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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY COUNCIL

■ PUBLIC HEARINGS

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

The Subcommittee on Zoning and Franchises will hold a public hearing in the Council Committee Room, City Hall, New York, NY 10007, commencing, at 9:30 A.M. on August 6, 2019:



KEW GARDENS HILLS REZONING QUEENS CB - 8 C 190299 ZMQ

Application submitted by Queens Community Board 8, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section Nos. 14a and 14c, changing from an R2 District to a R2X District property, bounded by:

1. a line 100 feet southeasterly of 72nd Avenue, 141st Street, a line midway between 72nd Drive and 73rd Avenue, a line 100 feet southwesterly of Main Street, 73rd Avenue, Main Street, 73rd Terrace, a line passing through two points: one on the northerly street line of 75th Road distant 375 feet westerly (as measured along the northerly street line) from the northwesterly intersection of 75th Road and 141st Place, and the other on the southerly street line of 73rd Terrace distant 300 feet westerly (as measured along the southerly street line) from the southwesterly intersection of 73rd Terrace and 141st Place, 75th Road, a line passing through two points: one on the northerly street line of 76th Avenue distant 475 feet easterly (as measured along the northerly street line) from the northeasterly intersection of 76th Avenue and 137th Street, and the other on the southerly street line of 75th Road distant 310 feet westerly (as measured along the southerly street line) from the southwesterly intersection of 75th Road and 141st Place, 76th Avenue, 137th Street, 77th Avenue and Park Drive East; and
2. a line 100 feet northerly of 78th Road, Vleigh Place, Union Turnpike and Park Drive East; as shown on a diagram (for illustrative purposes only) dated April 22, 2019.

KEW GARDENS HILLS REZONING QUEENS CB - 8 N 190301 ZRQ

Application submitted by Queens Community Board 8, pursuant to Section 201 of the New York City Charter, for an amendment of Article II, Chapter 1 (Statement of Legislative Intent) of the Zoning Resolution of the City of New York, permitting the R2X Residence District to be mapped.

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 II

RESIDENCE DISTRICT REGULATIONS

Chapter 1

Statement of Legislative Intent

* * *

21-10

PURPOSES OF SPECIFIC RESIDENCE DISTRICTS

* * *

21-12

R2X—Single-Family Detached Residence District

This district is designed to provide for large single-family detached dwellings on narrow zoning lots. This district also includes community facilities and open uses that serve the residents of the district or benefit from a residential environment.

This district may be mapped only within the Special Ocean Parkway District and as well as Community Districts 8 and 14 in the Borough of Queens.

* * *

FRANKLIN GUEST HOUSE

BROOKLYN CB - 1

20195667 TCK

Application, pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Madre Hospitality Inc. d/b/a Franklin Guest House, for a new revocable consent to maintain and operate an unenclosed sidewalk café located, at 214 Franklin Street.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Council Committee Room, 16th Floor, 250 Broadway, New York, NY 10007, commencing, at 1:00 P.M. on August 6, 2019:

EAST NEW YORK NORTH

BROOKLYN CB - 5

C 190286 HAK

Application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and the approval of an Urban Development Action area project, for the disposition of property, located at 190 Essex Street (Block 3956, Lot 59), 227 Vermont Street, 225 Vermont Street and 223 Vermont Street (Block 3706, Lots 12,13,14), and 583 Belmont Avenue and 581 Belmont Avenue (Block 4012, Lots 32 and 34).

UPK/306-SEAT PRE-K CENTER

QUEENS CB - 4

20185509 SCQ

Application, pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 306-Seat Pre-K Center to be located on Block 2108, portion of Lot 1, Borough of Queens, Community School District 24.

Accessibility questions: Land Use Division (212) 482-5154, by: Friday, August 2, 2019, 3:00 P.M.



ky31-a6

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters to be held, at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, August 14, 2019, at 10:00 A.M.

BOROUGH OF THE BRONX

No. 1

1155-1157 COMMERCE AVENUE

CD 9

C 190426 PCX

IN THE MATTER OF an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property, located at 1155-1157 Commerce Avenue (Block 3840, Lot 23) for a vehicle maintenance and repair facility.

BOROUGH OF MANHATTAN

Nos. 2 & 3

TERENCE CARDINAL COOKE

No. 2

CD 11

C 190158 ZMM

IN THE MATTER OF an application submitted by Catholic Health Care System, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6b, by changing from an R7-2 District to an R8 District property, bounded by East 106th Street, Madison Avenue, East 105th Street and a line 150 feet easterly of Fifth Avenue - Museum Mile, as shown on a diagram (for illustrative purposes only) dated April 8, 2019, and subject to the conditions of CEQR Declaration E-531.

No. 3

CD 11

N 190156 ZRM

IN THE MATTER OF an application submitted by Catholic Health Care System, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area.

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

APPENDIX F

* * *

MANHATTAN

* * *

Manhattan Community District 11

* * *

Map 7 - [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))

Area 7 - [date of adoption] - MIH Program Option 2

No. 4

363 LAFAYETTE STREET

CD 2

C 190317 ZSM

IN THE MATTER OF an application submitted by Lafayette Development Associates LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-781 of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor, cellar and subcellar of a proposed 10-story building on property, located at 363 Lafayette Street (Block 530, Lot 17), in an M1-5B District.

Plans for this proposal are on file with the City Planning Commission and may be seen, at 120 Broadway, 31st Floor, New York, NY 10271-0001.

BOROUGH OF QUEENS
Nos. 5, 6 & 7
VERNON BOULEVARD BROADWAY REZONING
No. 5

CD 1 C 100421 ZMQ

IN THE MATTER OF an application submitted by Cipico Construction Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a:

- 1. changing from an R5 District to an R6B District property, bounded by 10th Street, a line 100 northeasterly of 33rd Road, 11th Street, and 33rd Road;
2. changing from an R5 District to an R7X District property, bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street and line 100 feet northeasterly of 33rd Road; and
3. establishing within the proposed R7X District a C1-3 District, bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street and line 100 feet northeasterly of 33rd Road;

as shown on a diagram (for illustrative purposes only) dated April 22, 2019, and subject to the conditions of CEQR Declaration

No. 6

CD 1 N 190151 ZRQ

IN THE MATTER OF an application submitted by Cipico Construction Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

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* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

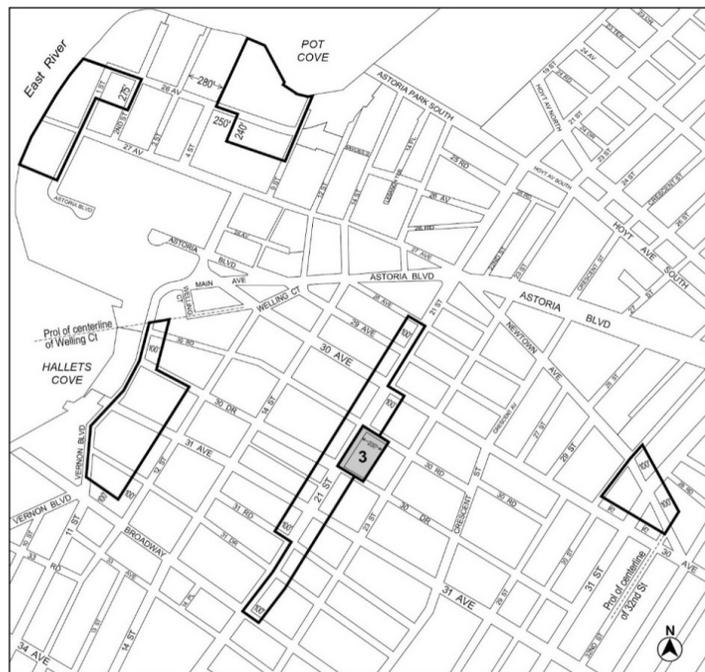
QUEENS

* * *

Queens Community District 1

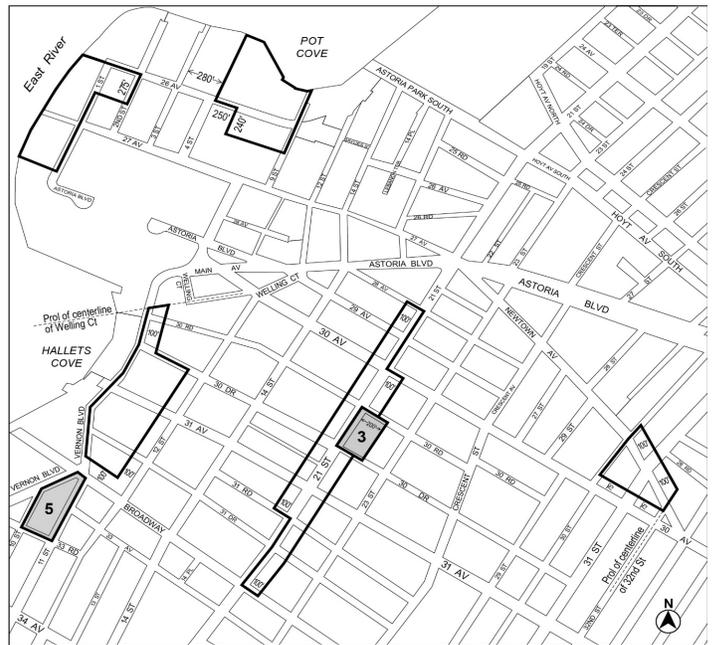
Map 1- (10/31/18) [date of adoption]

[EXISTING MAP]



Inclusionary Housing designated area
Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area 3— 10/31/18 MIH Program Option 1 and Option 2

[PROPOSED MAP]



Inclusionary Housing designated area
Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area 3— 10/31/18 MIH Program Option 1 and Option 2
Area 5— [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 1, Queens

* * *

No. 7

CD 1 C 190386 ZSQ

IN THE MATTER OF an application submitted by Cipico Construction Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-743 of the Zoning Resolution to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify the minimum base height requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) to facilitate a proposed mixed-use development, within a large-scale general development, on property, bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street, and 33rd Road (Block 315, Lot 1), in R6B* and R7X/C1-3* Districts.

* Note: The site is proposed to be rezoned by changing an existing R5 District to R6B and R7X/C1-3 Districts under a concurrent related application for a Zoning Map change (C 100421 ZMQ).

Plans for this proposal are on file with the City Planning Commission and may be seen, at 120 Broadway, 31st Floor, New York, NY 10271-0001.

Nos. 8 & 9
38th STREET - 35th AVENUE REZONING
No. 8

CD 1 C 180036 ZMQ

IN THE MATTER OF an application submitted by Empire MG Properties, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9b:

- 1. changing from an M1-1 District to an R6A District property, bounded by 34th Avenue, 38th Street, a line 240 feet northeasterly of 35th Avenue, and 37th Street; and
2. establishing within the proposed R6A District a C1-3 District, bounded by 34th Avenue, 38th Street, a line 240 feet northeasterly of 35th Avenue, and a line midway between 37th Street and 38th Street;

as shown on a diagram (for illustrative purposes only) dated April 22, 2019 and subject to the CEQR declaration of E-533.

No. 9

CD 1 N 180037 ZRQ

IN THE MATTER OF an application submitted by Empire MG Properties, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter struck out is to be deleted;
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* * * indicates where unchanged text appears in the Zoning Resolution

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory
Inclusionary Housing Areas

QUEENS

Queens Community District 1

Map 6 [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))
Area 6 — [date of adoption] — MIH Program Option 2

Portion of Community District 1, Queens

* * *

No. 10
112-06 71ST ROAD REZONING

CD 6 IN THE MATTER OF an application submitted by Dr T's Pediatrics PLLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District to an R3-2 District property, bounded by 71st Road, a line 100 feet northeasterly of 112th Street, 72nd Avenue and 112th Street, as shown on a diagram (for illustrative purposes only) dated May 20, 2019.

No. 11
91-05 BEACH CHANNEL DRIVE

CD 14 IN THE MATTER OF an application submitted by Denis S. O'Connor Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c, by establishing within an existing R4-1 District, a C2-3 District, bounded by Beach Channel Drive, Beach 91st Street, a line 100 feet southeasterly of Beach Channel Drive, a line 100 feet northeasterly of Beach 92nd Street, a line 75 feet southeasterly of Beach Channel Drive, and Beach 92nd Street, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-534.

No. 12
130-24 SOUTH CONDUIT AVENUE SELF STORAGE

CD 10 IN THE MATTER OF an application submitted by South Conduit Property Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-932 of the Zoning Resolution to allow, within a designated area in a Manufacturing District in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts), the development of a self-service storage facility (Use Group 16D) not permitted, pursuant to the provisions of Section 42-121 (Use Group 16D self-service storage facilities), on portions of the cellar, ground floor and second floor, and on the third, fourth and fifth floors of a proposed 5-story building, on property, located at 130-02 to 130-24 South Conduit Avenue (Block 11884, Lot 150), in an M1-2 District.

Plans for this proposal are on file with the City Planning Commission and may be seen, at 120 Broadway, 31st Floor, New York, NY 10271-0001.

No. 13
15-33 CLINTONVILLE STREET REZONING
C 180291 ZMQ

CD 7 IN THE MATTER OF an application submitted by Enrico Scarda, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3-1 District, a C1-3 District, bounded by Cross Island Parkway Service Road South, a line perpendicular to the northeasterly street line of Clintonville Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Clintonville Street and the southerly street line of Cross Island Parkway, and Clintonville Street, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-535.

Nos. 14 & 15
LEFRAK CITY PARKING GARAGE
No. 14

CD 4 IN THE MATTER OF an application submitted by the LSS Leasing Limited Liability Company, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-512* of the Zoning Resolution to allow:

- 1. a public parking facility with a maximum capacity of 706 parking spaces including 356 self-park spaces and 350 attended parking spaces on the ground floor, 2nd floor and roof of an existing 2-story garage building;
2. to allow up to 350 spaces to be located on the roof of such public parking facility;
3. to allow floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS); and
4. to waive the reservoir space requirements of Section 74-512(c) for a public parking garage existing before [date of adoption] that was previously granted a special permit, pursuant to this Section;

on property, located on the northeasterly corner of Junction Boulevard and Horace Harding Expressway (Block 1918, Lots 1, 18, 25 and 114), in a C4-4 District, Borough of Queens, Community District 4.

* Note: Section 74-512 is proposed to be modified under a concurrent related application for an amendment of the Zoning Resolution (N 190440 ZQR).

Plans for this proposal are on file with the City Planning Commission and may be seen, at 120 Broadway, 31st Floor, New York, NY 10271.

No. 15
N 190440 ZRQ

CD 4 IN THE MATTER OF an application submitted by LSS Leasing, Limited Liability Company, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying the provision of required reservoir spaces for existing public parking garages with special permits in C4-4 Districts.

Matter underlined is new, to be added;
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ARTICLE VII - ADMINISTRATION

Chapter 4 - Special Permits by the City Planning Commission

* * *

74-50
OFF-STREET PARKING ESTABLISHMENTS

74-51
Public Parking Garages or Public Parking Lots Outside High Density Central Areas

* * *

74-511
In C1 Districts

* * *

74-512
In other Districts

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor

area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;
(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
(c) that such #use# has adequate reservoir space, at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
(d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
(e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
(f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before [date of adoption] and was previously granted a special permit, pursuant to this Section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

* * *

No. 16-20

PENINSULA HOSPITAL REDEVELOPMENT PLAN

No. 16

CD 14 IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c: C 190325 ZMQ

- 1. eliminating from within an existing R5 District, a C1-2 District, bounded by a line 420 feet southerly of Beach Channel Drive, Beach 50th Street, Rockaway Beach Boulevard, and the easterly street line of former Beach 51st Street;
2. changing from an R5 District to a C4-4 District property, bounded by Beach Channel Drive, the westerly street line of former Beach 51st Street, a line 420 feet southerly of Beach Channel Drive, Beach 50th Street, Rockaway Beach Boulevard, and Beach 53rd Street; and
3. changing from a C8-1 District to a C4-3A District property, bounded by Rockaway Beach Boulevard, a line 100 feet easterly of Beach 52nd Street, a line 85 feet northerly of Shore Front Parkway, and Beach 52nd Street;

as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-532.

No. 17

CD 14 IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the use provisions of Article VII, Chapter 4 and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area. N 190364 ZRQ

Matter underlined is new, to be added;
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* * * indicates where unchanged text appears in the Zoning Resolution.

* * *

ARTICLE VII - ADMINISTRATION

Chapter 4 - Special Permits by the City Planning Commission

* * *

74-74 Large-Scale General Development

* * *

74-744 Modification of use regulations

- (a) #Use# modifications
(1) Waterfront and related #commercial uses#
(2) Automotive sales and service #uses#
(3) Retail establishments
(4) #Physical culture or health establishments#

* * *

* * *

* * *

For a #large-scale general development# located within an #MIH site#, in a C4 District within Queens Community District 14, #physical culture or health establishments# shall be permitted as-of-right. The special permit provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply.

* * *

APPENDIX F Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

* * *

Queens Community District 14

* * *

Map 3 - (date of adoption)



Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))
Area 3 - [date of adoption] - MIH Program Option 1 and Option 2

Portion of Community District 14, Queens

* * *

No. 18

CD 14 IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify:

- 1. the rear yard requirements of Section 23-533 (Required rear yard equivalents for Quality Housing buildings) and Section 35-53 (Modification of Rear Yard Requirements);
2. the side yard requirements of Section 35-54 (Special Provisions Applying Adjacent to R1 Through R5 Districts); and

3. the height and setback requirements of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) and Section 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors);

in connection with a proposed mixed used development, within a large-scale general development, on property, bounded by Beach Channel Drive, the westerly street line of former Beach 51st Street, a line 420 feet southerly of Beach Channel Drive, Beach 50th Street, Rockaway Beach Boulevard, a line 100 feet easterly of Beach 52nd Street, a line 85 feet northerly of Shore Front Parkway, Beach 52nd Street, Rockaway Beach Boulevard and Beach 53rd Street (Block 15842, Lot 1 & p/o Lot 100, Block 15843, Lot 1, and Block 15857 Lot 1 & p/o Lot 7), in a C4-4* and C4-3A* Districts.

* Note: The site is proposed to be rezoned by eliminating a C1-2 District within an existing R5 District and by changing an existing R5 and C8-1 Districts to C4-4 and C4-3A Districts under a concurrent related application for a Zoning Map change (C 190325 ZMQ).

Plans for this proposal are on file with the City Planning Commission and may be seen, at 120 Broadway, 31st Floor, New York, NY 10271-0001.

No. 19

CD 14 C 190375 ZSQ

IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-744(c)(1) of the Zoning Resolution to modify the surface area requirements of Section 32-64 (Surface Area and Illumination Provisions), in connection with a proposed mixed used development, within a large-scale general development, on property, bounded by Beach Channel Drive, the westerly street line of former Beach 51st Street, a line 420 feet southerly of Beach Channel Drive, Beach 50th Street, Rockaway Beach Boulevard, a line 100 feet easterly of Beach 52nd Street, a line 85 feet northerly of Shore Front Parkway, Beach 52nd Street, Rockaway Beach Boulevard and Beach 53rd Street (Block 15842, Lot 1 & p/o Lot 100, Block 15843, Lot 1, and Block 15857 Lot 1 & p/o Lot 7), in a C4-4* and C4-3A* Districts.

* Note: The site is proposed to be rezoned by eliminating a C1-2 District within an existing R5 District and by changing an existing R5 and C8-1 Districts to C4-4 and C4-3A Districts under a concurrent related application for a Zoning Map change (C 190325 ZMQ).

Plans for this proposal are on file with the City Planning Commission and may be seen, at 120 Broadway, 31st Floor, New York, NY 10271-0001.

No. 20

CD 14 C 190251 MMQ

IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the establishment of a portion of Beach 52nd Street between Rockaway Beach Boulevard and Shorefront Parkway;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5033 dated April 17, 2019 and signed by the Borough President.

NOTICE

On Wednesday, August 14, 2019, at 10:00 A.M., at the CPC Public Hearing Room, located at 120 Broadway, Lower Concourse in Lower Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above public hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by the Peninsula Rockaway Limited Partnership for a zoning map amendment, City Map amendment, zoning text amendments, and Large-Scale General Development (LSGD) special permits. The proposed actions would facilitate a development consisting primarily of income-restricted residential dwelling units plus retail (including a fitness center and a supermarket) and community facility space along with accessory parking and a publicly accessible open space on an approximately 9.34-acre site located in the Edgemere neighborhood of Queens Community District 14. The Proposed Project also includes a privately owned, open internal street network with two new publicly-accessible private streets. In addition to the discretionary approvals noted above, the applicant also, intends to seek public funding and/or financing from various City and New York State agencies and/or programs related to affordable housing development. Written comments on the DEIS are requested and would be received and considered by the Lead Agency through Monday, August 26, 2019.

This hearing is being held, pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 18DCP124Q.

**BOROUGH OF STATEN ISLAND
No. 21**

WHITLOCK AVENUE BLUEBELT SITE SELECTION

CD 2 C 190431 PCR

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property, located at 69 Whitlock Avenue (Block 908, Lot 16) for use as a stormwater drainage feature.

**BOROUGH OF BROOKLYN
No. 22**

BAY RIDGE PARKWAY-DOCTOR'S ROW HISTORIC DISTRICT

CD 10 N 200008 HKK

IN THE MATTER OF a communication dated July 5, 2019, from the Executive Director of the Landmarks Preservation Commission regarding the Bay Ridge Parkway-Doctors' Row Historic District designation, designated by the Landmarks Preservation Commission on June 25, 2019 (Designation List No. 514). The Bay Ridge Parkway – Doctors' Row Historic District consists of the properties, bounded by a line beginning on the northern curbline of Bay Ridge Parkway, at a point on a line extending southerly from the western property line of 415 Bay Ridge Parkway, and extending northerly along said line and along the western property line of 415 Bay Ridge Parkway, easterly along the northern property lines of 415 to 473 Bay Ridge Parkway, southerly along the eastern property line of 473 Bay Ridge Parkway, easterly along the northern property line of 475 Bay Ridge Parkway, southerly along the eastern property line of 475 Bay Ridge Parkway, and across Bay Ridge Parkway to the southern curbline of Bay Ridge Parkway, easterly along said curbline to a point on a line extending northerly from the eastern property line of 478 Bay Ridge Parkway, southerly along said line and along the eastern property line of 478 Bay Ridge Parkway, westerly along the southern property lines of 478 to 416 Bay Ridge Parkway, northerly along the western property line of 416 Bay Ridge Parkway and across Bay Ridge Parkway to the northern curbline of Bay Ridge Parkway and westerly along said curbline to the point of beginning.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3370



jj31-a14

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters to be held at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, August 14, 2019 at 10:00 A.M.

**BOROUGH OF THE BRONX
Nos. 1, 2 & 3**

**STATEN ISLAND AND BRONX SPECIAL DISTRICTS TEXT
UPDATE**

No. 1

CD 8 C 190403 ZMX

IN THE MATTER OF an application submitted by NYC Department of City Planning pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 1a, 1b, 1c, and 1d:

1. eliminating a Special Natural Area District (NA-2) bounded by a boundary line of The City of New York, Riverdale Avenue, a line 300 feet southerly of West 261st Street, Independence Avenue, a line 600 feet northerly of West 256th Street, Arlington Avenue, West 254th Street, Henry Hudson Parkway West, West 252nd Street, Henry Hudson Parkway East, West 253rd Street, The Post Road, West 252nd Street, Tibbett Avenue, West 244th Street, Manhattan College Parkway, Henry Hudson Parkway East, West 246th Street, Henry Hudson Parkway West, West 249th Street, Arlington Avenue, a line perpendicular to the easterly street line of Arlington Avenue distant 268 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Arlington Avenue and the northwesterly street line of West 246th Street, West 246th Street, Independence Avenue, West 240th Street, the centerline of the former West 240th Street and its westerly centerline prolongation, Douglass Avenue, West 235th Street, Independence Avenue, West 232nd Street, Henry Hudson Parkway, West 231st Street, Independence Avenue, the westerly centerline prolongation of West 230th Street, Palisade Avenue, a line 620 feet southerly of the

westerly prolongation of the southerly street line of West 231st Street, the easterly boundary line of Penn Central R.O.W. (Metro North Hudson Line), the northerly, easterly and southeasterly boundary lines of a park and its southwesterly prolongation, Edsall Avenue (northerly portion), Johnson Avenue, the southerly boundary line of a park and its easterly and westerly prolongations, the U.S. Pierhead and Bulkhead Line, the northwesterly prolongation of the U.S. Pierhead and Bulkhead Line, and the westerly boundary line of a park and its southerly and northerly prolongations; and

- 2. establishing a Special Natural Resources District (SNRD) bounded by a boundary line of The City of New York, Riverdale Avenue, a line 300 feet southerly of West 261st Street, Independence Avenue, a line 600 feet northerly of West 256th Street, Arlington Avenue, West 254th Street, Henry Hudson Parkway West, West 252nd Street, Henry Hudson Parkway East, West 253rd Street, The Post Road, West 252nd Street, Tibbett Avenue, West 244th Street, Manhattan College Parkway, Henry Hudson Parkway East, West 246th Street, Henry Hudson Parkway West, West 249th Street, Arlington Avenue, a line perpendicular to the easterly street line of Arlington Avenue distant 268 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Arlington Avenue and the northwesterly street line of West 246th Street, West 246th Street, Independence Avenue, West 240th Street, the centerline of the former West 240th Street and its westerly centerline prolongation, Douglass Avenue, West 235th Street, Independence Avenue, West 232nd Street, Henry Hudson Parkway, West 231st Street, Independence Avenue, the westerly centerline prolongation of West 230th Street, Palisade Avenue, a line 620 feet southerly of the westerly prolongation of the southerly street line of West 231st Street, the easterly boundary line of Penn Central R.O.W. (Metro North Hudson Line), the northerly, easterly and southeasterly boundary lines of a park and its southwesterly prolongation, Edsall Avenue (northerly portion), Johnson Avenue, the southerly boundary line of a park and its easterly and westerly prolongations, the U.S. Pierhead and Bulkhead Line, the northwesterly prolongation of the U.S. Pierhead and Bulkhead Line, and the westerly boundary line of a park and its southerly and northerly prolongations;

Borough of the Bronx, Community District 8, as shown on a diagram (for illustrative purposes only) dated May 6, 2019.

No. 2

N 190430 ZRY

CITY WIDE
IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special Natural Resources District (Article XIV, Chapter 3), and modifying related provisions, including regulations related to lower density growth management areas, Article X, Chapter 5 (Special Natural Areas District), Article X, Chapter 7 (Special South Richmond Development District), Article XI, Chapter 9 (Special Hillside Preservation District) and related provisions.

* * *

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10, 105-01 or 143-01;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

ARTICLE I
GENERAL PROVISIONS

Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

11-12
Establishment of Districts

* * *

11-122
Districts Established

* * *

Special Purpose Districts

* * *

* * *

Establishment of the Special Forest Hills District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 6, the #Special Forest Hills District# is hereby established.

Establishment of the Special Fort Totten Natural Area District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Fort Totten Natural Area District# is hereby established.

Establishment of the Special Garment Center District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 1, the #Special Garment Center District# is hereby established.

* * *

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

Establishment of the Special Hillside Preservation District

~~In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 9, the #Special Hillside Preservation District# is hereby established.~~

Establishment of the Special Hudson River Park District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 9, the #Special Hudson River Park District# is hereby established.

* * *

Establishment of the Special Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 3, the #Special Mixed Use District# is hereby established.

~~Establishment of the Special Natural Area District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Natural Area District# is hereby established.~~

Establishment of the Special Natural Resources District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 3, the #Special Natural Resources District# is hereby established.

Establishment of the Special Ocean Parkway District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 3, the #Special Ocean Parkway District# is hereby established.

* * *

Establishment of the Special Sheepshead Bay District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 4, the #Special Sheepshead Bay District# is hereby established.

