defined in the NYC Zoning Resolution); and a five-year temporary easement over the portion of Tax Block 710, Lot 11 that is not being acquired in fee simple absolute (westerly portion) and that is located outside the Phase 2 Hudson Boulevard and Park, for the purpose of extending the Hudson Park and Boulevard in connection with the HUDSON PARK AND BOULEVARD PROJECT, PHASE 2, STAGE 3, was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of the County of New York and the Office of the City Register, Borough of Manhattan. Said map, showing

the property interests acquired by the City, was filed with the Office of the City Register on June 27, 2023, and was filed with the Office of the Clerk on June 27, 2023. The property interests vested in the City on June 27, 2023.

PLEASE TAKE FURTHER NOTICE, that the property acquired by the City in this Phase 2, Stage 3 of the Hudson Park and Boulevard Project includes fee interests in Manhattan Tax Block 708, Lot 48, and portions of Tax Block 710, Lot 11 located within the Phase 2 Hudson Boulevard and Park (collectively, the "Stage 3 Fee Acquisition Parcels"); and a five-year temporary easement over the portion of Tax Block 710, Lot 11 that is not being acquired in fee simple absolute (westerly portion) and that is located outside the Phase 2 Hudson Boulevard and Park (the "Temporary Easement Parcel", which together with the Stage 3 Fee Acquisition Parcels shall be referred to as the "Stage 3 Acquisition Parcels"), which is in the area generally bounded by Tenth and Eleventh Avenues, West 36th to West 39th Streets, in the Borough of Manhattan, City, County and State of New York. These acquisitions are for the purpose of extending the Hudson Park and Boulevard. When complete, the mid-block park will run from 33rd to 39th Street and Hudson Boulevard will run from 33rd to 38th Street, between 10th and 11th Avenues.

PLEASE TAKE FURTHER NOTICE, that City's acquisition of the five-year temporary easement over the Temporary Easement Parcel shall give the City the right to (i) demolish and remove the building currently on Block 710, Lot 11, including any foundations, footings and the like that are located below grade, and including any portions of the building that may extend beyond any property line of Block 710, Lot 11 (the "Building"), (ii) fill any subgrade area of the Temporary Easement Parcel that had been occupied by a portion of the Building so that the entire Temporary Easement Parcel is at grade level; and (iii) use the Temporary Easement Parcel for construction staging purposes related to the construction of Phase 2 of Bella Abzug Park and Hudson Boulevard. Other than as may be necessary to demolish and remove the Building, the temporary easement shall not give the City the right to excavate the Temporary Easement Parcel.

PLEASE TAKE FURTHER NOTICE, that the City's acquisition of interests in Tax Block 710, Lot 11 shall not include the acquisition of any development rights based on "floor area" (as the term "floor area" is defined in Section 12-10 of the NYC Zoning Resolution) ("Zoning Floor Area" or "ZFA") associated with the areas Tax Block 710, Lot 11 located within Hudson Park & Boulevard, which development rights shall remain the property of the former owner of those areas, which appears to be 528-534 West 39 LLC.

PLEASE TAKE FURTHER NOTICE, that the City's acquisition of interests in Tax Block 710, Lot 11 shall be under and subject to all right, title, and interest of Amtrak, which were remised, released, and quitclaimed unto Amtrak pursuant to a Deed and Indenture, from CRC Properties, Inc., dated June 27, 1986, and recorded in the Office of the City Register, New York County, in Reel 1203, Page 1015 (the "Amtrak Deed").

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law ("EDPL") of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof shall have until (and including) December 15, 2023 to file a written claim with the Clerk of the Court of New York County, and to serve within the same timeframe a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 and upon Carter Ledyard & Milburn LLP, 28 Liberty Street, 41st Floor, New York, New York 10005. Pursuant to EDPL § 504, the claim shall include:

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

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

PLEASE TAKE FURTHER NOTICE, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007.

Dated: New York, NY
June 27, 2023

Hon. Sylvia O. Hinds-Radix,
CORPORATION COUNSEL OF
THE CITY OF NEW YORK

CARTER LEDYARD &
MILBURN LLP

By: Michael Chestnov
Senior Counsel
100 Church Street
New York, NY 10007
(212) 356-3529

By: Michael H. Bauscher
John R. Casolaro
28 Liberty Street
New York, NY 10005
(212) 732-3200

Attorneys for Petitioner,
The City of New York

Attorneys for Petitioner,
The City of New York

jy7-20

PROPERTY DISPOSITION

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

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

CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

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

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

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

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

jy29-j17

PROCUREMENT

"Compete To Win" More Contracts!

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

- Win More Contracts, at nyc.gov/competetowin

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

HHS ACCELERATOR PREQUALIFICATION

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York ("PPB Rules"), vendors must first complete and submit an electronic HHS Accelerator Prequalification Application using the City's PASSPort system. The PASSPort system is a web-based system maintained by the City of New York for use by its Mayoral Agencies to manage procurement. Important business information collected in the Prequalification Application is required every three years. Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete. Prequalification applications will be reviewed to validate compliance with corporate filings and organizational capacity. Approved organizations will be eligible to compete and would submit electronic proposals through the PASSPort system. The PASSPort Public Portal, which lists all RFPs, including HHS RFPs that require HHS Accelerator Prequalification, may be viewed at https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding. For additional information about HHS Accelerator Prequalification and PASSPort, including background materials, user guides and video tutorials, please visit <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>.

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICE

SOLICITATION

Goods

85723B0142-2300138 - MOBILE LIFT SYSTEM (SIX POST)-NYPD - Competitive Sealed Bids - PIN# 85723B0142 - Due 9-5-23 at 10:30 A.M.

The New York City Department of Citywide Administrative Services ("DCAS") is issuing a solicitation to obtain bids for the procurement MOBILE LIFT SYSTEM (SIX POST)-NYPD. Please see the solicitation documents for additional details. Please submit your proposals by both acknowledging the receipt of the RfX in the Acknowledgement tab and completing your response in the Manage Responses tab. Vendor resources and materials can be found at the link below under the Finding and Responding to RfX heading.

If you need additional assistance with PASSPort, please contact the MOCs Service Desk at <https://mocssupport.atlassian.net/servicedesk/customer/portal/8>. Link: <https://www1.nyc.gov/site/mocs/systems/passport-user-materials.page>. For Virtual Bid Opening, please register using the following link: <https://dcas-nyc-gov.zoom.us/meeting/register/tZcrfuyqT1pEtKaTSmz6G2E6dMXjGWQwWBQ>.

Bid opening Location - 1 Centre Street, 18th Floor North, New York, NY 10007.

☛ jy20

HC - LEARNING/DEV

AWARD

Services (other than human services)

BLANKET ORDER FOR DATA ANALYTICS TRAINING - Other - PIN# 85623U0016001 - AMT: \$99,999.00 - TO: Garuda Travel LLC, 2201 Amsterdam Avenue, New York, NY 10032.

☛ jy20

SUPPORT SERVICES

AWARD

Goods

FABRIC STRUCTURES, MATERIALS, SERVICES - DSNY-SOURCEWELL - Intergovernmental Purchase - PIN# 82723O0003001 - AMT: \$2,849,642.40 - TO: Eagle Associates of Cazenovia LLC, 3592 Cobblestone Drive, PO Box 322, Cazenovia, NY 13035.

To protect vehicles and equipment, to allow maintenance work on vehicles, and to provide for protected salt storage, an initial purchase of 6 fabricated tent structures is required. The structures must be capable of withstanding heavy snow loads and high wind gusts. Intergovernmental procurement utilizing Sourcwell Solicitation Number: RFP #091319. Sourcwell is a State of Minnesota local government unit and service cooperative created under the laws of the State of Minnesota (Minnesota

Statutes Section 123A.21) that offers cooperative procurement solutions to government entities. The supplier is BriteSpan Building Systems Inc; the local dealership is Eagle Associates of Cazenovia, NY.

☛ jy20

ENVIRONMENTAL PROTECTION

ENGINEERING, DESIGN AND CONSTRUCTION

AWARD

Construction Related Services

CAT-213FAC: CONSTRUCTION MANAGEMENT SERVICES FOR THE RECONSTRUCTION OF THE ASHOKAN HEADWORKS AND CONSTRUCTION OF THE ASHOKAN STORAGE BUILDING - Competitive Sealed Proposals - Other - PIN# 82623P0015002 - AMT: \$46,598,385.04 - TO: HDR Dewberry Ashokan JV, 500 Seventh Avenue, New York, NY 10018.

☛ jy20

SUSTAINABILITY

AWARD

Services (other than human services)

DESIGN SERVICES CONTRACT FOR CLOUDBURST PROJECTS - Competitive Sealed Proposals - Other - PIN# 82623P0003002 - AMT: \$10,000,000.00 - TO: AKRF Inc., 440 Park Avenue South, Floor 7, New York, NY 10016-8012.

DEP is procuring design services contract for cloudburst projects that have shown applied experience and expertise in the field of cloudburst infrastructure design for multiple simultaneous area-wide contracts with several locations in dense urban environments. The RFP will consist of four individual task orders.

☛ jy20

WASTEWATER TREATMENT

AWARD

Construction Related Services

CM SRVCS IN CONNECTION W/MISC PROJECTS VARIOUS BWT LOCATIONS - Competitive Sealed Proposals - Other - PIN# 82622P0024002 - AMT: \$15,000,000.00 - TO: Arcadis of New York Inc., One Lincoln Center, 110 West Fayette Street, Suite 300, Syracuse, NY 13202.

Contract PW-122 will provide Construction Management Services at the Bureau's Wastewater Resource Recovery facilities in connection with the capital program managed by the Bureau of Wastewater Treatment (BWT) consisting of hundreds of Job Order Contract ("JOC") projects as well as dozens of discrete, stand-alone capital projects ongoing at 14 Wastewater Resource Recovery plants, 96 Pump Stations, and other satellite facilities such as Combined Sewer Overflow (CSO) storage, regulators, etc. Up to three awards will result from this solicitation divided by Region.

☛ jy20

CM SRVCS IN CONNECTION W/MISC PROJECTS VARIOUS BWT LOCATIONS - Competitive Sealed Proposals - Other - PIN# 82622P0024001 - AMT: \$15,000,000.00 - TO: Henningson Durham & Richardson PC, 1917 South, 67th Street, Omaha, NE 68106.

Contract PW-122 will provide Construction Management Services at the Bureau's Wastewater Resource Recovery facilities in connection with the capital program managed by the Bureau of Wastewater Treatment (BWT) consisting of hundreds of Job Order Contract ("JOC") projects as well as dozens of discrete, stand-alone capital projects ongoing at 14 Wastewater Resource Recovery plants, 96 Pump Stations, and other satellite facilities such as Combined Sewer Overflow (CSO) storage, regulators, etc. Up to three awards will result from this solicitation divided by Region.

☛ jy20

FIRE DEPARTMENT

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATION

Services (other than human services)

REPAIR AND MAINTENANCE OF THE HYDRA RAM FORCIBLE ENTRY TOOL - Sole Source - Available only from a single source - PIN# 057230000749 - Due 7-21-23 at 12:00 A.M.

The Fire Department intends to enter into sole source negotiations with Hydra Ram Inc., to provide ongoing Repair and Preventative Maintenance and Services for the Hydra Ram Forcible Entry Tool. Any firm that believes that it can provide these services is invited to do so in writing.

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.

Fire Department, 9 MetroTech Center, 5th Floor, 5S-09K, Brooklyn, NY 11201. David Holmes (718) 999-8162; david.holmes@fdny.nyc.gov

jy17-21

MARINE DIVISION

■ INTENT TO AWARD

Goods

05724Y0268-057240000243 - CBRN FILTERS - Request for Information - PIN# 05724Y0268 - Due 7-27-23 at 2:00 P.M.

The New York City Fire Department intends to enter into sole source negotiations with HDT Expeditionary Systems Inc for the CBRN Filters Engineering: Filter change on FB Feehan & FB343, 5-19-6722-N Filter set gas particulate 200, 5-19-7435-031 Filter gas part M48A1 ASZM-TEDA P 33446 are specifically designed for Emerging Threats.

Any vendor besides HDT Expeditionary Systems Inc., that believes they can supply the CBRN Filters Engineering: Filter change on FB Feehan & FB343, 5-19-6722-N Filter set gas particulate 200, 5-19-7435-031 Filter gas part M48A1 ASZM-TEDA P 33446 is invited to express their interest by submitting a response in PASSPort.

Please complete the Acknowledgement tab and submit a response in the Manage Responses Questionnaire tab. If you have questions about the details of the RFx please submit them through the discussion with buyer tab.

Vendor resources and materials can be found at the link below under the Findings and Responding to RFx (Solicitations) heading: https://www.nyc.gov/assets/mocs/downloads/Opportunities/doing-business-with-the-city-of-new-york/Finding_and_Responding_to_RFx_Vendor_Manual_10.8.21.pdf.

If you need additional assistance, please contact MOCS Service desk at: <https://mocssupport.atlassian.net/servicedesk/customer/portal/8>, once there - click on Request Assistance to submit your question.

☛ jy20-26

NEW YORK CITY FIRE PENSION FUND

■ SOLICITATION

Goods and Services

CUSTOMIZATION OF VISUAL VAULT - Sole Source - Other - PIN# 2572024600-1 - Due 7-31-23 at 4:00 P.M.

Pursuant to Procurement Policy Board Rules, Section 3-05, the NYC Fire Pension Fund intends to enter into a sole source agreement with GRM to analyze and adjust as necessary our current scanning operations. This will include customization by means of configuring GRM's VisualVault document management software. GRM states that they do not resell with partners to do such configurations as the Fund requires.

Any qualified vendor that wishes to express interest in providing such product and believes that at present or in the future it can also provide related software, and services is invited to do so by submitting an expression of interest to procurement@nycfirepension.org.

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.

New York City Fire Pension Fund, One Battery Park Plaza, 9th Floor, New York, NY 10004. Simone Saywack (929) 436-4860; procurement@nycfirepension.org

☛ jy20

HEALTH AND MENTAL HYGIENE

■ INTENT TO AWARD

Human Services/Client Services

SBHC REPRODUCTIVE HEALTH PROJECT - Negotiated Acquisition/Pre-Qualified List - PIN# 81623N0055 - Due 8-4-23 at 2:00 P.M.

DOHMH intends to enter into Negotiated Acquisition (limited pool) contracts with 17 vendors who will dispense of birth control methods on-site at designated School-Based Health Centers (SBHCs) as part of the SBHC Reproductive Health Project, which aims to continue to reduce unintended pregnancies among adolescents. The 17 vendors are:

1. Brooklyn Plaza Medical Center
2. Brownsville Multi-Service Family Health d/b/a/Brownsville Community Development Corporation
3. Children's Aid Society
4. Community Healthcare Network
5. H+H Gotham
6. Institute for Family Health
7. Jamaica Hospital Medical Center
8. Montefiore Medical Center
9. Morris Heights Health Center
10. The Mount Sinai Hospital
11. New York and Presbyterian Hospital
12. Long Island Jewish Medical Center
13. Staten Island University Hospital
14. New York University Langone FHC
15. Richmond Medical Center d/b/a Richmond University Medical Center
16. Urban Health Plan Inc
17. William F Ryan Community Health Center Inc.

These providers are licensed under Article 28 of the New York State Public Health Law, and are currently operating SBHCs that serve sexually active students in NYC public schools. As the only providers that can dispense contraceptives in these schools, they are the only vendors qualified to perform these services. The anticipated duration of the 17 contracts is six years. Vendors that believe they may be able to provide these services may submit an expression of interest to RFP@health.nyc.gov with the subject line "Repro Health EOI" by the due date indicated.

DOHMH determined that there is a limited pool of vendors that can perform services for the DOHMH School-Based Health Center (SBHC) Reproductive Health Project. There are 17 unique SBHC providers operating in sites that serve sexually active students in NYC public schools.

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

Health and Mental Hygiene, 42-09 28th Street, 17th Floor, Long Island City, NY 11101-4132. Richard Cheung (347) 396-6658; RFP@health.nyc.gov

jy17-21

EPIDEMIOLOGY

■ INTENT TO AWARD

Goods

81624Y0453-SURVEY SOFTWARE PANEL MANAGEMENT SYSTEM-23LL033301ROX00 - Request for Information - PIN#81624Y0453 - Due 7-26-23 at 2:00 P.M.

Pursuant to Procurement Policy Board Rule Section 3-05, Department of Health and Mental Hygiene intends to enter into a sole source agreement with Forsta Worldwide Inc, who will provide Survey Software Panel Management System required by DOHMH.

The suite of services being offered in this instance is unique to Forsta Worldwide as the suite is offering Forsta Surveys, Digital Diaries, Video Insights & Digital Interviews in a single package, as well their

Forsta Surveys Research & Digital Diaries managed services and sample. Forsta Worldwide is the only provider that can offer these technologies along with our certified in-house TES guidance, etc.

Any vendor who believes are qualified to provide such services is invited to indicate interest by responding to the RFI EPIN 81624Y0453 on PASSport.

jy19-25

MENTAL HYGIENE

■ AWARD

Human Services/Client Services

NY/NY III CONGREGATE SUPPORTIVE HOUSING - Competitive Sealed Proposals - Other - PIN# 81623P0014001 - AMT: \$3,834,726.00 - TO: The Bridge Inc., 290 Lenox Avenue, 3rd Floor, New York, NY 10027.

☛ jy20

HOMELESS SERVICES

CONTRACTS

■ AWARD

Services (other than human services)

ON CALL WELDING SERVICES, CITYWIDE - Small Purchase - PIN# 23SSEDM00401 - AMT: \$159,000.00 - TO: KNJ Fabricators, LLC, 4341 Wickham Avenue, Bronx, NY 10466-1809.

☛ jy20

HOUSING AUTHORITY

RISK MANAGEMENT

■ SOLICITATION

Services (other than human services)

PROPERTY AND TERRORISM INSURANCE - Negotiated Acquisition - Specifications cannot be made sufficiently definite - PIN# PROP/TERR 23-24 - Due 8-18-23 at 3:00 P.M.