Establishment of the Special South Richmond Development District

~~In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.~~

Establishment of the Special Southern Hunters Point District

In order to carry out the special purposes of this Resolution, as set forth in Article XII, Chapter 5, the #Special Southern Hunters Point District# is hereby established.

* * *

11-40
EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS

* * *

11-45
Authorizations or Permits in Lower Density Growth Management Areas

The provisions of this Section shall apply within #lower density growth management areas#.

* * *

- (b) Notwithstanding the provisions of N040414ZRY, the following provisions shall apply to certain #developments# within the #Special South Richmond Development District# South Richmond Subdistrict of the #Special Natural Resources District#:

- (1) #Developments#, including minor modifications thereto, within the #Special South Richmond Development District# South Richmond Subdistrict of the #Special Natural Resources District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development#

is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

(2) #Developments# within the #Special South Richmond Development District# South Richmond Subdistrict of the #Special Natural Resources District# accessed, in part, by #private roads# and consisting, in part, of construction within #streets# that are unimproved, and for which a conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, or its successor, and an application for an authorization for such #development# has been filed pursuant to paragraph (a) of Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets) prior to May 1, 2004, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

* * *

12-10 DEFINITIONS

* * *

Special Forest Hills District

The "Special Forest Hills District" is a Special Purpose District designated by the letters "FH" in which special regulations set forth in Article VIII, Chapter 6, apply.

Special Fort Totten Natural Area District

The "Special Fort Totten Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply.

Special Garment Center District

The "Special Garment Center District" is a Special Purpose District designated by the letters "GC" in which special regulations set forth in Article XII, Chapter 1, apply.

* * *

Special Hillside Preservation District

The "Special Hillside Preservation District" is a Special Purpose District mapped in Staten Island designated by the letters "HS" in which special regulations set forth in Article XI, Chapter 9, apply.

* * *

Special Natural Area District

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply. The #Special Natural Area District# includes any district whose designation begins with the letters "NA".

Special Natural Resources District

The "Special Natural Resources District" is a Special Purpose District designated by the letters "NR" in which special regulations set forth in Article XIV, Chapter 3, apply.

Special Ocean Parkway District

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply.

* * *

Special South Richmond Development District

The "Special South Richmond Development District" is a Special Purpose District designated by the letters "SRD" in which special regulations set forth in Article X, Chapter 7, apply.

* * *

14-40 AREA ELIGIBILITY FOR SIDEWALK CAFES

* * *

14-44 Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

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

* * *

Staten Island	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
South Richmond Development District	Yes	Yes
Natural Resources District	No	Yes
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

* * *

ARTICLE II RESIDENCE DISTRICT REGULATIONS

Chapter 3 Residential Bulk Regulations in Residence Districts

* * *

23-00 APPLICABILITY AND GENERAL PURPOSES

* * *

23-03 Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

(a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;

(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

- #Special Bay Ridge District#;
- #Special Clinton District#;
- #Special Downtown Brooklyn District#;
- #Special Downtown Jamaica District#;
- #Special Grand Concourse District#;
- #Special Hillside Preservation District#;
- #Special Long Island City Mixed Use District#;
- #Special Natural Resources District#;
- #Special Ocean Parkway District#;
- #Special South Richmond Development District#;

* * *

23-04 Planting Strips in Residence Districts

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

(a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraph (b) of this Section;

(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

- #Special Bay Ridge District#;
- #Special Downtown Jamaica District#;
- #Special Hillside Preservation District#;
- #Special Natural Resources District#;
- #Special Ocean Parkway District#;
- #Special South Richmond Development District#;

* * *

23-30 LOT AREA AND LOT WIDTH REGULATIONS

Definitions and General Provisions

* * *

23-32 Minimum Lot Area or Lot Width for Residences

* * *

However, in #lower density growth management areas# in the Borough of Staten Island, the following rules shall apply:

* * *

(b) The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that the applicable #lot width#, in feet, set forth in the table in this Section shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing a #side lot lines# and any opposing #lot line# that is parallel to, or within 45 degrees of being parallel to, such #side lot line#, where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.

(c) For the purposes of determining the #lot area# of a #zoning lot#, #lot area# shall exclude the area of a #private road# from the area of the #zoning lot#. For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

* * *

Chapter 6 Special Urban Design Regulations

* * *

26-20 SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS

* * *

26-26 Modification and Waiver Provisions

(a) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, provided that:

- (1)(a) such modifications or waivers will enhance the design quality of the #zoning lot#;
(2)(b) any decrease in the required width of the paved road bed is in conjunction with a superior parking plan that would not be feasible with a wider road bed; and
(3)(c) any decrease in the required width of the paved road bed will result in the preservation of existing natural features or a superior landscaping plan that would not be feasible with a wider road bed.

No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet, except as permitted in the #Special Natural Resources District# pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive.

(b) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, for #zoning lots# within the #Special South Richmond Development District#, that:

- (1) contain #designated open space# and a portion of the #waterfront esplanade#, where such #zoning lots#:
(i) have been granted an authorization pursuant to Section 107-65 (Modifications of Existing Topography) within one year prior to February 6, 2002; or
(ii) are conditioned upon a restrictive declaration that has received a minor modification by the City Planning Commission; or
(2) are located wholly or partially within Area M and have filed an application for an authorization pursuant to Section 107-69 (Residential Uses in Area M) within one year prior to February 6, 2002; or
(3) have been granted authorizations pursuant to Section 107-64 (Removal of Trees) and 107-65 and are located on a #zoning lot# where a change in the City Map has been approved within three years prior to February 6, 2002, and where certified copies of the alteration map for such change in the City Map have not yet been filed in accordance with

Section 198, subsection (c), of the New York City Charter, as of February 6, 2002.

In order to authorize such modifications or waivers pursuant to this paragraph, (b), the Commission shall find that such #zoning lots# will be #developed# pursuant to a good site plan, and that adequate access to all #dwelling units#, adequate parking spaces located outside of the roadbed of the #private road#, adequate spacing of all curb cuts and adequate landscaping will be provided.

26-27 Waiver of Bulk Regulations Within Unimproved Streets

* * *

(b) #zoning lots# with #private roads# that access fewer than 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law and where such #zoning lot# has received an authorization pursuant to paragraph (a) of Section 26-26;

* * *

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

* * *

Chapter 2 Use Regulations

32-11 Use Groups 1 and 2

C1 C2 C3 C4 C5 C6

Use Groups 1 and 2, as set forth in Sections 22-11 and 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single-# or #two-family detached# or #zero lot line residences#.

In #lower density growth management areas# in the Borough of Staten Island, except C3A Districts, Use Groups 1 and 2 shall be permitted only within #mixed buildings#. However, no #residences# shall be allowed on the following #zoning lots#, except by special permit pursuant to Section 74-49 (Residential Use in C4-1 Districts in Staten Island):

- (a) any #zoning lot# in a C4-1 District, where such district occupies at least four acres within a #block#; or
(b) any other #zoning lot# in a C4-1 District, where such #zoning lot# had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.

* * *

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

* * *

33-00 APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

* * *

33-03 Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:
#Special Bay Ridge District#;
#Special Clinton District#;
#Special Downtown Brooklyn District#;
#Special Downtown Jamaica District#;
#Special Grand Concourse District#;
#Special Hillside Preservation District#;
#Special Hudson Yards District#;
#Special Little Italy District#;

- #Special Long Island City Mixed Use District#;
- #Special Natural Resources District#;
- #Special Ocean Parkway District#;
- #Special South Richmond Development District#;

* * *

Chapter 6
Accessory Off-street Parking and Loading Regulations

* * *

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

* * *

36-59
Cross Access Connections in the Borough of Staten Island

C4-1 C8

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# that provide #accessory# off-street parking spaces for customers shall be required to provide vehicular passageways for vehicles, pedestrians, or both between such open parking lots. Such vehicular passageways are hereinafter referred to as "cross access connections" and shall be provided in accordance with the requirements of this Section, inclusive.

36-591
Applicability

- (a) Cross access connections shall be required for:
- (1)(a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area;
 - (2)(b) #enlargements# on a #zoning lot# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area, and such parking spaces are #accessory# to #commercial# or #community facility uses#; or
 - (3)(c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility uses# is increased and such increase results in at least 36 parking spaces or more than 12,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall locate provide cross access connections in accordance with the requirements of Sections 36-592 and 36-593 and 36-594.

- (b) Cross access connections shall not be required between one or more #abutting zoning lots#, where the following conditions exist between such #abutting zoning lots#:
- (1) the open parking lot to be connected on the subject #zoning lot# or the #abutting zoning lot# provides #accessory# off-street parking spaces exclusively for any combination of the #uses# listed in the following Use Groups: 1, 2, 3, 6B, 7, 9, 11, 13, 14, 15 or 16;
 - (2) the Commissioner of Buildings certifies that that a fence is necessary along the perimeter of the boundary of the open parking lot because the open parking lot is #accessory# to a #use# that is not retail and is not open to the general public;
 - (3) #abutting zoning lots# share a common #lot line# that is contiguous for less than 60 feet. For the purposes of this Section, "contiguous" shall include the sum of all continuous segments of a #lot line#;
 - (4) there is a recorded cross access easement on an #abutting zoning lot# as required pursuant to Section 36-594, and existing #buildings or other structures# to remain on the subject #zoning lot# are within 50 feet of the #lot line# and would block vehicular cross access connections;
 - (5) except for #zoning lots# that are one acre or greater in area in the #Special Natural Resources District#, where the subject #zoning lot# contains an open parking lot that is less than 150,000 square feet in area, and where:
 - (i) off-street accessory parking spaces are located more than 60 feet from a shared

#lot line# between two #abutting zoning lots#;

(ii) the subject #zoning lot# is 68 feet or greater in width, measured perpendicular to the #abutting lot line# through the open parking lot, and the elevation difference between the nearest vehicular travel paths of the adjacent open parking lots is greater than three feet; or

(iii) the subject #zoning lot# is less than 68 feet in width, measured perpendicular to the #abutting lot line# through the open parking lot, and the elevation difference between the nearest vehicular travel paths of the adjacent open parking lots is greater than one and a half feet;

(6) between two #abutting zoning lots# that do not front on the same #street#, and where:

(i) existing or proposed #buildings or other structures# would block pedestrian cross access connections;

(ii) no open parking areas are proposed on the subject #zoning lot# within 60 feet of the #lot line# where pedestrian cross access would be required; or

(iii) the #aggregate width of street walls# exceed 90 percent of the length of the #street line# of the subject #zoning lot#;

(7) wetlands regulated by the New York State Department of Environmental Conservation or by the United States Army Corps of Engineers, or pursuant to Section 143-16 (Aquatic Resource Protections), are located between the open parking areas or their access driveways along the entire length of #abutting lot lines#, except where blocked by existing #buildings# on the subject #zoning lot#, provided the Commissioner of Buildings shall determine that there is no way to locate a cross access connection that protects such wetlands. The Commissioner may request reports from licensed engineers or landscape architects in considering such waivers.

36-592
Certification of cross access connections

No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the requirements of Section 36-59, inclusive, have been met.

36-593 592
Site planning criteria for cross access connections

Every potential cross access connection meeting the criteria of this Section shall be shown on the site plan required pursuant to Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations).

- (a) The connection shall be a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#.
- (b) The connection shall be an extension of a travel lane of the subject open parking lot and align to the maximum extent practicable with a travel lane on any adjacent open parking lot.
- (c) The connection shall have a grade not greater than 15 percent.
- (d) The connection shall be placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other lot line boundary of the subject property.
- (e) The connection shall be placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same or adjacent #zoning lots#.
- (a) All connections shall be located at least 23 feet from any #street line#, except where connecting to a driveway that does not have #abutting# parking spaces and that provides access to an open parking lot, in which case the connection shall be at least 60 feet from any #street line#.

- (b) All cross access connections between two #abutting zoning lots# that front on the same #street# shall provide vehicular access as follows:
- (1) Each connection shall be, to the extent practicable, an extension of a travel lane or connect to a driveway accessing an open parking lot.
 - (2) Each connection shall be a minimum of 22 feet in width as measured along a #lot line#. Where the connection is within 60 feet of a pedestrian walkway on the subject #zoning lot#, the connection shall also include a pedestrian pathway with a minimum width of six feet, for a total minimum width of 28 feet. The sides of the pedestrian pathway shall be separated from adjacent vehicle travel paths by a curb, bollard, or vegetation maintained at a maximum height of three feet.
 - (3) All connections shall have a proposed slope not greater than 15 percent.
 - (4) All connections shall be placed in an area that is not blocked by an existing #building or other structure# on the #abutting zoning lot# that is within 50 feet of the #lot line# of the subject #zoning lot# unless the only cross access location that would otherwise comply with all cross access rules is blocked by such #building or other structure# on the #abutting zoning lot#.
- (c) A cross access connection between two #abutting zoning lots# that do not front on the same #street# shall only be required to provide pedestrian access as follows:
- (1) the pedestrian access connection easement shall be a minimum of nine feet in width as measured along a #lot line#;
 - (2) the pedestrian access connection pathway shall have a proposed slope not greater than 1:12 for a paved walkway not less than three feet wide, or as otherwise required to meet standards for access determined by the Americans with Disabilities Act; and
 - (3) the sides of the pedestrian pathway shall be separated from adjacent vehicle travel paths or parking spaces by a curb, bollards or vegetation maintained at a maximum height of three feet.

No screening or landscaping along a #lot line# shall be required in the connection area, except as required for pedestrian pathways pursuant to this Section.

**36-594-593
Establishment of location of required cross access connection**

One cross access connection shall be provided on the subject property at each #zoning lot line# or other boundary on the same #zoning lot#, where the properties divided by such #lot line# or boundary are contiguous by at least 60 feet, and where the adjacent properties are located in C4-1, C8 or Manufacturing Districts. At least one cross access connection shall be provided on the subject #zoning lot# to each #abutting zoning lot# located in C4-1, C8 or Manufacturing Districts.

The location of required cross access connections shall be established as follows:

- (a) where an easement has not been previously recorded against any adjacent property an #abutting zoning lot# in accordance with Section 36-595 36-594 (Recordation and notice requirements), an easement shall be recorded against the subject property documenting the locations of all potential cross access connections identified all potential cross access connections shall be located pursuant to Section 36-593 36-592 (Site planning criteria for cross access connections) and the locations shall be selected to facilitate compliance with the criteria set forth in Section 36-592 on the #abutting zoning lot#. The easement shall provide for at least one future cross access connection to each adjacent property, at any of the locations; or
- (b) where an easement has been previously recorded against an adjacent property# abutting zoning lot# in accordance with Section 36-595 36-594 (Recordation and notice requirements), an easement providing for at least one a cross access connection to such #abutting zoning lot# shall be located to align with the one of locations identified in the previously recorded easement, meeting the criteria set forth in Section 36-593 shall be recorded against the subject property. Such cross access connection shall also align with one of the locations identified in the previously recorded easement against an adjacent property. If the previously recorded easement has identified more than one location for a cross

access connection along such #lot line# or other boundary, the owner of the subject property #zoning lot# shall select one of these locations for the construction of a cross access connection. The location selected on the subject #zoning lot# shall comply with the criteria set forth in Section 36-592.

Each property owner shall construct their portion of the cross access connection in accordance with the requirements of Sections 36-593 36-592 and 36-595 36-594 after easements are required to be recorded on both #abutting zoning lots#.

If such cross access connection has been established in a location that contained parking spaces upon the effective date of the easement, as set forth in Section 36-595 36-594, such connection shall be counted as four required parking spaces and shall be separated from any adjacent parking spaces by a an island that shall not be subject to the landscaping provisions of Section 37-922 (Interior landscaping). The island shall be either a planting island at least four feet wide and densely planted with shrubs maintained at a maximum height of three feet or, if providing a cross access connection at least 28 feet wide, shall include one paved pedestrian walkway at least six feet wide that provides pedestrian access to the #abutting zoning lot#.

Relocation of a previously recorded cross access connection, where a new location is acceptable to the owners of both #zoning lots# and such cross access connection complies with all requirements of Section 36-59, inclusive, shall be permitted as-of-right, provided the terms of the prior easement are modified accordingly to reflect the new easement.

**36-595594
Recordation and notice requirements**

An easement through all required cross access connections for vehicular or pedestrian passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning Buildings, shall be recorded in the Office of the Richmond County Clerk. The easement shall be recorded prior to the issuance of any permit by the Department of Buildings. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property #abutting zoning lot#; whether on the same or adjacent #zoning lot#, pursuant to this Section. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non-customers.

If an easement pursuant to this Section has previously been recorded against any adjacent property #abutting zoning lot#, the owner of the subject property #zoning lot# shall notify the owner of the adjacent property #abutting zoning lot# of the easement location selected by sending such owner a copy of the recorded easement. Proof of notification shall be a condition of certification under this Section. Prior to issuance of a temporary certificate of occupancy or permit sign-off, as applicable, the subject property #zoning lot# owner shall further notify the adjacent property #abutting zoning lot# owner that the cross access connection must be constructed on the adjacent property #abutting zoning lot# within six months of the date of such notice. No temporary certificate of occupancy for any #development#, #enlargement# or increase in the number of parking spaces on the subject property# zoning lot#, or permit sign-off, if applicable, shall be issued until the applicant has demonstrated to the Department of Buildings that such owner of the adjacent property# abutting zoning lot# has been duly notified.

Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots within six months of the date of the notice shall constitute a violation of this Zoning Resolution by the adjacent property owner. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular or pedestrian passage between and among the adjacent parking lots at the time of the aforementioned temporary certificate of occupancy or permit sign-off, if applicable, shall constitute a violation of this Zoning Resolution by the owner of the subject property #zoning lot#.

**36-596
Certification that no connection is required, relocation of previously certified connections and voluntary connections**

- (a) Certification that no connection is required
The Chairperson shall certify to the Department of Buildings that no cross access connection is required along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of the following conditions, and provided that no alternate location along such #lot line# or other boundary between properties exists:
 - (1) grade changes greater than 15 percent;
 - (2) existing #buildings or other structures# to remain that are located within 50 feet of the subject #zoning lot# or property; or
 - (3) wetlands or trees with a caliper of six inches or more.

- (b) Relocation of previously certified connection
The Chairperson may relocate a previously-certified cross-access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.
- (c) Certification for voluntary connection
The Chairperson may certify a non-required cross access connection provided such connection complies with all requirements of Section 36-59, inclusive.

**36-595
Certification for modifications of cross access connections**

The Chairperson of the City Planning Commission may certify a cross access connection that does not meet the requirements of Section 36-59, inclusive, provided the Chairperson certifies that, due to existing #buildings or other structures# that are located within 50 feet of a #lot line#, it is not possible to design a complying parking lot with a complying cross access connection.

Turning diagrams and ground clearance diagrams shall be provided to indicate that vehicles can maneuver safely between the parking lots, and such cross access connections are adequately located so as not to impair adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

The Chairperson may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

**36-597596
Authorizations for waivers or modifications of cross access connections**

The City Planning Commission may authorize modifications or waivers of the requirements of Section 36-59, inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection or the proposed site plan with a connection that does not follow the provisions of Section 36-592 (Site planning criteria for cross access connections) is the only one that is feasible; or
- (b) for open parking lots that are 150,000 square feet in area or greater, site planning constraints necessitate the placement of a new or #enlarged building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

The Commission may also approve an alternative cross access connection not meeting the requirements of Section 36-59, inclusive, provided that turning diagrams and ground clearance diagrams indicate that vehicles can maneuver safely between the parking lots, and such cross access connections are adequately located so as not to impair adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

* * *

**Chapter 7
Special Regulations**

* * *

**37-20
SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND**

**37-21
Special Screening Requirements between Residential and Non-Residential Uses**

In all C1, C2, and C4-1 and C8 Districts in the Borough of Staten Island, all #developments# or horizontal #enlargements# containing non-#residential uses# shall be screened from adjoining adjacent to #zoning lots# containing only #residential uses# shall be screened by a planting strip, at least five feet wide. Such #zoning lots# containing non-#residential uses# shall be referred to as the 'subject #zoning lot#' and shall comply with the following provisions:

- (a) Along a #front lot line#
Where the adjacent #zoning lot# containing only #residential uses# is located in a #Residence District#, is located across a #street# from the subject #zoning lot# and is within 100 feet of the subject #zoning lot#, the subject #zoning lot# shall provide the following:

- (1) a #building# located within 15 feet of the #front lot line# with glazing that meets the standards of Section 37-34 (Minimum Transparency Requirements); or
- (2) for any portion of the #front lot line# that does not meet the standards of paragraph (a)(1) of this Section, screening shall be provided by a planting strip at least four feet wide with shrubs with a maximum height of three feet, except as may be interrupted by normal entrances or exits;

- (b) Along a #side lot line#
Where the #abutting zoning lot# containing only #residential uses# is located across a #side lot line# from the subject #zoning lot#, the subject #zoning lot# shall provide along such #side lot line# a planting strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting. No chain link fences shall be permitted along such #side lot line#.

- (c) Along a #rear lot line#
Where the #abutting zoning lot# containing only #residential uses# is located across a #rear lot line# from the subject #zoning lot#, and where there is no existing or proposed #building# within 10 feet of such #rear lot line# or portion thereof, the subject #zoning lot# shall provide along the #rear lot line# a planting strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting.

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 zoning lots# front upon a #street line# that forms the boundary of a #block# front mapped entirely as a #Commercial District#.

* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 4
Special Regulations Applying in Flood Hazard Areas**

* * *

**64-90
SPECIAL APPROVALS**

**64-91
Modification of Certain Certification Requirements in the Special South Richmond Development District Special Natural Resources District**

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability to Developments in the Waterfront Area).

In the #Special South Richmond Development District# #Special Natural Resources District#, Sections 107-22 143-51 (Designated Open Space), inclusive, and 107-23 143-52 (Waterfront Esplanade) shall not apply to the reconstruction or repair of #buildings# that were damaged due to the effects of #Hurricane Sandy#, provided that:

- (a) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012; and
- (b) there is no increase in impervious surfaces on the #zoning lot#.

In addition, the provisions of Section 107-22 143-51, inclusive, shall not apply to a #site alteration# that is not a #development# or #enlargement# where the Commissioner of Buildings determines it is the minimum necessary to enable the reconstruction of a #building#. The Commissioner may request reports from licensed engineers or landscape architects in considering such determination.

* * *

**Appendix A
Special Regulations for Neighborhood Recovery**

* * *

**64-A30
SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012**

* * *

**64-A352
Special provisions for narrow lots**

R1 R2 R3 R4 R5 R6

* * *

(b) In the #Special South Richmond Development District# #Special Natural Resources District#, the provisions of Sections 107-42 (Minimum Lot Area and Lot Width for Residences) and 107-462 (Side yards) 143-343 (Minimum lot area and lot width in the South Richmond Subdistrict) and 143-352 (Side yards in South Richmond) shall not apply. In lieu thereof, the regulations of the applicable underlying #Residence District# shall apply pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences) and Section 23-46 (Minimum Required Side Yards) and may be modified, as applicable, by the regulations of this Appendix.

* * *

ARTICLE X SPECIAL PURPOSE DISTRICTS

* * *

Chapter 5 Special Fort Totten Natural Area District

105-00 GENERAL PURPOSES

The "Special Fort Totten Natural Area District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas;
(b) to preserve land having qualities of exceptional recreational or educational value to the public;
(c) to protect aquatic, biologic, botanic, geologic, topographic and other natural features having ecological and conservation values and functions;
(d) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
(e) to preserve hillsides having unique aesthetic value to the public; and
(f) to preserve, protect and enhance the combination of historically significant buildings and other structures, public open spaces, outstanding scenic views and pedestrian and vehicular circulation system which by their siting create a unique balance between buildings and open spaces and which, together with the harmonious scale of development and landscaping, add to the quality of life in the area;
(g) to improve the quality of new development in the area by fostering the provision of specified public amenities and recreational facilities in appropriate locations and by making these facilities directly accessible to the public; and
(h) to promote the most desirable use of land and the direction of building development in accordance with a well-considered plan, to promote stability of residential development, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and thereby protect the City's tax revenues.

* * *

105-01 Definitions

* * *

Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Designated open space

The "designated open space" is an #open space# as shown on the District Plan.

Hillside

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section 105-10 (NATURAL FEATURES) and existing within a the #Special Fort Totten Natural Area District#.

* * *

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Street

For the purpose of this Section, a "street" is a way existing within the #Special Fort Totten Natural Area District# as shown on the District Plan (Appendix A) complying with the definition of #street# in Section 12-10, except that the #street# width shall be limited to existing dimensions. No modification of existing dimensions shall be permitted without prior certification of the City Planning Commission.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

* * *

105-02 General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Fort Totten Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

- (a) any #development#, #enlargement# or #site alteration#;
(b) any subdivision of a #zoning lot# existing on the effective date of the Special District designation into two or more #zoning lots#; and
(c) any public improvement projects located within the #Special Fort Totten Natural Area District#, which shall be subject to the provisions of Sections 105-92 (Special Provisions for City-owned Land) and 105-93 (Inter-agency Coordination), except for any such projects which were approved by the Board of Estimate prior to the effective date of the Special District designation.

Prior to issuance by the Department of Buildings or other City or State agencies, of a permit for any #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District#, or for any #site alteration# for which no permit is required by the Department of Buildings or other City or State agencies, an application shall be submitted to the City Planning Commission for review and approval pursuant to Section 105-40 (SPECIAL REVIEW PROVISIONS), except those #developments#, #enlargements# and #site alterations# that are not subject to the provisions of Section 105-40, as specified in Section 105-021 (Actions not requiring special review).

* * *

105-022 Requirements for application

An application to the City Planning Commission for certification, authorization or special permit and to the Department of Buildings respecting any #development#, #enlargement# or #site alteration#, to be made within any the #Special Fort Totten Natural Area District#, shall include the following:

* * *

- (b) photographs showing the location and condition of such #natural features# for verification with pre-existing aerial survey and/or other photographs for each the #Special Fort Totten Natural Area District#;
(g) any other information necessary to evaluate the request; and
(h) for #developments#, #enlargements# and #site alterations# on #Tier II sites#, the application shall also include:
(1) an alignment and paving plan for any #private road# with a typical cross-section; and
(2) a construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory

shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site; and if the #critical root zone# is proposed to be modified, a #tree protection plan# for any tree proposed for preservation; and

(i) In addition, an application for #development# within Area B, as shown on the map in Appendix A of this Chapter, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The application shall include a landscaping plan, #building# sections and elevation and an appropriate model of the planned community.

The Commission shall require, where relevant, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

For a #site alteration#, #enlargement# or #development# within any the #Special Fort Totten Natural Area District#, the Commission may modify one or more requirements set forth in paragraphs (a) through (h) (i) of this Section, when such modification is requested by the applicant in writing and when the Commission determines that the requirements are unnecessary for evaluation purposes.

Appendix B of this Chapter should be used as a guide to assist in identifying the #natural features# on the survey required in this Section.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a permit is required for a #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District# from any City or State agency, an application for such permit shall be filed simultaneously with such agency and the Commission.

* * *

105-03 District Plan

The regulations of this Chapter are designed to implement the #Special Fort Totten Natural Area District# Plan. The District Plan includes the following:

Appendix A - Special Fort Totten Natural Area District Plan Maps

* * *

105-20 PROTECTION OF NATURAL FEATURES

All #natural features# within a the #Special Fort Totten Natural Area District# shall be protected by the regulations of this Chapter in accordance with the provisions set forth in Sections 105-02 (General Provisions), 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES).

* * *

105-30 PRESERVATION OF NATURAL FEATURES

The provisions of this Section are applicable to all #developments#, #enlargements# and #site alterations# within the #Special Fort Totten Natural Area District#, pursuant to Section 105-02 (General Provisions). When pursuant to Sections 105-41 (Certification) or 105-021 (Actions not requiring special review), it is not necessary for an applicant for a #development#, #enlargement# or a #site alteration# to apply for an authorization or special permit, such #development#, #enlargement# or #site alteration# shall nonetheless comply with the #natural feature# preservation requirements of this Section, inclusive.

* * *

105-32 Botanic Environment and Tree Planting Requirements

Any vegetation that cannot be saved as a result of #site alteration#, #enlargement# or #development# shall be replaced with alternative vegetation to be approved by the City Planning Commission. All #developments#, #enlargements# and #site alterations# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#.

The replanting of elements of vegetation that are parts of an association or community shall be such as to reestablish, as rapidly as is reasonable, the vigor and character of the association. When necessary to establish ecological balance, the Commission may also require additional vegetation to be planted.

(a) Tree planting

For the purposes of this Section, the following minimum standard shall apply for tree planting:

(1) For any #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District#, trees of at least three-inch #caliper#, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area# or portion thereof or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

* * *

105-33 Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422

The maximum permitted percentage of #lot coverage# for #residences# on a #zoning lot# shall be 22.5 percent where the average percent of slope is between 10 and 14.9 percent, 20 percent where the average percent of slope is between 20 and 24.9 percent, and 17.5 percent where the average percent of slope is between 10 and 14.9 percent, determined by Table I or Table II of this Section, as applicable.

TABLE I PERMITTED PERCENTAGE OF LOT COVERAGE ON A TIER II ZONING LOT BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE

Table with 8 columns: #Residence District#*, R6, #Average Percent of Slope#, R1, R2, R3, R4, R5, 1-2 Family, Other. Rows include slope ranges 10-14.9, 15-19.9, and 20-24.9.

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 105-422, the maximum permitted percentage of #lot coverage# for such #zoning lot# shall not exceed 12.5 percent, the maximum set forth in Table II of this Section.

TABLE II PERMITTED PERCENTAGE OF LOT COVERAGE ON ANY ZONING LOT OR PORTION OF ANY ZONING LOT WITH A STEEP SLOPE GRANTED AN AUTHORIZATION PURSUANT TO SECTION 105-422

Table with 8 columns: #Residence District#*, R6, R1, R2, R3, R4, R5, 1-2 Family, Other. Rows include slope ranges 12.5, 12.5, 12.5, 20.0, 25.0, 27.0, 18.0.

* or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

105-34 Grading Controls for Tier II Sites

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

- (a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
- (b) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Fort Totten Natural Area District#.

* * *

105-36 Controls During Construction

The following requirements must be met during construction and identified on the construction plan:

- (a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15-foot limit infeasible or impractical.
- (b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Fort Totten Natural Area District#.

* * *

105-40 SPECIAL REVIEW PROVISIONS

The provisions of this Section shall apply to all #developments#, #enlargements# or #site alterations# located within a the #Special Fort Totten Natural Area District#.

Prior to the issuance by the Department of Buildings of any permit for a #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District#, the City Planning Commission shall certify to the Department of Buildings that the #development#, #enlargement# or #site alteration# is approved pursuant to Sections 105-41, 105-42, 105-43 or 105-44, inclusive.

* * *

105-42 Authorizations to Alter Natural Features

For a #development#, #enlargement# or #site alteration# located within the #Special Fort Totten Natural Area District#, the City Planning Commission may authorize:

* * *

- (d) alteration of aquatic features, pursuant to Section 105-426 in NA-1, NA-2 and NA-3 Districts.

The Commission may prescribe appropriate additional conditions and safeguards to protect the character of the #Special Fort Totten Natural Area District#.

* * *

105-421 Modification of topographic features on Tier I sites

The topographic features, including natural topography and #topsoil#, existing at the time of designation of a the #Special Fort Totten Natural Area District# may be modified by the City Planning Commission, provided that the Commission finds that:

* * *

105-422 Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer

* * *

The #lot coverage# regulations of Table H of Section 105-33 (Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422) shall apply to any #residential development#, #enlargement# or #site alteration# granted an authorization pursuant to this Section.

105-423 Relocation of erratic boulders

No erratic boulder with a diameter at any point of six feet or more may be moved from its location at the time of designation of a the #Special Fort Totten Natural Area District# to another location within the Special District during #development#, #enlargement# or #site alteration# except in compliance with the provisions of this Section.

Prior to the moving of an erratic boulder from its present location to a location elsewhere within the #Special Fort Totten Natural Area District#, an application shall be filed with the City Planning Commission showing the present location and the proposed location. Moving of an erratic boulder will be permitted only by authorization of the Commission under the following circumstances:

- (a) where such a boulder is located in an area to be occupied by #buildings#, driveways, parking areas or recreation areas and it is not possible to avoid such location by minor adjustments in the arrangement of such #buildings#, driveways, parking areas or recreation areas on the site;
- (b) where the boulder's continued existence in its present location would create hazards or dangers; or
- (c) where authorizations granted by the Commission under the provisions of this Chapter require or clearly contemplate the boulder's relocation from its present position.

In issuing an authorization under this Section, the Commission shall require an appropriate relocation site, visible, if possible, from a public #street#, park, or public place, preferably on the #zoning lot# or elsewhere within the #Special Fort Totten Natural Area District#. The Commission may prescribe appropriate conditions to enhance the setting of the relocated boulder.

* * *

105-425 Modification of botanic environment and tree preservation and planting requirements

* * *

Where on-site replanting of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Fort Totten Natural Area District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

* * *

105-43 Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations

For a #development#, #enlargement# or #site alteration# located within the #Special Fort Totten Natural Area District#, the City Planning Commission may authorize:

* * *

105-434 Modification of requirements for private roads and driveways

For any #development#, #enlargement# or #site alteration#:

- (a) — the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 105-35 (Tier II Site Requirements for Driveways and Private Roads), as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts) provided that:
 - (1)(a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
 - (2)(b) such modification is the least modification required to achieve the purpose for which it is granted;
 - (3)(c) the modification will not disturb the drainage pattern and soil conditions of the area;
 - (4)(d) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
 - (5)(e) such modification will enhance the quality of the design of the #development#, #enlargement# or #site alteration#; or
- (b) — located on a #zoning lot# containing historic buildings designated by the Landmarks Preservation Commission within the New York City Farm Colony-Seaview Hospital

Historic District, as shown on Map 2 in Appendix A of this Chapter, the City Planning Commission may authorize modifications or waivers of the requirements for private roads as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) through Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets), inclusive, and Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) through 26-35 (Screening), inclusive, provided that such modification or waiver:

- (1) results in greater environmental conservation or preservation of existing natural features;
(2) results in a superior site and landscape plan that will not unduly disturb the drainage pattern and soil conditions of the area;
(3) results in greater preservation of historic buildings or other architectural elements of the Historic District designated by the Landmarks Preservation Commission;
(4) enhances vehicular and pedestrian connections between buildings on the site and the surrounding neighborhood;
(5) will not impair the essential character of the Historic District and the surrounding area;
(6) is the least required to achieve the purpose for which it is granted; and
(7) will not reduce the required minimum width of the private road to a width less than 34 feet unless the Fire Department has approved such reduction and determined that emergency vehicles can adequately access and move within the site.

* * *

105-44
Special Permits

For any development, enlargement or site alteration within the Special Fort Totten Natural Area District, the City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Sections 105-441 and 105-442.

* * *

105-441
Modification of use regulations

In addition to any use modifications which may be granted under the provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may permit semi-detached or attached single-family residences in R2 Districts and attached single- or two-family residences in R3-1 Districts.

Furthermore, except in the Special Natural Area District-1 (NA-1), the Commission may permit semi-detached or attached single-family residences in R1-2 Districts provided that the development or enlargement is on a tract of land of at least four acres, and provided the Commission finds that:

* * *

105-50
REGULATIONS FOR PROTECTION OF NATURAL FEATURES

The provisions of this Section establish regulations for City Planning Commission review of development, enlargement or site alteration plans from the standpoint of the adequacy of protection for natural features within the Special Fort Totten Natural Area District. Plans that are deficient in this regard may be rejected or required to be modified, even though they comply with all other applicable regulations of this Chapter.

- (1) For a steep slope, these additional requirements apply:
(1) In all Residence Districts, for residential developments on individual zoning lots substantially within a steep slope area, the lot area per dwelling unit requirement shall not be less than 12,500 square feet. Except in R1 Districts located in Special Natural Area District-1 (NA-1), the Commission may, for a tract of land of at least four acres substantially within the steep slope area, modify, by authorization, the lot area per dwelling unit requirement set forth in this paragraph, (1)(1), for the steep slope area, and may allow development to be concentrated in clusters to preserve the steep slope areas in their natural state, provided that such clusters are located to the extent feasible in areas of

comparatively flat topography and will not require unnecessary grading on adjacent slopes or the creation of new steep slopes.

* * *

105-60
MAINTENANCE OF NATURAL FEATURES

For any development, enlargement or site alteration on a tract of land within the Special Fort Totten Natural Area District, the City Planning Commission may require a maintenance plan for a natural feature. Where a maintenance plan is required, approval of the development plan and the granting of any certification, authorization or special permit shall be conditioned upon the Commission's approval of the maintenance plan.

* * *

105-701
Applicability of large-scale residential development regulations

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), shall apply except as modified by the provisions of this Section.

Any zoning lots developed, used predominantly for residential uses, may be treated as a large-scale residential development and authorizations or special permits for such zoning lot may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein or in Section 105-80 (JOINT APPLICATIONS), regardless of whether such zoning lot will have the area, number of buildings or number of dwelling units specified in the definition of large-scale residential development, as set forth in Section 12-10 (DEFINITIONS).

However, in R1 Districts located in the Special Natural Area District-1 (NA-1), no modification of minimum required lot area as set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) shall be allowed for any development pursuant to paragraph (c) of Section 78-311 (Authorizations by the City Planning Commission) or Section 78-32 (Bonus for Good Site Plan) but modifications of required front or rear yards and height and setback regulations on the periphery of such zoning lot, pursuant to paragraphs (c) and (d) of Section 78-312 (Special permits by the City Planning Commission), shall apply. Modification of side yards of all zoning lots, including zoning lots in R1 Districts, shall be subject to the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations).

Bonuses which may be granted for large-scale residential developments, pursuant to Section 78-32 through Section 78-35 (Special Bonus Provisions), may not be granted for zoning lots which have less than 10 acres and less than the number of buildings or number of dwelling units required by the definitions of a large-scale residential development.

* * *

105-702
Applicability of lower density growth management area regulations

The regulations for developments or enlargements within lower density growth management areas are modified as follows:

- (a) Parking location regulations
Accessory parking spaces shall be permitted within a front yard.
(b) Private road regulations

The provisions of paragraph (b) of Section 105-35 (Tier II Requirements for Driveways and Private Roads) shall apply to Tier II sites accessed by private roads.

105-90
FUTURE SUBDIVISION

Within the Special Fort Totten Natural Area District, any zoning lot existing on the effective date of the Special District designation may be subdivided into two or more zoning lots, provided that natural features are preserved to the greatest extent possible under future development options.

* * *

105-91
Special District Designation on Public Parks

When the Special Fort Totten Natural Area District is designated on a public park or portion thereof, any natural features existing on December 19, 1974, within such area shall not be removed, destroyed or altered unless authorized by the City Planning Commission. As a condition for granting such authorization, the Commission shall find that any alteration of natural features is the

least alteration required to achieve the purpose intended and such authorization is consistent with the intent of the #Special Fort Totten Natural Area District#.

* * *

**105-93
Inter-agency Coordination**

Where an authorization or permit is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Departments of Transportation or Buildings for land contour work, by the Department of Environmental Protection for storm water drainage systems for #buildings# or adjacent areas or where construction of a public improvement project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District# will best meet the purposes of the Special District. Applications for any required permit or authorizations shall be filed simultaneously with each agency requiring a permit.

**105-94
Special Natural Area Districts Specified
Special Regulations**

**105-941
Special Natural Area District-1:
Emerson Hill, Dongan Hills, Todt Hill, Lighthouse Hill and the
Central Wetlands Area of Staten Island**

The central, serpentine, hilly spine of Staten Island is composed of Emerson Hill, Dongan Hills, Todt Hill and Lighthouse Hill. These hills are richly endowed with steep slopes, rock outcrops, erratic boulders and ponds, lakes, swamps, creeks and many trees of the glaciated Oak-Chestnut association.

To the south and west of the serpentine hills are tidal wetlands, a habitat for marine life and water fowl. The wetlands include parts of Latourette Park, Fresh Kills Park and New Springville Park. The high and low wetlands of Latourette Park and New Springville Park and most of the low wetlands of Fresh Kills Park remain in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

**105-942
Special Natural Area District-2:
Riverdale, Spuyten Duyvil and Fieldston, The Bronx**

The Riverdale Ridge of The Bronx is composed of part of Riverdale, Spuyten Duyvil and Fieldston. This ridge contains steep slopes, rock outcrops, ponds, brooks, swampy areas and mature trees.

The western foot of the ridge contains marshes, feeding areas for water fowl. The shore line of the Hudson River estuary contains the aquatic food web necessary to sustain marine life.

The marshes and most of the Hudson River shore line are included in Riverdale Park. Much of the Riverdale Ridge and Riverdale Park are in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

**105-943
Special Natural Area District-3:
Shore Acres Area of Staten Island**

The Shore Acres area of Staten Island owes its unique character to Shore Acres Pond, which is fed predominantly by springs percolating from an underground aquifer through Pleistocene strata of sand and gravel.

The Pond is a resting place for migratory and local fowl as well as a watering hole for opossums which are abundant along the wooded cliffs of the Narrows. The Pond has shaped its built environment, including the street layout, landscaping and orientation of neighboring homes. The surrounding area is distinguished by rolling topography with orientation of the northeastern edge toward Lower New York Bay and the Narrows.

The natural drainage area is in need of protection to ensure survival and maintenance of the Pond which in turn is essential to the preservation of this special area.

**105-944
Special Fort Totten Natural Area District-4**

(a) General purposes

The "Special Fort Totten Natural Area District"-4 (hereinafter referred to as the Special District), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following general purposes:

- (1) to preserve, protect and enhance the combination of historically significant buildings and other structures, public open spaces, outstanding scenic views and pedestrian and vehicular circulation system which by their siting create a unique balance between buildings and open spaces and which, together with the harmonious scale of development and landscaping, add to the quality of life in the area;
- (2) to protect aquatic, biologic, geologic, topographic and other natural features having ecological and conservation values and functions;
- (3) to improve the quality of new development in the area by fostering the provision of specified public amenities and recreational facilities in appropriate locations and by making these facilities directly accessible to the public; and
- (4) to promote the desirable use of land improvements in accordance with the District Plan and in conformance with the character of the Fort Totten area and thus conserve the value of land and buildings and thereby protect the City's tax revenue.

(b) Definitions

(1) Designated open space

The "designated open space" is an #open space# as shown on the District Plan.

(2) Street

For the purpose of this Section, a "street" is a way existing within the #Special Fort Totten Natural Area District#-4 as shown on the District Plan (Appendix A) complying with the definition of #street# in Section 12-10, except that the #street# width shall be limited to existing dimensions. No modification of existing dimensions shall be permitted without prior certification of the City Planning Commission.

(c) General requirements

(1) Requirements for applications

An application to the Commission for any #development# within the Special District shall be subject to the requirements of Section 105-021 (Actions not requiring special review). In addition, an application for #development# within Area B shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, #building# sections and elevation and an appropriate model of the planned community.

The Commission shall require, where relevant, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

(a)(2) Pier #development#

The City Planning Commission may permit, by special permit, pier #development#, only upon finding that the proposed #development# shall have no significant adverse impact on the Special District or surrounding environment. The Commission may prescribe appropriate conditions and safeguards to minimize possible adverse effects on the surrounding area.

(d) Special regulations

(b)(1) Demolition

Except in Area E, no demolition permit or alteration permit for alterations which may affect the character or design of the facade of a #building or other structure# shall be issued by the Department of Buildings, except as permitted by the Commission, unless it is an unsafe #building or other

structure# and demolition or alteration is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code. An applicant for any such permit shall notify the Landmarks Preservation Commission of the application.

The City Planning Commission, by special permit, may allow:

- (i)(1) the alteration of such #building or other structure#, provided that such alteration treatment of the facade relates harmoniously to the character and materials of the original facade and to the adjoining #buildings or other structures#; or
- (ii)(2) the demolition of such #buildings or other structures#, other than those deemed unsafe as defined by the Department of Buildings, provided that the Commission finds that the existing #building or other structures# are not suitable for rehabilitation.

Where a #building or other structure# has been demolished pursuant to this Section, the Commission may, by special permit, allow the replacement of the demolished structure provided that the design of the new structure in terms of scale, #lot coverage#, #building# height and exterior treatment of the facade shall replicate as nearly as possible the design and site plan of the original #building#.

(c)(2) Special height regulations

In order to preserve the unique character of the Special District and to protect the views of and to the water within the Special District, Section 23-631 (General provisions) shall apply except that the maximum height for any #development# or #enlargement# shall be 32 feet or three #stories#, whichever is less.

(d)(3) Location of zoning district boundaries at the shore line

Zoning district boundary lines shall coincide with the shore line lawfully existing on April 28, 1983, or any natural or lawful alteration thereof.

A zoning district boundary line which intersects the shore line lawfully existing on April 28, 1983 shall be prolonged, in a straight line, to such naturally or lawfully altered shore line. Lawfully approved piers or other lawfully approved structural extensions of the shore line, as may be so altered, shall not generate development rights.

(e)(4) Designated open space

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan, shall require certification by the Commission that such #designated open space# shall not be reduced in size or altered in shape and shall be preserved in its natural state by the owner of the #zoning lot#.

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

#Designated open space# may be used for active recreational facilities provided that the Commission certifies that such #uses# have minimal impact on tree removal, topographic alteration or drainage conditions.

All #designated open spaces# shall be directly accessible to the public from public rights-of-way between dawn and dusk. A prominent plaque or other permanent #sign# shall be displayed on all #designated open spaces# in a prominent location, designated by the Commission, visible from the adjacent public right-of-way. Such plaque or permanent #sign# shall have a #surface area# of not less than three nor more than six square feet, and shall contain the following statement:

“This area is open to the public between sunrise and sunset.”

(f)(5) District plan

The District Map for the #Special Fort Totten Natural Area District#-4 identifies specific areas comprising the District Plan in which special zoning regulations carry out the general purposes of the #Special Fort Totten Natural Area District#-4. The District Plan is set forth in Appendix A and is made an integral part hereof. These areas and the

specific paragraphs of this Section which contain regulations pertaining thereto are as follows:

- Area A - Historic Fort Area, paragraph (d)(6)(g)
- Area B - Planned Community Area, paragraph (d)(7)(h)
- Area C - Water Related Area, paragraph (d)(8)(i)
- Area D - Bay Area, paragraph (d)(9)(j)
- Area E - Development Area, paragraph (d)(10)(k)

(g)(6) Historic Fort Area (Area A)

Within Area A (Fort Area) there shall be no #development# nor #enlargement# of existing #buildings or other structures# except that the Commission may authorize necessary renovation to protect existing structures. In all cases the Commission shall refer all applications to the Landmarks Preservation Commission and Department of Parks and Recreation or other City agencies with primary responsibilities in the conservation area, for its report thereon.

(h)(7) Planned Community Area (Area B)

In order to protect the unique scale, character and design relationships between the existing #buildings# and public #open spaces# and parade grounds, no #development#, #enlargement# nor alteration of landscaping or topography shall be permitted, except as set forth herein and as provided by paragraph (d)(1) (b) of this Section.

(1)(i) Special permit

For any #development#, #enlargement# or alteration of landscaping or topography, the Commission may, by special permit, allow:

- (i)(a) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning lot lines#;
- (ii)(b) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lot# within the development to be distributed without regard for #zoning lot lines#;
- (iii)(c) minor variations in the #yard# and #court# regulations required by the applicable district regulations;
- (iv)(d) minor variations in the height and setback regulations required by the applicable district regulations;
- (v)(e) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot);
- (vi)(f) permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard to #zoning lot lines#, or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to findings of Section 78-41 (Location of Accessory Parking Spaces), or where such requirement substantially injures the functioning of the existing area, authorize waiver of all or part of the required parking.
- (vii)(ii) Findings

As a condition precedent to the granting of a special permit under the provisions of paragraph (d)(7)(i) (h)(1) of this Section, the Commission shall make the following findings:

- (a) that the #development#, #enlargement# or said

alteration is related to the existing #buildings or other structures# in the Planned Community Area (Area B) in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the area;

- (b) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #buildings# and the landscaping surrounding the new landscaping arrangement and conditions of the community;
- (c) that the #development# or #enlargement# is sited such that it will not require at the same time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community;
- (d) that minimal landscaping is to be removed during construction and such areas will be fully restored upon completion of construction.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions, and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community.

(2)(iii) Parade ground

Unless ownership is retained in a governmental agency, the parade ground #designated open space# shall be commonly owned with a #zoning lot# within Area B or Area E and the maintenance of the parade ground shall be the collective responsibility of said owner or owners. The parade ground shall be used for open recreational #uses# and may contain minor #accessory# structures to said #use#. The parade ground shall be directly accessible from the adjoining #streets# along its entire perimeter. There shall be no fences nor walls around or within the parade ground.

(i)(8) Water Related Area (Area C)

In order to protect the unique aquatic and botanic characteristics of the area, there shall be no #development# in Area C except as provided by paragraph (d)(1)(b) of this Section.

(j)(9) Bay Area (Area D)

In order to promote waterfront related activities, only the following #uses# of the C3 District shall be permitted in Area D:

- (i) #residential uses#, which #uses# are permitted only above the ground floor of those #buildings# existing prior to April 28, 1983;
- (ii) all #uses# of Use Group 14, except for boat showrooms or sales, and the storage, repair, or painting of boats other than crew sculls used for intercollegiate competition;
- (iii) all retail or service establishment #uses# of Use Group 6, except automobile supply stores.

(k)(10) Development Area (Area E)

Any #zoning lot developed# predominantly for #residential uses# may be considered a #large-scale residential development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, except that the #accessory uses# of Section 78-22 (Accessory Uses in Large-Scale Residential Developments) shall not apply.

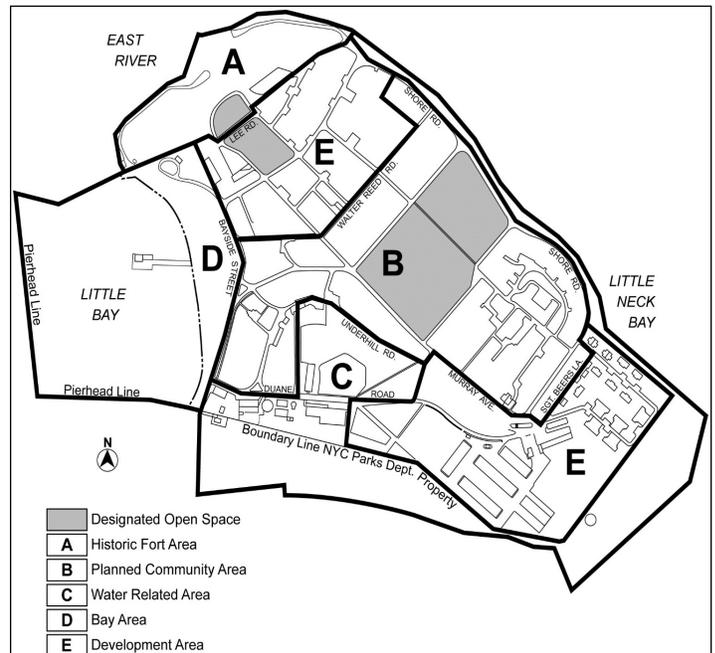
Any #zoning lot developed# predominantly for #community facility uses# may be treated as a #large-scale community facility development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 9.

In Area E, the Commission may authorize clustering of #single-family# and #two-family residences# and a modification of housing types in order to maximize the preservation of existing #natural features# in the area, and to provide adequate view protection, and to relate these new structures with the existing structures in the general vicinity. Clustering shall be limited to a maximum #street wall# of 100 feet.

Any and all bonuses permitted in Sections 78-32 through 78-353, inclusive, shall not apply to #development# in Area E.

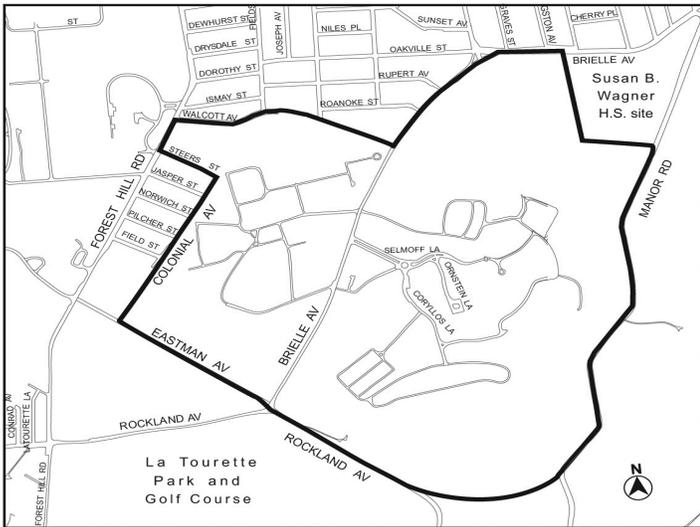
**Appendix A
Special Natural Area District Plan Maps Special Fort Totten
Natural Area Plan Map**

Map 1. Special Fort Totten Natural Area District-4 Plan Map, Borough of Queens



Map 2. New York City Farm Colony-Seaview Hospital Historic District, Borough of Staten Island

[TO BE DELETED]



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**Chapter 7
Special South Richmond Development District**

[ENTIRE CHAPTER TO BE DELETED]

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**ARTICLE XI
SPECIAL PURPOSE DISTRICTS**

**Chapter 9
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[ENTIRE CHAPTER TO BE DELETED]

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**ARTICLE XIV
SPECIAL PURPOSE DISTRICTS**

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**Chapter 3
Special Natural Resources District**

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**143-00
GENERAL PURPOSES**

The "Special Natural Resources District" (hereinafter also referred to as the "Special District"), established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) guide development in order to preserve, maintain and enhance aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;
- (b) protect and enhance ecological communities existing within parklands through planting regulations and limits on the extent of paved areas and other unvegetated areas that are based on the proximity of properties to such natural areas;
- (c) preserve land having qualities of recreational or educational value to the public;
- (d) reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (e) preserve natural features having unique aesthetic value to the public;
- (f) promote and preserve the character of the neighborhoods within the district;
- (g) promote balanced land use and the development of future land uses and housing in the South Richmond Subdistrict, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan, and to ensure the availability of essential public services and facilities for new development in an efficient and economic manner;
- (h) provide clear standards balancing ecology and development for small properties;
- (i) ensure a basic standard of ecological protection for larger properties identified as containing significant natural features, while also ensuring a predictable development outcome; and
- (j) promote the most desirable use of land, guiding future development in accordance with a well-considered plan, and to conserve the value of land and buildings and thereby protect the City's tax revenues.

**143-01
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). Maps referenced in this Section (Definitions) are located in Appendix A through D of this Chapter.

Area adjacent to aquatic resources

An "area adjacent to aquatic resources" is an area of land within 100 feet of #designated aquatic resource#, except that land separated from a #designated aquatic resource# by a #street# which is open and in use by the general public, or is separated by a #private road#, shall be exempt from this definition. In addition, for a #designated aquatic resource# that is not regulated by the New York State Department of Environmental Conservation, only land within 100 feet of such #designated aquatic resource# that is within a #plan review site# that is one acre in size or greater shall be included in this definition.