The New York City Housing Authority ("NYCHA") requests quotations from qualified insurance carriers for Primary/Excess Property and Terrorism Insurance coverage. Coverage is to become effective October 30, 2023.

Proposals must be made in the format and within the timeline(s) included in the Invitation for Bids package containing instructions, specifications and detailed submission requirements. Packets may be obtained by calling NYCHA's Property Insurance Broker: Edgewood Partners Insurance Center (EPIC), One American Lane, 1st Floor, Greenwich, CT 06831-2251 at (973) 886-8634. In order to be eligible, completed bids must be received by 3:00 P.M. EST on August 18, 2023.

All inquiries for additional information regarding the Invitation for Bids are to be directed to Brendan Osean, EPIC, at the aforementioned address, telephone or email to: brendan.osean@epicbrokers.com.

NYCHA IS NOT SOLICITING QUOTES FROM BROKERS.

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, Edgewood Partners Insurance Center, One American Lane, 1st Floor, Greenwich, CT 06831-2251. Brendan Osean (973) 886-8634; brendan.osean@epicbrokers.com; shaun.conrad@epicbrokers.com

☛ jy20

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

APPLICATIONS

■ AWARD

Goods

CLOUD SUBSCRIPTION FUNDING FOR ELASTICSEARCH - M/WBE Noncompetitive Small Purchase - PIN# 85824W0011001 - AMT: \$31,205.42 - TO: Portland Williams LLC, 75 North Central Avenue, Suite 105, Elmsford, NY 10523-2537.

☛ jy20

FY24 CARTODB RENEWAL - M/WBE Noncompetitive Small Purchase - PIN# 85824W0007001 - AMT: \$81,805.28 - TO: Portland Williams LLC, 75 North Central Avenue, Suite 105, Elmsford, NY 10523-2537.

☛ jy20

Services (other than human services)

7-858-0299A MYCITY APPENG SENIOR DATA ENGINEER #1 - M/WBE Noncompetitive Small Purchase - PIN# 85823W0136001 - AMT: \$409,500.00 - TO: Peer Consulting Resources Inc., 20 Jefferson Plaza, Princeton, NJ 08540.

☛ jy20

DCMB

■ AWARD

Services (other than human services)

CITYWIDE QUALITY CONTROL (QC) CLASS 1 - Competitive Sealed Proposals - Other - PIN# 85821P0001007 - AMT: \$13,000,000.00 - TO: KPMG LLP, 345 Park Avenue, New York, NY 10154-0102.

☛ jy20

PARKS AND RECREATION

ACCO OFFICE

■ INTENT TO AWARD

Services (other than human services)

84624Y0288-MAINTENANCE, OPERATION AND PROGRAMMING OF CENTRAL PARK, MANHATTAN - Request for Information - PIN# 84624Y0288 - Due 8-4-23 at 12:00 A.M.

Department of Parks & Recreation intends to enter into sole source negotiations with the Central Park Conservancy, a not-for-profit organization, to provide for the maintenance, operation and programming of Central Park, Manhattan. The non-profit organization is required to raise and spend private funds towards these services. In addition, the not-for-profit will be required to expend the City's contribution for maintenance of Central Park pursuant to the terms of the agreement.

Any vendor, besides Central Park Conservancy, that believes it can provide the above references services is invited to express its interest by submitting a response in PASSport. Please complete the Acknowledgment tab and submit a response in the Manage Responses tab. If you have questions about the details of the RFx, please submit through the Discussion with Buyer tab.

jy17-24

REVENUE

■ SOLICITATION

Human Services/Client Services

RENOVATION, OPERATION AND MAINTENANCE OF THE CENTRAL PARK TENNIS CENTER, INCLUDING A TENNIS PROFESSIONAL CONCESSION, PRO SHOP CONCESSION, AND SNACK BAR CONCESSION IN CENTRAL PARK, MANHATTAN - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN#M10-IT - Due 9-1-23 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a significant Request

for Proposals (RFP) for the Renovation, Operation, and Maintenance of the Central Park Tennis Center, including a Tennis Professional Concession, Pro Shop Concession, and Snack Bar Concession in Central Park, Manhattan.

There will be a recommended remote proposer meeting on Wednesday, August 2, 2023, at 11:00 A.M. If you are considering responding to this RFP, please make every effort to attend this recommended remote proposer meeting.

Subject to availability and by appointment only, we may set up a meeting at the proposed concession site, which is located in Central Park, north of the Reservoir and south of the 96th Street transverse road.

Hard copies of the RFP can be obtained at no cost, commencing Tuesday, July 18, 2023, through Friday, September 1, 2023, by contacting Lindsay Schott, Project Manager at (212) 360-3405 or at Lindsay.Schott@parks.nyc.gov.

The RFP is also available for download through Friday, September 1, 2023, on Parks' website. To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities> and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

For more information or if you cannot attend the remote proposer meeting, prospective proposers may contact Lindsay Schott, Project Manager, at (212) 360-3405 or at Lindsay.Schott@parks.nyc.gov.

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

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

Parks and Recreation, 830 Fifth Avenue, Room 407, New York, NY 10065. Lindsay Schott (212) 360-3405; Lindsay.schott@parks.nyc.gov

jy18-31

Services (other than human services)

RENOVATION, OPERATION AND MAINTENANCE OF A SNACK BAR AT FIRST PARK, MANHATTAN - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# M124-SB - Due 8-25-23 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a non-significant Request for Proposals (RFP) for the Renovation, Operation, and Maintenance of a Snack Bar at First Park, Manhattan.

There will be a recommended remote proposer meeting on Wednesday, July 26, 2023, at 11:00 A.M. If you are considering responding to this RFP, please make every effort to attend this recommended remote proposer meeting.

Subject to availability and by appointment only, we may set up a meeting at the proposed concession site, which is located at First Street and First Avenue, Manhattan.

All proposals submitted in response to this RFP must be submitted no later than Friday, August 25, 2023, at 3:00 P.M.

Hard copies of the RFP can be obtained at no cost, commencing July 14, 2023, through August 25, 2023, by contacting Lindsay Schott, Project Manager at (212)360-3405 or at Lindsay.Schott@parks.nyc.gov.

The RFP is also available for download, on July 14, 2023, through August 25, 2023, on Parks' website. To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities> and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

For more information or if you cannot attend the remote proposer meeting, prospective proposers may contact Lindsay Schott, Project Manager, at (212)360-3405 or at Lindsay.Schott@parks.nyc.gov.

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

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

Parks and Recreation, 830 Fifth Avenue, Room 407, New York, NY 10065. Lindsay Schott (212) 360-3405; Lindsay.Schott@parks.nyc.gov

jy14-27

POLICE DEPARTMENT

MANAGEMENT AND BUDGET

■ INTENT TO AWARD

Goods

05624Y0116-BALLISTIC SHIELD DOLLY SYSTEM - Request for Information - PIN# 05624Y0116 - Due 8-7-23 at 2:00 P.M.

Pursuant to Section 3-05 of the NYC Procurement Policy Board Rules, it is the intent of the New York City Police Department ("NYPD"), to enter into sole source negotiations with TYR Tactical with the expectation that TYR Tactical will be awarded a three-year contract with the NYPD for the provision of the Level 3+ Ballistic Shield Dolly System for the NYPD's Emergency Service Unit (ESU). It is the NYPD's belief that this equipment is provided exclusively by TYR Tactical. Any vendor besides TYR Tactical that believes it can provide this equipment is invited to do so. To respond in PASSPort, please complete the Acknowledgement tab and submit a response in the Manage Responses tab. If you have questions about the details of the RFx, please submit through the Discussion with Buyer tab.

☛ jy20-26

PROBATION

ADMINISTRATION

■ AWARD

Goods

SEAMLESS DOCS - M/WBE Noncompetitive Small Purchase - PIN# 78123W0004001 - AMT: \$30,350.80 - TO: Compulink Technologies Inc., 260 West 39th Street, Room 302, New York, NY 10018-4434.

☛ jy20

JUVENILE OPERATIONS

■ AWARD

Human Services/Client Services

ADVOCATE INTERVENE MENTOR PROGRAM - Renewal - PIN# 78122X8006KXLR002 - AMT: \$553,657.75 - TO: Justice Innovation Inc., 520 8th Avenue, 18th Floor, New York, NY 10018.

☛ jy20

TRANSPORTATION

EXECUTIVE/OFFICE OF THE COMMISSIONER

■ AWARD

Services (other than human services)

ELECTRIC-POWERED SCOOTER SHARE IN NYC - Renewal - PIN# 84122D8002KXLR001 - AMT: \$1.00 - TO: Veoride Inc., 1001 North Milwaukee Avenue, #401, Chicago, IL 60642.

Continuation of Pilot Program.

☛ jy20

SIDEWALK AND INSPECTION MANAGEMENT

■ AWARD

Construction/Construction Services

CONTAINERS TO REMOVE CONSTRUCTION WASTE MATERIALS - Competitive Sealed Bids - PIN# 84123B0016001 - AMT: \$4,996,200.00 - TO: Faztec Industries Inc., 38 Kinsey Place, Suite #2, Staten Island, NY 10303.

20 Cubic Yard Containers used to remove construction waste material generated by the Citywide Concrete Program.

☛ jy20

TRANSPORTATION PLANNING AND MANAGEMENT

■ AWARD

Services (other than human services)

CONSULTANT/PROGRAM MGMT. SERVS. FOR NYC CLEAN TRUCKS PROGRAM - Competitive Sealed Proposals - Other - PIN# 84121P0033001 - AMT: \$24,000,000.00 - TO: Tetra Tech Inc., 3475 East Foothill Boulevard, Pasadena, CA 91107.

The Department of Transportation seeks the assistance of a qualified Contractor to provide technical and administrative support for the continuation of the NYC Clean Trucks Program (CTP), an incentive-based, rebate/voucher grant program focused on the retirement of older heavy duty diesel truck fleets operating within New York City's Industrial Business Zones (IBZs). The purpose of the program is to improve air quality by reducing diesel and particulate matter emissions, thus reducing the environmental impact of truck related activities in the City as a whole.

For the provision of project management services, judgment is required in evaluating competing proposals and it is in the best interests of the City that these proposals be evaluated with regard to the vendor's experience, organizational capability and proposed approach.

☛ jy20

TRUST FOR GOVERNORS ISLAND

■ SOLICITATION

Human Services/Client Services

REAL ESTATE LEGAL COUNSEL SERVICES - Request for Proposals - PIN# 2023-07-20 - Due 9-15-23 at 5:00 P.M.

The Trust seeks outside counsel through this RFP for legal services in the area of Real Estate Transactions and Construction, to support a range of projects and property-related matters in connection with Governors Island, including but not limited to:

- Leases, licenses, access agreements, and other occupancy agreements, including abstracts of the same.
- Term sheets, designation letters, escrow agreements, and/or pre-development agreements.
- Partnerships, entity structuring, and transactional documentation associated with financing and economic-development programs, including Historic Rehabilitation Tax Credits, New Market Tax Credits, New York City Industrial Development Agency (IDA) incentives.
- Property transactions and related actions characteristic of those involving agencies and affiliates of the City of New York and other governmental or quasi-governmental entities.
- Construction agreements, including lump-sum general contracts, Guaranteed Maximum Price (GMP) contracts, construction-management agreements, and owner's-representative service agreements.

The selected Proposer(s) may be asked to attend meetings and negotiations, as reasonably requested by the Trust, with actual or potential tenants and other counterparties. The selected Proposer(s) will collaborate with the Trust, the New York City Law Department, and other City agencies, and may also be asked to collaborate with other firms under retainer with the Trust for specific legal services in complementary areas (Historic Tax Credit counsel, land-use counsel, etc.).

The Services to be provided by any selected Proposer(s) will be on an as-needed basis, as requested by the Trust, during a 3-year agreement term, with a single 2-year extension period exercisable by the Trust in its discretion.

The RFP may be accessed at the following site: <https://www.govisland.com/real-estate/rfps>.

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.

Trust for Governors Island, 10 South Street, Slip 7, New York, NY 10004. Daniel H. Hantman (212) 440-2200; gibids@govisland.org

☛ jy20

YOUTH AND COMMUNITY DEVELOPMENT

ADMINISTRATION

■ AWARD

Human Services/Client Services

COMPASS NAQ PROGRAM - Negotiated Acquisition - Other - PIN# 26023N0039191 - AMT: \$1,669,791.00 - TO: Claremont Neighborhood Centers Inc., 489 East 169th Street, Bronx, NY 10456.

☛ jy20

CAPACITY BUILDING

■ AWARD

Human Services/Client Services

COMPASS PROGRAM - Negotiated Acquisition - Other - PIN# 26023N0039038 - AMT: \$1,520,358.00 - TO: Long Island University, 700 Northern Boulevard, Greenvale, NY 11548.

☛ jy20

YOUTH SERVICES

■ AWARD

Human Services/Client Services

COMPASS FY24 CONTINUATION NAQ - Negotiated Acquisition - Other - PIN# 26023N0039357 - AMT: \$644,016.00 - TO: Claremont Neighborhood Centers Inc., 489 East 169th Street, Bronx, NY 10456.

☛ jy20

COMPASS PROGRAM - Negotiated Acquisition - Other - PIN# 26023N0039278 - AMT: \$1,681,569.00 - TO: Jacob A Riis Neighborhood Settlement, 10-25 41st Avenue, Long Island City, NY 11101.

☛ jy20

COMPASS FY24 CONTINUATION - Negotiated Acquisition - Other - PIN# 26023N0039348 - AMT: \$1,942,272.00 - TO: Riseboro Community Partnership Inc., 565 Bushwick Avenue, Brooklyn, NY 11206.

☛ jy20

COMPASS FY24 CONTINUATION - Negotiated Acquisition - Other - PIN# 26023N0039251 - AMT: \$1,312,794.00 - TO: Southeast Bronx Neighborhood Centers Inc., 955 Tinton Avenue, Bronx, NY 10456-7105.

☛ jy20

COMPASS PROGRAM - Negotiated Acquisition - Other - PIN# 26023N0039019 - AMT: \$707,259.00 - TO: Jacob A Riis Neighborhood Settlement, 10-25 41st Avenue, Long Island City, NY 11101.

☛ jy20

COMPASS PROGRAM - Negotiated Acquisition - Other - PIN# 26023N0039320 - AMT: \$1,392,306.00 - TO: Southeast Bronx Neighborhood Centers Inc., 955 Tinton Avenue, Bronx, NY 10456-7105.

☛ jy20

COMPASS PROGRAM - Negotiated Acquisition - Other - PIN# 26023N0039249 - AMT: \$3,234,393.00 - TO: The Flatbush Development Corp., 1616 Newkirk Avenue, Brooklyn, NY 11226.

☛ jy20

COMPASS PROGRAM - Negotiated Acquisition - Other - PIN# 26023N0039148 - AMT: \$1,282,899.00 - TO: Cypress Hills Local Development Corporation Inc., 625 Jamaica Avenue, Brooklyn, NY 11208-1203.

☛ jy20

COMPASS PROGRAM - Negotiated Acquisition - Other - PIN# 26023N0039265 - AMT: \$1,957,257.00 - TO: Public Prep Charter School Academies, 192 East 151st, Bronx, NY 10455.

☛ jy20

COMPASS PROGRAM - Negotiated Acquisition - Other - PIN# 26023N0039132 - AMT: \$1,138,839.00 - TO: Public Prep Charter School Academies, 192 East 151st, Bronx, NY 10455.

☛ jy20

COMPASS PROGRAM - Negotiated Acquisition - Other - PIN# 26023N0039367 - AMT: \$314,148.00 - TO: Henry Street Settlement, 265 Henry Street, New York, NY 10002-4899.

☛ jy20

CONTRACT AWARD HEARINGS

NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA E-MAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 298-0734. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.



ADMINISTRATION FOR CHILDREN'S SERVICES

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, July 31, 2023 commencing at 10:00 a.m. on the following:

IN THE MATTER OF proposed contracts between the Administration for Children's Services and the vendors listed below for the provision of Limited Secure Placement Services - General and Specialized. The term of the proposed contracts will be from September 11,2023 through September 10, 2024.

Table with 4 columns: CONTRACTOR, PROGRAM NAME, EPIN, AMOUNT. Contains 3 rows of contractor information.

The proposed contractors have been selected by means of the Negotiated Acquisition Extension process, pursuant to Section 3-04(b) (2)(iii) of the Procurement Policy Board Rules.

In order to access the public hearing conference or to testify, please join the public hearing WebEx call at 1-646-992-2010 (New York), 1-408-418-9388 (United States outside of NY), Meeting ID: 2344 923 7013 no later than 9:50 am on the date of the hearing. If you require further accommodations, please contact Onajite Edah via email at Onajite.Edah@acs.nyc.gov no later than three business days before the hearing date.

☛ jy20

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Wednesday, August 09, 2023 at 10:00 AM. The Public Hearing will be held via Conference Call. Call-in #: 1-917-410-4077, ACCESS CODE: 420793971#.

IN THE MATTER OF a proposed Purchase Order/Contract between the New York City Office of Technology and Innovation and, STRATFORD SOLUTIONS INC Located at 101 Crawfords Corner Rd, Suite 4-116, Holmdel N.J. 07733 for the MWBE-7-858-0308A MYCITY CAREERS SR DATA ENGINEER 2. The maximum amount of this Purchase Order/Contract will be \$345,800.00. The term will be for one year from 07/10/2023 - 07/08/2024. PIN #: 20230341150, E-PIN #: 85824W0002001.

The Vendor has been selected by M/WBE Noncompetitive Small Purchase Method, pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules. Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if OTI does not receive, by July 31, 2023, from any individual a written request to speak at this hearing, then OTI need not conduct this hearing.

Written notice should be sent to Awilda Feliciano, via email to afeliciano@OTI.nyc.gov

☛ jy20

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Monday, August 14, 2023 at 10:00 AM. The Public Hearing will be held via Conference Call. Call-in #: 1-917-410-4077, ACCESS CODE: 929565514#.