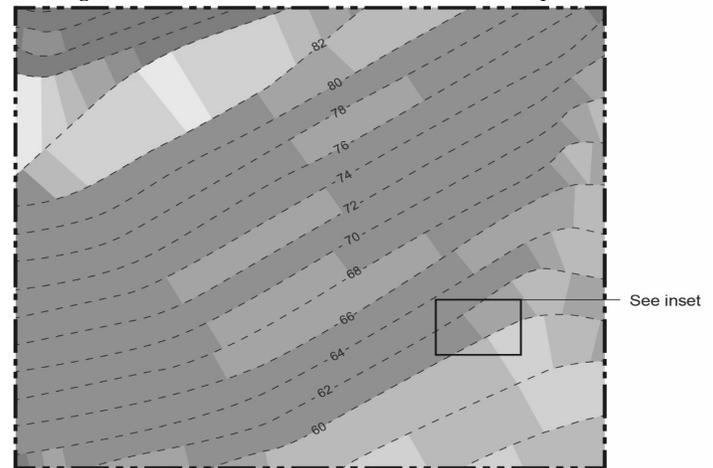
Area of existing slope

An "area of existing slope" is an area of land with a slope, as measured at the time of application, categorized as follows (S): 10 through 24.9 percent; 25 through 34.9 percent; 35 through 44.9 percent; 45 through 64.9 percent; 65 through 84.9 percent; and 85 percent or greater. Such slope category percentages shall be established in plan view based on contour intervals (I) of two feet or less by considering the distance (D) between two contour lines.

$$S = \frac{I^2 - I^1}{D}$$

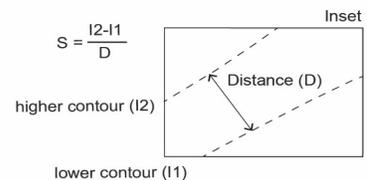
Such slopes may be verified using contours on 2017 New York City LiDAR (Light Detection and Ranging) data or a survey conducted less than two years before the date of the application, or as or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable.

Slopes of less than 10 percent shall be excluded from an #area of existing slope#. #Areas of existing slope# are used for the purposes of determining the maximum #lot coverage# and #hard surface area# on certain #zoning lots# as set forth in Sections 143-32 (Maximum Lot Coverage) and 143-33 (Hard Surface Area) of this Chapter.



Categories of Slope (S)

- S: 10 - 24.9%
- S: 25 - 34.9%
- S: 35 - 44.9%
- S: 45 - 64.9%
- S: 65 - 84.9%
- S: >85%



AREA OF EXISTING SLOPE

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that must be protected from any type of disturbance, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, or construction of #hard surface areas#. #Areas of no disturbance# shall include:

- (a) within the Escarpment Area, an #area of existing slope# of 25 percent or greater when located more than 20 feet from a #building# except as provided in Section 143-121 (Grading standards);
- (b) #rock outcrops# except as provided in Section 143-123 (Rock outcrops and erratic boulders);
- (c) the #critical root zone# of each tree proposed for preservation, except as provided in Section 143-133 (Planting standards for tree credits);
- (d) all vegetation proposed to be preserved as #landscape elements# pursuant to Section 143-143 (Planting standards for landscape elements)
- (e) #designated aquatic resources# and #buffer areas# except as modified pursuant to Section 143-16 (Aquatic Resource Protections); and
- (f) for #plan review sites#, any area of trees, slopes, or other natural feature deemed significant and feasible to preserve by the City Planning Commission.

Arterial

An "arterial" is any portion of #street# listed herein and located within the South Richmond Subdistrict.

Amboy Road
Arthur Kill Road
Huguenot Avenue
Hylan Boulevard
Page Avenue
Richmond Avenue
Richmond Parkway – frontage roads
West Shore Expressway – service roads
Woodrow Road

In accordance with the primary function of an #arterial# to accommodate vehicular through traffic, access is restricted to #arterials# pursuant to Section 143-355 (Special provisions for arterials in South Richmond). In addition, along portions of arterials as indicated on Map 2 in the Appendix D to this Chapter, Section 143-355 (Special provisions for arterials in South Richmond) applies.

Designation of an #arterial# pursuant to this definition shall not modify underlying regulations pertaining to Sections 32-66 and 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and APPENDIX H (Designation of Arterial Highways) of the Zoning Resolution.

Biodiversity point

A "biodiversity point" is a value given to a #landscape element# for the purposes of determining compliance with minimum areas of vegetation required, as set forth in Section 143-14 (Biodiversity Requirement).

Buffer area

A "buffer area" is an area within 60 feet of a #designated aquatic resource# regulated by the New York State Department of Environmental Conservation. For #plan review sites# of one acre or more, a #buffer area# also includes areas within 30 feet of all other #designated aquatic resources#; such 30-foot #buffer area# shall only be applicable within such #plan review sites#.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

Designated aquatic resources

A "designated aquatic resource" is a freshwater wetland regulated by the New York State Department of Environmental Conservation and, within #plan review sites# with an area of one acre or more, a #designated aquatic resource# also includes other freshwater wetland or water features including, but not limited to, streams, intermittent streams, vernal pools, ponds and lakes identified by the Department of City Planning as serving an ecological function.

The delineation of #designated aquatic resources# regulated by the New York State Department of Environmental Conservation shall be determined by such agency. All other #designated aquatic resources# shall be delineated by an #environmental professional# using the standards specified by the Department of City Planning and subject to review and approval by the Department.

Designated open space

"Designated open space" is a portion of the #open space network# located on a #zoning lot# as shown on Map 1 in Appendix D of this Chapter, and is to be preserved in its natural state in accordance with

the provisions of Section 143-50 (SPECIAL SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK).

Environmental professional

An "environmental professional" is an individual who has expert knowledge of the natural environment and is capable of performing a site assessment pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning. #Environmental professionals# shall be limited to:

American Society for Horticultural Science (A.S.H.S.)
Certified Professional Horticulturist
Ecological Societies of America (E.S.A.) Certified Ecologist
New York Botanical Garden Certified Urban Naturalist
Registered Landscape Architect
Society for Ecological Restoration (S.E.R.) Certified Ecological
Restoration Professional Society of Wetland Scientists
(S.W.S.) Professional Wetland Scientist
Wildlife Society Certified Wildlife Biologist

Erratic boulder

An #erratic boulder# is a solid mass of rock deposited during glacial retreat that is above natural grade, and measures more than six feet in any dimension.

Ground layer

The "ground layer" is the layer of vegetation closest to the ground, with a height of up to three feet, and is composed of non-woody herbaceous plants including, but not limited to, ferns, flowering plants and grasses.

Habitat area

A "habitat area" is an area that includes forests, wetlands, grasslands, shrublands or other natural cover that provides shelter, resources and opportunities for reproduction for wildlife. #Habitat area# includes #designated aquatic resources# and may occur in some cases within #designated open space#. Zones of potential #habitat area# are shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning. For #plan review sites# that are over one acre in size and are located within such zones shown on the map, #habitat area# shall be identified pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

Habitat preservation area

A "habitat preservation area" is an area identified as #habitat area# to be preserved in perpetuity pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

Hard surface area

"Hard surface areas" are areas that include, but are not limited to, driveways, #private roads#, walkways, patios, decks, swimming pools, retaining walls, any other paved surfaces, and any areas that, when viewed directly from above, would be covered by a #building# or any part of a #building#. #Hard surface areas# do not include #rock outcrops# or other such naturally occurring surfaces.

Invasive species

"Invasive species" or "invasive" plants are species that are listed in the New York State Invasive Plant list, at 6 NYCRR 575.3 and 575.4, or as amended. Species categorized as regulated or as prohibited by 6 NYCRR 575.3 and 575.4 may not be planted or counted as preserved vegetation within the #Special Natural Resources District#.

In addition, plants listed as Problematic Species in the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation pursuant to Local Law 11 of 2013) shall be #invasive species#. Plants listed therein may not be planted or counted as preserved vegetation within the #Special Natural Resources District#.

Landscape element

A "landscape element" is an arrangement of #ground layer# or #shrub layer# vegetation intended to provide ecosystem services, including, but not limited to, wildlife habitat, food for wildlife, soil erosion protection, pollination, stormwater infiltration, or the facilitation of plant, water, nutrient or soil cycles. #Landscape elements# are described and assigned a #biodiversity point# value in Section 143-142 (Landscape elements).

Open space network

The "open space network" is a planned system of open spaces within the South Richmond Subdistrict as shown on Map 1 in Appendix D of this Chapter, and includes #public parks#, #designated open space# and the #waterfront esplanade#.

Plan review site

A “plan review site” shall include any site existing on [date of certification], or on the date of application for a permit from the Department of Buildings, that:

- (a) contains one or more acres, where there is a proposed #development#, #enlargement#, #site alteration# or subdivision of such #zoning lot# into two or more #zoning lots#;
- (b) is located in a Resource Adjacent Area, an Escarpment Area, or an #area adjacent to aquatic resources# and is proposed to contain the following, which did not exist on [date of certification]:
 - (1) four or more #buildings#, not including #accessory buildings#;
 - (2) eight or more #dwelling units#; or
 - (3) subdivisions that result in four or more #zoning lots#;
- (c) is in a Historic District or contains a Historic Landmark designated by the Landmarks Preservation Commission and, in either case, is proposed to contain a #development# or is proposed to be subdivided into two or more #zoning lots#; or
- (d) includes the proposed construction, widening or extension of a #private road#.

The area of a #plan review site# shall include all contiguous tracts of land under single fee ownership or control, including #abutting zoning lots# under the same ownership or control, and with respect to which each party having any interest therein is a party in interest, and such tract of land is declared to be treated as one #plan review site# for the purposes of this Chapter. However, such #abutting zoning lots# that are contiguous for less than 10 linear feet shall not be considered part of a single #plan review site#. In addition, at the option of an applicant, tracts of land which would be contiguous except for their separation by a #street# may be considered by the Commission to be part of a single #plan review site#.

Any #plan review site# for which an application is made, in accordance with the provisions of this Chapter, for an authorization, special permit or modification thereto shall be on a tract of land that at the time of application is under the control of the applicants as the owners or holders of a written option to purchase. No authorization, special permit or modification to such #plan review site# shall be granted unless the applicants acquired actual ownership (single fee ownership or alternate ownership arrangements according to the definition of #zoning lot# in Section 12-10 for all #zoning lots# comprising the #plan review site#) of, or executed a binding sales contract for, all of the property comprising such tract. However, a tract of land which is the subject of an application for an authorization or special permit under the provisions of this Chapter may include adjacent property, provided that the application is filed jointly by the owners, or holders of a written option to purchase, of all properties involved.

The provisions of Section 143-60, (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive, shall apply to any #plan review site#.

Qualifying lot

A “qualifying lot” is a #zoning lot# where the maximum permitted #lot coverage# has been limited to 20 percent or less, and where special provisions protecting natural features apply.

Rock outcrop

A “rock outcrop” is the portion of a bedrock formation that appears above natural grade and measures more than three feet in any horizontal dimension.

Root zone, critical

The “critical root zone” of a tree is the area containing the roots of a tree that must be considered and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of two radial feet, measured from the center of the tree trunk. The #critical root zone# encompasses and extends beyond the #structural root zone#.

Root zone, structural

The “structural root zone” of a tree is the area around the base of the tree that must be fully protected from compaction or excavation to ensure its survival. The area of the #structural root zone# is measured as five radial inches for every #caliper# inch of the tree, with a required minimum of two radial feet, measured from the center of the tree trunk.

Shrub layer

The “shrub layer” is the layer of vegetation above the #ground layer# and below the tree canopy, and is composed of woody plants that typically have multiple stems at or near the base and have a mature height range from three feet to 15 feet.

Site alteration

A “site alteration” is an alteration of any tract of land, including an alteration in unimproved portions of privately owned mapped #streets#, that consists of newly constructed or relocated #hard surface area#, removal of trees with a #caliper# of six inches or more, modification of #designated aquatic resources#, modification of #rock outcrops#, relocation or modification of #erratic boulders# or change in the ground elevation of land that is greater than two feet of cut or fill.

The use of heavy machinery for excavation or similar purpose shall be considered a #site alteration# except that soil borings or test pits shall not be considered a #site alteration# where #areas of no disturbance# are protected pursuant to the provisions of Section 143-11 (Controls During Construction).

Target species

A “target species” is a species listed under ‘trees’ in the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation pursuant to Local Law 11 of 2013). Any trees not listed under such guide, and not #invasive species#, shall be considered non-#target# species.

Tree credit

A “tree credit” is a value given to a tree for the purposes of calculating its relative value pursuant to vegetation requirements. #Tree credits# are based on the #caliper# of a tree and whether or not the tree is a #target species#. #Tree credits# are described in Sections 143-13 (Tree Regulations) and 143-131 (Tree credits) of this Chapter.

Tree protection plan

A “tree protection plan” is a plan for preserved trees provided in accordance with Section 143-133 (Planting standards for tree credits). #Tree protection plans# shall be prepared by a registered landscape architect or a certified arborist (Registered Consulting Arborist, as certified by the American Society of Consulting Arborists (A.S.C.A.), or Certified Arborist/Certified Master Arborist as certified by the International Society of Arboriculture (I.S.A.), and shall include:

- (a) relevant portions of the proposed site plan and locations of #areas of no disturbance#;
- (b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (c) where construction staging is proposed to be located within a #critical root zone#, or where heavy machinery is proposed to pass through a #critical root zone#, soil compaction is mitigated by the installation of root protection measures and pneumatic decompaction with appropriate soil amendments;
- (d) specification that all excavation within the #critical root zone# shall be done by hand or by pneumatic excavation, and shall be monitored on site by a certified arborist;
- (e) a drawing specifying the #structural root zone# of the preserved tree. No excavation or other disturbance shall be permitted within the #structural root zone#, except to permit the planting of new #ground layer# vegetation in containers no larger than one-quarter gallon in size;
- (f) clearance pruning and root pruning as necessary, which shall be done only under the supervision of a certified arborist;
- (g) a schedule for site monitoring during construction;
- (h) a procedure to communicate protection measures to contractors and workers; and
- (i) post-construction treatment.

Waterfront esplanade

The “waterfront esplanade” is a pedestrian way to be provided for public use within the #open space network# along the Raritan Bay waterfront within the South Richmond Subdistrict, as shown on Map 1 in Appendix D of this Chapter. Provisions for #waterfront esplanades# are set forth in Section 143-52 (Waterfront Esplanade).

**143-02
General Provisions**

The provisions of this Chapter shall apply within the #Special Natural Resources District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict

between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

A #development#, #enlargement#, #site alteration# or subdivision of either a #zoning lot# or a #plan review site# shall require a certification, authorization or special permit from the City Planning Commission, as provided in the following Sections:

Section 143-211	Affordable independent residences for seniors in Subarea SH
Section 143-50	SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK
Section 143-60	SPECIAL REGULATIONS FOR PLAN REVIEW SITES
Section 143-70	CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE SOUTH RICHMOND SUBDISTRICT

However, property within the jurisdiction and control of the Department of Environmental Protection shall be exempt from the provisions of this Chapter where such property is an existing or planned portion of the Staten Island Bluebelt.

143-021

Zoning lots subject to different zoning requirements

Whenever a portion of a #zoning lot# is located partially within the #Special Natural Resources District# and partially outside of such Special District, it shall be regulated in its entirety by the provisions of this Chapter, except that any subdivision of such portion located outside of such Special District shall not be subject to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

Whenever a #zoning lot# is located in two or more of the Ecological Areas described in Section 143-04 (Ecological Areas and Subdistricts), it shall be regulated by the provisions of this Section.

The provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply to #zoning lots# divided by zoning district boundaries between two underlying zoning districts with different #use#, #bulk# or parking regulations. Where the provisions of this Section are in conflict with the provisions of Article VII, Chapter 7, the provisions of this Section shall control.

Except as otherwise provided in this Section or Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), each portion of a #zoning lot# or #plan review site# shall be regulated by the provisions applicable to the Ecological Area in which such portion is located.

The requirements of Section 143-14 (Biodiversity Requirement) shall apply as follows: #biodiversity point# requirements for the entire #zoning lot# shall be the weighted average achieved by multiplying the percentage of the #zoning lot# in which different requirements apply based on the #biodiversity points# required, and totaling the sum of such products. Such requirements may be satisfied by plants meeting the applicable provisions anywhere on the #zoning lot#.

#Floor area# may be distributed on a single #zoning lot# without regard to boundaries between Resource Adjacent Areas, Escarpment Areas and Base Protection Areas.

#Lot coverage# shall be calculated separately for each portion of the #zoning lot#. However, an adjusted average shall be calculated pursuant to the provisions of Section 77-24 (Lot Coverage) for the purposes of determining the applicability of regulations relating to #qualifying lots#.

The provisions of Section 143-36 (Modified Yard Regulations for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided any portion of the #zoning lot# is within a Resource Adjacent Area, an Escarpment Area, or an #area adjacent to aquatic resources#.

The regulations of Section 143-371 (Modified height and setback for the protection of natural features) shall apply only to those portions of a #zoning lot# located within Resource Adjacent Areas or within an #area adjacent to aquatic resources#, except if the #zoning lot# is a #qualifying lot#, in which case the entire #zoning lot# shall be subject to the regulations of Section 143-371.

The provisions of Section 143-42 (Parking Modifications for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided that 50 percent or more of the #lot area# is located within a Resource Adjacent Area or an #area adjacent to aquatic resources#.

143-022

Applications to the City Planning Commission prior to [date of adoption]

- (a) Applications for authorization or special permit referred, certified or granted prior to [date of adoption]
- (1) Applications for authorization or special permit which were referred out or certified as complete prior to [date of adoption] may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified, and the City Planning Commission may grant or deny such application in accordance with the regulations in effect on the date that such application was certified or referred out for public review.
- (2) Applications for authorization or special permit granted by the Commission prior to [date of adoption] may be continued, in accordance with the terms thereof or as such terms may be subsequently modified, pursuant to the regulations in effect on the date that such authorization or special permit was granted.

Continuance of such application shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

- (b) Applications for certification filed prior to [date of certification]

Any application for a certification of future subdivision, or certification that no authorization is required, which was filed by an applicant prior to [date of certification] may be continued pursuant to the terms of such certification, and the Commission may grant or deny such application in accordance with the regulations in effect at the time such application was filed.

143-023

Permits issued prior to [date of adoption]

For "other construction" as specified in Section 11-332 (Extension of period to complete construction), such construction having permits issued prior to [date of adoption] may be continued under regulations existing at the time of issuance of such permits, provided that such construction is completed prior to [three years from date of adoption].

143-03

District Plan and Maps

The regulations of this Chapter implement the #Special Natural Resources District# Plan.

The District Plan includes the following maps in the Appendices to this Chapter:

Appendix A. Special Natural Resources District and Subdistricts

Map 1: Staten Island Subdistricts

Map 2: The Bronx: Riverdale-Fieldston Subdistrict

Appendix B. Resource Adjacent Areas in The Bronx

Appendix C. Staten Island Ecological Areas

Map 1: Escarpment Areas (Maps 1.1 through 1.7)

Map 2: Resource Adjacent Areas (Maps 2.1 through 2.31)

Appendix D. South Richmond Subdistrict

Map 1: Open Space Network in South Richmond Subdistrict (Maps 3.1 to 3.6)

Map 2: Arterial Setback Plan in South Richmond Subdistrict

Map 3: Special Areas LL, M and SH South Richmond Subdistrict

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

143-04

Subdistricts and Ecological Areas

In order to carry out the purposes and provisions of this Chapter, four subdistricts are designated, with three Ecological Areas superimposed on such subdistricts. In each of these Subdistricts, certain regulations apply that do not apply in the remainder of the #Special Natural Resources District#.

- (a) Subdistricts are established within the #Special Natural Resources District#. The Subdistricts are as follows:

South Richmond Subdistrict, Staten Island
Hillsides Subdistrict, Staten Island
Shore Acres Subdistrict, Staten Island
Riverdale-Fieldston Subdistrict, The Bronx

The subdistricts are shown on Maps 1 and 2 in Appendix A (Special Natural Resources District and Subdistricts) of this Chapter.

The South Richmond Subdistrict additionally includes three subareas, shown on Map 3 in Appendix D, in which special regulations apply. These Subareas, together with the Sections of this Chapter specially applying to each, are as follows:

<u>Subareas within the South Richmond Subdistrict</u>	<u>Sections having special application</u>
Subarea LL	143-343, 143-35
Subarea M	143-212, 143-311, 143-712
Subarea SH	143-211, 143-711

- (b) Ecological Areas are established within the #Special Natural Resources District#. The regulations of the Ecological Areas supplement and modify the regulations of the Subdistricts. In each of these Ecological Areas, certain special regulations apply that do not apply in the rest of the #Special Natural Resources District#. The Ecological Areas consist of:
- (1) Resource Adjacent Areas are designated on those portions of land within 100 feet of and adjacent to #habitat areas# on public lands. Resource Adjacent Area boundaries are shown along the boundaries of public lands on Maps 1 and 2 of Appendix B (The Bronx) and Maps 2.1 through 2.31 of Appendix C (Staten Island) of this Chapter. Resource Adjacent Areas shall be measured perpendicular to the Resource Adjacent Area boundaries shown on such maps.
 - (2) Escarpment Areas are designated on land that contains steep slopes located through the serpentine hills of the central and northern portions of Staten Island. These areas are shown on Maps 1.1 through 1.7 of Appendix C.
 - (3) Base Protection Areas are all other areas within the #Special Natural Resources District# that do not fall within Resource Adjacent Areas or Escarpment Areas. Base Protection Areas do not include #areas adjacent to aquatic resources#.

**143-05
Application Requirements**

An application to the Department of Buildings for any #development# or #enlargement# shall include the materials set forth in paragraphs (a) or (b) of this Section, as applicable, in addition to any materials otherwise required by the Department of Buildings. An application to the Department of Buildings for any #site alteration# shall include the materials set forth in paragraph (c). An application to the Chairperson of the City Planning Commission for certification, or to the Commission for authorization or special permit, shall include the application materials set forth in paragraph (d) of this Section.

Surveys submitted to the Department of Buildings or the Commission shall be prepared by a licensed surveyor. Site plans shall be prepared by a registered architect or professional engineer. Drainage plans and soil reports shall be prepared by a professional engineer.

Landscape plans, including those that satisfy the requirements set forth in paragraph (a)(6) of this Section, may be prepared and submitted to the Department of Buildings by a registered architect or registered landscape architect. However, such plans submitted to the Commission shall be prepared by a registered landscape architect.

- (a) Applications for #developments#, #enlargements# that increase #lot coverage# by 400 square feet or more, or #enlargements# that result in an increase in #floor area# of 20 percent or greater that increase the #lot coverage# by any amount, shall include the following materials:
- (1) A site context map that shows the location of the #zoning lot#, zoning district boundaries, boundaries between Resource Adjacent Areas, Escarpment Areas and Base Protection Areas, #designated aquatic resources#, #areas adjacent to aquatic resources#, #buffer areas# and #designated open space#, as applicable, within 100 feet of the #zoning lot#.
 - (2) A survey, dated no more than two years from the date of application, or as otherwise determined by

the Commissioner of Buildings or the Department of City Planning, as applicable, that establishes existing conditions related to topography at two-foot contours, the location of trees that are of six inch #caliper# or greater, #rock outcrops# and #erratic boulders#, #designated aquatic resources#, #buffer areas#, #buildings or other structures# and all other #hard surface areas#.

- (3) A compliance report that compares the survey described in paragraph (a)(2) of this Section with the most recent plans approved by the City Planning Commission or the Department of Buildings, as applicable.
- (4) Photographs, representing current conditions at the time of the application, showing the location and condition of trees proposed to be preserved and any #rock outcrops# or #erratic boulders# within or adjacent to the subject area within which construction or disturbance is proposed.
- (5) A set of architectural drawings, including:
 - (i) a site plan representing changes in topography at two-foot contours, when applicable, location of new #buildings or other structures# or #enlargements#, and modified locations of #hard surface areas#, with detailed zoning calculations as per Section 143-30 (SPECIAL BULK REGULATIONS); and
 - (ii) plans, elevations and section drawings detailing all new and modified #buildings or other structures# and #hard surface areas#;
- (6) A set of landscape drawings for the entire #zoning lot# or subject area with a key plan showing:
 - (i) the location and details of newly proposed or modified #hard surface areas#;
 - (ii) the location, #critical root zone#, #caliper# and species of all trees, newly planted or preserved, to be counted as #tree credits# with tree schedule pursuant to Section 143-13 (Tree Requirement), inclusive;
 - (iii) the location of all newly planted vegetation to be counted as part of a #landscape element# for #biodiversity points#, or otherwise required pursuant to Section 143-14 (Biodiversity Requirement), inclusive;
 - (iv) the boundaries and square footage of all existing vegetation to be preserved and counted as part of a #landscape element# for #biodiversity points# or otherwise required pursuant to Section 143-14, inclusive;
 - (v) for sites with #areas of existing slope#, a grading plan, showing all existing and proposed contours at two-foot intervals, all categories of slope affected by areas of encroachment, pursuant to Section 143-32 (Lot Coverage), critical spot elevations, and at least one longitudinal and one latitudinal cross-section located within areas of modified topography at the greatest areas of topographical change, showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;
 - (vi) where applicable, #designated aquatic resources# and #buffer areas# pursuant to Section 143-16 (Aquatic resource protections);
- (7) a drainage plan and soil report, as applicable, showing direction of water flow over land, and locations of stormwater collection or infiltration; and
- (8) A set of construction plans detailing erosion controls, #area of no disturbance#, location of temporary fence, staging area, trenching for utilities and foundations, areas used by construction equipment and other provisions pursuant to Section 143-11 (Controls During Construction).

- (b) Applications for #enlargements# that result in an increase of #lot coverage# of less than 400 square feet and that result in an increase in #floor area# of less than 20 percent shall include materials described in paragraphs (a)(1), (a)(5), (a)(6)(i) and (a)(6)(ii) of this Section. Applications for #enlargements# that do not result in an increase in #lot coverage# shall include materials described in paragraphs (a)(1) and (a)(5) of this Section.
- (c) Applications for #site alterations# that modify the location or size of #hard surface area# totaling:
 - (1) an area 400 square feet or greater, or that remove more than 12 #tree credits#, shall include the materials set forth in paragraphs (a)(1), (a)(2), (a)(4) and (a)(6) of this Section, as applicable; or
 - (2) an area of less than 400 square feet shall include the materials set forth in paragraphs (a)(6)(i) and (a)(6)(ii) of this Section.
- (d) In addition to materials required pursuant to Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), all applications to the Commission:
 - (1) shall include the materials set forth in paragraph (a) of this Section;
 - (2) shall include an area map and an aerial photograph illustrating the #plan review site# and any #designated resource area# or #designated open space# partially or wholly within 600 feet of such #zoning lot#;
 - (3) for any subdivision, #zoning lot# merger or other change to #lot lines#, the site plan shall include the proposed layout of individual #zoning lots# and all proposed improvements thereupon, in addition to all the other requirements of this Section;
 - (4) may also be required by the Commission to include:
 - (i) a schedule for carrying out the proposed construction;
 - (ii) a maintenance plan for any common areas, including #private roads# and any #habitat preservation areas# to be commonly held; and
 - (iii) any other information necessary to evaluate the request.

The Chairperson of the City Planning Commission may modify one or more requirements set forth in paragraph (d) of this Section, when such modification is requested by the applicant in writing and when the Chairperson determines that the requirements are unnecessary for evaluation purposes.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a wetland permit from the New York State Department of Environmental Conservation is required for a #development#, #enlargement# or #site alteration#, a copy of an approved wetland delineation shall be submitted.

**143-10
NATURAL RESOURCES**

The provisions of this Section, inclusive, apply to all tracts of land, including #site alterations# in unimproved portions of privately owned mapped #streets#.

For #plan review sites# subject to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), the regulations relating to tree and biodiversity requirements set forth in Sections 143-13 and 143-14, inclusive, shall be modified in accordance with the provisions of Section 143-613 (Planting regulations for plan review sites).

No permanent certificate of occupancy or final sign-off, as applicable, shall be issued by the Department of Buildings unless an inspection report is filed with the Department of Buildings, stating that the planting requirements of the following provisions, as applicable, have been satisfied based on a field inspection:

- Section 143-13 (Tree Requirement)
- Section 143-14 (Biodiversity Requirement)
- Section 143-15 (Special South Richmond Landscaping and Buffering Provisions) and
- paragraph (d) of Section 143-122 (Retaining wall standards)

For #zoning lots# with #developments# or #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or

greater and that involve an increase in #lot coverage#, the certificate of occupancy shall specify that the #zoning lot# is subject to the provisions of Sections 143-13 and 143-14.