IN THE MATTER OF a proposed Purchase Order/Contract between the New York City Office of Technology and Innovation and, DEBRA D JOHNSON Located at 3900 Kings Hwy, Brooklyn N.Y. 11234 for the MWBE-7-858-0311A MYCITY MWBE UX DESIGN LEAD. The maximum amount of this Purchase Order/Contract will be \$409,500.00. The term will be for one year from 08/22/2023 - 08/20/2024. PIN #: 20230341111, E-PIN #: 85824W0003001.

The Vendor has been selected by M/WBE Noncompetitive Small Purchase Method, pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules. Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if OTI does not receive, by August 02,2023, from any individual a written request to speak at this hearing, then OTI need not conduct this hearing.

Written notice should be sent to Awilda Feliciano, via email to afeliciano@OTI.nyc.gov

☛ jy20

THIS PUBLIC HEARING HAS BEEN CANCELLED

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Wednesday, July 26, 2023, at 10:00 AM. The Public Hearing will be held via Conference Call. Call-in #: 1-917-410-4077, ACCESS CODE: 316077897#.

IN THE MATTER OF a proposed Purchase Order/Contract between the New York City Office of Technology and Innovation and, PEER CONSULTING RESOURCES INC Located at 20 Jefferson Plaza Princeton, N.J. 08540 for the MWBE-7-858-0299A MYCITY APPENG SENIOR DATA ENGINEER #1. The maximum amount of this Purchase Order/Contract will be \$409,500.00. The term will be for one year from 06/12/2023 - 06/10/2024. PIN #: 20230341068, E-PIN #: 85823W0136001.

The Vendor has been selected by M/WBE Noncompetitive Small Purchase Method, pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules. Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if OTI does not receive, by July 11, 2023, from any individual a written request to speak at this hearing, then OTI need not conduct this hearing.

Written notice should be sent to Awilda Feliciano, via email to afeliciano@OTI.nyc.gov

☛ jy20

AGENCY RULES

LANDMARKS PRESERVATION COMMISSION

■ NOTICE

Notice of Adoption of Final Rules

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE LANDMARKS PRESERVATION COMMISSION by Section 3020 of the New York City Charter and Sections 25-303, 25-305, 25-306, 25-307, 25-308, 25-310, 25-313 and 25-319 of the Administrative Code of the City of New York, and in accordance with the requirements of section 1043 of the New York City Charter, that the Landmarks Preservation Commission hereby adopts amendments to Chapters 2, 5, 7 and 12 of Title 63 of the Rules of the City of New York, and adopts a new Chapter 14 to Title 63.

These amendments and new rule were first published in the City Record on April 20, 2023, and a public hearing was held on May 23, 2023. The adopted rules reflect certain of these comments, as well as technical typographical corrections to the text. The Commission voted to approve the adopted rules at the Public Meeting of July 11, 2023.

Statement of Basis and Purpose of Adopted Rules

Introduction

The Landmarks Preservation Commission (“LPC” or “Commission”) has adopted amendments to Chapters 2, 5, 7 and 12 of Title 63, and has also adopted a new rule (Chapter 14) setting forth procedures for the public to follow in submitting rulemaking petitions to LPC.

In adopting these amendments and new rule, the LPC has had the following goals:

- (1) to make the work of the Commission more transparent and efficient by authorizing the LPC Staff to approve a variety of work and work-types that are consistently approved by the Commission utilizing established criteria;
- (2) to make the Commission more efficient by ensuring that applicants do not have to go through the more time-intensive Certificate of Appropriateness public hearing process for work types that are regularly approved by the Commission utilizing established criteria.
- (3) to bring the Commission’s rules up to date with Commission approvals concerning compliance with a wide variety of other governmental codes and criteria, including energy codes and resiliency mandates;
- (4) to amend existing rules, as well as add new ones, to reflect current and established practices of the Commission;
- (5) to ensure that the Commission has the capacity at future public hearings and meetings to review an increasing number of applications, by delegating to the LPC Staff the authority to approve work that is consistently approved by the Commission.

Description of Adopted Changes

The following is a chapter-by-chapter, section-by-section description of the adopted changes. It is organized by chapter and followed by the section(s) being changed.

A. Chapter 2: Approval of Proposed Work on Designated Buildings and Structures

Section 2-02: Master Plans and Authorizations to Proceed

This section describes the process for getting approval to perform repetitive work over time and the streamlined process for obtaining approval for specific work. The adopted amendment brings the section up to date by referencing approval types that are in sync with current Department of Buildings.

Section 2-12: Storefronts, Awnings and Canopies

This section sets forth criteria for the approval of changes to existing, and the installation of new, storefronts, awnings and canopies. The adopted amendments include:

- Allowing installation of gray-scale vinyl covering an entire display window where required to conceal “back of house” activities, such as food preparation, security, office, restrooms, and employee use area, as long as most display windows at the building base remain open/transparent. This would also apply to individual landmarks.
- Extending the criteria for interior partitions and/or built-in features, such as vitrines, to individual landmarks.

Section 2-13: Signage

This section sets forth criteria for staff approval of various types of signage, including situations where no approval is required. The adopted amendments include:

- Adding to the installations that do not require a permit, including temporary vinyl decals covering entire display window at storefronts for-lease or to block interior construction; swapping out flags and banners at poles that predated a building’s designation, or which were previously approved by the Commission; and swapping out vinyl and/or painted decals at display windows once an initial permit is obtained.
- Allowing new sign types, including: dimensional letters applied to interior or exterior transom glazing; fabric and non-rigid bracket signs; and interior LED/tv screen signage limited by size and placement.
- Clarifying or modifying criteria for certain sign types: allowing LED neon in lieu of traditional neon at interior signs; clarifying how to calculate allowable area of vinyl and/or painted decal signage; and requiring consistent design of bracket armatures and bracket/banner signs at buildings with multiple storefronts that historically had a uniform design.
- Codifying the Commission’s standards for approving painted wall signs. These criteria, including maximum size, location, use of a border and other standards have become standard and are appropriate for codification for staff approval.
- Modifying criteria for plaque signs, including: allowing them at retail and commercial uses and for building management companies; allowing wood as a material and adjusting thickness to account for dimensional letters; changing maximum sizes to be calculated by area and allowing for slightly larger signs at all permitted locations; and setting 2 maximum sizes – a smaller area for small buildings and larger area for large buildings (the latter defined as 7+ stories or with more than 40’ of street frontage).
- Adjusting the cumulative impact assessment for overall signage to include the sign types contemplated ed in this rulemaking.

Section 2-19: Sidewalks

This section sets forth criteria for staff approval for work on sidewalks with historic paving. The adopted amendments establish criteria for installing new, and expanding existing, tree pits, planting areas and bioswales. The adopted amendments apply to all sidewalks under the jurisdiction of the Commission, not just sidewalks in Appendix A.

Section 2-21: Installation of Heating, Ventilation, Air Conditioning and other Mechanical Equipment

This section sets forth criteria for staff approval of various types of common and necessary mechanical equipment, such as air conditioning equipment and solar panels. The existing rules allow staff to approve installation of non-visible and minimally visible heating, venting, air-conditioning and other mechanical equipment (“HVAC”), including installations of solar panels. The adopted amendments recognize that changing standards, including building, safety, energy efficiency and resiliency rules may require adjustments of existing equipment and create more stringent siting standards for new equipment. The adopted amendments establish criteria for expanded staff approval of: HVAC equipment installed on roofs, terraces, side facades and at grade, including solar panel installations on sloped roofs in some situations where there is visibility over primary and secondary facades.

Section 2-32: Expedited Review Procedures

This section sets forth the procedures for applying for an “Expedited Certificate of No Effect”, which permits self-certification and expedited issuance of a Certificate of No Effect for certain interior work. Under the adopted amendments a property owner, who must sign the application, could submit a written statement instead of a sworn statement, stating that proposal complied with the application requirements. The architect or other design professional would still have to submit signed and sealed drawings attesting to the application. In addition, the rule has been amended to apply to work that was approved with “reports”, instead of a Certificate of No Effect, issued pursuant to section 25-318, including projects on city-owned property.

B. Chapter 5: Historic Preservation Grant Program

Section 5-02: General Eligibility Requirements

This section sets forth the eligibility requirements for property owners applying for grants. The funding for the grant program comes from the City's participation in the Federal Community Development Block Grant program, and grant recipients must meet federal guidelines for income and other criteria. The adopted amendment brings the requirements in Section 5-02 up to date with current federal eligibility requirements that allow grants to be awarded on the basis of eliminating slum and blight conditions when the work to be funded under the grant is eligible historic preservation or building rehabilitation work as defined in 24 CFR §570.208(b)(2).

C. Chapter 7: Permit Duration, Renewal and Revocation

Section 7-02: Duration of Permits.

This section sets forth the duration of permits, including Master Plans. The adopted amendment modifies the duration of a Master Plan to include a term of year and also includes references to the various approval types.

D. Chapter 12: District Master Plans

This chapter sets forth the overall criteria for district master plans, section 12-01, as well as the individual District Master Plan Implementation Rules, sections 12-02 through 12-07. The adopted amendments are uniform throughout the Chapter and reflect the elimination of references to Authorizations to Proceed and the inclusion of references to specific approval types (e.g., Certificates of No Effect and Permits for Minor Work).

E. Chapter 14: Requests for Rule-Making

This is a new rule, required by section 1046(g) of the City Charter, that sets forth the process for a member of the public to request the Commission to consider a specific new rule or an amendment to an existing rule.

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

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

§ 1. Section 2-02 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

§ 2-02 Master Plans [and Authorizations to Proceed].

An owner of a designated property may apply for approval of a master plan when the proposal involves repetitive alteration of architectural features (such as windows, through-wall air conditioning installations, storefronts, etc.) and when those alterations are not planned to occur all at once, but rather in increments through time. A master plan can be approved by a Certificate of Appropriateness ("CofA"), Certificate of No Effect ("CNE"), [or by a] Permit for Minor Work ("PMW") or Report depending on the work which it covers.

In both cases the master plan sets a standard for future changes involving the architectural features in question and specifically identifies drawings and other documents which contain the approved design in detail. Once a master plan is approved and the owner wishes to move forward with a portion of the work covered by the master plan, a completed application form is filed with the Commission describing the scope of work (for example: 8 front windows on the 12th floor) and stating that the work will conform to the approved master plan drawings and other documents on file with the Landmarks Preservation Commission. The staff of the Preservation Department will review the application to ascertain that all proposed work is covered by a master plan, and will [send the owner an "Authorization to Proceed" letter allowing the work to proceed] issue a CNE, PMW or Report as required. For master plans approved by a CofA or a Commission Report, the staff shall issue a CNE, PMW or Report, depending on the type of work being proposed. [The Authorization to Proceed is sent prior to the commencement of the work and is contingent on adherence to the approved master plan drawings.]

§ 2. Subdivision (a) of section 2-12 of Chapter 2 of Title 63 of the Rules of the City of New York is amended by adding the following definition, in alphabetical order:

Back-of-house programming. "Back-of-house programming" means that part of a commercial or manufacturing establishment not intended for display, public use or viewing, such as food preparation, security, storage and/or employee areas.

§ 3. Subparagraph (ii) of paragraph (3) of subdivision (c) of section 2-12 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(ii) Glazing in display windows and transoms must be clear, except that

(A) a reversible, gray-scale translucent treatment may be applied to the interior face of display window glazing, the lesser of forty-eight (48)

inches above the sidewalk or half of the height of the display window, exclusive of transom windows; or to the interior face of a transom window where existing interior conditions preclude the installation of clear transom windows; or where a dropped ceiling or security roll-gate housing is installed in conformance with this [section.] subdivision; or

(B) In cases where "back-of-house programming" cannot be located anywhere other than adjacent to a storefront window, and where if left visible to the public it would detract from the commercial establishment, building or streetscape, or could otherwise cause a security issue, staff may approve the application of a reversible grey-scale translucent film to fully or partially block one (1) or (2) display windows, subject to the following requirements: Staff may approve the application of grey scale to one (1) display window if the establishment has only two (2) display windows, and no more than two (2) display windows if the establishment has three (3) or more display windows. No grey scale may be approved if the establishment has only one (1) display window. In approving the installation of grey scale, the staff will consider the overall reduction of transparency of the storefront. The construction of any temporary partitions behind the approved greyscale film must be removed when the film is no longer needed for the commercial establishment that installed it. This subdivision shall also apply to individual landmarks.

§ 4. Paragraph (10) of subdivision (c) of section 2-12 of Chapter 2 of Title 63 of the Rules of the City of New York is amended by adding a new subparagraph (vi), to read as follows:

(vi) This subdivision shall also apply to individual landmarks.

§ 5. Section 2-13 of Subchapter B of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

2-13 Signage

(a) *Introduction.* Signage was a typical feature of historic buildings that contained commercial or manufacturing uses. Such signage included signs painted or affixed above storefronts in signbands, signs within display windows, banners, bracket signs, and signs hanging from underneath canopies. This rule sets forth the requirements for LPC Staff approval of some types of storefront signage and associated lighting for such signage. All proposals for signage not seeking a discretionary approval from another City agency must comply with the Zoning Resolution in terms of size, placement, projection and illumination.

(b) *Definitions.* As used in this [63 RCNY §2-13] section, the following words have the following meanings:

Armature. "Armature" means a metal structural support for a [rigid] projecting sign. [The armature may support the bracket sign by means of one or two projecting arms, or may be flush mounted with a sleeve and/or concealed.]

Banner. "Banner" means an outdoor sign made of a non-rigid material with no enclosing framework, aside from an armature, installed perpendicular to a building facade and featuring graphics or lettering that are painted, screen-printed, or digitally printed, which announce an establishment in a building. A banner may also include a weight or building tie-back.

Bracket Sign. "Bracket Sign" means [a rigid] an outdoor sign, with two display faces, installed perpendicular to a building facade and attached to an armature, used as an announcement for an establishment in the building, consisting of the rigid display faces and all letters, words, numerals, illustrations, decorations, trademarks, emblems, symbols or their figures or characters associated with the name of the establishment that are applied to the faces. In addition, a bracket sign may consist solely of an outline of a shape and/or letters intended to act as a symbol or sign for the establishment.

Canopy means a metal frame clad with fabric that extends from a building entrance over the sidewalk to the curb, where it is supported on vertical posts.

CNE. "CNE" means Certificate of No Effect as defined by §25-306 of the New York City Administrative Code.

Establishment. "Establishment" means a manufacturing, commercial or retail business or profession.

Facade. "Facade" means an entire exterior face of a building.

Flag. "Flag" means fabric containing graphics, an emblem, or message designed to be flown from a wood or metal structural support mounted perpendicular to a building facade. A flag is a sign for purposes of this section if it is used to announce an establishment in the building. No flag as defined herein shall be used for third-party advertising or accessory business advertising.

LPC. "LPC" means the Landmarks Preservation Commission.

LPC or Commission Staff. "LPC staff" or "Commission staff" means the staff of the Landmarks Preservation Commission acting in the Commission's agency capacity.

PMW means a Permit for Minor Work pursuant to §25-310 of the New York City Administrative Code.

Pier means an exterior vertical member(s) or element(s) (usually of brick, stone, or metal), placed at intervals along a wall, which typically separates storefront openings within a single building or defines a single storefront opening.

Sign means a fixture or area containing lettering or graphics used to advertise a store, goods, or services.

Signage means any lettering or other graphics used to advertise a store, goods, or services.

Signband means the flat, horizontal area on the facade, usually located immediately above the storefront and below the second story window sill where signs were historically attached. Signbands can also be found immediately above the storefront display window, but below the masonry opening's lintel. A signband shall not include the frieze of a cornice that is less than 12" in height. A signband may exist above a second story storefront.

Significant architectural feature means an exterior architectural component of a building that contributes to or reinforces its special historic, cultural, and aesthetic character.

Storefront means the first or second story area of the facade that provides access or natural illumination into a space used for retail or other commercial purposes.

Storefront infill means the framing, glazing, and cladding contained within a storefront opening in the facade, including display windows, bulkheads, entranceways, etc.

Storefront opening means the area of the facade between the piers and lintel, which contains storefront infill.

Transom means a glazed area above a display window or door that is separated from the display window or door by a horizontal framing member ("the transom bar"). The glazing in the transom may be fixed or operable.

(c) Permit Not Required. No permit is required for the following types of signage installations:

(1) Once a staff-level permit has been issued for a banner, a new banner of a different design may replace the approved or current banner provided that the original armature is maintained, and all requirements of this section continue to be met.

(2) Where an armature existed at a location at the time of designation and documentation shows it was used for a banner or flag, the current banner or flag may be exchanged for a new banner or flag of a different design provided that the original armature is maintained, and the new banner or flag is equal to or smaller than the current banner and meets the relevant criteria in subparagraphs (5) through (8) of paragraph (e) of this subdivision.

(3) Where an armature and banner or flag was previously approved by the Commission, the current banner or flag may be exchanged for a new banner or flag of a different design provided that the dimensions are equal to or smaller than the Commission-approved installation, and the materials and finish of the new banner or flag are consistent with the Commission approval. No neon or other vividly bright colors will be permitted.

(4) Once a staff-level permit has been issued for painted and vinyl signage applied directly onto the storefront glazing, the applied signage may be exchanged for new applied signage of a different design provided that all Rule criteria continue to be met.

(5) "For lease" or "for sale" signs and concealment of interior construction. Temporary painted and vinyl signage, or posters, advertising that a space is for sale or lease, or for the purpose of concealing on-going interior construction work, may be installed at storefront and transom glazing without a LPC permit, and may exceed the glazing coverage requirements for such signage, but must be removed once the space is sold or leased or the interior construction is completed.

(d) Installation of Storefront Signs. The LPC Staff will issue a CNE or PMW for a storefront sign, other than a bracket sign, if the proposed work meets the relevant criteria listed below:

(1) The signage is as-of-right pursuant to the Zoning Resolution and the Building Code.

(2) The installation of signage will not damage, destroy or obscure significant architectural features or material of the building or storefront.

(3) Signs will be installed in the signband above a storefront opening or within the storefront opening.

(4) Signs will include dimensional letters and logos composed of wood or metal, or painted plastic, that project no more than two inches if installed directly into masonry or wood signbands, or directly on wood, metal, or opaque glass sign panels mounted flat with the signband, or painted directly onto the ground floor signband and lintels. Pin mounted letters requiring numerous attachments points to historic masonry signbands should utilize mounting strips where feasible, and will not be allowed in any instance on cast iron.

(5) Flat sign panels will project no more than 2 inches from the facade, and dimensional letters on sign panels will project no more than 2 inches beyond the panel for a total projection of four (4) inches from the facade. In the case of dimensional letters installed on a metal channel within a transom, the channel may be straight or slightly bowed, and the letters will not project beyond the plane of the facade, and will be no larger than 18 inches and in no event higher than the height of the transom glass, and the channel will be no more than 1 inch tall. LPC Staff will not approve both a sign in the signband and a sign on a metal channel within a transom.

(6) The sign will be proportional to the signband, but in no event will it exceed 90 percent of the area of the signband and the letters will not be higher than eighteen (18) inches in total whether one or two lines of text is used.

(7) Signage mounted on the exterior will not be internally illuminated, except that it may be "halo" lit with a light source behind opaque letters.

(8) One interior neon sign, or other similar non-flashing illuminated sign that utilizes tubing and is imitative of a traditional neon sign, per display window is permissible, provided that the sign is transparent, is installed a minimum of six (6) inches behind the glass, does not substantially reduce the transparency of the display window and does not exceed fifteen (15) percent of the area of the display window or transom. Non-concealed illuminated lighting strips outlining the display window will not be permitted. Any other illuminated signage, including LED screens, must be at least eighteen (18) inches set back from the inside plane of the glass of the display window or transom and must otherwise meet the requirements in paragraph (10) of subdivision (c) of section 2-12.

(9) Painted and vinyl signage may be applied directly onto the storefront glazing, including glazing at the doors, transom and display window[, provided that the signage does not]. Non-illuminated dimensional letters and logos composed of wood, metal, or painted plastic that project no more than ¼ inch may be applied directly to the interior or exterior of transom glazing. Signage cannot exceed more than twenty (20) percent of the glazed area per door, transom or display window, and cannot be applied to windows with distinctive glazing as defined in section 2-14(b), "Special Windows and Doors", of Title 63. For purposes of this paragraph, the percent of the glazed area covered by signage will be calculated by the total area of the sign as a visual object and the collective groupings of text and images, without subtracting for voids between letters, numbers or graphics.

(10) Signage installed on the exterior may be illuminated externally with a shielded source of light, including "halo" lit with a light source behind opaque letters, or with a small projecting fixture twelve (12) inches or less in length or width placed above the sign, with a maximum number of fixtures as follows: one fixture for the first one to six (1 - 6) feet of storefront opening; two fixtures if the storefront opening is between six to twelve (6 - 12) feet; three fixtures if the storefront opening is between twelve to eighteen (12 - 18) feet; and four fixtures if the storefront opening is between eighteen to twenty-four (18 - 24) feet. In no event will the light fixture arm project more than eighteen (18) inches from the sign. Cove fixtures must have the same finish as the sign, and if the sign projects from the facade, the cove fixture must be an integral part of the sign.

(11) Light fixtures will be installed in areas of plain masonry, metal, or wood, provided that the installation does not damage, destroy, or obscure significant architectural features of the building or storefront.

(12) Lighting conduits will be concealed.

(13) Exterior light fixtures, limited in number as set forth in paragraph (10), may only illuminate signage at signbands or sign panels, or may illuminate storefronts and/or awnings where no signbands or sign panels are being utilized.

(14) In approving an application for signage the LPC Staff will consider the overall amount of approved and grandfathered signage for the storefront and building. If the LPC Staff determines that the overall amount of signage for the storefront or building is excessive and will detract from the architectural features of the building, the adjacent buildings, or the streetscape, the staff will require that existing or proposed staff approved signage be eliminated or reduced. Such signage includes but is not limited to plaques, signs on awning skirts, signage in a signband, signage applied to the storefront glazing, flags and banner or bracket signs. LPC Staff will not approve new signage that will result in a storefront having more than three (3) types of signage [a sign in the signband, signage on an awning, signage in a storefront and a bracket sign].

(d)e) Installation of Banner and Bracket Signs. (The LPC Staff will issue a CNE for a banner or bracket sign if the proposed work meets all of the following criteria:

(1) The armature will be installed below the second story, or above the second story at the lowest point to meet the minimum height criteria of the Zoning Resolution, within the storefront opening or on the flat face of a plain masonry, wood or metal pier, but not including cast iron, and will be mechanically fastened into the storefront infill or into the mortar joints of a plain masonry pier, or attached to the framing members at the underside of a metal canopy on an industrial building, and such installation will neither damage nor conceal any significant architectural features of the building.

(2) Bracket signs may be supported by means of one or two projecting armatures or may be flush mounted with a sleeve and/or concealed attachment. Banner signs must be supported by means of a single projecting armature at the top of the banner but may also utilize a tie-back from the

bottom of the banner to the building façade.

(3) The armature will be a metal finished to be harmonious with the storefront finish, will be proportional to the banner or bracket sign and will be simply designed so as not to call undue attention to itself.

(3)(4) The display faces of the bracket sign may be made of wood or metal. If the bracket sign has display faces, the letters, words, numerals, illustrations or graphics may be painted or applied onto the display faces, and may be raised slightly from the surface. Any raised features, including letters, words, numerals, illustrations or graphics, must be made of wood or metal, or painted plastic. The overall width, as measured from face to face, will not exceed two (2) inches, and, if there are raised features the bracket sign shall not exceed a width of three inches as measured from the outside plane of such raised features. [The display faces and the letters, words, numerals, illustrations or graphics, whether raised or not, will be of a color or colors that do not detract from the significant architectural features of the building or neighboring buildings. No neon or other vividly bright colors will be permitted.]

(5) The banner sign may be made of canvas with a matte finish or other fabric of a similar appearance. Letters, words, numerals, illustrations or graphics may be painted or applied onto one or both sides of the fabric.

(6) The display faces, fabric, and the letters, words, numerals, illustration or graphics of a banner or bracket sign will be of a color or colors that do not detract from the significant architectural features of the building or neighboring buildings. No neon or other vividly bright colors will be permitted.

(4)(7) The bracket sign will not be internally illuminated, but the display faces of a bracket sign or banner may be externally illuminated by a lighting fixture that is integral or attached to the sign or armature, is, if not concealed, as small and discrete as possible and does not call attention to itself, and is finished to blend with the sign or armature.

(5)(8) The bracket sign may [will] be fixed or may move freely from its points of attachment to the armature[, but in]. A banner sign must move freely from its points of attachment to the armature, and may be tied back to the building façade. In no event will the banner or bracket sign be made to move by mechanized or controlled means.

(6)(9) Number of banner or bracket signs for ground floor establishments.

(i) Except for signs subject to subparagraphs (ii), [and] (iii) and (iv) below, one banner or bracket sign per ground floor establishment will be permitted.

(ii) In buildings with more than one ground floor establishment, one banner or bracket sign per establishment may be installed, provided that there are [is] no more than two signs per twenty (20) feet of building facade fronting on a street[, and further provided that the size, design, placement, materials and details of all of the armatures match or are similar]. The placement of the banner or bracket sign on the building will be in close proximity to the establishment that is identified on the banner or bracket sign.

(iii) In buildings with more than one ground floor establishment which were historically designed with uniform storefronts and/or signage, and where there is not already an approved signage master plan, the design, placement, materials, and details of all of the bracket or banner signs and armatures must be of a consistent design that, where applicable, recalls the historic signs.

(iv) A ground floor establishment with a corner storefront may have one banner or bracket sign on each building facade with at least twenty (20) feet of street frontage, provided that each facade has a primary entrance and each banner or bracket sign is located in close proximity to an entrance, but in no event will more than one banner or bracket sign be located within twenty (20) feet of the corner of the building.

(7)(10) [racket] Banner and bracket signs for upper story establishments. A single armature for a banner or bracket sign for an upper story establishment or establishments may be installed adjacent to the building entrance for such upper story establishments. This armature may hold one sign for each upper story establishment, provided such banner or bracket signs hang vertically underneath one another on the same armature, and further provided that in no event will the total dimensions of such banner or bracket signs, taken together, exceed the size requirements specified in paragraph [(8)] (11) below.

(8)(11) The size of the banner or bracket sign, oriented horizontally or vertically, will conform to the requirements of the Zoning Resolution, but in no event will the size exceed twenty-four (24) inches by thirty-six (36) inches in districts that were historically manufacturing or industrial in character, eighteen (18) inches by twenty-four (24) inches in districts that were historically commercial, or twelve (12) inches by eighteen (18) inches in districts that were historically residential in character. Novelty shapes, such as circles, polygons and irregular shapes are permitted, as are novelty objects, provided such shapes and objects generally fall within the parameters described in this paragraph.

(9)(12) The projection of the banner or bracket sign and armature

beyond the property line will conform to the requirements of the Zoning Resolution and Building Code, but in no event shall extend more than 40 inches from the facade in districts that were historically manufacturing or industrial in character, eighteen (18) inches in districts that were historically commercial, and no more than twelve (12) inches in districts that were historically residential in character.

(10)(13) The banner or bracket sign will be installed so that the lowest portion of the sign is at least ten (10) feet above the sidewalk.

(11) The establishment seeking approval for a bracket sign is not, for the same building, already utilizing an LPC-approved, grandfathered or unapproved flagpole and banner, nor will it have approval from the LPC for installing a new flagpole and banner on the same building.]

(12)(14) In approving an application for a banner or bracket sign, LPC Staff will consider the overall amount of approved and grandfathered signage for the storefront and building. If the Staff determines that the overall amount of signage for the storefront or building is excessive and will detract from the architectural features of the building, adjacent buildings or streetscape the Staff will require that other types of existing or proposed staff approved or approvable signage, including but not limited to plaques, signs on awning skirts and signage applied to the storefront glazing, be eliminated or reduced.

(e)(f) Signage for Commercial Spaces Below the Sidewalk. Where a commercial establishment has an entrance below the sidewalk level, LPC staff will issue an approval for a sign that is installed:

(1) On a plain masonry band above the storefront opening, if one exists, and provided the signage otherwise meets the criteria set forth in subdivision (c); or

(2) On a flat metal or wood panel attached to an existing areaway fence, and provided:

(i) The attachment does not damage original or historic fabric or call attention to itself or detract from significant features of the fence;

(ii) The sign panel is not more than 1 inch thick and the signage is painted or applied to the panel; and

(iii) The panel is not bigger than twelve (12) inches by thirty-six (36) inches.

(f)(g) Painted Wall Signs. Signs painted directly on a building facade are a traditional method of advertising that was historically found in commercial and manufacturing areas, typically on plain secondary facades with exposed common brick. Sometimes they advertised a business located within the building, while other times they advertised unrelated products or services. They typically had borders and were primarily text, although illustrations were also common.

(1) Staff approval for painted wall signs on buildings in a historic district. With the exception of Individual Landmarks, staff may approve an application for a sign painted directly on the facade material of a building in a historic district if it meets all of the following criteria:

(i) There is substantial historic precedent for painted wall signs in the historic district or on the individual building;

(ii) There is no other painted wall sign on the building, but not including a painted sign in a signband above a storefront opening;

(iii) There is no other painted wall sign on another building within 100 feet of the proposed location;

(iv) The sign will be located at or above the second floor on a secondary facade that is (A) plain brick or stucco, (B) will not cover or include any window openings, but may cover or include bricked-in window openings; and (C) will not detract from any significant architectural feature of the building or adjacent building;

(v) The sign, including the border referenced below, will occupy no more than twenty percent (20%) of the visible wall area and shall be rectilinear in shape. For purposes of this subsection, the term "visible wall area" shall mean the area of the secondary facade where it is most visible from the street within two blocks of the secondary facade. The visible wall area shall include coplanar wall surfaces that are visually contiguous at the secondary facade, including parapets, bulkheads and additions on the building;

(vi) The sign will have a black or white solid painted border, at least two (2) inches wide, around the sign, which contrasts with the background color of the sign;

(vii) The sign will be set back from the primary facade a minimum of three (3) feet and will be at least two (2) feet from significant architectural features, including but not limited to cornices, special windows, window openings, lintels and sills; and

(viii) The vendor tag will be located within the sign or immediately below the sign, justified to the side or corner closest to the street, and shall be no larger

than twenty-four (24) inches by thirty-six (36) inches.

- (2) The approval of an application that meets the requirements of subdivision (1) above shall be in the form of a master plan valid for a period of ten (10) years, unless the applicant requests that it be for a lesser term. The applicant or owner must obtain an approval for each sign painted on the building. After the ten-year term has expired, the property owner must reapply for a new master plan.

Miscellaneous Commercial Signage.

(1) Plaques. [Plaques are a traditional form of advertising for professional services, such as doctors' offices. Staff will issue an approval for a metal, glass or stone plaque] LPC Staff will issue a CNE or PMW for plaque signage identifying professional services, such as doctors' offices or building management companies, or for other retail and commercial establishments, in connection with a storefront or other primary entrance, or on a primarily non-commercial building that does not contain a storefront, such as a row house or small apartment building, if the [plaque] the proposed work meets the following criteria:

(i) Is as-of-right under the Zoning Resolution and Building Code;
 (ii) [Is] The plaque is installed into areas of plain, unornamented masonry or non-historic storefront infill or otherwise will not conceal or damage significant architectural features;

(iii) [Is] The plaque is not more than [one-half inch] one and a half inches thick, inclusive of any projecting lettering and/or logos;

(ii) The plaque and letters are made of a traditional material such as metal, glass, wood, or stone and has a finished quality; and

(iv)v) [Is] The plaque is not larger than two (2) square feet (288 square inches) at small residential or commercial buildings six (6) stories or less in height and with a street frontage of forty (40) feet or less, and not larger than three (3) square feet (432 square inches) at any other building, in a square or rectangular configuration [twelve (12) inches by eighteen (18) inches] and the LPC Staff determines that due [its] to quantity, size and proportion the plaque(s) do [does] not call undue attention to itself or themselves or detract from the significant architectural features or historic character of the building or district; and

(v)vi) If attached to a free-standing pole installed in an areaway of a free-standing house, row house or small residential or commercial building[;]:

(A) The pole has a dark finish and is not taller than six (6) feet;

(B) The pole is installed through non-historic paving, away from the facade and does not obscure or hid decorative features of the building or detract from adjacent buildings;

(C) There are no more than three plaques on the pole;

(D) Each plaque is not larger than six (6) inches by eighteen (18) [twelve (12)] inches.

(2) Poster Boxes on Certain Types of Buildings. With respect to poster boxes on the facades of buildings used as theaters, religious institutions, community centers, libraries, museums, and clubs, or other buildings that traditionally used poster boxes, LPC staff will issue an approval if the poster box:

(i) Is installed into areas of plain, unornamented masonry or otherwise will not conceal or damage significant architectural features;

(ii) Consists of a metal or wood frame with clear glass;

(iii) Any lighting is restricted to the inside of the box with concealed wiring; and

(iv) The LPC staff determines the size of the box does not call undue attention to itself or detract from significant architectural features.

(3) Menu Boxes. With respect to menu boxes on storefronts used as restaurants, LPC staff will issue an approval if there is no more than one menu box per entrance per street and such menu box:

(i) Is installed at or near the entrance;

(ii) Is installed into areas of plain, unornamented masonry, or into non-historic storefront material, or otherwise will not conceal or damage significant architectural features, or is attached to an areaway fence in such a way that does not damage original or historic fabric or call attention to itself or detract from significant features of the fence;

(iii) Consists of a metal or wood frame with clear glass;

(iv) Is not larger than twenty-eight (28) inches by thirty (30) inches and LPC Staff determines that because of its size it does not call undue attention to itself or detract from significant architectural features; and

(v) Any lighting is restricted to the inside of the box with concealed wiring.

§ 6. The introductory subparagraph and subparagraph (i) of paragraph (1) of subdivision (a) of section 2-19 of Chapter 2 of Title 63 of the Rules of the City of New York are amended to read as follows:

(a) *General Requirements.*

(1) Scope. [This] Except as otherwise provided in subdivision (h), this section applies to sidewalk replacement in historic districts where the paving material is a significant feature (e.g., bluestone, granite

and brick) or the location of the sidewalk is a significant feature (e.g., "ribbon sidewalks where there is a planted area between the curb and the sidewalk not limited to tree pits) and where the existing sidewalks adequately recall the historic paving, either by the amount of historic paving that remains or due to the combination of historic paving and tinted sidewalks that exists in the district, or the location of the sidewalk. For purposes of this section, the term "sidewalk" means the portion of the sidewalk and curb fronting upon specific property.

(i) Appendix A of this section sets forth the list of historic districts that are subject to the provisions of this section, except as otherwise provided in subdivision (h). These historic districts are districts where historic paving was a significant feature and where there currently exists sufficient historic or tinted paving to adequately recall this historic condition. For these districts the long-term regulatory goal is to replace non-historic paving with paving that matches the historic paving material in terms of standard characteristics or which adequately recalls the historic paving material through a tinted concrete.

§ 7. Paragraph (3) of subdivision (b) of section 2-19 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(3) Consolidation of existing bluestone pavers. If the existing sidewalk is missing bluestone pavers, or some of the existing bluestone pavers are beyond the point of reasonable repair due to cracking or other conditions, the existing bluestone pavers that meet DOT standards for thickness and size may be consolidated and tinted concrete pavers installed in the remaining area, provided:

(i) The maximum number of intact bluestone pavers will be consolidated within the sidewalk;

(ii) Resetting of bluestone pavers will meet the requirements of paragraphs (1) and (2) of this subdivision;

(iii) New concrete pavers are tinted and scored to match the historic bluestone pavers;

(iv) An existing bluestone or granite curb will be retained if possible, and any replacement curb will be granite or tinted/untinted concrete to match adjacent curbing; and

(v) For purposes of this paragraph [(3)] and subdivision (h) of this section, if the enlargement of an existing sidewalk tree pit or sidewalk planting area, or the installation of a new tree pit, sidewalk planting area or bioswale requires the removal of some or all of a bluestone paver:

(A) The removal of bluestone will be the minimum necessary to meet the applicable requirements, and

(B) The bluestone paver, or the part that is removed, will be consolidated within the property lines if there are areas of the sidewalk that do not have bluestone pavers, provided the paver, or part thereof, otherwise meets applicable DOT standards.