**143-11
Natural Resource Protection Requirements**

**143-111
Controls during construction**

[Note: provisions relocated from Sections 105-36, 119-113, 119-217 and modified]

The provisions of this Section shall apply to all tracts of land with proposed #development#, #enlargement# or #site alteration#, except that a #site alteration# consisting only of the removal of trees totaling 12 #tree credits# or fewer shall not be required to comply with the provisions of this Section.

The following requirements shall be met during construction and clearly identified on the construction plan as set forth in Section 143-05 (Application Requirements):

- (a) Equipment access roads, loading and unloading areas, concrete washout locations, fueling locations, utility trenching locations with soil stockpiling and staging areas;
- (b) The staging area shall be as close to the construction area as practical, or within the nearest #hard surface area# of sufficient size for such purpose;
- (c) Deep mulch blankets or other methods to avoid soil compaction shall be provided in all locations used for equipment access, staging or storage, except where such uses are located on # hard surface areas#;
- (d) Construction fences shall be erected so as to be located between all areas of construction activity and all #areas of no disturbance#;
- (e) Excavating for the purpose of producing fill shall be prohibited; and
- (f) Any exposed earth area, other than areas excavated for #buildings#, shall have straw, jute matting or geotextiles placed on it and be seeded with annual rye grass within two days of exposure. All areas downhill of areas of disturbance shall have temporary structural measures for erosion and sediment controls in accordance with New York State Standards and Specifications for Erosion and Sediment Control.

A compliance report, verifying that the requirements of this Section have been met, shall be maintained on site and shall be available for review by the Department of Buildings. Such compliance report shall be based on a review of the property during each calendar week that heavy construction equipment is present on site.

**143-112
Invasive species**

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land in the #Special Natural Resources District# and in no case shall any existing #invasive species# be counted towards fulfillment of the requirements of Section 143-13 (Tree Regulations), inclusive, or be included as preserved vegetation within a #landscape element# or counted as #biodiversity points# pursuant to Section 143-14 (Biodiversity Requirement), inclusive.

**143-12
Modifications of Certain Natural Features**

**143-121
Grading standards**

[Note: provisions relocated from Sections 105-34 and 119-213 and modified]

- (a) In the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, the following grading requirements shall apply to all tracts of land with #areas of existing slope#:
 - (1) cut slopes shall be no steeper than one horizontal to one vertical, and subsurface drainage shall be provided as necessary for stability;
 - (2) fill slopes shall be no steeper than three horizontal to one vertical; and
 - (3) tops and toes of cut slope or fill slopes shall be set back from #lot lines# and #buildings or other structures# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.

- (b) Within the Escarpment Area, for tracts of land with #areas of existing slope# with a slope category of 25 percent or greater and that are more than 150 square feet in area, no topographical changes shall be permitted beyond 20 feet of a #building#, excluding #accessory buildings#, except that driveways with a maximum width of 10 feet may be permitted beyond 20 feet of such #building#.

143-122
Retaining wall standards

For the purposes of applying the provisions of this Section, retaining walls shall not include walls that are part of a #building#.

(a) **Maximum height**

Within 10 feet of a #street line#, individual retaining walls shall not exceed an average height of four feet, as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of six feet.

Beyond 10 feet of a #street line#, retaining walls shall not exceed an average height of six feet as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of eight feet.

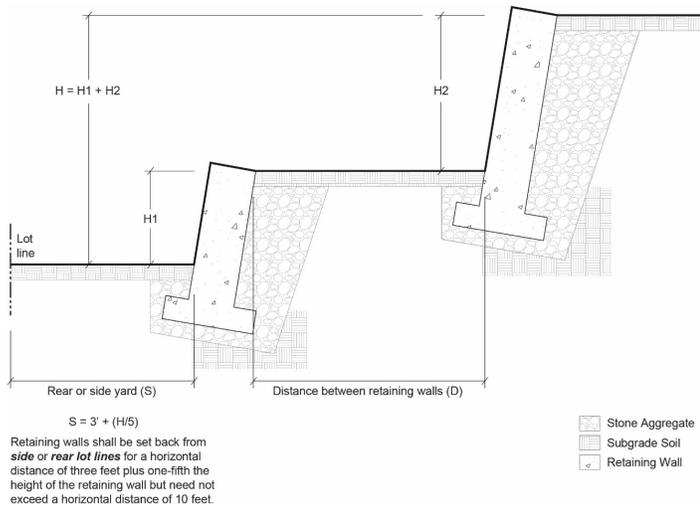
(b) **Minimum distance between retaining walls**

Where the aggregate height of any two adjacent retaining walls exceeds a height of three feet, as measured in elevation, a minimum average distance shall be provided between such retaining walls, in accordance with the following:

Aggregate height of any two walls (in feet)	Minimum average distance between walls (in feet)
3-5	3
5-10	5
10 or more	10

(c) **Minimum distance between retaining walls and #side# or #rear lot lines#**

Retaining walls shall be set back from #side# or #rear lot lines# for a horizontal distance of three feet plus one-fifth the height of the retaining wall but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.



(d) **Planting requirements**

Where the aggregate height of any two retaining walls exceeds a height of 10 feet, as measured in elevation, and such retaining walls are located within 10 feet of each other, planting shall be provided between such walls consisting of at least 75 percent of the linear footage of such retaining walls, through any combination of perennials, annuals, decorative grasses or shrubs. The height of planted material shall be at least three feet at the time of planting.

143-123
Rock outcrops and erratic boulders

The provisions of this Section shall apply in all #Residence Districts#. To the greatest extent possible, #rock outcrops# and #erratic boulders# shall be maintained in their existing state and location, and shall be disturbed only as set forth in this Section.

Disturbance of more than 400 square feet of #rock outcrop# area, measured both in plan and in elevation, shall not be permitted within a single #zoning lot#, except that an application may be made to the City Planning Commission for an authorization to permit disturbance in excess of 400 square feet. Such application shall be subject to the conditions and findings of Section 143-62 (Authorization for Plan Review Sites).

- (a) No #rock outcrop# shall be removed or disturbed in any way within a #front yard#, except as set forth in paragraph (c).
- (b) Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within 50 feet of the #front lot line# in R1 Districts, or within 30 feet of the #front lot line# in all other Residence Districts, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation.
- (c) Nothing in paragraphs (a) or (b) shall preclude the construction of a single driveway no more than 10 feet in width and a single walkway or staircase no more than five feet in width in the area between the #street wall# and its extensions and the #street line#. For driveways providing access to more than one dwelling unit, the maximum width shall be 20 feet, or where the driveways are separated by a distance of 60 feet, two driveways with a maximum width of 10 feet each.
- (d) No #rock outcrop# shall be removed or disturbed in any way within a #rear yard#, except as set forth in this paragraph (d). Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within a #rear yard#, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation. Elevation view shall be based on the view of the #rear yard# from the #rear yard line#.
- (e) No #erratic boulder# shall be removed or destroyed in any way, except that they may be relocated from their existing location to anywhere within 50 feet of the #front lot line# in an R1 District or within 30 feet of the #front lot line# in all other Districts.

143-13
Tree Regulations

All #developments# and #enlargements# that involve an increase in #lot coverage#, and #site alterations# shall comply with the tree requirements set forth in this Section, inclusive.

Trees with #tree credits# or trees that are of six inch #caliper# or greater may only be removed in compliance with the provisions of this Section, inclusive. However, for the removal of unsafe trees determined by the Department of Buildings or the Department of Parks and Recreation to constitute a hazardous condition, and for trees that are destroyed by natural causes, compliance with the provisions of this Section and Section 143-14 (Biodiversity Requirement), as applicable, shall be required only after one year has passed since such event.

Trees required under previous Special District regulations shall be maintained in good health except as provided in this Section, inclusive.

Trees that are required pursuant to other Sections of this Resolution and that meet the standards of this Section, inclusive, may be used towards fulfillment of the requirements of Section 143-131, except that street trees required pursuant to the following Sections shall not be counted towards the fulfillment of such requirements: 23-03 (Street Tree Planting in Residence Districts), 26-23 (Requirements for Planting Strips and Trees), 33-03 (Street Tree Planting in Commercial Districts) and 43-02 (Street Tree Planting in Manufacturing Districts).

143-131
Tree credits

In order to satisfy the tree requirements set forth in Section 143-132 (Determining tree requirements), trees shall be assigned #tree credits# in accordance with this Section. Such trees shall be newly planted or preserved in accordance with the provisions set forth in Section 143-133 (Planting standards for tree credits).

INDIVIDUAL TREE CREDIT VALUES

Individual Tree Designation	Description	#Tree Credits#:#Target species#	#Tree Credits#:#Non-#target species#
Old tree	A preserved tree of 50 inch #caliper# or greater, or at least 144 years of age*	36	18
Mature tree	A preserved tree of 34 inch #caliper# or greater, or at least 98 years of age*	18	12
Large tree	A preserved tree of 22 inch #caliper# or greater, or at least 62 years of age*	6	4
Medium tree	A preserved tree of 14 inch #caliper# or greater, or at least 38 years of age*	4	3
Standard tree	A preserved tree of six inch #caliper# or greater, or at least 24 years of age*	3	2
Young tree	A newly planted tree of two inch #caliper# or greater	2	1
Sapling	A newly planted tree of between one and two inch #caliper#	1	n/a

* In cases where #tree credits# are determined by the age of a tree, such determination shall be made by a professional arborist. Age may be determined by a core sample, and may be extrapolated to other trees of the same species and similar size on the same #zoning lot#.

Where there is a cluster of four or more trees, of which at least one tree is within 15 feet of three other trees measured on center, and such cluster consists of preserved trees that are six inch #caliper# or greater, or newly planted trees that are one inch #caliper# or greater, for each tree comprising the tree cluster, #tree credits# shall be 1.5 times the #tree credit# value of each preserved #target# tree or 1.25 times the #tree credit# value of each preserved non-#target# tree or newly planted tree.

For the purposes of applying the provisions of this Section, trees classified as "newly planted" may retain such classification provided they appear on an approved site plan after [date of adoption] filed with the Department of Buildings, remain in good health and continue to comply with the standards set forth in Section 143-133 (Planting standards for tree credits), until such trees meet the requirements to be classified as a standard tree.

143-132
Determining tree requirements

In order to satisfy the tree requirements set forth in this Section, trees shall be assigned #tree credits# in accordance with Section 143-131 (Tree credits).

- (a) #Zoning lots# containing #residential uses# in #Residence Districts#

#Tree credits# shall be determined as follows for #zoning lots# in #Residence Districts# that contain #residential use#:

- (1) the minimum number of #tree credits# on a #zoning lot# shall be three #tree credits# per 750 square feet of #lot area# in R1, R2 and R3 Districts, or two #tree credits# per 750 square feet of #lot area# in R4, R5 and R6 Districts;
- (2) the minimum number of trees that are one inch #caliper# or greater shall be one tree per 1,000 square feet of #lot area#; and
- (3) for #zoning lots# with a #lot width# greater than 40 feet, the total number of #tree credits# located in the area between all #street walls# of a #building# and their prolongations and the #street line# shall be greater than or equal to the #lot width# divided by 10 and rounded to the nearest whole number, except that such #tree credits# need not exceed 16.

- (b) All other #zoning lots#
For #zoning lots# in #Residence Districts# without #residential uses#, and for #zoning lots# in all #Commercial# or #Manufacturing Districts# the minimum number of #tree credits# on a #zoning lot# shall be:

- (1) 1.5 per 750 square feet of #lot area#; and
- (2) the minimum number of trees that are one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

- (c) Trees within unimproved portions of mapped #streets#
For the purposes of this Section, trees located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-13 (Tree Regulations), where:

- (1) the unimproved portion of the privately owned mapped #street# is not required for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for a #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

Where #tree credits# or numbers of trees required for a #zoning lot# result in a fraction, the requirements of Section 143-13 (Tree Regulations), inclusive, shall be satisfied by providing a whole number of #tree credits# or trees in excess of such fractional amount.

143-133
Planting standards for tree credits

#Tree credits# shall only be assigned to trees planted or preserved in accordance with the provisions set forth in this Section. #Invasive species# are prohibited from being planted on a #zoning lot# or tract of land and in no case shall they be counted towards fulfillment of the requirements of Section 143-132 (Determining tree requirements).

(a) Newly planted trees

Newly planted trees shall be eligible for #tree credits# provided that each tree shall be no smaller than the applicable #caliper# specified in the table in Section 143-131 (Tree credits), and shall be planted no closer to nearby trees than:

- (1) five feet between saplings; or
- (2) 7 feet, 6 inches between young trees, saplings and preserved trees.

Such distances shall be measured on center. If two trees of different size designations are planted next to each other, the greater distance shall control.

In addition, newly planted trees shall have no #hard surface area# within their #critical root zone#.

(b) Preserved trees

#Tree credits# shall only be assigned to preserved trees, provided no area shall be disturbed within their #structural root zones#, and provided no more than 10 percent of the #critical root zone# is disturbed by any combination of the following:

- (1) proposed #hard surface area#; or
- (2) modifications to topography, including any excavation or fill, except for newly planted vegetation within a container that is sized one quarter-gallon or smaller.

However, preserved trees with more than 10 percent and no more than 30 percent of their #critical root zones# disturbed by proposed #hard surface area#, topographic modification, construction staging, use of heavy machinery or newly planted vegetation as set forth in this paragraph may be counted towards the assigned #tree credit# value set forth in Section 143-131 (Tree credits) only if such trees have a #tree protection plan#.

For the purposes of this paragraph (b), a deck or porch that is elevated above natural grade shall not be considered as disturbance within a #critical root zone# or #structural root zone#, except for the area of excavation required for the structural support of such #hard surface area#.

Removal of #hard surface area# from the #critical root zone# of a tree, when conducted pursuant to a #tree protection plan# shall not be considered disturbance.

For the purposes of assigning #tree credits#, preserved trees that are less than six inches in #caliper# may be treated as a newly planted "young tree" or "sapling," as applicable, for #zoning lots# where the total #tree credit# of all trees existing prior to any proposed #development#, #enlargement# or #site alteration# is less than the amount required pursuant to Section 143-132 (Determining tree requirements). A survey of existing site conditions showing the location of all existing trees that are six inches in #caliper# or greater shall be provided.

**143-134
Tree preservation requirement**

In all #Residence Districts#, removal of live trees that are six inch #caliper# or greater, where the trunks of such trees are located within 15 feet of a #rear lot line#, shall be permitted only under the following circumstances:

- (a) where such trees are located in areas to be occupied by #buildings#, or within a distance of eight feet of an existing or proposed #building#, provided that it is not possible to avoid such removal by adjustments in the location of such #buildings#;
- (b) for #zoning lots# no greater than 3,800 square feet of #lot area#, where such trees are located in areas to be occupied by swimming pools, or within a distance of eight feet of an existing or proposed swimming pool, provided that it is not possible to avoid such removal by adjustments in the location of such swimming pools;
- (c) where such trees are located in an area to be occupied by a driveway or area required for #accessory# parking, provided that it is not possible to avoid such removal by adjustments in the location of such driveway or parking area;
- (d) where a total of over 30 percent of the #critical root zone# of such trees would be impacted by proposed disturbances, provided that it is not possible to avoid such impacts by adjustments in the location of proposed #buildings#, swimming pools, driveways, #private roads# or parking areas;
- (e) where a defect exists in such tree with a rating of "Moderate," "High," or "Extreme," as described in the Best Management Practices for Tree Risk Assessment published by the International Society of Arboriculture (ISA) and as determined by a professional arborist possessing a current Tree Risk Assessment qualification issued by the ISA; and where it is not possible or practical to mitigate such defect by any means other than removal of the tree; or
- (f) where any portion of a #rear lot line# of a #zoning lot# is located within 70 feet of the #front lot line# of such #zoning lot#.

Notwithstanding the removal of any trees permitted pursuant to paragraphs (a) through (f) of this Section, such #zoning lot# shall comply with all other requirements of Section 143-13 (Tree Regulations), inclusive.

**143-14
Biodiversity Requirement**

The biodiversity planting requirements of this Section shall apply within the #Special Natural Resources District#.

(a) Applicability of biodiversity requirement to #developments#, #enlargements# and certain #site alterations#

The planting requirements set forth in this Section, inclusive, shall apply on #zoning lots# or other tracts of land, to:

- (1) #developments#;
- (2) #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that result in an increase in #lot coverage#;

- (3) the removal of more than 12 #tree credits#;
- (4) newly constructed or relocated #hard surface area# with an area of 400 square feet or more; or
- (5) for #zoning lots# previously subject to paragraphs (a)(1), (a)(2), (a)(3) or (a)(4) of this Section, the establishment of a new category of #landscape element# where such newly planted vegetation counts toward #biodiversity points# previously satisfied by another type of #landscape element#.

The minimum biodiversity requirement on a #zoning lot# shall be as set forth in Section 143-141 (Determining biodiversity requirements). Required vegetation shall be grouped within #landscape elements# and assigned #biodiversity points# in accordance with Section 143-142 (Landscape elements). Vegetation within #landscape elements# shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements). #Buffer areas# shall be planted pursuant to the provisions set forth in Section 143-144 (Planting requirements for buffer area adjacent to designated aquatic resources).

For #zoning lots# that have planted or preserved #landscape elements# pursuant to the provisions of this Section, inclusive, such vegetation may be subsequently altered, provided that the required area of vegetation is not reduced below the area required for such #landscape element#.

However, where Section 37-90 (PARKING LOTS) applies, and the open parking area covers at least 40 percent of the #zoning lot# or #plan review site#, as applicable, the provisions of Sections 143-141, 143-142 and 143-143 shall be deemed satisfied by the provision of landscaping pursuant to Section 37-90.

(b) Requirements for maintaining vegetation on all other lots

For #zoning lots# with #buildings# constructed prior to [date of adoption] that are not subject to the biodiversity requirements of paragraph (a) of this Section, the provisions of Sections 143-141 (Determining biodiversity requirements), 143-142 (Landscape elements) and 143-143 (Planting standards for landscape elements) shall not apply. However, such #zoning lots# shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of paragraph (b) of this Section, as follows.

Existing square footage of vegetation that is not lawn or trees shall not be reduced to less than:

- (1) 15 percent of the #lot area# in Resource Adjacent Areas and in #areas adjacent to aquatic resources#;
- (2) 10 percent of the #lot area# in Escarpment Areas; or
- (3) five percent of the #lot area# in Base Protection Areas.

**143-141
Determining biodiversity requirements**

In order to satisfy the biodiversity requirements set forth in Section 143-14 (Biodiversity Requirements), inclusive, vegetation shall be assigned #biodiversity points#. All #zoning lots# shall have #biodiversity points# greater than or equal to the point requirement set forth in of this Section, as applicable:

- (a) six #biodiversity points# in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (b) four #biodiversity points# in Escarpment Areas;
- (c) four #biodiversity points# for #zoning lots# that contain #residential uses# in R1, R2 and R3 Districts in Base Protection Areas;
- (d) two #biodiversity points# for #zoning lots# that do not contain #residential uses# in R1, R2 and R3 Districts in Base Protection Areas; and
- (e) two #biodiversity points# in Base Protection Areas containing R4, R5, R6 Districts and Commercial and Manufacturing Districts.

In the event of a conflict between the provisions of one paragraph of this Section and another paragraph, the more restrictive shall control.

**143-142
Landscape elements**

In order to satisfy the #biodiversity point# requirements set forth in Section 143-141 (Determining biodiversity requirements), vegetation shall be categorized into one of the #landscape elements# set forth in the table in this Section. All vegetation shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements).

BIODIVERSITY POINT VALUE PER REQUIRED AREA

#Landscape element#	#Biodiversity points#	Design requirements
Basic Garden	1	2.5 percent of #lot area#
Wildlife Garden	1	2 percent of #lot area#
Green Roof—Intensive	1	12.5 percent of the #lot coverage#
Green Roof—Extensive	1	15 percent of the #lot coverage#

The total area of a #landscape element# shall not be less than as set forth in the Table in this Section. In addition, the following design requirements shall apply:

(a) Basic gardens, wildlife gardens and green roofs

The minimum horizontal dimension of each basic garden, wildlife garden or green roof shall be eight feet, except that, for #zoning lots# with a #lot area# less than 3,800 square feet, each wildlife garden or green roof shall have a minimum horizontal dimension of four feet.

(b) Wildlife garden buffers

For #developments# on #zoning lots# located in a Resource Adjacent Area, wildlife gardens shall be located within buffers as specified in this paragraph (b), and special planting standards shall apply to such gardens pursuant to Section 143-143 (Planting standards for landscape elements). To fulfill #biodiversity point# requirements, wildlife garden buffers shall be located along #side# and #rear lot lines#, or portions thereof, adjacent to a Resource Adjacent Area boundary line, as shown on the Map in Appendix B of this Chapter and Map 2 of Appendix C of this Chapter. For wildlife garden buffers along #side lot lines#, or portions thereof, the minimum width shall be eight feet. For wildlife garden buffers along #rear lot lines#, or portions thereof, the minimum depth shall be 10 feet. The width or depth of wildlife garden buffers shall be measured perpendicular to such #side# or #rear lot lines#, respectively.

However, where #buildings# or other #hard surface area# lawfully existing as of [date of adoption] are located so as to be in conflict with the requirements of this paragraph (a), such areas that are in conflict may be exempt from such requirements.

(c) #Landscape elements# within unimproved portions of mapped #streets#

For the purposes of this Section, #landscape elements# located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-14 (Biodiversity Requirement), where:

- (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than thirty days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

**143-143
Planting standards for landscape elements**

Vegetation planted or preserved within #landscape elements# shall be in good health and shall comply with the provisions set forth in this Section. Trees shall not count toward the vegetation coverage requirements of #landscape elements#; coverage requirements shall only be satisfied through #ground# and #shrub layer# plantings. Vegetation required pursuant to other Sections of this Resolution that meet the standards of this Section may be used towards fulfillment of the requirements of Section 143-141 (Determining biodiversity requirements).

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land and in no case shall existing #invasive species# be included as preserved vegetation within a #landscape element# or counted as #biodiversity points#.

(a) Basic gardens

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied.

(b) Wildlife gardens

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall each be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#.

(c) Wildlife garden buffers

In Resource Adjacent Areas, the #shrub layer# shall occupy at least 20 percent of the wildlife garden buffer and the #ground layer# shall occupy at least 40 percent of such buffer. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#. Such wildlife garden buffer area shall also have three #tree credits# per 750 square feet of area within such wildlife garden buffer area.

Trees required within wildlife garden buffers shall be planted or preserved in accordance with Section 143-133 (Planting standards for tree credits). Such trees shall contribute toward satisfying the requirements of Section 143-13 (Tree Regulations).

(d) Green roofs

The minimum depth of planting medium for “intensive green roofs” shall be eight inches, and the minimum depth of planting medium for “extensive green roofs” shall be three inches. A minimum of six different species shall be provided for “intensive green roofs” and a minimum of four different species shall be provided for “extensive green roofs.”

Illustrative Example

The following example, while not part of the Zoning Resolution, is included to demonstrate how biodiversity planting requirements are calculated.

Example of calculations for a “basic garden” on a 5,000 square-foot lot

Basic gardens are assigned one #biodiversity point# for each 2.5 percent of the #lot area# they occupy, as set forth in the table in Section 143-142 (Landscape elements). For a #zoning lot# with a #lot area# of 5,000 square feet, a basic garden of 500 square feet, or 10 percent, would achieve the required four #biodiversity points#. In this example, because of design considerations, two areas are established for basic gardens: one along a side lot line, eight feet wide by 20 feet deep (providing 1.28 #biodiversity points#), and another across the front of the lot, 40 feet wide by 8 feet 6 inches deep (providing 2.72 #biodiversity points#).

Paragraph (b) of Section 143-143 (Planting standards for landscape elements) specifies that both the #ground layer# and #shrub layer# each need to be at least 15 percent of the square footage of each #landscape element#. That means that both the #ground layer# and #shrub layer# each need to have a coverage of at least 24 square feet in the side garden, and at least 51 square feet in the front garden. Additional vegetation required for the remaining 70 percent coverage may be either in the #ground layer# or #shrub layer#.

**143-144
Planting requirements for buffer area adjacent to designated aquatic resources**

Vegetation shall be planted or preserved in #buffer areas# adjacent to #designated aquatic resources# in accordance with this Section. For #designated aquatic resources# regulated by the New York State Department of Environmental Conservation (DEC), vegetation other than lawn shall be located in a #buffer area# and shall be planted or preserved in a manner determined by DEC.

For #plan review sites# containing #designated aquatic resources# not regulated by DEC, vegetation other than lawn shall be planted in a #buffer area# that extends for 30 feet measured from the edge of the #designated aquatic resource#. Vegetation shall be planted or preserved as directed by the City Planning Commission pursuant to Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES). Such #buffer area# boundary shall be demarcated by a split rail fence or a similar boundary marker, with a gate permitted for maintenance purposes.

For #zoning lots# that are not #plan review sites# or a portion thereof, the planting required pursuant to this Section shall be waived in the following instances:

- (a) For all #uses# lawfully existing on [date of adoption], planting shall not be required within portions of #buffer areas# that contain #buildings# and other #hard surface areas#, to the extent that such #buildings# and other #hard surface areas# lawfully existed in those locations on [date of adoption]. In addition, planting shall not be required within portions of #buffer areas# within five feet of any #building# lawfully existing on [date of adoption]; and
- (b) For a #residential building# lawfully existing on [date of adoption], and for a #development# or #enlargement# of a #residential building# on a #zoning lot# existing both on [date of certification] and on the date of application for a building permit, planting shall not be required within portions of #buffer areas# that:
 - (1) are open areas where disturbance is permitted pursuant to Section 143-161 (Permitted encroachment area); and
 - (2) are within a #front yard#.

Vegetation planted or preserved pursuant to the provisions of this Section may be counted towards satisfying the requirements of Section 143-13 (Tree Regulations), inclusive, and the biodiversity requirements of Sections 143-141, 143-142 and 143-143.

**143-15
Special South Richmond Landscaping and Buffering Provisions**

The provisions of this Section, inclusive, requiring landscape screening along #Residence District# boundaries, between #residences# and #commercial# or #manufacturing uses# and along open parking areas, shall apply within the South Richmond Subdistrict.

**143-151
Landscaped buffer along Residence District boundaries**

[Note: provisions relocated from Section 107-481 and modified]

For any #commercial# or #manufacturing development# on a #zoning lot# adjoining a #Residence District# boundary, there shall be within the open area required by the provisions of Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) along the #lot line# adjoining the #Residence District#, a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting, or evergreen trees and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

However, this requirement shall not apply along a #rear lot line# or portion of a #rear lot line# where there is an existing or proposed #building# within 10 feet of such #rear lot line# or portion thereof.

**143-152
Landscaped buffer for commercial or manufacturing development adjacent to residences**

[Note: provisions relocated from Section 107-482 and modified]

Where an existing #residential use# is located adjacent to a #development# containing a #commercial# or #manufacturing use#, the #side# or #rear lot line# adjacent to such #residential use# shall be planted with a strip at least four feet wide consisting of densely planted evergreen shrubs at least four feet high at the time of planting, or evergreen trees and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

However, this requirement shall not apply along a #rear lot line# or portion of a #rear lot line# where there is an existing or proposed #building# within 10 feet of such #rear lot line# or portion thereof.

**143-153
Landscaped buffer for open parking areas**

[Note: provisions relocated from Section 107-483(b) and modified]

Any #development# with open #accessory# off-street parking areas consisting of 10 or more spaces shall provide a landscaped buffer in accordance with the provisions of this Section. Where the provisions of 37-90 (PARKING LOTS) apply, those provisions shall instead control.