§ 8. Paragraph (2) of subdivision (c) of section 2-19 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(2) An existing bluestone or granite curb will be retained if possible, and any replacement curb will be bluestone, granite or tinted/untinted concrete to match adjacent curbing. [DOT??]*

* **Editor's note:** So in original.]

§ 9. Section 2-19 of Chapter 2 of Title 63 of the Rules of the City of New York is amended by adding a new subdivision (h), to read as follows:

(h) Street trees, sidewalk planting beds and bioswales. Street trees and their associated planting pits, sidewalk planting beds and bioswales provide important environmental and social benefits, including providing shade and cooling, cleaning the air and absorbing rainwater and runoff, which have important functions in addressing climate change impacts in urban and suburban settings. LPC does not regulate the trees or plantings, unless specifically referenced in the designation report or through historical documentation, but only the physical change to the sidewalk to accommodate them. Every application to expand or install a new tree pit or planting area in the sidewalk area must also be approved by the New York City Parks Department. In historically residential areas, and in some cases commercial areas, the presence of these features is commonplace and has existed since the blocks were developed or shortly thereafter. LPC Staff will issue an approval to enlarge existing tree pits and sidewalk planting beds, or to install new tree pits, sidewalk planting beds and bioswales, if the work satisfies all of the following relevant criteria:

(1) Existing tree pits or planting beds in portions of sidewalks abutting the curb of the streetbed may be enlarged to accommodate tree roots or otherwise provide additional area for planting beds and bioswales.

(2) Tree pits, planting beds and bioswales may abut and/or connect continuously across property lines, however in no case should three or more properties be connected continuously, to maintain at least minimal separation of these in elements in keeping with the typical historic condition of the sidewalks, unless a continuous planning area

is documented as a historic condition at the site or district.

(3) Tree pits, planting beds and bioswales should generally be limited to the course of paving parallel to and abutting the sidewalk curb, and any enlargements perpendicular to the curb should be the minimum amount necessary as determined by an arborist due to the potential disruption to the pattern and clearances of the remainder of the sidewalk abutting the buildings, areaways and/or yards of the properties.

(4) Modification of curbs for bioswales. Work affecting existing curbs must comply with the requirements of this section with respect to replacement material, except that a portion of an existing curb can be removed or lowered if such work is necessary for the installation or operation of a bioswale.

(5) This subdivision applies to all sidewalks under the jurisdiction of the LPC, and not just the sidewalks in the historic districts listed in Appendix A.

§ 10. Subparagraph (v) of paragraph (2) of subdivision (b) of section 2-21 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(v) The equipment is visible in combination with other existing equipment, additions or structures that share a similar level of visibility.

§ 11. Subparagraph (i) of paragraph (1) of subdivision (e) of section 2-21 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(i) Wall mounted HVAC, such as ductless split system HVAC equipment and other mechanical equipment on platforms and/or brackets, [will be no more than minimally visible from a public thoroughfare] may be minimally visible from a public thoroughfare. Such equipment may be more than minimally visible if they are seen in conjunction with utilitarian features (e.g. fire escapes; fences) that mitigate the presence of the new equipment, will be located in the least visible location so as to not disrupt the composition of the façade, and will not protrude further from the side façade than required by relevant laws. Such installations may include a screen to conceal the equipment. In scenic landmarks, such installations may be made minimally visible by the introduction and maintenance of plantings.

§ 12. Subdivision (g) of section 2-21 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(g) Installation of HVAC and Other Mechanical Equipment on Rooftops or Terraces. With respect to [Individual Landmarks] individual landmarks and buildings in historic districts and scenic landmarks, LPC Staff may approve the installation of HVAC and other mechanical equipment on rooftops and terraces if the proposal satisfies the following relevant criteria:

(1) Primary facade.

(i) The installation will not damage or remove significant architectural features.

(ii) The installation will not be visible. If it is not practicable or feasible to make the installation [invisible] not visible, and the visibility is not caused by the equipment being placed on an LPC-approved addition, LPC Staff may approve a minimally visible installation.

(iii) With respect to existing [grandfathered or approved] HVAC installations, LPC Staff may (A) approve work that increases existing visibility slightly if such increase is required by building or fire codes or for compliance with energy or environmental codes, laws or standards and there is no feasible alternative; and (B) approve replacement of a grandfathered or approved installation with a matching or smaller, one even if the new installation is more than minimally visible, provided there is no feasible alternative location that would be not visible or minimally visible, and the visibility of the new installation is less than the existing installation.

(2) Secondary facade. The installation [will not be visible, or] will not be more than minimally visible[,] over a secondary facade. If it is not practicable or feasible to make the installation minimally visible, staff may approve an installation that is more than minimally visible, provided the visibility is not caused by the equipment being placed on an LPC-approved addition and the installation is seen only through a gap view between buildings, regardless of the presence of other rooftop installations of any type in the surrounding context. Such installations may include a required guardrail and/or a screen to conceal the equipment. If the installation is occurring within a scenic landmark, the visibility will be controlled by existing or new trees, plantings or other foliage. For purposes of this paragraph (2), "gap view" shall mean an opening in the streetwall no greater than 25 feet that allows visibility of secondary facades and rooftops from a public thoroughfare. A gap can be an empty lot, yard, alley, driveway, area way, garden or park, and can also be a building that is shorter than the adjacent building and allows views above it, including a garage or rear addition.

(3) Installation of Solar Panels. LPC Staff may approve the installation of solar panels on flat roofs and sloped roofs, and on other rooftop structures, as well as related framing and equipment, if the

proposal meets the following relevant criteria:

(i) Installations on flat roofs.

(A) Solar panel installations on a flat roof, including flat or sloped arrays and arrays on elevated canopies, may be minimally visible over a primary or secondary façade if they have been located to minimize visibility to the greatest extent possible; and

(B) Solar panel installations on a flat roof, including flat or sloped arrays and arrays on elevated canopies, may be more than minimally visible over a secondary façade, if the installation is only seen through a gap view between buildings, even if there are no other rooftop installations of any type in the surrounding context. For purposes of this paragraph (3), a "gap view" shall mean an opening in the streetwall no greater than 25 feet that allows visibility of secondary facades and rooftops from a public thoroughfare. A gap can be an empty lot, yard, alley, driveway, area way, garden or park, and can also be a building that is shorter than the adjacent building and allows views above it, including a garage or rear addition; and

(C) Installations of fencing or guardrails on a flat roof, that are required as part of a solar panel installation, but not part of a more expansive application for work (e.g., constructing a new roof top deck), may be more than minimally visible over a primary or secondary façade if the staff determines that such installation does not detract from significant architectural features of the building or district, provided that:

(a) Documentation is provided demonstrating that safety tie-back anchors have been deemed unacceptable under DOB and/or FDNY review and fencing or guardrails are required instead; and

(b) The height and length of the required fencing or guardrail is the minimum required by law and is set back to the greatest extent permissible, and any adjustment to the solar panel arrays to facilitate a shorter height or length and/or a greater setback has been explored and executed if feasible; and

(c) The design of the fencing or guardrail utilizes the fewest and thinnest members possible (e.g., bars or cables instead of pipes), and is finished in a neutral black or gray color; and

(d) If the fencing or guardrail is more than minimally visible or will significantly interrupt an otherwise pristine roofline above the building and/or its row, the number of panels will be reduced to make the guardrail less visible.

(ii) Other rooftop installations. Solar panel installations on an existing pergola, bulkhead, or other rooftop structure that does not have a flat roof may be visible and may increase the overall visibility of the pergola, bulkhead or other rooftop structure if the staff determines that it does not detract from the building or the streetscape, provided that:

(A) the installation is parallel to the surface of the pergola, bulkhead or other rooftop structure that does not have a flat roof and is mounted as close to the surface as technically feasible; and

(B) the solar panels will be "black on black" with black edge framing and black PV surfacing that masks the grid of photovoltaic cells, or an alternative color that better relates to the appearance of the roofing it is installed on may be considered, if the installation is more than minimally visible from a public thoroughfare and the color will result in a more harmonious installation overall.

(iii) Sloped roof installations.

(A) Solar panel installations on a front-facing or side-facing slope of a roof, including at free-standing houses, rowhouses and semi-attached houses, and other building types with pitched roofs, but not on designed roofs, may be visible over a primary façade, if other locations are deemed infeasible due to the lack of sufficient sunlight as documented in the application materials. For purposes of this subparagraph (iii), the term "designed roof" shall mean a roof that is part of the composition of the building, such as a mansard roof, has a character-defining architectural feature, such as a spire, turret or cupola, and in some cases a dormer, or a crowning element seen in the round, such as a tower or dome. Staff may approve an installation if it meets all of the following relevant criteria:

(a) the installation is discrete and limited in footprint, unless the slope of the roof is sufficiently shallow to render the number of panels indistinguishable as viewed from a public thoroughfare and/or a larger footprint would result in a less conspicuous installation;

(b) the installation is parallel to the surface of the sloped roof and is mounted as close to the surface as technically feasible, and all mounting framework is concealed beneath the solar panels to the greatest extent possible;

(c) the installation is subservient to more prominent rooftop features (e.g., dormers) as viewed from a public thoroughfare;

(d) the solar panels are not installed on significant historic roofing materials (e.g., slate or clay tiles);

(e) the installation will not detract from any significant architectural features of the façade(s) or roof(s); and

(f) the building is not an individual landmark.
(B) Solar panel installations on a rear-facing slope or side-facing slope of a roof may be visible over a secondary façade, if the installation is parallel to the surface of the sloped roof and is mounted as close to the surface as technically feasible, and all mounting framework

is concealed beneath the solar panels to the greatest extent possible. Solar panel installations that are not visible from a public thoroughfare may be mounted at an angle to increase performance.

(C) The solar panels must be organized in manner that results in a simple, rectilinear footprint, and avoids stepping or separation of panels, to the greatest extent possible, if the installation is visible from a public thoroughfare.

(D) The solar panels must be "black on black" with black edge framing and black PV surfacing that masks the grid of photovoltaic cells, or an alternative color that better relates to the appearance of the roofing it is installed on may be considered, if the installation is visible from a public thoroughfare.

(E) A black-finished "skirt," "critter guard" or other element must be installed at the base and/or sides of the solar panels if the installation is visible from a public thoroughfare and the addition of the skirt will improve the overall appearance of the installation.

(F) If the installation of the solar panels requires the removal of historic roofing material (e.g. slate or clay tiles), where allowed pursuant to these rules, the tiles must be retained and stored on site for future reuse.

(iv) Related equipment.

(A) The electrical conduit must be minimized in length to the greatest extent possible, and located at the least visible side of the roof and wall where possible, or otherwise placed in inconspicuous locations (e.g., adjacent to gutters and leaders, at inset joints of abutting walls, etc.), and must be painted to match the adjacent surfaces finishes if feasible, if the installation is visible from a public thoroughfare; and

(B) The inverter box must be located adjacent to the existing electrical meter where possible, or otherwise placed in an inconspicuous location, if the installation is visible from a public thoroughfare.

§ 13. Subparagraph (i) of paragraph (2) of subdivision (h) of section 2-21 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(i) The installation of HVAC and other mechanical equipment at grade or on platforms [will not be visible from a public thoroughfare, or] will be minimally visible to the greatest extent possible. For purposes of this subparagraph (i), visibility can be reduced or eliminated through the use of permanent plantings or the installation of a new fence or screen.

§ 14. The introductory sentence of subparagraph (ii) of paragraph (2) of subdivision (c) of section 2-32 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(ii) a [sworn statement executed] statement signed by the owner of the property that:

§ 15. Subdivision (d) of section 2-32 of Chapter 2 of Title 63 of the Rules of the City of New York is amended to read as follows:

(d) Issuance of Permit or Report. If all conditions to an expedited review have been satisfied, LPC Staff will:

- (1) issue a CNE or a report to the applicant within five business days of receipt of a complete application; and
- (2) perforate all drawings accompanying such application to indicate approval thereof.

§ 16. Paragraph (1) of subdivision (c) of section 5-02 of Chapter 5 of Title 63 of the Rules of the City of New York is amended to read as follows:

(c) Ownership/Occupancy.

(1) Homeowners. Owners of eligible residential properties [may] are eligible to receive grant funds if:

- (i) the owner and/or occupants meet §8 income limits as they appear in the Federal Community Block Grant Program regulations[,] as defined in 24 C.F.R. § 570.208(a)(2)(i)(B) and (C).[]; or
- (ii) the work is eligible historic preservation or building rehabilitation work as defined in 24 CFR §570.208(b)(2).

§ 17. Paragraph (5) of subdivision (b) of section 7-02 of Chapter 7 of Title 63 of the Rules of the City of New York is amended to read as follows:

(5) Master Plan. [Any PMW, CNE, C of A or Report issued for a] Δ master plan will be valid indefinitely, unless a lesser period of time is provided for in these rules. A PMW, CNE, C of A or Report issued for a master plan will be valid for the time period indicated in the approval; however, any time period provided in such PMW, CNE, C of A or Report shall not affect the expiration date of the master plan.

§ 18. Sections 12-01 through 12-07 of Chapter 12 of Title 63 of the Rules of the City of New York are amended to read as follows:

§ 12-01 District Master Plans [and Authorizations to Proceed].

(a) Introduction. The Commission may develop master plans for the historic district, specific types of buildings within a historic district, distinctive areas within the historic district or for landmark sites

containing multiple buildings. A district master plan may address common design issues such as storefront design, signage, sidewalk and areaway alterations as well as set forth specific alterations for individual buildings in an historic district or on a landmark site in a comprehensive manner that respects the significant architectural features and particular history of the historic district with allowances for specific building conditions. A district master plan may serve as a research tool or design guide for owners or tenants who wish to make alterations to their buildings. Upon the adoption of implementation rules as set forth in this rule, Commission staff can also issue [authorizations to proceed] a Certificate of No Effect ("CNE") or a Permit for Minor Work ("PMW") for certain types of alterations or work set forth in the district master plan. A District Master Plan does not preclude the Commission's consideration and approval of applications for proposed work that is not in compliance with the District Master Plan.

(b) District Master Plans. Upon its own motion, the Commission may consider a master plan for alterations in a specific historic district, an individual landmark site containing multiple buildings or with respect to certain types of buildings or types of work in a specific historic district ("District Master Plan"). A District Master Plan may be approved by a Certificate of Appropriateness, a Certificate of No Effect on Protected Architectural Features, or a Permit for Minor Work, depending on the work covered by the plan.

(c) Calendar. A District Master Plan will not be scheduled for the Commission's consideration unless the Commission, in its discretion and upon the adoption of a motion, votes to calendar the District Master Plan for a public hearing. A motion to calendar a proposed District Master Plan for further consideration must be approved by the majority of Commissioners present in order to be adopted. The date of the public hearing on the proposed District Master Plan may be set by the motion to calendar or may be set at some later time by the Chairman, acting at his or her discretion.

(d) Public Hearing. If the Commission votes to calendar a District Master Plan for further consideration, a public hearing will be held in accordance with §25-308 of the Administrative Code of New York City and the provisions of Chapter One of these Rules.

(e) Approval and Implementation. Following the public hearing, the Commission may vote to approve, approve with modifications, or disapprove the District Master Plan. If the District Master Plan is approved or approved with modifications, the District Master Plan may be implemented by the enactment of Rules in accordance with the City Administrative Procedure Act that specifically reference the District Master Plan ("Implementation Rules"). The Implementation Rules shall establish the scope and applicability of the District Master Plan and shall set forth the application procedures and the criteria for issuance of CNEs and PMWs [Authorizations to Proceed ("ATP"s", see subsection 12-01(f) below)] pursuant to the District Master Plan. Any work permitted under the Implementation Rules pursuant to [an ATP], a CNE or PMW must be described with reasonable specificity as to design and materials in the District Master Plan. The public hearing for the proposed District Master Plan may be held concurrently with the public hearing for the Implementation Rules. However, the Commission must vote to approve the District Master Plan before it votes to approve the Implementation Rules and the District Master Plan shall have no force and effect until the Implementation Rules are adopted in accordance with the City Administrative Procedure Act.

(f) [Authorizations to Proceed.] Application Procedure for Work Pursuant to Approved Master Plan. All applications for work pursuant to the District Master Plan must be signed by the building owner in accordance with 63 RCNY §2-01 and must state that the application is being filed pursuant to the District Master Plan. Each application shall include drawings, specifications and other materials which describe the proposed work in detail. Commission staff will review the application to ascertain whether the proposed work is in accordance with the District Master Plan and the Implementation Rules. If Commission staff determines that the work is in compliance with the District Master Plan and the Implementation Rules, the staff will [send the applicant an "Authorization to Proceed" letter ("ATP")] issue a CNE or PMW allowing the work to commence. The [ATP] CNE or PMW must be obtained prior to the commencement of work and posted on the building while work is in progress. Each [ATP] CNE or PMW shall be valid for four (4) years from the date of [such ATP] issuance and may be renewed upon application provided that Commission staff determines that the work authorized under the original [ATP] approval remains in compliance with the District Master Plan and the Implementation Rules in effect on the date of such renewal. Issuance or renewal of a District Master Plan [ATP] CNE or PMW is contingent upon the work's adherence to the District Master Plan and the materials and plans submitted and approved by Commission staff [in connection with the ATP].