The parking area shall be screened from all adjoining #zoning lots# by a landscaped area at least four feet in width, densely planted with shrubs maintained at a maximum height of four feet. Such parking area shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area. All screening shall be maintained in good condition at all times.

**143-154
Waiver of landscaped buffer**

[Note: provisions relocated from Section 107-483(c) and modified]

The landscaped buffer requirements of Section 143-15 (Special South Richmond Landscaping and Buffering Provisions), inclusive, may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (a) unique geological conditions, such as excessive subsurface rock conditions or high water table;
- (b) underground municipal infrastructure; or
- (c) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer, architect or landscape architect that such conditions exist.

**143-16
Aquatic Resource Protections**

For #zoning lots# containing #designated aquatic resources# or #buffer areas#, the provisions of this Section, inclusive, shall apply.

No removal of trees or other vegetation, no disturbance of topography, no #development#, no horizontal #enlargement# and no increase in #hard surface area# shall be permitted within a #designated aquatic resource# or #buffer area#, except as provided in this Section, inclusive, or as otherwise approved by the New York State Department of Environmental Conservation. However, removal of #invasive species# and the construction of unpaved trails using hand tools shall be permitted within a #designated aquatic resource# or #buffer area# where permitted by the New York State Department of Environmental Conservation or the City Planning Commission, as applicable.

For #designated aquatic resources# and adjacent areas that are regulated by the New York State Department of Environmental Conservation, nothing in the regulations of this Chapter shall modify state regulations requiring application to such agency for proposed #development# or other state-regulated activity.

Section 143-161 (Permitted encroachment area) establishes the size and shape of a permitted encroachment area. Section 143-162 (Location of permitted encroachment) establishes the #zoning lots# that are eligible to encroach upon #designated aquatic resources# and #buffer areas# and rules to minimize such encroachment. Section 143-39 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space) establishes rules to allow clustering of #buildings# outside of #designated aquatic resources# and #buffer areas# in order to minimize encroachment.

**143-161
Permitted encroachment area**

For the purposes of this Section and Section 143-162 (Location of permitted encroachment), the "permitted encroachment area" shall be as described in paragraph (a) in #Residence Districts# and as described in paragraph (b) in #Commercial# or #Manufacturing Districts#. The permitted encroachment area is the largest area allowed to be disturbed within a #designated aquatic resource# or #buffer area#.

- (a) Permitted encroachment area in #Residence Districts#
In all #Residence Districts#, the permitted encroachment area shall be a combination of permitted #lot coverage# and an area adjacent to a #building#.

- (1) Permitted #lot coverage#
The maximum permitted #lot coverage# on a #zoning lot# shall be determined by the applicable Zoning District as indicated in the following table:

Zoning District	#Lot coverage# (in square feet)
R1-1	1200

R1-2	800
R2 or R3 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

A #building# shall be located on a #zoning lot# so that its #lot coverage# shall avoid or minimize disturbance of #designated aquatic resources# and #buffer areas#, except that the minimum width of a #building# need not be less than 15 feet, and the shape, in plan view, of the outermost walls of such #building# need not be other than a rectangle.

(2) Permitted encroachment adjacent to a #building#

An area with a depth of five feet, as measured perpendicular to the #building# wall, shall be exempt from the planting requirements of Section 143-144, and shall be permitted around a single #building# that contains the primary #use# on the #zoning lot#, except the depth of such area shall be 20 feet adjacent to a rear #building# wall that is opposite a #street# or #private road#. For #zoning lots# with multiple #street# frontages, such depth of 20 feet may be utilized only once. Within this area, an encroachment of fill for lawn, #hard surface area# or other similar encroachment shall be permitted within a #buffer area# or #designated aquatic resource#.

The provisions of Section 143-36 (Modified Yard Regulations for the Protection of Natural Features) shall be used, as applicable, to facilitate a #building# location that, combined with the permitted encroachment adjacent to such #building#, minimizes the area of encroachment on a #designated aquatic resource# or #buffer area#, as applicable.

(b) Permitted encroachment area in #Commercial# or Manufacturing Districts#

In #Commercial Districts# or #Manufacturing Districts#, the permitted encroachment area shall not exceed a #hard surface area# of 4,500 square feet. Such #hard surface area# shall be arranged to avoid or minimize encroachment upon #designated aquatic resources# and #buffer areas#, except that the minimum width of the #hard surface area# need not be less than 40 feet and the shape of the outermost boundaries, in plan view, of such #hard surface area# need not be other than a rectangle.

143-162
Location of permitted encroachment

On a #zoning lot#, existing both on [date of certification], and on the date of application for a building permit, encroachment on a #designated aquatic resource# or #buffer area# shall only be permitted as follows:

- (a) Where the permitted encroachment area is located utilizing the applicable modified #yards#, but cannot be located fully outside of a #designated aquatic resource# or #buffer area#:
 - (1) the permitted encroachment area may encroach into a #buffer area# to the minimum extent necessary to accommodate such permitted encroachment area;
 - (2) where encroachment into a #buffer area# pursuant to paragraph (a)(1) of this Section does not accommodate the entire permitted encroachment area, only then shall encroachment into a #designated aquatic resource# be permitted, to the minimum extent necessary to accommodate such permitted encroachment area.
- (b) A single driveway with a width of 10 feet, or greater where required by the New York City Fire Department, shall be permitted to access a permitted encroachment area, and may encroach into a #buffer area# or #designated aquatic resource# to the minimum extent necessary.
- (c) the provisions of Section 143-42 (Parking Modifications for the Protection of Natural Features) shall be used, as applicable, to facilitate the location of required off-street parking that minimizes the area of encroachment on a #designated aquatic resource# and #buffer area#. Required #accessory# off-street parking spaces need not be located within a #building# in order to minimize the area of encroachment;

- (d) in #Residence Districts#, if it is necessary to locate proposed #accessory# off-street parking spaces within a #designated aquatic resource# or #buffer area#, no more than one #dwelling unit# shall be permitted.

143-20
SPECIAL USE REGULATIONS

143-21
Residential Uses in South Richmond Subdistrict

In the South Richmond Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the underlying #Residence District use# regulations shall be modified to prohibit #zero lot line buildings#.

Within Subareas SH and M of the South Richmond Subdistrict, additional special #use# regulations are set forth in the following Sections.

143-211
Affordable independent residences for seniors in Subarea SH

[Note: provisions relocated from Section 107-411 and modified]

In Subarea SH, as shown on Map 3 in Appendix D of this Chapter, any #development# or #enlargement# containing #affordable independent residences for seniors# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

- (a) such #development# or #enlargement# will contain no more than 250 #dwelling units# of #affordable independent residences for seniors#, individually or in combination with other #developments# or #enlargements# within Subarea SH that have received prior certification pursuant to this Section;
- (b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and
- (c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts). The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #affordable independent residences for seniors# in Subarea SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section 143-721 (Affordable independent residences for seniors in Subarea SH).

143-212
Special use regulations in Subarea M

[Note: provisions relocated from Section 107-491 and modified]

In Subarea M, as shown on Map 3 in Appendix D of this Chapter, the regulations of the underlying districts and the Special District are supplemented or modified as follows:

- (a) #Residential uses# existing prior to August 17, 1995, shall be considered conforming and when an existing #building# containing such #uses# is damaged or destroyed by any means, it may be reconstructed within two years of such event to its #bulk# prior to such damage or destruction or to R3X District #bulk# requirements, whichever is greater.
- (b) #Residential extensions# shall be subject to R3X District regulations as modified by the applicable Special District regulations except that an existing #detached building# may contain non-#residential uses# in addition to not more than two #dwelling units#.
- (c) Non-#residential uses# shall be located below the lowest #story# occupied in whole or in part by #residential uses#.
- (d) #Floor area# in a #building# originally designed for #residential use# that has been continuously vacant for two or more years prior to the date of filing an alteration application, may be re-occupied for #residential use#.
- (e) #Residential developments#, and #residential enlargements# that result in an increase in #lot coverage# shall be subject to the provisions of Section 143-722 (Residential Uses in Subarea M).

143-30 SPECIAL BULK REGULATIONS

The special #bulk# regulations of this Section, inclusive, shall apply throughout the #Special Natural Resources District#.

143-301
Special bulk regulations for certain community facility uses in lower density growth management areas

[Note: provisions relocated from Section 107-412 and modified]

The #bulk# regulations of this Chapter applicable to #residential buildings# shall also apply to all #zoning lots# in #lower density growth management areas# that contain #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or
- (b) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where:
 - (1) such #zoning lot# contains #buildings# used for houses of worship; or
 - (2) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

**143-31
Floor Area and Density Regulations**

**143-311
Floor area regulations in the South Richmond Subdistrict**

[Note: provisions relocated from Sections 107-44, 107-491(e), 107-492 and modified]

The following provisions shall apply within the South Richmond Subdistrict and shall modify the underlying district regulations:

- (a) The provisions of Sections 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and 33-15 (Floor Area Bonus for Front Yards) shall not apply to any #community facility use#; and
- (b) In Subarea M, as shown on Map 3 in Appendix D of this Chapter, the following provisions shall apply:
 - (1) The maximum #floor area ratio# for two or more #uses# on a #zoning lot# shall be determined by the #use# that is permitted the greatest #floor area ratio#, provided that the #floor area# occupied by each #use# does not exceed the amount permitted by the #floor area ratio# for that #use#; and
 - (2) #Residential enlargements#, not to exceed 500 square feet of #floor area#, shall be permitted subject to R3X District regulations as modified by the applicable Special District regulations, provided that there is no increase in the number of #dwelling units# and that such #enlargements# do not result in an increase in #lot coverage#.

**143-312
Maximum number of dwelling units in R3 and R4 Districts within the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-42 and modified]

In R3 and R4 Districts within the South Richmond Subdistrict, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #single-# and #two-family semi-detached residences# in R3-1 and R3-2 Districts.

**143-32
Lot Coverage**

R1 R2 R3

In the districts indicated, for #zoning lots# containing predominantly #residential uses#, the #lot coverage# and #open space# regulations of the underlying districts shall not apply. In lieu thereof, the provisions set forth in this Section shall apply. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential uses# shall be defined as a #zoning lot# containing predominantly #residential uses#.

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include #accessory buildings# permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). Such #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

The maximum permitted #lot coverage# shall be as set forth in paragraph (a) of this Section. However, in the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, the provisions of paragraph (b) modify the maximum #lot coverage# of a #zoning lot# in cases of encroachment of #areas of existing slope#. In no case shall the #lot coverage# resulting from paragraphs (a) or (b) be required to be less

than the #lot coverage# set forth in paragraph (c) of this Section. Paragraph (d) sets forth an exemption from #lot coverage# for a #building# or portion of a #building# containing required off-street #accessory# parking spaces in certain instances.

- (a) Basic maximum #lot coverage#

TABLE I
BASIC MAXIMUM LOT COVERAGE

Area	Maximum permitted #lot coverage# (in percent)
Base Protection Area: R1 District	25
Base Protection Area: R2 and R3 Districts	30
Escarpment Area	25
Resource Adjacent Area and #areas adjacent to aquatic resources#	15

- (b) #Lot coverage# determined by slope encroachment

In the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, where an area of encroachment is proposed in an #area of existing slope# that is greater than 150 square feet in cumulative area, the maximum #lot coverage# shall be determined by the steepest slope category encroached upon that has an area greater than 150 square feet cumulatively, as set forth in Table II of this Section. Where there is no encroachment upon a slope category with an area greater than 150 square feet cumulatively, the maximum #lot coverage# shall be determined by the slope category with the largest area encroached upon. When the maximum permitted #lot coverage# indicated in Table II exceeds the maximum permitted #lot coverage# set forth in Table I, the more restrictive shall apply.

For the purposes of this Section “encroachment” shall be the area of proposed changes in ground elevation by more than two feet of cut or fill, including areas proposed for excavation to such depth for #buildings#, #hard surface areas#, structural elements for decks and for any other #site alteration# related to such grade change of more than two feet.

TABLE II
MAXIMUM LOT COVERAGE FOR ENCROACHMENT WITHIN AREAS OF EXISTING SLOPE

Slope category (in percent) #area of existing slope#	Maximum permitted #lot coverage# (in percent)
85 or greater	12.5
65-84.9	15
45-64.9	17.5
35-44.9	20
25-34.9	22.5
10.0-24.9	25

- (c) Notwithstanding any other provisions of this Section, in no case shall the resulting maximum #lot coverage#, in square feet, be required to be less than the permitted #lot coverage# set forth in Table III.

TABLE III
PERMITTED LOT COVERAGE

Zoning District	Permitted #lot coverage# (in square feet)
R1-1	1,200
R1-2	800

R2 or R3 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

- (d) Exemption from #lot coverage# for enclosed #accessory# parking spaces
 For #qualifying lots#, an #accessory building# enclosing required off-street #accessory# parking spaces, or a portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces, shall be exempt from #lot coverage# requirements if such #accessory building# or portion of a #building#:
- (1) is located on a slope that rises above the adjacent #street# or #private road#;
 - (2) is no more than 10 feet in height above #curb level#;
 - (3) is located entirely within 25 feet of a #street# or #private road#; and such #building# or portion either:
 - (i) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
 - (ii) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

Such #accessory building# or portion of a #building# shall not be exempt from #hard surface area# limitations.

**143-33
Hard Surface Area**

The maximum permitted #hard surface area# for a #zoning lot# is set forth in this Section. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential use# shall be defined as a #zoning lot# containing predominantly #residential use#.

R1 R2 R3

- (a) In the districts indicated, for #zoning lots# containing predominantly #residential use#, the maximum permitted #lot coverage# set forth in paragraphs (a) or (b) of Section 143-32 (Lot Coverage) shall determine the maximum permitted #hard surface area# in accordance with Table I of this Section. The maximum permitted #hard surface area# on a #zoning lot# shall not exceed the percent of #lot area# set forth in Table I.

TABLE I

PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ZONING LOTS CONTAINING PREDOMINANTLY RESIDENTIAL USE IN R1 THROUGH R3 DISTRICTS

Maximum permitted #lot coverage# (in percent)	Maximum permitted #hard surface area# (in percent)
12.5	40
15	45
17.5	45
20	50
22.5	50
25	50
30	65

R1 R2 R3 R4 R5 R6 C1 C2 C3 C4 C8 M1 M2 M3

- (b) In the districts indicated, the maximum permitted #hard surface area# for all #zoning lots# not subject to paragraph (a) of this Section, shall be as set forth in Table II for the applicable zoning district.

TABLE II

PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ALL OTHER ZONING LOTS

Zoning district	Maximum permitted #hard surface area# (in percent)
R1 R2 R3 R4 R5 R6	75
C1 C2 in Escarpment Area, Resource Adjacent Area, or in #areas adjacent to aquatic resources#	85
C1 C2 in Base Protection Area	90
C3	75
C4 C8 M1 M2 M3	85

**143-34
Lot Area and Lot Width**

The minimum #lot area# and #lot width# regulations set forth in Article II, Chapters 3 and 4, as applicable, shall be modified as set forth in this Section, inclusive.

**143-341
Minimum lot area for zoning lots containing designated aquatic resources**

Where the sum of all areas containing #designated aquatic resources# and #buffer areas# on the #zoning lot# constitutes more than 10 percent of the #lot area#, such area shall be excluded for the purposes of calculating #lot area# necessary to meet minimum #lot area# requirements of Section 23-32 (Minimum Lot Area or Lot Width for Residences), Section 143-342 (Minimum lot area within Escarpment Areas) or Section 143-343 (Minimum lot area and lot width in the South Richmond Subdistrict), as applicable.

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts, both on [date of certification] and on the date of application for a building permit.

**143-342
Minimum lot area within Escarpment Areas**

R1 R2 R3

In the districts indicated, within Escarpment Areas, Section 23-32 (Minimum Lot Area or Lot Width for Residences) shall be modified as follows:

- (a) In R1 Districts, the minimum required #lot area# per #single-family residence# shall be 12,500 square feet;
- (b) In R2 Districts, and for #detached single- or two-family residences# in R3 Districts, the minimum required #lot area# for each #single-# or #two-family residence#, where permitted, shall be 6,250 square feet;
- (c) In R3 Districts, for #attached# or #semi-detached single- or two-family residences#, the minimum required #lot area# for each #attached# or #semi-detached single-# or #two-family residence# shall be 4,000 square feet;
- (d) In R3 Districts, for all other #residences#, the minimum required #lot area# for each #dwelling unit# shall be 2,650 square feet; and
- (e) In R1, R2, and R3 Districts, the following provisions shall also apply:
 - (1) Where at least 50 percent of the area of a #zoning lot# has slopes of less than 25 percent, the provisions of Section 23-32 shall apply without modification;
 - (2) For #zoning lots# subject to the provisions of paragraphs (a), (b) or (c) of this Section, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (i) has less than the minimum #lot area# required pursuant to this Section; and
- (ii) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts both on [date of certification] and on the date of application for a building permit.

143-343

Minimum lot area and lot width in the South Richmond Subdistrict

[Note: provisions relocated from Section 107-421 and modified]

The following provisions shall apply within the South Richmond Subdistrict and modify the underlying #residence district# regulations:

(a) Minimum #lot area# and #lot width# for #residences#

For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements adjusted by #building# height#, shall apply as set forth in the table in this paragraph (a). Where two or more #buildings# that are #single-# or #two-family detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.

The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10 (DEFINITIONS), provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between a #side lot line# and any opposing #lot line# that is parallel to, or within 45 degrees of being parallel to, such #side lot line#, where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum #lot width#, in feet, set forth in the table.

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (1) has less than the minimum #lot area# or #lot width# required pursuant to this Section; and
- (2) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts, both on December 8, 2005 and on the date of application for a building permit.

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R1-1	#detached#	1-4	9,500	100
R1-2	#detached#	1-2	5,700	40
		3	5,700	50
		4	5,700	60
R2	#detached#	1-4	3,800	40
R3-1	#detached#	1-2	3,800	40
		3-4	3,800	45
R3-1	#semi-detached#	1-2	2,375 ³	24 ³
R3-2		3-4	3,800	40
R3-2	#detached#	1-2	3,800	40
		3-4	4,275	45

	#attached#	1-2	1,700	18
		1-2	2,375 ¹	24 ¹
		3-4	2,280	24
		3-4	3,800 ¹	40 ¹
R3A	#detached#	1-3	3,325	35
R3X ²	#detached#	1-2	3,800	40
		3	4,750	50
		4	5,700	60
R4A	#detached#	1-3	3,325	35
R4-1	#semi-detached# #detached#	1-3	2,375 ³	24 ³
		1-3	3,325	35

¹ For #attached buildings# that #abut# an #attached building# on a separate #zoning lot# on one side and on the other side are bounded by #yards# or open area.

² In Area LL as shown on the District Plan (Map 3 in Appendix D) of this Chapter, all #residences# shall have a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 50 feet.

³ For #two-family semi-detached residences# with a height of one or two #stories# in R3-1 and R3-2 Districts and for all #two-family semi-detached residences# in R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

(b) Minimum #lot area# and #lot width# for #zoning lots# containing certain #community facility uses#

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts, the provisions of this paragraph (b) shall apply to #zoning lots# containing #buildings# used for:

- (1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and
- (2) child care service as listed under the definition of #school# in Section 12-10, except where:
 - (i) such #zoning lot# contains #buildings# used for houses of worship; or
 - (ii) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where these #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between a #side lot line# and any opposing #lot line# that is parallel to, or within 45 degrees of being parallel to, such #side lot line#, where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care services or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

143-35

Yard Regulations in the South Richmond Subdistrict

In the South Richmond Subdistrict, required #yards# shall be provided in accordance with the provision of this Section, inclusive. However, for certain #zoning lots#, the provisions set forth in this Section may be

modified in accordance with the provisions set forth in Section 143-36 (Modified Yard Regulations for the Protection of Natural Features).

**143-351
Front yards in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-461 and modified]

In all #Residence Districts#, the #front yard# requirements of the underlying districts set forth in Section 23-45 shall apply, except that in R2 Districts without a letter suffix, R3-1, R3-2, R4 Districts without a letter suffix and R5 Districts without a letter suffix, #front yards# shall be at least 18 feet in depth. On #corner lots#, one #front yard# may have a depth less than 18 feet as permitted by the underlying district regulations. These provisions may be modified, where applicable, by the provisions of 143-362 (Front yard reductions).

**143-352
Side yards in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-462 and modified]

In all districts, except R1 Districts, for all #single-# or #two-family detached# and #semi-detached residences#, #side yards# shall be provided pursuant to the #residence district#, type of #residence# and number of #stories# of the #building# as set forth in the following table:

REQUIRED SIDE YARDS

District	Type of #residence#	Number of stories	Number of #side yards# required	Required total width	Minimum width of any #side yard#
R2	#detached#	1-2	2	15	5
R3-1	#semi-detached#	3-4	2	20	5
R3-2		1-2	1	9	9
		3-4	1	15	15
R3A R4A	#detached#	1-4	2	15	5
R3X*	#detached#	1-2	2	15	5
		3	2	20	8
		4	2	25	10
R4-1	#detached# #semi-detached#	1-4	2	15	5
		1-4	1	9	9

* In Subarea LL, as shown on Map 3 in Appendix D of this Chapter, two #side yards# with a total width of at least 16 feet shall be required for all #residences#, and each #side yard# shall have a minimum width of eight feet.

In R1 Districts, the #side yard# regulations of Section 23-46 shall apply, except that on a #corner lot#, one #side yard# shall be at least 20 feet in width.

In R2, R3, R4A and R4-1 Districts, the #side yard# regulations set forth in the Table in this Section shall apply, except that on a #corner lot#, one #side yard# shall be at least 20 feet in width.

**143-353
Side yard regulations for other residential buildings in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-463 and modified]

For all #residential buildings# other than #single-# or #two-family detached# or #semi-detached residences#, the provisions of Section 23-462 (Side yards for all other buildings containing residences) shall apply, except that no #side yard# shall have a width less than 10 feet.

Furthermore, for #attached residences# that #abut# an #attached building# on a separate #zoning lot# on one side and are bounded by open area on the other side, one #side yard# with a minimum width of nine feet shall be required for such one or two #story residences#, and one #side yard# with a minimum width of 15 feet shall be required for such three or four #story residences#.

**143-354
Side yards for permitted non-residential use in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-464 and modified]

For #community facility buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section 24-35 (Minimum Required Side Yards) shall apply to such #community facility buildings# or the provisions of Section 23-464 (Side yards for buildings used for permitted non-residential uses) shall apply to such other #non-residential buildings#, except that

no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three #stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

Where greater widths of #side yards# are required by the provisions of Sections 23-464 or 24-35 than by the provisions of this Section, such requirement of greater width shall apply.

**143-355
Special provisions for arterials in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-251(b) and modified]

In all districts, along portions of #arterials#, as indicated on Maps 2.1 through 2.4 in Appendix D of this Chapter, #buildings# shall be set back 20 feet from the #front lot line# for the full length of the #front lot line abutting# such #arterial#. Such setback area shall be unobstructed from its lowest level to the sky except that, where a setback area is at least 35 feet in depth, such setback area may be used for required #accessory# off-street parking or loading facilities, provided such facilities are not enclosed. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, #buildings# shall be set back 30 feet from the #front lot line# and required off-street parking and loading facilities shall be permitted within such setback area.

Within all required setback areas, one tree of two inch #caliper# or greater, pre-existing or newly planted, shall be provided for each 400 square feet of such setback area.

However, in #Commercial# or #Manufacturing Districts#, along all #arterials# except the service roads of the West Shore Expressway, #buildings# may be located within 20 feet of the #front lot line#, provided that:

- (a) the #street wall# of the building shall be located within 15 feet of the #street line# for a minimum of 50 percent of the frontage of the #zoning lot#;
- (b) the #street wall# of the building facing the #arterial# shall comply with the standards set forth in Section 37-34 (Minimum Transparency Requirements);
- (c) the area of the #building# within 30 feet of the #street wall# facing the #arterial# does not contain Use Groups 16, 17 or 18;
- (d) the sidewalk fronting the #arterial# shall have a minimum width of 10 feet; and
- (e) the area of the #zoning lot# between the sidewalk and all #street walls# of the #building# shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such planting shall not be required for those portions of the #zoning lot# between the sidewalk and #buildings#, or portions thereof, containing Use Group 6 #uses#, and except that such plantings shall not be required at the entrances to and exits from the #building#, or within driveways accessing off-street parking spaces located within such #building#.

**143-356
Building setbacks along railroad rights-of-way in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-253 and modified]

#Buildings# on #zoning lots# immediately adjacent to or directly opposite the Staten Island Rapid Transit right-of-way, shall be set back 20 feet from the #lot line# adjacent to or directly opposite the right-of-way of such railroad. Such setback area shall be measured perpendicular to such #lot line#. Such setback area shall be unobstructed from its lowest level to the sky, except that such setback area may be used for #accessory# off-street parking or loading facilities, and for obstructions permitted in a #rear yard# pursuant to Sections 23-44, 24-33, 33-23 or 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), as applicable. Such setback area may be used for #public parking garages# or #public parking lots#, where permitted pursuant to underlying regulations.

Within such #building# setback area, there shall be provided one tree of two inch #caliper# or greater, pre-existing or newly planted, for each 400 square feet of such open area.

**143-36
Special Yard Regulations for the Protection of Natural Features**

In order to facilitate the protection of natural features, the provisions of this Section, inclusive, shall modify the #yard# regulations of the underlying districts as applicable in the #Special Natural Resources District# and the regulations of 143-35 (Yard Regulations in South Richmond). However, in no case shall the provisions of both Sections 143-362 (Front yard reductions) and 143-363 (Rear yard reductions) be applied to the same #zoning lot#.

143-361**Permitted obstructions in yards**

For #residential buildings# on #qualifying lots#, the provisions of Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 25-622 (Location of parking spaces in lower density growth management areas) shall be modified to allow required off-street parking spaces, open or enclosed, as permitted obstructions within a #front yard#, provided the height of any #building# enclosing such off-street parking spaces does not exceed 10 feet above #curb level#.

A portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces on such #qualifying lots#, shall be considered a permitted obstruction in a #front yard# if such portion of a #building#:

- (a) is located on a slope that rises above the adjacent #street# or #private road#;
- (b) is no more than 10 feet in height above #curb level#;
- (c) is located entirely within 25 feet of a #street# or #private road#; and such portion of a #building# either:
 - (1) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
 - (2) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

In addition, for #zoning lots# subject to the provisions of Section 143-373 (Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources), the provisions of Section 23-44 shall be modified to allow portions of #buildings# that project up to three feet into #yards# as permitted obstructions within such #yards#.

143-362**Front yard reductions**

The regulations for minimum #front yards# shall be modified in accordance with the provisions set forth in paragraphs (a) or (b) of this Section, as applicable, and required setback areas along arterials and railroad rights-of-way, as set forth in the Special South Richmond Subdistrict shall be modified as set forth in paragraph (c) of this Section:

- (a) In R1, R2, R3, R4 and R5 Districts
 - (1) In R1 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet;
 - (2) In R2 and R3 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet; or
 - (3) In R2 through R5 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet, provided that certain natural features are preserved within specified portions of the #zoning lot#, as follows:
 - (i) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
 - (ii) such natural features, including #critical root zones#, are, in whole or in part located beyond 30 feet of the #rear lot line# and are in the rear half of the #zoning lot#; and
 - (iii) such natural features are located within an #area of no disturbance#.
- (b) In Resource Adjacent Areas, Escarpment Areas or #areas adjacent to aquatic resources#
 - (1) In R1 Districts, #front yards# shall have a minimum required depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet; and
 - (2) In R2 and R3 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet.

- (c) Along #arterials# and railroad rights-of-way

- (1) In all districts, for #zoning lots# subject to the provisions of Section 143-355 (Special provisions for arterials in the South Richmond Subdistrict), the required setback area shall be 15 feet provided that natural features are preserved as specified in paragraph (a)(3) of this Section.
- (2) In all districts, for #zoning lots# subject to the provisions of Section 143-356 (Building setbacks along railroad rights-of-way in the South Richmond Subdistrict), the required setback area shall be 10 feet provided that natural features are preserved as specified in paragraph (a)(3) of this Section.

However, if an open #accessory# off-street parking space is located between the #street wall# of a #building# containing #residences# and the #street line#, there shall be an open area between such #street wall# and #street line# which is at least 8 feet 6 inches in width by 18 feet in depth to accommodate such parking space.

143-363**Rear yard reductions**

#Rear yards# shall have a minimum depth of 20 feet as set forth in paragraphs (a) or (b) of this Section:

- (a) In R2 and R3 Districts, for #qualifying lots#, and for #zoning lots# located in Resource Adjacent Areas, Escarpment Areas or #areas adjacent to aquatic resources#, and
- (b) In R1 through R6 Districts, provided that certain natural features are preserved as follows:
 - (1) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
 - (2) such natural features, including #critical root zones#, are, in whole or in part located outside of the #front yard# and are in the front half of the #zoning lot#; and
 - (3) such natural features are located within an #area of no disturbance#.

143-364**Measurement of yards in unimproved streets**

For #qualifying lots# in R2 and R3 Districts, or for #zoning lots# within Resource Adjacent Areas, Escarpment Areas, or #areas adjacent to aquatic resources#, the minimum required #front yard# depth shall be measured from a tax lot boundary within a #street# shown on the City Map, instead of from the #street line# in cases where:

- (a) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (b) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

143-365**Special rear yard equivalent regulations****R1 R2 R3**

In the districts indicated, in #lower density growth management areas#, Section 23-532 (Required rear yard equivalents) shall be modified for #zoning lots# with a single #detached residence# existing on August 12, 2004, to permit a #rear yard equivalent# to be provided as set forth in paragraphs (a), (b) or (c) of Section 23-532.

143-37**Height and Setback Regulations**

In the #Special Natural Resources District#, the special height and setback regulations of Sections 143-371 (Modified height and setback for the protection of natural features) and 143-372 (Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources) shall apply.

The special height and setback regulations of Section 143-373 (Height and setback in the South Richmond Subdistrict) shall apply within the South Richmond Subdistrict.

143-371

Modified height and setback for the protection of natural features

In order to facilitate the protection of natural features, the maximum perimeter wall height and maximum #building# height of a #residential building#, or the #residential# portion of a #building# may be modified in accordance with the provisions of this Section.

Within Resource Adjacent Areas, #areas adjacent to aquatic resources#, and for #qualifying lots#, Section 23-60 (HEIGHT AND SETBACK REGULATIONS) shall be modified as follows:

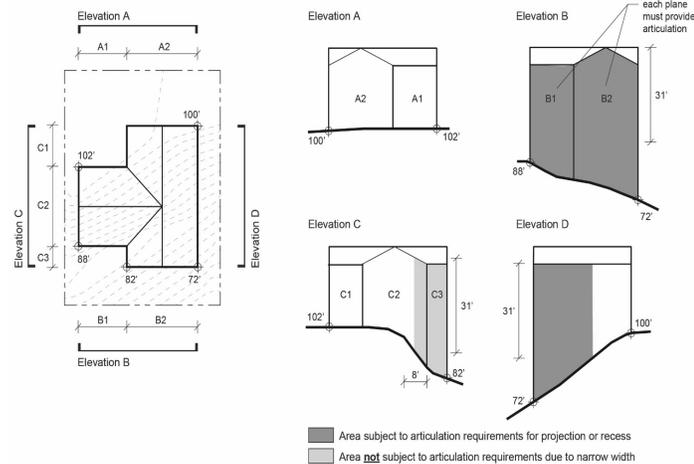
- (a) In R1 and R2 non-contextual districts, paragraph (a) of Section 23-631 (General provisions) shall be modified so that the front wall or any other portion of a #building# or other structure# shall not penetrate the #sky exposure plane# beginning at a height of 30 feet above the #front yard line#.
- (b) In R3 Districts, paragraph (b) of Section 23-631 shall be modified as follows:
 - (1) Perimeter walls shall be subject to setback regulations at a maximum height of 31 feet above the #base plane#.
 - (2) The provisions set forth in paragraphs (b)(1) through (b)(6)(i) of Section 23-631 shall be modified so that the sloping planes controlling the maximum #building# height shall meet at a ridge line of 40 feet above the #base plane#.

**143-372
Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources
R1 R2 R3**

In the districts indicated, the provisions of this Section shall apply to #residential buildings# in Escarpment Areas, Resource Adjacent Areas and #areas adjacent to aquatic resources#. The provisions of this Section shall not apply to #accessory buildings#.

For any portion of such #residential building# that is eight feet in width or greater and exceeds a vertical distance of 31 feet between the roof of the #building# and the final adjoining grade, an area equaling at least 25 percent of the surface area of such portion must project from or be recessed from an exterior wall covering at least 25 percent of the area in a continuous plane by at least 18 inches from the wall above or below.

Four elevation views shall be provided for each #building# in addition to application materials set forth in 143-05 (Application Requirements). Each such elevation view shall show that such #residential building# complies with the recess and projection requirements of this Section.



ARTICULATION REQUIREMENTS

**143-373
Height and setback in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-43 and modified]

In the South Richmond Subdistrict, in addition to the requirements for maximum height of walls and required setbacks in Sections 23-63, 24-52, 33-43 or 143-371, no #building# shall exceed a height of four #stories# and no structures other than #buildings# shall exceed a height of 50 feet, unless by special permit of the City Planning Commission, pursuant to Section 143-731 (Exceptions to height regulations in the South Richmond Subdistrict). In the event of a conflict between the provisions of this Section and the provisions of

any other Section of this Resolution, the provisions of this Section shall control.

**143-38
Court and Open Area Regulations**

The open area regulations of this Section, inclusive, shall apply throughout the #Special Natural Resources District#, and the special court regulations shall apply in the South Richmond Subdistrict.

**143-381
Open area requirements for residences**

Open areas shall be provided between #residential buildings# and each of the following: #designated aquatic resources#, #buffer areas#, #designated open space#, or #habitat preservation area#, in accordance with the requirements of this Section.

- (a) An open area shall be provided adjacent to the rear wall of each #residential building# or #building segment#. For the purposes of this Section, the "rear wall" shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 20 feet when measured perpendicular to each rear wall.
- (b) An open area shall also be provided adjacent to the side walls of each #residential building# or #building segment#. For the purposes of this Section, a "side wall" shall be a wall that does not face a #street# or #private road#, and is not a rear wall. The depth of such open area shall be equal to the depth of each #building# or #building segment#, and the width of such open area shall be at least five feet when measured perpendicular to each side wall.
- (c) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and any remaining walls not facing a #street# or #private road# shall be designated side walls. The open area provisions of this Section shall apply to the areas adjacent to such rear wall and side walls.

Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted within such open areas.

**143-382
Court regulations in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-466 and modified]

In the South Richmond Subdistrict, the special court regulations set forth in this Section shall apply.

For any #building# containing #residences# not more than one #story# in height, the area of an #inner court# shall not be less than 225 square feet and the minimum dimension of such #inner court# shall not be less than 15 feet.

For any #building# containing #residences# more than one #story# in height, the area of an #inner court# shall not be less than 400 square feet and the minimum dimension of such #inner court# shall not be less than 20 feet.

No court regulations shall apply to #single-# and #two-family detached residences#.

**143-39
Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space**

[Note: provisions relocated from Section 107-225 and modified]

In the #Special Natural Resources District# in all #Residence Districts#, except R1-1 Districts, and except #plan review sites# of one acre or more, the special #bulk# regulations of this Section shall apply to any tract of land containing #designated aquatic resources#, #buffer area# or #designated open space#. Such tract of land may contain a single #zoning lot# or two or more #zoning lots# #developed# as a unit in single ownership or control which are contiguous for a distance of at least 10 feet or would be contiguous except for their separation by a #street#.

For all permitted #residential uses# on such tract of land, the total #floor area#, #lot coverage#, #hard surface area# or #dwelling units# generated by that portion of the #zoning lot# containing #designated aquatic resources#, #buffer area# or #designated open space# may be distributed without regard for #zoning lot lines#, provided that, within Resource Adjacent Areas and #areas adjacent to aquatic resources#, the maximum applicable #lot coverage# of 15 percent and #hard surface area# of 45 percent shall not be exceeded.

The provisions of Sections 23-40 (YARD REGULATIONS) and 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), shall not apply. In lieu thereof, the following regulations shall apply:

- (a) #Yards#
 - (1) #front yards# shall have a minimum required depth of 10 feet;
 - (2) #side yards# shall have a minimum required width of four feet;
 - (3) #rear yards# shall have a minimum required depth of 10 feet;
- (b) Minimum distance between #buildings#
 - (1) the minimum distance between #buildings# on the same or #abutting zoning lots# across a common #side lot line# shall not be less than eight feet;
 - (2) the minimum distance between #buildings# on #abutting zoning lots# across a common #rear lot line# shall not be less than 40 feet.

The provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and the provisions of Section 143-381 (Open area requirements for residences) shall apply without modification.

The provisions of Section 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) relating to two #buildings# on a #zoning lot# where one building is a "front building" and another is a "rear building" as described in such Section, shall be modified to require an open area with a minimum width of 20 feet between any "rear building" and the #rear lot line# of an adjoining #zoning lot#. In addition, the provisions of Section 23-891 (In R1 through R5 Districts) shall be modified to require an open area adjacent to the rear wall of each #building# with a depth of at least 20 feet when measured perpendicular to each rear wall.

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Where such tract of land is subject to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), modifications of #bulk# in accordance with this Section shall also comply with the provisions set forth in Sections 143-61 (General Provisions) and shall be subject to all findings and conditions set forth in 143-62 (Authorization for Plan Review Sites).

**143-40
SPECIAL PARKING REGULATIONS**

Special parking regulations apply in the #Special Natural Resources District#.

**143-41
Location of Parking Spaces in Lower Density Growth Management Areas**

In R1, R2, R3, R4-1 and R4A Districts, the provisions of Section 25-622 (Location of parking spaces in lower density growth management areas) shall be modified for all #zoning lots# with #buildings# containing #residences# to permit required #accessory# off-street parking spaces to be located on a #zoning lot# between the #street line# and the #street wall# of a #building# or prolongation thereof, provided that such required parking spaces shall not be permitted within a #front yard#, and, where such spaces are not enclosed, shall be at least 18 feet from the #street line#.

**143-42
Parking Modifications for the Protection of Natural Features**

In the #Special Natural Resources District#, on #qualifying lots#, in order to facilitate the protection of natural features, the following provisions shall apply.

- (a) Location of parking spaces

Sections 25-621 (Location of parking spaces in certain districts) and 143-41 (Location of Parking Spaces in Lower Density Growth Management Areas) shall not apply. The provisions of Section 25-622 (Location of parking spaces in lower density growth management areas) shall not apply, except that no more than two unenclosed required parking spaces may be located in tandem (one behind the other), and no tandem parking shall be permitted in any #group parking facility# with more than four spaces;
- (b) Driveway and curb cut regulations

Section 25-632 (Driveway and curb cut regulations in lower density growth management areas) shall apply except as modified as follows:

 - (1) where more than one off-street parking space is provided in a #front yard#, paragraph (a) of Section 25-632 shall be inapplicable, and paragraph (b) shall apply to all #zoning lots# of any width;

- (2) paragraph (c) of Section 25-632 shall be inapplicable, such that driveway and curb cut centerlines need not be coincident;
- (3) for #zoning lots# with less than 50 feet of frontage along a #street#, or for #zoning lots# with 50 feet or more of frontage where only one required #accessory# off-street parking space is provided on the #zoning lot#, one required off-street parking space may be permitted #abutting# the #street line# and parallel to the #street#, provided that:
 - (i) no sidewalk exists on the frontage of such lot, and the approved Builder's Pavement Plan has no sidewalks on the frontage of such lot;
 - (ii) the curb cut shall have a maximum width, including splays, of 22 feet;
 - (iii) the curb cut shall provide access to only one off-street parking space with a maximum paved area of 200 square feet; and
 - (iv) no driveway or off-street parking shall be permitted between the #street wall# of the #residence# and such parallel parking space for a distance equal to the depth of the required #front yard#.
- (4) for #zoning lots# with a minimum of 50 feet of frontage along a #street#, two off-street parking spaces may be permitted adjacent to and parallel to the #street#, provided that:
 - (i) no sidewalk exists on the frontage of such lot and the approved Builder's Pavement Plan has no sidewalks on the frontage of such lot;
 - (ii) at least one of the two parking spaces is a required off-street parking space;
 - (iii) the curb cut shall have a maximum width, including splays, of 42 feet;
 - (iv) the curb cut shall provide access to only two off-street parking spaces with a maximum paved area of 400 square feet; and
 - (v) no driveway or off-street parking shall be permitted between the #street wall# of the #residence# and such parallel parking space for a distance equal to the depth of the required #front yard#; and

- (c) Parking spaces within an unimproved portion of a privately owned mapped #street#

#Accessory# off-street parking spaces may be permitted within an unimproved portion of a privately owned mapped #street# provided that:

 - (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
 - (2) the applicant submits a letter to the Department of Buildings from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

**143-43
Parking Waiver Not Applicable in the South Richmond Subdistrict**

The waiver provisions set forth in Section 36-231 (In districts with high, medium or low parking requirements) shall not apply to any #development# or #enlargement# in the South Richmond Subdistrict.

**143-44
Access Restrictions Along Arterial Streets in the South Richmond Subdistrict**

In the South Richmond Subdistrict, curb cuts are not permitted along an #arterial street# on #zoning lots# with frontage on a non-#arterial street#. For #zoning lots# with frontage only on an #arterial street#, one curb cut is permitted along such #arterial street#. For purposes of this Section, adjoining #zoning lots# in the same ownership or control on [date of adoption], or on the date of application for a building

permit, shall be treated as a single #zoning lot#. However, the access restrictions of this Section shall not apply to #schools#, hospitals and related facilities, police stations or fire stations.

For #zoning lots# with more than 100 feet of frontage on an #arterial street#, where such #zoning lot# has frontage only on a #arterial street#, the Commissioner of Buildings may approve additional curb cuts for access to such #arterial street# where the Commissioner of Transportation submits a letter certifying that such additional curb cut is necessary to avoid adverse effects on the traffic operations and safety of the #arterial#, or that such additional curb cut will not adversely affect traffic operations and safety on the #arterial# including but not limited to either the implementation of a traffic pattern serving right-turn only movements in the location of the additional curb cut, or the implementation of traffic signalization serving the curb cut location, or other reasons acceptable to the Commissioner of Transportation.

For #zoning lots# with more than 100 feet of frontage on an #arterial street#, where such #zoning lot# has frontage on both #arterial# and non-#arterial streets#, the Chairperson of the City Planning Commission may, by certification, approve additional curb cuts for access to such #arterial street# where the Commissioner of Transportation submits a letter certifying that such additional curb cut is necessary to avoid adverse effects on the traffic operations and safety of the #arterial#, or that such additional curb cut will not adversely affect traffic operations and safety on the #arterial# due to either the implementation of a traffic pattern serving right-turn only movements in the location of the additional curb cut, or the implementation of traffic signalization serving the curb cut location, other reasons acceptable to the Commissioner of Transportation and the Chairperson certifies that there are no practicable alternatives providing access only to non-#arterial streets#.

143-45 Special Surfacing Regulations

R1 R2

In the districts indicated, Section 25-65 (Surfacing) shall be modified to allow dustless gravel driveways that access one #single-family residence#, provided that all portions of such driveway located between the curb and the #front lot line# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick.

143-50 SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK

All tracts of land in the #open space network#, as shown on the District Plan (Map 1 in Appendix D of this Chapter), shall be subject to the open space provisions of this Section, inclusive.

Regulations for #zoning lots# containing #designated open space# are set forth in Section 143-51 (Designated Open Space). Regulations for #zoning lots# containing a portion of the #waterfront esplanade# are set forth in Section 143-52 (Waterfront Esplanade).

The vertical #enlargement# of a #residential use# that does not involve the addition of one or more #dwelling units# and does not create a #site alteration# shall not be subject to the requirements of this Section, inclusive.

143-51 Designated Open Space

[Note: provisions relocated from Section 107-22 and modified]

#Designated open space# shall be preserved in its natural state except as otherwise specified by the provisions of this Section, inclusive. No removal of trees or alteration of topography shall be allowed within #designated open space# except to accommodate utility easements and as otherwise specified by the provisions of this Section, inclusive. No #accessory# off-street parking facilities shall be located within a #designated open space#.

A certification pursuant to Section 143-511 (Certification for public pedestrian ways) shall be required for #developments#, #enlargements# or #site alterations# on #plan review sites# containing #designated open space#.

Active recreational facilities may be permitted within #designated open space# subject to certification of the Chairperson of the City Planning Commission pursuant to Section 143-512 (Certification for active recreational facilities). Special bulk regulations for #zoning lots# containing #designated open space# are set forth in Section 143-39 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space).

The following obstructions shall be permitted in #designated open space#, provided no trees shall be removed, nor existing topography altered, nor shall pedestrian movement be obstructed within a public pedestrian way:

- (a) unpaved footpaths;
- (b) unpaved sitting areas, not exceeding 100 square feet;

- (c) awnings and other sun control devices, pursuant to Section 23-44 (Permitted Obstructions in Required Rear Yards or Rear Yard Equivalents);
- (d) balconies, unenclosed, subject to the provisions of Section 23-13 (Balconies);
- (e) eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches;
- (f) fences or walls, up to six feet in height;
- (g) exterior wall thickness, pursuant to Section 23-44; and
- (h) 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.

143-511 Certification for public pedestrian ways

[Note: provisions relocated from Section 107-222 and modified]

For #plan review sites#, no excavation or building permit shall be issued for any #development#, #enlargement#, or #site alteration# on a #zoning lot# containing #designated open space#, until the Chairperson of the City Planning Commission certifies to the Department of Buildings that:

- (a) such #designated open space# shall be preserved in its natural state, or modified as permitted by Section 143-512 (Active recreational facilities); and
- (b) where required by the Chairperson, that the applicant shall provide a public pedestrian way through such #designated open space#, in accordance with this Section.

When a public pedestrian way is required, it shall be built and maintained by the owner of the #zoning lot# and shall be accessible to the public at all times. For #developments#, no certificate of occupancy shall be issued until all required improvements are completed. The location and dimension of such pedestrian way shall be determined by the Chairperson.

The owner of a #zoning lot# containing a public pedestrian way may request that the City of New York acquire an easement on the property for providing public access to such #designated open space#. If the City acquires such an easement, the City's subsequent #use# of such easement or #development# upon such easement shall not be deemed to create a #non-compliance#.

143-512 Certification for active recreational facilities

[Note: provisions relocated from Section 107-221 and modified]

#Designated open space# may be used for active recreational facilities provided that the Chairperson of the City Planning Commission certifies that such #use#:

- (a) is compatible with the purposes of the #open space network#;
- (b) will have minimal impact on tree removal, topographic alterations or drainage conditions; and
- (c) shall be accessible to the public, or at a minimum to the owners, occupants, employees, customers, residents or visitors of other #uses# on the #zoning lot#. In addition, for #zoning lots# or #plan review sites# with #residential uses# not open to the public, such facilities shall only be permitted in #designated open space# where they serve the residents of four or more #dwelling units#.

Such conditions, as applicable, shall be noted on the Certificate of Occupancy of all #buildings# on the #zoning lot#.

Active recreational facilities may include athletic fields, swimming pools, tennis courts or facilities and equipment normally found in playgrounds, and shall comply with the #use# regulations of the underlying district.

Active recreational facilities shall not be allowed within 60 feet of any #aquatic resource# unless the Chairperson certifies that a location closer to such #aquatic resource# will not adversely affect its natural character or drainage function. The Chairperson, where appropriate, shall be guided by reports from other City or state agencies.

143-52 Waterfront Esplanade

[Note: provisions relocated from Section 107-23 and modified]

No excavation or building permit shall be issued for any #development#, #enlargement#, or #site alteration# on a #zoning lot# containing a portion of the #waterfront esplanade#, until the Chairperson of the City Planning Commission certifies to the Department of Buildings that:

- (a) the location and design of the #waterfront esplanade# are satisfactory to the Chairperson; and
- (b) such #waterfront esplanade# shall conform to the guidelines and standards established by the Department of City Planning in consultation with the Department of Transportation and the Department of Parks and Recreation.

The #waterfront esplanade# shall be built and maintained by the owner of a #zoning lot# on which the esplanade is shown on Map 1 in Appendix D of this Chapter, except where such #zoning lot# has been #developed# prior to September 11, 1975. Where such #waterfront esplanade# is not accessible to the public, the Chairperson may require the owner of the #zoning lot# to provide public access to such a #waterfront esplanade# from a public right-of-way through the #zoning lot#.

No certificate of occupancy or permit sign-off, as applicable, shall be issued until all required #waterfront esplanade# improvements are completed.

143-53 Boundary Adjustments of Designated Open Space

In evaluating applications to the City Planning Commission for a zoning text amendment to #Designated Open Space# Maps 1.1 to 1.6 in Appendix D of this Chapter, to modify the boundaries of the #designated open space# shown on such map, the City Planning Commission shall consider establishing the following limitations to the greatest extent practicable:

- (a) that such adjustment will not place the new boundary closer than 60 feet to a watercourse;
- (b) that such adjustment will either:
- (1) result in a substantial improvement in the quality and usefulness of the #designated open space#; or
 - (2) permit #development# which better satisfies the purposes of this Chapter and that the new features which will be added to the #designated open space# will be at least equal in quality to those which are displaced from it; and
- (c) that such adjustment will provide an equivalent area replacement for the area removed from the #designated open space#.

143-60 SPECIAL REGULATIONS FOR PLAN REVIEW SITES

The provisions of this Section 143-60, inclusive, shall apply to all #plan review sites# in the #Special Natural Resources District#.

143-61 General Provisions

For #plan review sites#, a #development#, #enlargement#, #site alteration# or #zoning lot# subdivision shall only be permitted by authorization of the City Planning Commission pursuant to Section 143-62 (Authorization for Plan Review Sites), except that such authorization shall not be required for:

- (a) minor #enlargements# or #site alterations# as set forth in Section 143-616 (Minor enlargements or site alterations on plan review sites);
- (b) #site alterations# that are not related to a proposed #development#, #enlargement# or subdivision of a #zoning lot# where such #site alterations#:
- (1) in any given calendar year, consist of an area of less than 400 square feet and the removal of no more than two trees or 12 #tree credits#, whichever is greater; and
 - (2) are located both in Base Protection Areas and outside of areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning;
- (c) the removal of trees where the following conditions apply:
- (1) on #plan review sites# in Resource Adjacent Areas, Escarpment Areas and #areas adjacent to aquatic resources#, that are located outside of areas shown on the #Special Natural Resource District# Habitat Map, where such trees to be removed are not located in #designated aquatic resources#, #buffer areas# or #areas of existing slope# of 25 percent or greater and that total less than 12 #tree credits# cumulatively; or
 - (2) on #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, which have received certification to remove

trees pursuant to Section 143-67 (Certification to Permit Tree Removal).

The review of all #plan review sites# by the City Planning Commission pursuant to Section 143-62 is required, except as specifically excluded in paragraphs (a) through (c) of this Section.

All #plan review sites# are subject to all provisions of this Chapter except where specifically modified pursuant to the provisions of Section 143-60, inclusive. Additional requirements relating to habitat preservation, planting, open areas, private roads, minor #enlargements#, #site alterations# and site planning applicable to such sites, are set forth in Sections 143-611 through 143-617.

The applicant shall provide an assessment of the significant natural features of the site to the Commission pursuant to the provisions of paragraph (d)(1) of Section 143-62, and, for #plan review sites# with an area one acre or larger located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, the applicant shall provide an assessment of #habitat areas# pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

At the option of an applicant, a long-term development plan may be proposed pursuant to the provisions of Section 143-631 (Establishment of a development plan). Approval of a development plan by the Commission allows for expedited review of future development pursuant to Sections 143-632 (Certification for preliminary plan site) or 143-633 (Renewal authorization for conceptual plan site).

For #plan review sites# that are required to establish #habitat preservation areas# pursuant to Section 143-611 (Habitat preservation area standards), the Commission may modify the applicable standards and boundaries of the #habitat preservation area# pursuant to Sections 143-641 (Modification of habitat preservation area standards) and 143-642 (Special permit for modification of habitat preservation area). At the applicant's request, the #habitat preservation area# may be dedicated for public use, pursuant to Section 143-643, and the Commission may permit modification of #bulk# regulations as if such land remained within the #plan review site#. In addition, for all sites that are required to establish #habitat preservation areas# or that contain #designated open space#, in order to facilitate the preservation of natural resources and the clustering of development on the site, applications may be made to the Commission for the modification of #use# or #bulk# regulations pursuant to Sections 143-65 (Residential Sites), and 143-66 (Modification of Bulk Regulations for Certain Community Facilities).

Where Section 143-39 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space) is applicable to #plan review sites# of less than one acre, modification of #bulk# regulations shall be as-of-right, provided that the resulting site plan shall be subject to all findings and conditions set forth in Section 143-62. For #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where only tree removal is proposed, an authorization pursuant to Section 143-62 shall not be required if a certification is granted pursuant to Section 143-67.

For #plan review sites# subject to the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), only portions of #zoning lots# landward of the #shoreline# shall be used to calculate the required percentage of #habitat preservation area# and required planting pursuant to Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

For #plan review sites# containing #designated open space#, no #development#, #enlargement# or #site alteration# shall be permitted prior to certification required pursuant to Section 143-511 (Certification for public pedestrian ways).

The provisions of Section 74-74 (Large Scale General Development) and Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) shall not apply.

143-611 Habitat preservation area standards

The provisions of this Section shall apply to #plan review sites# existing on [date of certification] that contain one or more acres located in an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where:

- (a) such #plan review site# contains #habitat area# as determined through a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning; and
- (b) such #habitat area# occupies an uninterrupted continuous area of no less than 10,000 square feet, and no portion of such area measures less than 10 feet in width at any point. For the purposes of determining the width of irregular shapes, any

area that cannot wholly contain a circle with a diameter of 10 feet shall be considered less than the required width.

Such #habitat area#, in whole or in part, shall be preserved as #habitat preservation area# pursuant to the provisions of this Section.

The minimum amount of #habitat preservation area# as a percentage of a #plan review site# is set forth in the Table in this Section. For sites that have at least 10,000 square feet of #habitat area#, as determined pursuant to this Section, but less than the minimum required #habitat preservation area# pursuant to the Table in this Section, the portion of the site containing #habitat area# shall not be reduced below the amount existing at the time of application except pursuant to Section 143-641 (Modification of habitat preservation area standards).

Table I of this Section shall apply according to the predominant proposed #use# of the entire #plan review site#. For the purposes of applying the provisions of Section 143-60, inclusive, the greatest proportion of #floor area# allocated to a #use# described in Table I shall be defined as predominantly containing such #use#.

HABITAT PRESERVATION AREA REQUIREMENTS

	Predominant proposed #use#			
	#Residential#	#Community Facility#	#Commercial# (but not including Use Group 16)	#Manufacturing# and Use Group 16
#Habitat preservation area# minimum percent of #plan review site#	25 percent	35 percent	25 percent	25 percent
Reduced #habitat preservation area# percent of #plan review site# when amenity is provided	20 percent: recreation	None	20 percent: public open area	20 percent: buffer and landscaping

Where a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, determines #designated aquatic resources# to be on such #plan review site#, the #habitat preservation area# shall be the greater of the requirement as set forth in the table, or the size of such #designated aquatic resource# and #buffer areas#, except as otherwise determined by the Commission.

For sites that are partially or wholly within #designated open space#, portions of such #designated open space# that contain #habitat area# may be included in the #habitat preservation area# requirements.