(g) Amendment and Rescission. Upon its own motion, the Commission may amend or rescind a District Master Plan at any time, provided the Commission first holds a public hearing on the proposed amendment or rescission. In its discretion, the Commission shall calendar a public hearing with respect to such proposed amendment

or rescission in accordance with the provisions of [63 RCNY §12-01] subdivision (b) of this section. Any Commission action to amend or rescind a District Master Plan shall be in accordance with the provisions of [63 RCNY §] section 1-04 of this title.

§ 12-02 Stone Street Historic District Master Plan Implementation Rules.

(a) *Introduction.* The Stone Street Historic District is a low-scale cluster of early nineteenth-century commercial structures, complemented by several picturesque early twentieth-century buildings designed by prominent architects. The Stone Street Historic District is a distinct enclave amidst the surrounding twentieth-century skyscrapers and is sited on narrow winding streets originally laid out by Dutch Colonists. The Stone Street Historic District Master Plan Implementation Rules ("Rules") are promulgated to assist building owners who own buildings located within the Stone Street Historic District in applying to the Landmarks Preservation Commission ("LPC") for approval of applications to undertake repair, rehabilitation, replacement, or alterations to storefronts (including but not limited to storefront infill, lighting, signage, security gates) and cellar entrances, and to make such buildings accessible to persons with disabilities, that are in accordance with the Stone Street Master Plan approved by the Commission. The Stone Street Master Plan is a master plan governing work to storefronts and cellar entrances, as well as alterations to make buildings within the historic district accessible to persons with disabilities. The Stone Street Master Plan will be the subject of a Certificate of Appropriateness determination at the same public hearing as these Rules. The Rules set forth herein will permit the LPC staff to issue [Authorization to Proceed letters ("ATP")] Certificates of No Effect ("CNE") or Permits for Minor Work ("PMW") for work that complies with the approved Stone Street Master Plan. The goal of these Rules is to encourage appropriate repair, rehabilitation, replacement and alterations in the Stone Street Historic District by expediting the process of obtaining permits to perform such work. Work that is not in accordance with the Stone Street Master Plan will be reviewed by the Commission in accordance with its usual review procedures as set forth in the Landmarks Law.

(b) *Definitions.* As used in these Rules, the following terms shall have the following meanings:

[Authorization to Proceed and ATP. "Authorization to Proceed" and "ATP" shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

Commission. "Commission" shall mean the eleven Commissioners, including the Chairman, as established by Section 3020 of the Charter.

District Master Plan. "District Master Plan" shall have the meaning set forth in [63 RCNY §] section 12-01 of this chapter.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

LPC. "LPC" shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law.

Stone Street Master Plan. "Stone Street Master Plan" shall mean the District Master Plan for the Stone Street Historic District and approved by the Commission as a Certificate of Appropriateness. Copies of the Stone Street Master Plan may be obtained by contacting the Commission's Public Information Specialist at (212) 487-6782 or by writing to the same at [100 Old Slip, New York, New York 10005] the Commission's office by appointment. Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

(c) *Eligible buildings.* The buildings located within the Stone Street Historic District are subject to these Rules.

(d) *Permitted alterations pursuant to the Stone Street Master Plan.* The LPC staff shall issue [an ATP] a CNE or PMW for work on eligible buildings within the Stone Street Historic District if the staff determines that: (1) the proposed work meets the criteria set forth in the Stone Street Master Plan; and (2) the staff determines that the proposed work will not adversely affect any significant exterior architectural feature of the eligible building or the Stone Street Historic District.

(e) *Application procedures.*

(1) *Submission of Application.* See 63 RCNY Chapter 2, Subchapter A ("Application Procedure") and 63 RCNY Chapter 12.

(2) *Application Materials.* The applicant must submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant must submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings must be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require probes or other investigations to determine the existing conditions and critical dimensions peculiar to each eligible building.

(f) *Review Procedure.*

(1) The application will be deemed complete when the LPC staff determines that adequate materials have been submitted that clearly set forth the scope and details of the proposed work.

(2) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the Stone Street Master Plan. Upon determination that the criteria of the Rules have been met, a CNE or PMW [an ATP] will be issued pursuant to [63 RCNY §12-01(f)] subdivision (f) of section 12-01 of this chapter. A determination that [an ATP] a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria set forth in the Stone Street Master Plan and that the work is appropriate to or will have no effect on protected architectural features of the specific eligible building in question and is otherwise appropriate to the Stone Street Historic District.

(3) If the criteria set forth in these rules for [an ATP] a CNE or PMW have not been met, the LPC staff [shall] will provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the interpretation of these Rules.

(4) Applications for work that do not qualify for [the issuance of an ATP] an approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

§ 12-03 Implementation Rules for the District Master Plan for Storefronts on Madison Avenue in the Upper East Side Historic District.

(a) *Introduction.* The implementation rules ("Rules") for the District Master Plan for Storefronts on Madison Avenue in the Upper East Side Historic District ("District Master Plan") are promulgated to assist building owners in applying to the Landmarks Preservation Commission ("LPC") for approval of applications to undertake repair, rehabilitation, replacement, or alterations to storefronts (including but not limited to storefront infill, lighting, signage, security gates, windows and doors) along Madison Avenue within the Upper East Side Historic District that are in accordance with the District Master Plan approved by the Commission. The rules set forth herein permit the LPC staff to issue [Authorizations to Proceed letters ("ATP")] Certificates of No Effect ("CNE") or Permits for Minor Work ("PMW") for work that complies with the approved District Master Plan. Work that is not in accordance with the requirements of the District Master Plan will be reviewed by the Commission in accordance with its usual review procedures under the Landmarks Law. The objective of the District Master Plan is to provide owners, architects and store tenants with design criteria which will allow timely review of storefront alterations while protecting the architecturally and historically significant features of the buildings. The District Master Plan will cover buildings on Madison Avenue that fall within the Upper East Side Historic District. Additionally, at corner buildings the District Master Plan will cover the building facades facing both Madison Avenue and the side streets.

(b) *Definitions.* As used in these Rules, the following terms shall have the following meanings:

[Authorization to Proceed and ATP. "Authorization to Proceed" and "ATP" shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

Commission. "Commission" shall mean the eleven Commissioners, including the Chairman, as established by Section 3020 of the Charter.

District Master Plan. "District Master Plan" shall mean the District Master Plan for Storefronts on Madison Avenue in the Upper East Side Historic District and approved by the Commission as a Certificate of Appropriateness. A copy of the District Master Plan may be reviewed at the offices of the Commission by appointment.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

LPC. "LPC" shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law. Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

(c) *Eligible buildings.* As specifically set forth and described in the District Master Plan, these Rules shall cover buildings facing Madison Avenue and located within the Upper East Side Historic District, including the commercial portions of a building facing onto both Madison Avenue and a side street.

(d) *Permitted alterations pursuant to the District Master Plan.* The LPC staff shall issue [an ATP] a CNE or PMW for work on storefronts in eligible buildings along Madison Avenue if the staff determines that:

(1) The proposed work meets the design criteria for storefront alterations as set forth in the District Master Plan; and

(2) The staff determines that the proposed work would not adversely affect any significant architectural feature of the building.

(e) *Application procedures.*

(1) *Submission of application.* See 63 RCNY Chapter 2, Subchapter A ("Application Procedure") and 63 RCNY Chapter 12.

(2) *Application materials.* The applicant shall submit adequate

materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant shall submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings shall be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require probes or other investigations to determine the existing conditions and critical dimensions peculiar to each eligible building storefront.

(3) *Review procedure.*

(i) The application will be deemed complete when the LPC staff determines that adequate materials have been submitted that clearly set forth the scope and details of the proposed work.

(ii) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the District Master Plan. Upon determination that the criteria of the Rules have been met, [an ATP] a CNE or PMW will be issued pursuant to [63 RCNY §12-01(f)] subdivision (f) of section 12-01 of this chapter. A determination that [an ATP] a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria of the District Master Plan and that the work is appropriate to or will have no effect on protected architectural features of the specific eligible building in question and is otherwise appropriate to the Upper East Side Historic District.

(iii) If the LPC staff determines that the criteria set forth in these Rules have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the determination.

(iv) Applications for work that do not qualify for [the issuance of an ATP] approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

§ 12-04 Implementation Rules for the District Master Plan for Storefronts on Madison Avenue in the Metropolitan Museum Historic District.

(a) *Introduction.* The implementation rules ("Rules") for the District Master Plan for Storefronts on Madison Avenue in the Metropolitan Museum Historic District ("District Master Plan") are promulgated to assist building owners in applying to the Landmarks Preservation Commission ("LPC") for approval of applications to undertake repair, rehabilitation, replacement, or alterations to storefronts (including but not limited to storefront infill, lighting, signage, security gates, windows and doors) along Madison Avenue within the Metropolitan Museum Historic District that are in accordance with the District Master Plan approved by the Commission. The rules set forth herein permit the LPC staff to issue [Authorizations to Proceed letters ("ATP")] Certificates of No Effect ("CNE") of Permits for Minor Work ("PMW") for work that complies with the approved District Master Plan. Work that is not in accordance with the requirements of the District Master Plan will be reviewed by the Commission in accordance with its usual review procedures under the Landmarks Law. The objective of the District Master Plan is to provide owners, architects and store tenants with design criteria which will allow timely review of storefront alterations while protecting the architecturally and historically significant features of the buildings. The District Master Plan will cover buildings on Madison Avenue that fall within the Metropolitan Museum Historic District. Additionally, at corner buildings the District Master Plan will cover the building facades facing both Madison Avenue and the side streets.

(b) *Definitions.* As used in these Rules, the following terms shall have the following meanings:

[Authorization to Proceed and ATP. "Authorization to Proceed" and "ATP" shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

Commission. "Commission" shall mean the eleven Commissioners, including the Chairman, as established by Section 3020 of the Charter.

District Master Plan. "District Master Plan" shall mean the District Master Plan for Storefronts on Madison Avenue in the Metropolitan Museum Historic District and approved by the Commission as a Certificate of Appropriateness. A copy of the District Master Plan may be reviewed at the offices of the Commission by appointment.

Landmarks Law. "Landmarks Law" shall refer to Section 3020 of the Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

LPC. "LPC" shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law. Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

(c) *Eligible buildings.* As specifically set forth and described in the District Master Plan, these Rules shall cover buildings facing Madison Avenue and located within the Metropolitan Museum Historic District,

including the commercial portions of a building facing onto both Madison Avenue and a side street.

(d) *Permitted alterations pursuant to the District Master Plan.* The LPC staff shall issue [an ATP] a CNE or PMW for work on storefronts in eligible buildings along Madison Avenue if the staff determines that:

(1) The proposed work meets the design criteria for storefront alterations as set forth in the District Master Plan; and

(2) The staff determines that the proposed work would not adversely affect any significant architectural feature of the building.

(e) *Application procedures.*

(1) *Submission of application.* See 63 RCNY Chapter 2, Subchapter A ("Application Procedure") and 63 RCNY Chapter 12.

(2) Application materials. The applicant shall submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant shall submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings shall be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require probes or other investigations to determine the existing conditions and critical dimensions peculiar to each eligible building storefront.

(3) *Review procedure.*

(i) The application will be deemed complete when the LPC staff determines that adequate materials have been submitted that clearly set forth the scope and details of the proposed work.

(ii) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the District Master Plan. Upon determination that the criteria of the Rules have been met, an ATP will be issued pursuant to [63 RCNY §12-01(f)] subdivision (f) of section 12-01 of this chapter. A determination that [an ATP] a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria of the District Master Plan and that the work is appropriate to or will have no effect on protected architectural features of the specific eligible building in question and is otherwise appropriate to the Metropolitan Museum Historic District.

(iii) If the LPC staff determines that the criteria set forth in these Rules have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the determination.

(iv) Applications for work that do not qualify for [the issuance of an ATP] approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

§ 12-05 Implementation Rules for the District Master Plan for Storefronts on Madison Avenue in the Carnegie Hill (and Extension) Historic District.

(a) *Introduction.* The implementation rules ("Rules") for the District Master Plan for Storefronts on Madison Avenue in the Carnegie Hill (and Extension) Historic District ("District Master Plan") are promulgated to [assist] assist building owners in applying to the Landmarks Preservation Commission ("LPC") for approval of applications to undertake repair, rehabilitation, replacement, or alterations to storefronts (including but not limited to storefront infill, lighting, signage, security gates, windows and doors) along Madison Avenue within the Carnegie Hill (and Extension) Historic District that are in accordance with the District Master Plan approved by the Commission. The rules set forth herein permit the LPC staff to issue [Authorizations to Proceed letters ("ATP")] Certificates of No Effect ("CNE") or Permits for Minor Work ("PMW") for work that complies with the approved District Master Plan. Work that is not in accordance with the requirements of the District Master Plan will be reviewed by the Commission in accordance with its usual review procedures under the Landmarks Law. The objective of the District Master Plan is to provide owners, architects and store tenants with design criteria which will allow timely review of storefront alterations while protecting the architecturally and historically significant features of the buildings. The District Master Plan will cover buildings on Madison Avenue that fall within the Carnegie Hill (and Extension) Historic District. Additionally, at corner buildings the District Master Plan will cover the building facades facing both Madison Avenue and the side streets.

(b) *Definitions.* As used in these Rules, the following terms shall have the following meanings:

[Authorization to Proceed and ATP. "Authorization to Proceed" and "ATP" shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

Commission. "Commission" shall mean the eleven Commissioners, including the Chairman, as established by Section 3020 of the Charter.

District Master Plan. "District Master Plan" shall mean the District Master Plan for Storefronts on Madison Avenue in the Carnegie Hill (and Extension) Historic District and approved by the Commission as a Certificate of Appropriateness. A copy of the District

Master Plan may be reviewed at the offices of the Commission by appointment.

Landmarks Law. “Landmarks Law” shall refer to Section 3020 of the Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

LPC. “LPC” shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law. Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

(c) *Eligible buildings.* As specifically set forth and described in the District Master Plan, these Rules shall cover buildings facing Madison Avenue and located within the Carnegie Hill (and Extension) Historic District, including the commercial portions of a building facing onto both Madison Avenue and a side street.

(d) *Permitted alterations pursuant to the District Master Plan.* The LPC staff shall issue [an ATP] a CNE or PMW for work on storefronts in eligible buildings along Madison Avenue if the staff determines that:

(1) The proposed work meets the design criteria for storefront alterations as set forth in the District Master Plan; and

(2) The staff determines that the proposed work would not adversely affect any significant architectural feature of the building.

(e) *Application procedures.*

(1) *Submission of application.* See 63 RCNY Chapter 2, Subchapter A (“Application Procedure”) and 63 RCNY Chapter 12.

(2) *Application materials.* The applicant shall submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant shall submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings shall be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require probes or other investigations to determine the existing conditions and critical dimensions peculiar to each eligible building storefront.

(3) *Review procedure.*

(i) The application will be deemed complete when the LPC staff determines that adequate materials have been submitted that clearly set forth the scope and details of the proposed work.

(ii) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the District Master Plan. Upon determination that the criteria of the Rules have been met, a CNE or PMW [an ATP] will be issued pursuant to [63 RCNY §12-01(f) subdivision (f) of section 12-01 of this chapter. A determination [an ATP] that a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria of the District Master Plan and that the work is appropriate to or will have no effect on protected architectural features of the specific eligible building in question and is otherwise appropriate to the Carnegie Hill (and Extension) Historic District.

(iii) If the LPC staff determines that the criteria set forth in these Rules have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the determination.

(iv) Applications for work that do not qualify for [the issuance of an ATP] approval in accordance with these Rules shall be subject to the LPC’s usual review procedure as set forth in the Landmarks Law.

§ 12-06 Implementation Rules for the District Master Plan for the Douglaston Historic District.

(a) *Introduction.* The implementation rules (“Rules”) for The District Master Plan for the Douglaston Historic District (“District Master Plan”) are promulgated to assist building owners in applying to the Landmarks Preservation Commission (“LPC”) for approval of applications to undertake various types of work on properties located within the Douglaston Historic District, including additions, outbuildings, window replacement, heating, venting and air conditioning, and work on or affecting significant landscape improvements. The rules set forth herein permit the LPC staff to issue [Authorizations to Proceed (“ATP”)] Certificates of No Effect (“CNE”) or Permits for Minor Work (“PMW”) for work that complies with the approved District Master Plan. Work that is not in accordance with the requirements of the District Master Plan will be reviewed by the Commission in accordance with its usual review procedures under the Landmarks Law. The objective of the District Master Plan is to provide owners, architects and store tenants with design criteria which will allow timely review of proposed alterations while protecting the architecturally and historically significant features of the buildings and historic district’s sense of place. The District Master Plan will cover all buildings in the Douglaston Historic District.

(b) *Definitions.* As used in these Rules, the following terms shall have the following meanings:

[Authorization to Proceed and ATP. “Authorization to Proceed”

and “ATP” shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

Commission. “Commission” shall mean the appointed Commissioners, including the Chairman, acting as the Landmarks Preservation Commission as established by Section 3020 of the Charter.

District Master Plan. “District Master Plan” shall mean the District Master Plan for the Douglaston Historic District approved by the Commission as a Certificate of Appropriateness. A copy of the District Master Plan may be reviewed at the offices of the Commission by appointment.

Landmarks Law. “Landmarks Law” shall refer to Section 3020 of the Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

Landscape Improvement. “Landscape Improvement” shall mean a physical betterment of real property or any part thereof, consisting of natural or artificial landscape, including but not limited to grade, body of water, hedge, mature tree, walkway, road, plaza, wall, fence, step, fountain, or sculpture.

LPC. “LPC” shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law. Terms not otherwise defined in these rules shall have the meanings given them in the Landmarks Law.

(c) *Eligible buildings.* All buildings in the Douglaston Historic District are subject to the District Master Plan*.

(d) *Permitted alterations.* The LPC staff shall issue [an ATP] a CNE or PMW if the staff determines that:

(1) The proposed work meets the criteria set forth in the District Master Plan; and

(2) The proposed work will not adversely affect any significant architectural feature of the building or significant Landscape Improvement, not otherwise permitted by the District Master Plan or other LPC approval.

(e) *Application procedures.*

(1) *Submission of application.* See 63 RCNY Chapter 2, Subchapter A (“Application Procedure”) and 63 RCNY Chapter 12.

(2) *Application materials.* The applicant shall submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant shall submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings shall be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require mockups of proposed additions or outbuildings to determine the visibility of such additions or outbuildings, and probes or other investigations to determine existing conditions.

(3) *Review procedure.*

(i) The application will be deemed complete when the LPC staff determines that the materials submitted adequately and clearly set forth the scope and details of the proposed work.

(ii) When the application is complete, LPC staff will review the application for conformity with these Rules and the criteria of the District Master Plan. Upon determination that the criteria of the Rules have been met, [an ATP] a CNE or PMW will be issued pursuant to [63 RCNY §12-01(f) subdivision (f) of section 12-01 of this chapter. A determination that [an ATP] a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria of the District Master Plan and that the work is appropriate to or will have no effect on protected architectural features of the specific building in question and is otherwise appropriate to the Douglaston Historic District.

(iii) If the LPC staff determines that the criteria set forth in these Rules have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the determination.

(iv) Applications for work that do not qualify for [the issuance of an ATP] approval in accordance with these Rules shall be subject to the LPC’s usual review procedure as set forth in the Landmarks Law.

§ 12-07 Implementation Rules for the District Master Plan for the Fieldston Historic District.

(a) *Introduction.* The implementation rules (“Rules”) for The District Master Plan for the Fieldston Historic District (“District Master Plan”) are promulgated to assist building owners in applying to the Landmarks Preservation Commission (“LPC”) for approval of applications to undertake various types of work on properties located within the Fieldston Historic District, including additions, outbuildings, window replacement, heating, venting and air conditioning, and work on or affecting significant landscape improvements. The Rules set forth herein permit the LPC staff to issue [Authorizations to Proceed (“ATP”)] Certificates of No Effect (“CNE”) or Permits for Minor Work (“PMW”) for work that complies with the approved District Master Plan. Work that is not in accordance with

the requirements of the District Master Plan will be reviewed by the Commission in accordance with its usual review procedures under the Landmarks Law. The provisions of the District Master Plan will take precedence over other rules that are not specifically tailored to the Fieldston Historic District.

The objective of the District Master Plan is to provide owners and architects with design criteria which will allow timely review of proposed alterations while protecting the architecturally and historically significant features of the buildings, significant landscape improvements and the historic district's sense of place. The District Master Plan will cover all buildings in the Fieldston Historic District.

(b) *Definitions.* As used in these Rules, the following terms shall have the following meanings:

[Authorization to Proceed and ATP. «Authorization to Proceed» and «ATP» shall mean an authorization to proceed as described in 63 RCNY §12-01(f).]

Commission. «Commission» shall mean the appointed Commissioners, established by Section 3020 of the Charter.

District Master Plan. «District Master Plan» shall mean the District Master Plan for the Fieldston Historic District approved by the Commission as a Certificate of Appropriateness. A copy of the District Master Plan may be reviewed at the Commission's offices by appointment or downloaded from the Commission's website: www.nyc.gov/landmarks

Landmarks Law. «Landmarks Law» shall refer to Section 3020 of the Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

Landscape Improvement. «Landscape Improvement» shall mean a physical betterment of real property or any part thereof, consisting of natural or artificial landscape, including but not limited to grade, body of water, mature tree, walkway, road, plaza, wall, fence, step, fountain or sculpture.

LPC. «LPC» shall mean the Landmarks Preservation Commission acting in its agency capacity to implement the Landmarks Law.

Rules. «Rules» shall mean these implementation rules for the Fieldston Historic District.

Terms not otherwise defined in these rules or the District Master Plan shall have the meanings given them in the Landmarks Law.

(c) *Eligible Buildings.* All buildings in the Fieldston Historic District are subject to the District Master Plan.

(d) *Permitted alterations.* The LPC staff shall issue [an ATP] a CNE or PMW if the staff determines that:

(1) The proposed work meets the criteria set forth in the District Master Plan; and

(2) The proposed work will not adversely affect any significant architectural feature of the building or significant Landscape Improvement, not otherwise permitted by the District Master Plan or other LPC approval.

(e) *Application procedures.*

(1) *Submission of application.* See 63 RCNY Chapter 2, Subchapter A («Application Procedure») and 63 RCNY Chapter 12.

(2) *Application materials.* The applicant shall submit adequate materials that clearly set forth the scope and details of the proposed work. At a minimum, the applicant shall submit detailed drawings that specifically show the proposed work and all other materials required by the LPC staff. Drawings shall be made to scale, and include all pertinent dimensions. LPC staff may require applicants to submit other materials, including but not limited to photographs of existing conditions, construction details, material samples, specifications, or maps as necessary to clearly explain the proposed work. LPC staff may also require mockups of proposed additions or outbuildings to determine the visibility of such additions or outbuildings, and probes or other investigations to determine existing conditions. Applications shall include a letter from the Fieldston Property Owners («FPOA») not objecting to the work or stating the work is not occurring on FPOA property, or a site survey demonstrating that the proposed work is not occurring on FPOA property. If the proposed work requires compliance with the Special Natural Area District («SNAD») rules, the applicant shall also provide a statement that s/he has met with the staff of the Department of City Planning («DCP») to discuss the proposal. If DCP staff has indicated that some aspect of the proposal is inconsistent with the SNAD rules and requires an Authorization or Special Permit, or other approval, the applicant shall indicate in the statement that s/he intends to seek the appropriate approvals from the DCP or City Planning Commission.

(3) *Review procedures.*

(i) The application will be deemed complete when the LPC staff determines that the materials submitted adequately and clearly set forth the scope and details of the proposed work.

(ii) When the application is complete, the LPC staff will review the application for conformity with these Rules. Upon determination that the criteria of the Rules have been met, [an ATP] a CNE or PMW will be issued pursuant to [63 RCNY §12-01(f)] subdivision (f) of section 12-01 of this chapter. A determination that [an ATP] a CNE or PMW should be issued shall mean that the proposed work satisfies the criteria of the District Master Plan and that the work is appropriate to

or will have no effect on protected architectural features of the specific building in question and is otherwise appropriate to the Fieldston Historic District.

(iii) If the LPC staff determines that the criteria set forth in these Rules have not been met, the LPC staff shall provide the applicant with a notice of the proposed denial of the application. The applicant may request a meeting with the Director of the Preservation Department, or, in the absence of the Director, with a Deputy Director, to discuss the determination.

(iv) Applications for work that do not qualify for [the issuance of an ATP] approval in accordance with these Rules shall be subject to the LPC's usual review procedure as set forth in the Landmarks Law.

§ 19. Title 63 of the Rules of the City of New York is amended by adding a new Chapter 14, to read as follows:

Chapter 14: Requests for Rulemaking.

§14-01 Purpose. These rules govern the procedures by which members of the public may submit to the Landmarks Preservation Commission Requests for Rulemaking pursuant to §1043(g) of the New York City Charter (City Administrative Procedures Act) and the procedures for the Landmarks Preservation Commission's consideration and disposition of such Requests.

§14-02 Definitions.

Commissioners. «Commissioners» means the Commissioners of the Landmarks Preservation Commission.

Person. «Person» means an individual, partnership, corporation or other legal entity, and any individual or entity acting in a fiduciary or representative capacity.

Request. «Request» means a request to the Chair of the LPC to consider promulgating a rule.

Requester. «Requester» means a person who has made a request for rulemaking pursuant to this Chapter.

Rule. «Rule» has the same meaning as in § 1041(5) of the New York City Charter.

Rulemaking. «Rulemaking» means the process for considering and, if approved, enacting a rule.

§14-03 Procedures for Submission of Requests for Rulemaking.

(a) Any person may submit a request in writing on a form to be developed and posted on the LPC Website.

(b) The request must include:

- (1) The proposed rule to be considered, with proposed language for adoption;
- (2) The requester's arguments in support of adoption of the rule; and
- (3) The name, address, telephone number, and email address of the requestor or his or her authorized representative.

(c) The request must be submitted by mail addressed to General Counsel, Landmarks Preservation Commission at the LPC's current mailing address as set forth in the request form, or by electronic mail to rulecomments@lpc.nyc.gov.

§14-04 Procedures for Consideration and Response to Requests for Rulemaking.

(a) After a complete request is submitted the LPC will take the following steps to process and review:

- (1) Acknowledge receipt of the request within 10 business days; and
- (2) Within 60 business days from the date the complete request was received, the Chair of the Commission will:

(i) *Deny the request.* The reasons for the denial will be set forth in writing; or

(ii) *Grant the request.* If the request is granted, the Chair will explain in writing the intention to initiate rulemaking by a specified date. The Chair is not required to initiate rulemaking on the entirety of a request or to follow the wording of a request that has been granted. Granting of the request shall only require the Chair to ask the Commissioners to vote to calendar the proposed rule, as proposed by the Chair, and, if there is a positive vote to calendar, for the Commission to hold a public hearing on the proposed rule. Granting of the request does not guarantee that the requested rule will in fact be calendared or approved and adopted by the Commissioners.

◀ jy20

TAXI AND LIMOUSINE COMMISSION

■ PUBLIC HEARINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Taxi and Limousine Commission («TLC», «Commission») is proposing a new rule that would: 1) create a new short-term storage program for For-Hire Vehicle (FHV) licenses («Short-Term FHV Storage Program»); and 2) clarify that, after August 31, 2023, the end date of the previous storage program, created during the height of the COVID-19 pandemic («COVID-19 FHV Storage

Program”), licenses remaining in that program will not transfer over to the new Short-Term FHV Storage Program, and if not expired, will be subject to fines and suspension for failure to follow directives to exit the storage program, as well as revocation for non-use.

When and where is the Hearing? TLC will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 am on August 23, 2023. The public hearing will be held online using Zoom. There will be no in person public hearing. The public hearing will be livestreamed on TLC’s website at www.nyc.gov/tlc. To participate in the public hearing, please e-mail the TLC at tlcrules@tlc.nyc.gov or call TLC at 212-676-1135 by 5:00pm on August 22, 2023. After you have signed up to speak, TLC will provide you with a Zoom URL to enter in on your computer or dial-in via phone number if you prefer to call in.

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

- **Website.** You can submit comments to the TLC through the NYC rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to tlcrules@tlc.nyc.gov
- **Mail.** You can mail comments to Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver St, 22nd Floor, New York, NY 10004
- **Fax.** You can fax comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135 or by emailing at tlcrules@tlc.nyc.gov by August 22, 2023. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit written comments by August 23, 2023.

What if I need assistance to participate in the Hearing?

You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by August 16, 2023.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are deaf or hard of hearing and audio only access.

Can I review the comments made on the proposed rule? You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online and copies of all written comments will be available by request by emailing tlcrules@tlc.nyc.gov and a transcript of the hearing will be available online at www.nyc.gov/tlc and at the Office of Legal Affairs.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission’s regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

Where can I find the Commission’s rules? The Commission’s rules are in title 35 of the Rules of the City of New York.

What laws govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

STATEMENT OF BASIS AND PURPOSE OF RULE

In 2020, the TLC created a COVID-19 FHV License Storage Program to give relief to vehicle license holders who could not afford to retain or repair their vehicles during the COVID-19 pandemic. This program ends on August 31, 2023. FHV owners were notified by TLC multiple times through the TLC website and via email that FHV licenses must be taken out of storage by August 31, 2023.

This proposed rule would establish a new, short-term storage program for For-Hire Vehicle (FHV) Licenses called the “Short-Term FHV License Storage Program. This new program will permit active FHV licensees to put their FHV license in storage once during every 2-year license term for up to 60 days. This program will be useful to licensees who may be traveling overseas for an extended period, or who may be experiencing issues with their vehicle. An application must be filed for an FHV license to be placed into storage with the TLC.

To be placed into the Short-Term For-Hire Vehicle License Storage Program, all suspensions must be cleared, all fines and fees must be paid to TLC, and plates must be surrendered to the DMV within 60 days prior to the storage date. (Surrendering plates to the New York State Department of Motor Vehicles alone is insufficient to enter

TLC’s storage program.) Licensees with pending base, plate or vehicle transfers will not be permitted to be placed into storage with the TLC. While the FHV license is in storage, the TLC will not enforce insurance or inspection requirements pursuant to subchapter 59A or other applicable TLC rules.

To take a license out of storage, the licensee must submit an application as prescribed by the Commission, and if the period in storage exceeds the renewal date, the licensee must complete any renewal requirements. Any FHV license not taken out of storage when the 60-day period has ended will be subject to a fine of \$300 and suspension until compliance for failure to follow directives to exit the storage program pursuant to Section 59A-13(j)(1), as well as revocation for non-use pursuant to Section 59A-08(c).

The proposed rule would also clarify that FHV licenses remaining in the FHV License Storage Program established during the COVID-19 pandemic (“COVID-19 FHV License Storage Program”) after the program end date, August 31, 2023, will not automatically transfer over to the new Short-Term FHV Storage Program, and, if the license has not expired, the licensee will be subject to fines and suspension for failure to follow directives to exit the storage program pursuant to Section 59A-13(j)(1), as well as revocation for non-use pursuant to Section 59A-08(c).

TLC’s authority for these rules is found in section 2303 of the New York City Charter and section 19-503 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

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

Section 1. Subchapter 59A of chapter 59 of Title 35 of the Rules of the City of New York is amended by adding a new section 59A-36, to read as follows:

§ 59A-36. Storage of For-Hire Vehicle Licenses

(1) Short-Term For-Hire Vehicle License Storage Program.

- (a) Description of Program. A Licensee may put their For-Hire Vehicle License in storage with the Commission for up to 60 days once during every two year license term, during which time the TLC will not enforce insurance or inspection requirements set forth in this sub-chapter 59A, or pursuant to any other applicable TLC rules, subject to the following terms.
- (b) Application, Criteria and Approval. In order to be placed into the Short-Term For-Hire Vehicle License Storage Program:
- All suspensions must be cleared, and the licensee must pay all fines and fees due to TLC.
 - Plates must be surrendered to the DMV within 60 days prior to the storage date,
 - The licensee must submit an application as set forth by the Commission, and
 - Licenses with pending transfers will not be permitted to go into storage.
- (c) Removal from Storage. To remove a license from storage, a Licensee must submit an application as prescribed by the Commission, and if the period the license is in storage exceeds the renewal date, the licensee must complete all renewal requirements.
- (d) Licenses Remaining in Storage at the End of the Storage Period. Any For-Hire Vehicle License not taken out of storage when the 60-day period has ended will be subject to fines and suspension for failure to follow directives to exit the storage program as set forth in section 59A-13(j)(1) of these rules, as well as revocation for non-use pursuant to section 59A-08(c) of these rules if they are not in use for 60 or more days after the 60-day storage period has ended.

(2) COVID-19 For-Hire Vehicle License Storage Program, End of Program.

- (a) End of Program. The COVID-19 For-Hire Vehicle License Storage Program established in 2020 ends on August 31, 2023.
- (b) Licenses Remaining in Storage at the End of the Program. Any For-Hire Vehicle License not taken out of storage when the COVID-19 For-Hire Vehicle License

Storage Program ends on August 31, 2023 will not be transferred to the new Short-Term For-Hire Vehicle License Storage Program. For-Hire Vehicle Licenses in storage after the program end date, August 31, 2023, that are not expired will be subject to fines and suspension for failure to follow directives to exit the storage program as set forth in section 59A-13(j)(1) of these rules, as well as revocation for non-use pursuant to section 59A-08(c) of these rules if they are not in use for 60 or more days after the program has ended.

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: Short Term Storage of For Hire Vehicle Licenses

REFERENCE NUMBER: 2023 RG 048

RULEMAKING AGENCY: Taxi and Limousine Commission

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

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

/s/ STEVEN GOULDEN
Senior Counsel

Date: July 11, 2023

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

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Short Term Storage of For Hire Vehicle Licenses

REFERENCE NUMBER: TLC-137

RULEMAKING AGENCY: Taxi and Limousine Commission

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 a cure period would defeat the purpose of the rule.

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

July 12, 2023
Date

Accessibility questions: Office of Legal Affairs, 212.676.1135, by: Wednesday, August 16, 2023, 5:00 P.M.



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 629, New York, NY 10007 on 8/4/2023 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
3, 3A, 5, 5A	1270	12 & 144

Acquired in the proceeding entitled: SOUTH AVENUE FROM NETHERLAND AVENUE TO FOREST AVENUE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

BRAD S. LANDER
Comptroller
jy19-a1

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on 8/4/2023 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
2	990	16

Acquired in the proceeding entitled: GOWANUS CANAL SUPERFUND, PHASE 3 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

BRAD S. LANDER
Comptroller
jy19-a1

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on 8/1/2023 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	4160	360
2, 2A	4160 AND STREETBED ADJACENT TO 4160	359 AND STREETBED ADJACENT TO 359

Acquired in the proceeding entitled: SOUTH SHORE OF STATEN ISLAND – PHASE 1 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

BRAD S. LANDER
Comptroller
jy18-31

HOUSING PRESERVATION AND DEVELOPMENT

NOTICE

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

Notice Date: July 14, 2023

To: Occupants, Former Occupants, and Other Interested Parties

Table with 4 columns: Property, Address, Application #, Inquiry Period. Rows include 128 West 121st Street, 106 Fort Greene Place, and 315 Convent Avenue.

Authority: SRO, Administrative Code §27-2093

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

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

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

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

Fecha de notificación: July 14, 2023

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Table with 4 columns: Propiedad, Dirección, Solicitud #, Período de consulta. Rows include 128 West 121st Street, 106 Fort Greene Place, and 315 Convent Avenue.

Autoridad: SRO, Código Administrativo §27-2093

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un período de tiempo especificado.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al CONH Unit, 100 Gold

Street, 6th Floor, New York, NY 10038 por carta con matasellos no mas tarde que 30 días después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al (212) 863-5277 o (212) 863-8211.

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

jjy14-24

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

Notice Date: July 14, 2023

To: Occupants, Former Occupants, and Other Interested Parties

Table with 4 columns: Property, Address, Application #, Inquiry Period. Rows include 159 Wythe Avenue, Brooklyn and 157 Wythe Avenue, Brooklyn.

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

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

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

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

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

Fecha de notificación: July 14, 2023

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Table with 4 columns: Propiedad, Dirección, Solicitud #, Período de consulta. Rows include 159 Wythe Avenue, Brooklyn and 157 Wythe Avenue, Brooklyn.

Autoridad: Greenpoint-Williamsburg Anti-Harassment Area, Código Administrativo Zoning Resolution §§23-013, 93-90

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un período de tiempo especificado.

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

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

jy14-24

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

Notice Date: July 14, 2023

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address Application # Inquiry Period
726 Ocean Avenue, Brooklyn 38/2023 June 28, 2018 to Present

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

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

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038 by letter postmarked not later than 45 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call (212) 863-5277 or (212) 863-8211.

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

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

Fecha de notificación: July 14, 2023

Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad: Dirección: Solicitud #: Período de consulta:
726 Ocean Avenue, Brooklyn 38/2023 June 28, 2018 to Present

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

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

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al CONH Unit, 100 Gold

Street, 6th Floor, New York, NY 10038 por carta con matasellos no mas tarde que 45 días después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al (212) 863-5277 o (212) 863-8211.

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

jy14-24

CHANGES IN PERSONNEL

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes data for POLICE DEPARTMENT FOR PERIOD ENDING 05/26/23.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes data for POLICE DEPARTMENT FOR PERIOD ENDING 05/26/23.

Table with columns: NAME, LAST NAME, TITLE, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like MCGARVEY, MCGLYN, MCGOVERN, MCGRADE, MCINTOSH GRANT, MCKENZIE, MCKON, MCMAHON, MCMANUS, MCMILLAN, MCMANARA, MCMERNEY, MEGEE, MEDINA, MEDINA, MEDINA, MEDINA, MEDINA, MEDINA, MEEHAN.

Table with columns: NAME, LAST NAME, TITLE, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like NIKOUFAR, LAMECHA, NIN, NOAK, NOCERA, NOLAN, NORORIS, NOVAS, NOVILLO ALBARRA, NUNEZ, NUNEZ, NUNEZ, NUNEZ, OAKES, OBER, OCASIO, ODAMETEV, OGDONNIK, OLAVARRIA, OLIVERA, OLSZAK, ORLANDO III, OROZCO MARCILLO, ORTA, ORTIZ, ORTIZ MARTINEZ, OSAMWONYI, OSORN, OSTAPIUK, OSTEK, OTHMAN, OTTOMANELLI, OVERBY.

POLICE DEPARTMENT FOR PERIOD ENDING 05/26/23

Table with columns: NAME, LAST NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like MEEM, MEEM, MENDEZ, MENDEZ, MERINO, MERIZALDE, MERLIN, MESA, MEZA, MIAH, MICHEL, MICHEL, MIDDLETON, MIDDLETON, MILLER, MILLER, MILLER, MILLS, MINGOES, MINIER, MINO, MIRABAL, MIRAZ, MIRJANIAN, MITCHELL, MOHAMED, MOHES, MOLLIK, MONOPOLI, MONTALBAN, MONTALI, MONTALVO, MONTANO ARIAS, MONTESINO, MONTOYA, MOONAN, MOORE, MORALES, MORALES, MORALES, MORALES SOTOMAY, MORAN, MORELLI, MORET, MORFE, MORRIS, MORRIS, MOSLEY, MOSS, MUJEVIC, MULLER, MUNDO.

POLICE DEPARTMENT FOR PERIOD ENDING 05/26/23

Table with columns: NAME, LAST NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like MUNDY, MUNOZ, MUNOZ, MURPHY, MURRAY, MUSA, NAIK, NAPOLITANO, NAPOLITANO, NAQVI, NATUZZI, NEFF, NEGRON, NETCH, NEWMAN, NG, NIEVES, NIEVES, NIEVES, NIEVES.

POLICE DEPARTMENT FOR PERIOD ENDING 05/26/23

Table with columns: NAME, LAST NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like OZTAS, PABON, PAMPAFIKOS, PANETTA, PANZARELLA, PARLO, PARNELL, PARTLOW, PASAG, PATRICK, PATROUCH, PAUL, PAZ, PECCERILLO, PENA, PENA GUTIERREZ, PEPPE, PERAGALLO, PERALTA, PERALTA, PERALTA, PEREYRA AGUERO, PEREZ, PEREZ, PEREZ, PEREZ RODRIGUEZ, PERRAULT, PETTIGREW, PHELPS, PHILANTROPE, PHILIPPE, PICARELLI, PICON, PIMENTEL, PINCUS, PIRA, PISANO, PITRE-SEPULVEDA, PLASENCIA, PLASHEA, PLASKETT, PLLAHA, POPI, POWELL, PRESTON, PRINCIPATO, PROPHETE, QUEZADA TORRES, QUINERLY, QUINN.

POLICE DEPARTMENT FOR PERIOD ENDING 05/26/23

Table with columns: NAME, LAST NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes names like QUINONES-AGOSTO, QUINTANILLA, QURESHI, RACTOPPI, RAFAEL, RAFTER.

RAGHUBIR	BALRAM	C	10144	\$38605.0000	RESIGNED	YES	05/18/23	056
RAGUSA	PHILIP		70210	\$85292.0000	RETIRED	NO	06/30/21	056
RAHMAN	MD	M	71012	\$49742.0000	RESIGNED	NO	05/14/23	056
RAHMANI	ATTAULLA		90644	\$34716.0000	RESIGNED	YES	05/02/23	056
RAMCHARRAN	CHESTRAM		92508	\$54391.0000	RETIRED	NO	05/10/23	056
RAMIREZ	AMANDA	C	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
RAMIREZ	MARLENE		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
RAMIREZ SOLANO	MADELIN	C	70210	\$42500.0000	DISMISSED	NO	05/05/23	056
RAMKISSOON	RICARDO	J	70234	\$120442.0000	RETIRED	NO	06/26/21	056
RAMOS	EMILY	T	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
RAMOS	QUIERRA		60817	\$34834.0000	APPOINTED	NO	05/05/23	056
RAMOS	RALPH		70210	\$85292.0000	RETIRED	NO	06/23/21	056
RAMOS	ZINNIA	M	7021A	\$105062.0000	RETIRED	NO	06/01/22	056
RAMSAIER	MAGALLY		70210	\$85292.0000	RETIRED	NO	05/20/23	056
RAMSANIE	DHARMESH		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
RANDAZZO	MICHAEL	A	7021A	\$105062.0000	RETIRED	NO	05/01/21	056
RANSOM	TYLISHA		70205	\$16.3900	APPOINTED	YES	05/12/23	056
RAY-NOEL	KHADIJAH	T	10124	\$66433.0000	INCREASE	NO	10/23/22	056
RAY-QUARLES	LOIS	D	70210	\$85292.0000	RETIRED	NO	06/01/22	056
RAZAKOV	KHASANMU		92508	\$36474.0000	RESIGNED	YES	05/14/23	056
REDWOOD	SHALISE	A	71012	\$39329.0000	RESIGNED	NO	04/20/23	056
REED	CHAKAKHA	T	7021B	\$118056.0000	RETIRED	NO	06/01/21	056
REESE	MICHAEL	F	70235	\$118056.0000	RETIRED	NO	06/01/22	056
REGALADO	GINNETTE	M	60817	\$38287.0000	RESIGNED	NO	05/07/23	056
REHA	MICHAEL	A	70210	\$85292.0000	RETIRED	NO	06/01/22	056
REICHERT	JAMES	A	70205	\$16.3900	APPOINTED	YES	05/12/23	056
REID	MARSHA	A	70205	\$16.3900	APPOINTED	YES	05/12/23	056
REIMBEAU	JUDE		70235	\$118056.0000	RETIRED	NO	05/01/21	056
REINA	FRANK	A	70210	\$85292.0000	RETIRED	NO	05/29/21	056
REMBERT	ELIAS		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
RENZ	ROBERT	T	70210	\$85292.0000	RESIGNED	NO	05/19/23	056
REUTER	GEORGE	R	7020B	\$35665.0000	RESIGNED	YES	10/02/21	056
REYES	MARK LOU	C	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
RHATIGAN	PETER	F	70210	\$85292.0000	RETIRED	NO	05/29/21	056
RHOOMES	KAYLA	M	70205	\$16.3900	APPOINTED	YES	05/12/23	056
RICHARDS	CHRISTOP		70235	\$118056.0000	RETIRED	NO	05/27/21	056
RICHARDS	OMAR		71651	\$41493.0000	RESIGNED	NO	12/28/21	056
RICHARDSON	SHAWNKA	C	70205	\$16.3900	APPOINTED	YES	05/12/23	056
RIDDICK	LISA	M	7021B	\$118056.0000	RETIRED	NO	04/28/21	056
RIGGI	MARIA	C	7020B	\$36809.0000	RETIRED	YES	06/30/22	056
RILEY	STANLEY	W	71105	\$36079.0000	INCREASE	YES	04/23/23	056
RINKSKO	JENNIFER		31105	\$41483.0000	APPOINTED	YES	05/07/23	056
RISOLO	MICHAEL	J	70210	\$85292.0000	RETIRED	NO	05/29/21	056
RIVAS	JENNY	A	60817	\$34834.0000	APPOINTED	NO	05/05/23	056
RIVERA	CARMEN		70210	\$85292.0000	RETIRED	NO	05/01/21	056

POLICE DEPARTMENT
FOR PERIOD ENDING 05/26/23

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
RIVERA	HILDA	D	71012	\$41724.0000	RESIGNED	NO	07/09/22	056
RIVERA	LALINA		70205	\$16.3900	APPOINTED	YES	05/12/23	056
RIVERA	MARQUIS	D	70210	\$42500.0000	RESIGNED	NO	05/04/23	056
RIVERA	MIGUEL	A	60817	\$50207.0000	RESIGNED	NO	05/12/23	056
RIVERA	REBECCA	N	70205	\$16.3900	APPOINTED	YES	05/12/23	056
RIVERA MACHADO	YANCY	J	70205	\$16.3900	APPOINTED	YES	05/12/23	056
RIYANTO	MARK	A	70265	\$142758.0000	PROMOTED	NO	05/16/23	056
ROACH	CRAIG		70265	\$142758.0000	PROMOTED	NO	05/16/23	056
ROACH	KYLE	W	70210	\$51000.0000	RESIGNED	NO	05/19/23	056
ROBINSON	CHRISTOP		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
RODGERS	AMAYA	K	60817	\$34834.0000	APPOINTED	NO	05/05/23	056
RODRIGUEZ	BRITTNIEY	J	71012	\$43110.0000	RESIGNED	NO	06/18/22	056
RODRIGUEZ	CLARA		70205	\$16.3900	RESIGNED	YES	04/19/23	056
RODRIGUEZ	DANIEL		70210	\$85292.0000	RETIRED	NO	06/01/21	056
RODRIGUEZ	FERNANDO	A	70210	\$42500.0000	RESIGNED	NO	05/17/23	056
RODRIGUEZ	GREGORY	A	7021D	\$105062.0000	RETIRED	NO	06/02/21	056
RODRIGUEZ	JADE	S	60817	\$34834.0000	RESIGNED	NO	05/10/23	056
RODRIGUEZ	JUSTIN	J	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
RODRIGUEZ	KEVIN	J	70210	\$42500.0000	DECREASE	NO	07/13/22	056
RODRIGUEZ DIAZ	RUTH	H	91415	\$69679.0000	RESIGNED	NO	12/29/21	056
ROGAN	JEANETTE	R	70260	\$135511.0000	RETIRED	NO	05/05/21	056
ROJAS	DESTINY	M	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
ROJAS	JALAYNA	J	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
ROJAS	PAULA	A	10217	\$42336.0000	APPOINTED	YES	05/07/23	056
ROLLINSRISHER	SHACASSI	N	70205	\$16.3900	APPOINTED	YES	05/12/23	056
ROSADO	BENJAMIN		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
ROSADO	JUGONY	F	7021C	\$135511.0000	RETIRED	NO	06/01/22	056
ROSARIO	CASANDRA		70205	\$16.3900	APPOINTED	YES	05/12/23	056
ROSARIO	NIKKIA		70210	\$85292.0000	RETIRED	NO	06/01/22	056
ROSE	KEISHAWN	K	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
ROSIELLO	MATTHEW	J	7021A	\$104392.0000	RETIRED	NO	06/25/22	056
ROSS	JOSEPH	P	70210	\$85292.0000	RETIRED	NO	05/01/21	056
ROTH	MADDELINE	H	31175	\$85440.0000	RESIGNED	NO	09/17/22	056
ROZON	JOSEPH	D	10144	\$44396.0000	RESIGNED	NO	12/10/22	056
RUBINICH	KATHERIN	T	10147	\$60492.0000	DECEASED	NO	04/27/23	056
RUBIO	CHASE	R	70210	\$45000.0000	RESIGNED	NO	05/19/23	056
RUIZ JR	ORLANDO		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
RUSSO	MICHAEL	G	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
RYAN	BRENDAN	B	7023A	\$135511.0000	RETIRED	NO	05/20/23	056
SABB	TRISTAN	A	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SAHA	RUPNA		70205	\$16.3900	APPOINTED	YES	05/12/23	056
SALALI	OMAR	A	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SALEM	OMAR		70235	\$118056.0000	RETIRED	NO	06/30/21	056
SANCHEZ	JOCELYN	G	70205	\$16.3900	APPOINTED	YES	05/12/23	056
SANCHEZ	NYDIA	C	70210	\$42500.0000	DECREASE	NO	01/17/23	056
SANCHEZ III	VINCENT		70210	\$85292.0000	RETIRED	NO	06/28/22	056
SANDERS	DOROTHY		71012	\$39329.0000	RESIGNED	NO	05/04/23	056
SANDERS	PATRICIA	M	70205	\$16.3900	APPOINTED	YES	05/12/23	056
SANDLER	GREGG		70210	\$85292.0000	RETIRED	NO	05/28/21	056

SANTANA III	CESAR	M	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SANTANGELO	ASHLEY	M	10144	\$43103.0000	RESIGNED	NO	01/31/22	056

POLICE DEPARTMENT
FOR PERIOD ENDING 05/26/23

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
SANTIAGO	FERNANDO	J	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SANTIAGO	JEAN		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SANTOS	KARLA	D	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SANTOS	MARIA		70205	\$16.3900	APPOINTED	YES	05/12/23	056
SATRIANA	SCOTT	A	7021A	\$105062.0000	RETIRED	NO	05/29/21	056
SATTAR	ABDURRAH		70210	\$42500.0000	DECREASE	NO	07/13/22	056
SAVEDRA	JENNY	I	70210	\$42500.0000	RESIGNED	NO	04/29/23	056
SAYAN	SALMAN		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SCALI	DEVIN	V	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SCARDACCIONE	PETER	B	70210	\$85292.0000	RETIRED	NO	06/01/22	056
SCIRE	MICHAEL	P	7021A	\$105062.0000	RETIRED	NO	05/01/21	056
SCOTT	DEVIN	J	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SCOTT	SYMONNI	S	70210	\$42500.0000	INCREASE	NO	04/26/23	056
SEALES RIGGS	JEANETTE	A	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SEGURA	BRIVAN		70210	\$42500.0000	PROMOTED	NO	04/27/23	056
SHARMA	UMANG		1005D	\$172516.0000	TRANSFER	NO	04/02/23	056
SHIRLEY-WATT	SHANIECE	S	90202	\$37180.0000	RESIGNED	YES	05/12/23	056
SHUVO	ABI	A	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SILVA	VICTOR	T	71022	\$66725.0000	INCREASE	NO	04/23/23	056
SILVESTRY	LUKE		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SIMON	MARY	C	71012	\$41855.0000	RESIGNED	YES	02/07/22	056
SIMON	JAMIE	K	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SINGH	ASPAN		70205	\$16.3900	RESIGNED	YES	05/04/23	056
SINGH	GAYLE	E	70205	\$16.3900	APPOINTED	YES	05/12/23	056
SINGH	HARMANDE		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SINGH	RAMNEET		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SIPP	RYAN	J	70210	\$42500.0000	DECREASE	NO	01/17/23	056
SIRAJEE	SOMALAH		10144	\$36390.0000	RESIGNED	NO	05/17/23	056
SLATER	JUSTIN	M	70210	\$85292.0000	RETIRED	NO	06/01/21	056
SLUSKER	BERNARD		10144	\$38605.0000	RESIGNED	NO	09/21/22	056
SMALL	DAVID	R	7021A	\$105062.0000	RETIRED	NO	06/01/22	056
SMITH	KEVIN	A	70210	\$42500.0000	RESIGNED	NO	05/06/23	056
SMITH	RYAN	H	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SMITH	SHASTAR	I	60817	\$34834.0000	APPOINTED	NO	05/12/23	056
SMITH	SHERBORN		10144	\$38605.0000	RESIGNED	NO	12/31/22	056
SMITH AIKEN	MICHAEL	D	60817	\$34834.0000	APPOINTED	NO	05/12/23	056
SMYTH	MICHAEL	W	7021A	\$105062.0000	RETIRED	NO	06/01/22	056
SOHAL	AMIR		70210	\$42500.0000	APPOINTED	NO	04/26/23	056
SOLANO	ANGELIE		71022	\$58020.0000	INCREASE	NO	06/12/22	056
SOLANO	IDOLINA		70205	\$15.4500	RESIGNED	YES	04/28/23	056
SOLOMON	JOSEPH	M	7021A	\$105062.0000	RETIRED	NO	05/28/21	056
SORKER	PRANESH	C	71651	\$43334.0000	RESIGNED	NO	05/08/23	056
SOTO	AMANDA		60817	\$40590.0000	RESIGNED	NO	05/17/23	056
SOTO	FRANKIE	L	70210	\$85292.0000	RETIRED	NO	05/29/21	056
SOTO	JOSE		702					