For #plan review sites# required to provide waterfront public access areas pursuant to the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), the minimum #habitat preservation area# shall be reduced to 20 percent and the provisions of Section 143-612 (Amenities allowed in connection with reduced habitat preservation area) shall not apply.

The regulations allowing the reduction of #habitat preservation area# in connection with the provision of amenities are set forth in Section 143-612. Provision of such amenities shall allow the reduction of the required percentage of #habitat preservation area# to an amount no less than the percentage shown in the Table, and subject to the requirements and limitations of Section 143-612.

The #habitat preservation area# shall be shown on a proposed site plan. Such areas established on the site plan shall not be modified except by subsequent application of a special permit pursuant to Section 143-642 (Special permit for modification of habitat preservation area).

#Habitat preservation areas# on a #zoning lot# shall be considered #lot area# for the purposes of the applicable regulations on #floor area ratio#, #open space#, #lot coverage#, #hard surface area#, #lot area# or density, unless otherwise specified by the provisions of this Chapter.

#Habitat preservation areas# not fronting on a #street# shall be delineated from adjacent areas by a boundary marker acceptable to the City Planning Commission.

#Habitat preservation areas# may include the following permitted obstructions:

- (a) Unpaved footpaths
- (b) Unpaved sitting areas, not exceeding 100 square feet
- (c) Light fixtures

- (d) Boundary marker such as a split rail fence used to delineate the boundaries of the #habitat preservation area#

143-612 Amenities allowed in connection with reduced habitat preservation area

For #plan review sites# that are either predominantly #residential#, #commercial# or #manufacturing#, the required #habitat preservation area# may be reduced provided that a portion of the site is set aside and improved pursuant to the standards of this Section.

- (a) For #plan review sites# that are predominantly #residential#, for each percent of the #plan review site# set aside for recreational purposes, the required #habitat preservation area# may be reduced by one percent, to no less than 20 percent of the #plan review site#, provided that:
 - (1) the recreational area shall be accessible to the public, or to the owners, occupants, employees, customers, residents or visitors of the #use# to which such space is #accessory#, except that such recreational area may be closed to the public where it serves the residents of four or more #dwelling units#. Such conditions, as applicable, shall be noted on the certificate of occupancy of all #buildings# on the #zoning lot#;
 - (2) the recreational area shall be open to the sky except for #accessory buildings# covering not more than 20 percent of the recreation area, and may include active recreation areas, such as swimming pools, ball fields or courts, or facilities and equipment normally found in playgrounds, or passive areas, such as picnic areas or other sitting areas, and shall comply with the #use# regulations of the underlying district;
 - (3) the recreational area shall consist of a minimum of 5,000 square feet;
 - (4) a minimum of 10,000 square feet of continuous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-61, inclusive;
 - (5) the recreational area is adjacent to the remaining #habitat preservation area#; and
 - (6) the recreational area is directly accessible from a #street# or #private road#.

- (b) For #plan review sites# that are predominantly #commercial uses#, excluding Use Group 16, where a publicly accessible open space is provided pursuant to the standards of this Section, the required #habitat preservation area# may be reduced to 20 percent of the #plan review site#, provided that such reduction shall not exceed 36,000 square feet, and provided that a minimum of 10,000 square feet of contiguous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-61, inclusive. Such publicly accessible open spaces shall comply with the following standards:
 - (1) The minimum size of such publicly accessible open spaces shall be 2,000 square feet. Each such space shall be able to contain a 30-foot diameter circle. In addition, for #plan review sites# over five acres in size, the minimum total area of all such spaces shall be 4,000 square feet, and for #plan review sites# over 10 acres in size, the minimum total area shall be 6,000 square feet;
 - (2) Such publicly accessible open space shall be:
 - (i) adjacent to a sidewalk located within a #street#, #private road#, or adjacent to another sidewalk located within the site;
 - (ii) within 100 feet of a #primary entrance# to a #building#, excluding #accessory buildings#;
 - (iii) adjacent to the #habitat preservation area# to be protected; or
 - (iv) adjacent to a publicly accessible recreation facility, such as a #public park# or waterfront public access area;
 - (3) Seating

One linear foot of seating shall be provided for every 75 square feet of publicly accessible open space. Such seating may be located anywhere within such public access areas and shall comply with the standards of Section 37-741 (Seating).

The requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply.

(4) Planting

Publicly accessible open spaces shall comply with the provisions of Section 37-742 (Planting and trees), except that in lieu of trees of four inch #caliper#, trees of three inch #caliper# shall be provided.

(5) Grade

The level of the publicly accessible open space shall not be less than two feet below the adjoining grade, nor more than two feet above adjoining grade.

(6) Open air cafe

Open air cafes, where provided, shall comply with the provisions of paragraph (b) of Section 37-73 (Kiosks and Open Air Cafes), and seating for open air cafes may count toward the seating requirement, provided that 50 percent of the linear seating capacity is provided through other seating types.

(7) Lighting

All publicly accessible open spaces shall provide lighting in accordance with the following requirements:

- (i) An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas; and
- (ii) a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas.

Such level of illumination shall be maintained from one-half hour before sunset to the closing time of the #commercial use#.

The average illumination to minimum foot candle uniformity ratio shall be no greater than 10:1.

Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak foot candle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with a color temperature range of 3000 K to 4100 K with a minimum color rendering index of 65.

All lenses and globes shall be polycarbonate or equivalent.

All lighting sources that illuminate a publicly accessible open space and are mounted on or located within #buildings# adjacent to the publicly accessible open space shall be shielded from direct view. In addition, all lighting within the publicly accessible open space shall be shielded to minimize any adverse effect on surrounding #buildings# containing #residences# and from #habitat preservation areas#.

- (c) For #plan review sites# that are predominantly #manufacturing uses# or Use Group 16, the required #habitat preservation area# may be reduced to no less than 20 percent of the #plan review site#, provided that an area of land equal to the reduced amount of land area within the #habitat preservation area# is established as landscaped areas or landscaped buffers, and provided that a minimum of 10,000 square feet of contiguous natural area remains protected in a natural state pursuant to the standards of Section 143-61, inclusive. Such landscaped areas or landscaped buffers need not be contiguous with other #habitat preservation areas# on the #plan review site#.

143-613

Planting regulations for plan review sites

The planting requirements set forth in 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement) shall apply as modified by the provisions of this Section.

For the purposes of calculating #tree credits# and #biodiversity points#, #habitat preservation areas# shall be excluded from #lot area# computations.

- (a) Tree requirement

For all #plan review sites#, paragraph (b) of Section 143-132 (Determining tree requirements) shall not apply. The remaining provisions of Section 143-132 shall apply as follows:

- (1) For #plan review sites# with a #habitat preservation area#:

For #plan review sites# where a #habitat preservation area# is required, the provisions of this paragraph shall apply.

For #plan review sites# that contain a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply.

For a #plan review site# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# on a #plan review site# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

- (2) For #plan review sites# without a #habitat preservation area#:

For #plan review sites# where a #habitat preservation area# is not required, the provisions of this paragraph shall apply.

- (i) for a #plan review site# that contains a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply to such #plan review site#;
- (ii) for a #plan review site# in a Escarpment Area, Resource Adjacent Area or #area adjacent to aquatic resources# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.
- (iii) for a #plan review site# in a Base Protection Area that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be one #tree credit# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

- (b) Biodiversity requirement

The requirements set forth in Section 143-14, inclusive, shall apply, except as modified by the provisions of this paragraph.

For #plan review sites#, except #plan review sites# containing predominately #residential uses#, where a #habitat preservation area# is required, such required area may be counted as #biodiversity points# in accordance with this paragraph. For each 2.5 percent of #lot area# that such #habitat preservation area# occupies, one #biodiversity point# may be counted. Percentages of #lot area# in increments less than 2.5 percent shall not be counted. Where such #habitat preservation area# does not fully satisfy the #biodiversity point# requirement set forth in Section 143-141 (Determining biodiversity requirements), or where a #plan review site# has no required #habitat preservation area#, such remaining #biodiversity points# shall be satisfied through the provision of #landscape elements# in accordance with Section 143-14.

143-614

Open area and lot coverage requirements for community facilities

For #plan review sites# containing predominantly #community facility uses#, the provisions of this Section shall apply.

- (a) Required open areas

A minimum of 15 percent of the #plan review site# shall be open area. Such open area shall not include #habitat preservation area#, or any required planted area pursuant to the provisions of paragraph (b) of Section 143-613 (Planting regulations for plan review sites). Required open areas may not include #buildings#, parking areas, driveways or #private roads#, paved walkways or other # hard surface areas#. Open areas may include passive recreation areas or active recreation areas, except that active recreation areas that are

#hard surface areas# shall not be counted towards the total required open area. However, such active recreation areas surfaced with artificial turf may be included in calculations of required open area, up to a maximum of 10 percent of the #plan review site#.

If, at the time of application, a #plan review site# has less than 15 percent open area, the percentage of the site containing open area shall not be reduced below the amount existing at the time of application.

Open areas provided pursuant to this Section shall be designated on a site plan. Such open areas shall not be modified except by subsequent authorization by the City Planning Commission pursuant to Section 143-62 (Authorization for Plan Review Sites).

However, #plan review sites# containing only the following #community facility uses# shall be exempt from the requirements of this paragraph:

- Ambulatory diagnostic or treatment health care facilities
- Houses of worship
- Non-profit or voluntary hospitals and related facilities, except animal hospitals
- Proprietary hospitals and related facilities, except animal hospitals

(b) #Lot coverage#

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include portions of #buildings# or #accessory buildings# permitted pursuant to Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). All #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

#Lot coverage# shall be limited to a maximum of 25 percent, except that sites that are in Base Protection Areas and that do not contain #habitat preservation areas# shall have a maximum #lot coverage# of 35 percent.

143-615 Requirements for private roads

In Escarpment Areas, Resource Adjacent Areas, and #areas adjacent to aquatic resources#, the provisions of this Section shall apply to #private roads# authorized by the City Planning Commission and that provide access to #buildings developed# after [date of adoption]. #Private roads# previously approved by the Commission or constructed as-of-right shall continue to be governed under the regulations applicable at the time of approval. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply, and the provisions of Sections 26-31 through 26-34 shall apply for #private roads# in #lower density growth management areas#. #Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including, but not limited to curbs and curb drops, street lighting, signage, and crosswalks. In addition to the Department of Transportation standards, the design of the #private road shall comply with the following requirements:

- (a) The maximum grade of a #private road# shall not exceed 10 percent;
- (b) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the outer edge of the sidewalk;
- (c) The paved width of a #private road# shall not exceed 34 feet, except the paved width of a #private road# shall not exceed 30 feet in Escarpment Areas where such #private road# provides access to #residences# with less than 20 #dwelling units#, and shall not exceed 30 feet in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (d) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;
- (e) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;
- (f) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;

- (g) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;
- (h) Along the entire length of each side of a #private road#, trees of at least three inch #caliper# shall be provided and maintained at the rate of one tree for every 25 feet of #private road#;
- (i) Section 26-31 (Yards) shall apply, except that the curb of the #private road# shall be considered to be the #street line#; and
- (j) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (c) of this Section.

The Commission may, by authorization pursuant to paragraph (a) of Section 143-62 (Authorization for Plan Review Sites) allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

143-616 Minor enlargements or site alterations on plan review sites

For #plan review sites# that are one acre or larger in size, the following provisions shall apply:

- (a) Minor #enlargements# of existing #buildings# and minor #site alterations# that meet the size thresholds of this paragraph (a) shall be permitted as-of-right by the Department of Buildings, provided that such #enlargement# or #site alteration# complies with all applicable provisions of this Resolution, including the #plan review site# provisions of Section 143-61, inclusive, and:
 - (1) such #enlargement# or #site alteration# is within 15 feet of the exterior of an existing #building#;
 - (2) the total #floor area# of all such minor #enlargements# constructed after [date of adoption] on the #plan review site# shall not exceed 5,000 square feet; and
 - (3) the total area of all such minor #site alterations# constructed after [date of adoption] on the #plan review site# shall not exceed 10,000 square feet.
- (b) #Enlargements# or #site alterations# that meet the size thresholds of paragraph (a) of this Section are not subject to the provisions of Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

143-617 Site planning requirements

#Developments# and portions of #buildings# that are #enlarged# and result in an increase in #lot coverage# shall comply with the provisions of this Section. The City Planning Commission may modify the requirements of this Section pursuant to Section 143-62 (Authorization for Plan Review Sites)

- (a) At least 50 percent of the #street walls# of #buildings# containing Use Groups 6 and 10 shall be within 20 feet of the #street line#. The provisions of Section 37-34 (Minimum Transparency Requirements) shall apply to the portion of such #buildings# within 20 feet of the #street line#.
- (b) Loading areas shall not be located between the #street wall# of a #building# and its prolongations and the #street#.

For #zoning lots# with frontage on more than one #street#, the provisions of this Section shall apply along only one frontage.

143-62 Authorization for Plan Review Sites

For #plan review sites#, the City Planning Commission may authorize a #development#, #enlargement#, #site alteration#, the subdivision of a #zoning lot#, or the construction, widening, or extension of a #private road# pursuant to the conditions and findings of this Section. The Commission may also authorize modifications to certain requirements set forth in Section 143-61 (General Provisions) as provided in paragraph (a) of this Section, and may authorize modifications to the provisions of Article VI, Chapter 2 (SPECIAL REGULATIONS, APPLYING IN THE WATERFRONT AREA) as provided in paragraph (b).

- (a) Modifications
 - In order to facilitate the protection of natural features, the Commission may authorize modifications pursuant to the following provisions, provided that such modifications facilitate the goals of the #Special Natural Resources

District# and facilitate a proposal that better achieves the findings of paragraph (d) of this Section:

(1) #Private roads# and driveways

The Commission may modify the requirements for #private roads# as set forth in Section 143-615 (Requirements for private roads) as well as Section 143-121 (Grading standards) to facilitate appropriate #private roads# or driveways. The Commission may also modify the requirements of Sections 143-42 (Parking Modifications for the Protection of Natural Features), 25-621 (Location of parking spaces in certain districts), 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), 25-631 (Location and width of curb cuts in certain districts) and 25-635 (Maximum driveway grade).

(2) Parking areas

The Commission may modify parking lot landscaping and maneuverability requirements, and the cross access requirements of Section 36-59 (Cross Access Connections in the Borough of Staten Island) provided such modifications preserve significant natural features or #habitat preservation areas# or, for existing parking lots, such modifications are proportionate to the enlarged or reconfigured portions of such parking lots.

(3) Site planning requirements

The Commission may modify the requirements of Section 143-617 (Site planning requirements), provided that the Commission shall find that the proposed configuration and design of #buildings#, including any associated structures and open areas, will result in a site plan in which such #buildings# and open areas will relate harmoniously with one another and with #buildings# and open areas on nearby #zoning lots#, the #street# and the surrounding area.

(4) Tree and planting requirements

The Commission may modify the requirements of Sections 143-13 (Tree Regulations), 143-14 (Biodiversity Requirement) and 143-613 (Planting regulations for plan review sites) for #plan review sites# occupied entirely by cemeteries or open industrial #uses#, provided that the Commission shall find that such modification is the minimum necessary to accommodate an existing #use#, and that any expansion of such #use# complies with the requirements of such Sections in relation to the portion of the #plan review site# into which the expansion is proposed.

In addition, for all #uses#, where only a portion of a #plan review site# is affected by a proposed #development#, #enlargement# or #site alteration#, the Commission may modify the requirements of Sections 143-13, 143-14 and 143-613 to apply planting requirements to portions of a #plan review site# in which #development#, #enlargement# or #site alteration# is proposed, provided that such portion is no less than one acre in size.

(5) #Designated aquatic resources# and #buffer areas#

The Commission may modify the provisions of Section 143-16 (Aquatic Resource Protections) and 143-144 (Planting requirements for buffer areas adjacent to designated aquatic resources), provided that, in addition to the findings of paragraph (d), the Commission shall find that the proposed site plan preserves #designated aquatic features# and #buffer areas# to the greatest extent feasible and, where applicable, such modification is consistent with standards and policies of the New York State Department of Environmental Conservation.

(6) Topography and retaining walls

The Commission may modify the provisions of Sections 143-121 (Grading standards) and 143-122 (Retaining wall standards), provided that such modifications are necessary to preserve significant natural features or #habitat preservation area# and that such modifications will not impair the character of the surrounding area.

(b) Modifications for waterfront lots subject to #habitat preservation area# requirements

In order to balance the protection of natural features with waterfront public access requirements, the Commission may modify the following provisions, provided that such modifications facilitate an application that better achieves the findings of paragraph (d) of this Section.

Defined terms in this Section shall include terms as defined in Section 62-11.

(1) #Shore public walkway#

Where the required #habitat preservation area# is located within or adjacent to a #shore public walkway#, the Commission may modify the following provisions:

- (i) Section 62-53 (Requirements for Shore Public Walkways) may be modified so a #shore public walkway# is reduced to any width not less than 15 feet.
- (ii) Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be modified so that a circulation path with a minimum clear width of eight feet shall be permitted.

(2) #Supplemental public access area#

Where the required #habitat preservation area# is located within or adjacent to a #supplemental public access area#, the Commission may modify the following provisions:

- (i) #Habitat preservation areas# may be provided in lieu of the planting requirements of paragraph (c) of Section 62-62.
- (ii) #Habitat preservation areas# may be used to satisfy the location and area requirements of Section 62-57 (Requirements for Supplemental Public Access Areas).

(3) #Upland connection#

#Habitat preservation areas# within or adjacent to a #upland connection# may be provided in lieu of the requirements of Sections 62-56 (Requirements for Upland Connections) and 62-64 (Design Requirements for Upland Connections), provided that:

- (i) for Type 1 #upland connections#, a minimum clear path of five feet to allow public access shall be required within an #upland connection# located within or adjacent to #habitat preservation areas#;
- (ii) for Type 2 #upland connections#, a minimum clear path of five feet to allow public access shall be required on one side of the roadbed with a continuous tree pit four feet in width within an #upland connection# located within or adjacent to #habitat preservation areas#; and
- (iii) at least six linear feet of seating shall be required for every 100 feet of #upland connection#.

(c) Conditions

The following conditions shall apply:

- (1) For #plan review sites# subject to Section 143-611 (Habitat preservation area standards), the Commission shall establish #habitat preservation areas# that satisfy the minimum area required by Section 143-611 or, where the #habitat area# does not cover the minimum required portion of the site, the Commission shall establish #habitat preservation areas# for all of the #habitat area# of the site that meets the dimensional requirements of Section 143-611.

The applicant shall provide a maintenance plan acceptable to the Commission for such #habitat preservation areas#, establishing maintenance for such areas in perpetuity by the applicant and his or her successors. Such #habitat preservation areas# shall be shown on a site plan and referenced in a Restrictive Declaration. After construction

on a #plan review site# has commenced and approved plans are vested, any future changes to the boundaries of the #habitat preservation area# may be permitted only by special permit of the Commission pursuant to Section 143-642 (Special permit for modification of habitat preservation area).

- (2) For #plan review sites# subject to previous approvals by the Commission pursuant to this Section, or pursuant to previous Special District regulations, the applicant shall document successful management and maintenance of #habitat preservation areas# or #areas of no disturbance#, where applicable, or other natural features indicated on the previously approved site plan.
- (3) For #plan review sites# with significant natural features to be preserved pursuant to paragraph (d)(1) of this Section, such areas shall be shown on a site plan as #areas of no disturbance# and referenced in a Notice of Restrictions or a Restrictive Declaration.
- (4) For #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, a Restrictive Declaration shall be executed, setting forth provisions for the construction, maintenance and operation of such #private roads# or other common access. Such declaration shall require that adequate security be provided to ensure that the #private roads# or other common access are properly maintained and operated in accordance with the declaration.
- (5) A Notice of Restrictions or a Restrictive Declaration, approved by the Commission, shall be recorded against the tax lots comprising the property subject to the provisions of this Section, in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lots are located. Such notice or declaration shall be binding on the owners, successors, and assigns. A certified copy of the recorded notice or declaration shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a precondition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the site. The recording information 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.

(d) In order to authorize the proposed action, the Commission shall find that:

- (1) the most significant natural features throughout the site have been identified and protected, where feasible, including the following, as applicable:
 - (i) Botanic features such as large specimen trees and rare plant communities;
 - (ii) Topographic and geological features such as steep slopes and rock outcrops;
 - (iii) Aquatic features such as wetlands, streams, and natural drainage patterns;
- (2) the #habitat preservation area#, where required pursuant to Section 143-611:
 - (i) is of high ecological value, or is proposed to be restored or improved through the removal of #invasive species# or the planting of native species to achieve a high ecological value;
 - (ii) is arranged to minimize edge habitat and maximize core habitat, including, where feasible, connecting to other contiguous or nearby habitat off-site and, if divided into portions, each portion is no less than 10,000 square feet;
 - (iii) where feasible, is located on the site where it is visible to the residents, occupants or visitors to the site, thereby enhancing the site and encouraging the enjoyment and maintenance of the preserved area;

- (iv) where feasible, is located so that it includes some of the most significant natural features on the site referred to in paragraph (d)(1) of this Section within the boundaries of the #habitat preservation area#;
- (3) the optional amenity area, where provided pursuant to Section 143-612 (Amenities allowed in connection with reduced habitat preservation area), is well designed and appropriately located;
- (4) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads# and #accessory# off-street parking and loading areas:
 - (i) is well designed;
 - (ii) minimizes disturbance of significant natural features;
 - (iii) minimizes curb cuts on #arterials# and other major #streets#;
 - (iv) is integrated wherever feasible with the network of surrounding #streets# and #private roads#;
 - (v) where Section 36-59 (Cross Access Connections in the Borough of Staten Island) applies, the site provides cross access connections to the maximum extent feasible both internally among different properties within the #plan review site#, as applicable, and to #abutting zoning lots#;
 - (vi) for #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, such common access or #private roads# will be suitably maintained; and
 - (vii) the proposed #street# or #private road# system is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (5) the subdivision of the site, where applicable, will result in an appropriate layout of #zoning lots# and #blocks#, and the subdivision as a whole meets all of the other findings of this Section; and
- (6) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

For subdivisions resulting only in #single-# and #two-family residences#, the Commission shall establish the location of #lot lines# and, where applicable, the location of #habitat preservation area#, #areas of no disturbance# and #private roads#. For such subdivisions, the Commission may request additional information regarding proposed or feasible #building# locations, driveways, pathways and other #hard surface areas#, and the location of preserved or newly planted trees and #landscape elements#: all of which will be subject to Department of Buildings approval for such features at the time of #development#, #enlargement# or #site alteration# according to the provisions of this Chapter and the Zoning Resolution as a whole.

**143-63
Development Plan**

**143-631
Establishment of a development plan**

The City Planning Commission may authorize the establishment of a long-term development plan, which provides for predictable development of a #plan review site# through phased construction over an extended period of time. The plan shall be reviewed pursuant to the conditions and findings of Section 143-62 (Authorization for Plan Review Sites). However, in addition to considering specific proposed #buildings# and other improvements, the Commission shall also consider proposed #developments#, #enlargements# or #site alterations# that would be implemented as part of a phased construction plan. Pursuant to the provisions of this Section, two types of areas may also be shown within the plan: preliminary plan sites and conceptual plan sites.

- (a) Preliminary plan sites shall have an area no larger than 1.5 times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each preliminary plan site, and shall fully include all areas of

future #hard surface area# or #site alteration#, and shall include the following information:

- (1) proposed #uses#, including proposed #floor area# for each #use#;
- (2) proposed #lot coverage#, including proposed #building# location and #primary entrance#;
- (3) proposed #building# height;
- (4) elevation of proposed #building# facades;
- (5) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;
- (6) landscaping, planting and walkways and other paved surfaces related to the proposed #development# or #enlargement#;

Preliminary plan sites shall be indicated on the plan as such, and may later be developed pursuant to the certification in Section 143-632 (Certification for preliminary plan site).

- (b) Conceptual plan sites shall have an area no larger than three times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each conceptual plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:

- (1) proposed #uses#, including proposed #floor area# for each #use#;
- (2) proposed #lot coverage#;
- (3) proposed #building# height;
- (4) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;

Conceptual plan sites shall be indicated on the plan as such, and may later be developed pursuant to the authorization renewal in Section 143-633 (Renewal authorization for conceptual plan site).

Preliminary plan sites and conceptual plan sites may be developed at any time in the future, including such cases where the boundary of #plan review site# is modified, and conceptual plan sites shall not be subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), except after granted an authorization pursuant to Section 143-633.

Within areas of the #plan review site# not designated as proposed construction, preliminary plan sites or conceptual plan sites, no #development#, #enlargement# or #site alteration# shall be permitted except by subsequent authorization pursuant to this Section, except as provided in Sections 143-616 (Minor enlargements or site alterations on plan review sites) or 143-62.

143-632

Certification for preliminary plan site

For #plan review sites# that have received approval from the City Planning Commission pursuant to Section 143-631 (Establishment of a development plan), where such approval included preliminary plan sites within a specified area on the approved site plan, the Chairperson of the City Planning Commission shall certify to the Commissioner of Buildings that:

- (a) the proposed #use# is the same as shown in the high definition plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than in the plans contained in the application materials of the approved development plan;
- (b) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan, the location of the proposed #development# or #enlargement# is no more than 30 feet from the location shown on the plans contained in the application materials of the approved development plan, and the location of the #primary entrance# is similar to as shown in such materials and plan;
- (c) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (d) the elevation of the proposed #development# or #enlargement# is generally the same as shown in the plans contained in the application materials of the approved development plan;

- (e) the proposed parking areas, including number of parking spaces, are generally the same or have fewer parking areas than as shown on the plans contained in the application materials of the approved development plan, and proposed driveways, #private roads# and #streets# are generally the same as shown on the plans contained in the application materials of the approved development plan;
- (f) the landscaping, planting, and arrangement of paved walkways and other paved surfaces relating to the proposed #development# or #enlargement# is similar and the amount of landscaped area is not less than as shown in the plans contained in the application materials of the approved development plan; and
- (g) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

143-633

Renewal authorization for conceptual plan site

For #plan review sites# that have received approval by the City Planning Commission pursuant to Section 143-631 (Establishment of a development plan), where such approval included designated conceptual plan sites within a specified area on the approved site plan, an authorization renewal must be obtained from the City Planning Commission prior to pursuing the #development#, #enlargement# or #site alteration# within such conceptual plan site, provided that the Commission shall find that:

- (a) the proposed configuration of #buildings#, including any associated structures and open areas, is consistent with the intent of the findings of Section 143-631;
- (b) the proposed #use# is the same or similar to that shown in the plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than the plans contained in the application materials of the approved development plan;
- (c) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan;
- (d) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads#, #accessory# off-street parking and loading areas, is consistent with the intent of the findings of Section 143-631, minimizes curb cuts on #arterials# and other major #streets#, and is integrated wherever feasible with the network of surrounding #streets# and #private roads#; and
- (f) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may in appropriate cases, condition the authorization renewal upon compliance with an approved landscaping plan.

143-64

Habitat Preservation Area

143-641

Modification of habitat preservation area standards

The City Planning Commission, may by authorization, modify the #habitat preservation area# standards of Section 143-611 (Habitat preservation area standards) as set forth in paragraph (a) of this Section, provided that the findings of paragraph (b) of this Section are met.

- (a) Modifications

The Commission may modify the #habitat preservation area# standards of Section 143-611 as follows:

- (1) The Commission may allow areas less than 10,000 square feet of contiguous #habitat area# to be included within the #habitat preservation area#, provided that at least one area within the #plan review site# has at least 10,000 square feet of contiguous #habitat area#, and provided that the total area included within the #habitat preservation area# meets the requirements of Section 143-611.

(2) Where the existing percentage of #habitat area# is less than the required #habitat preservation area# pursuant to Section 143-611, or when providing access to a #plan review site# would result in a reduction below such required percentage, the Commission may allow a reduction of the #habitat preservation area# below the required percentage in order to permit vehicular or pedestrian access, or to permit utility access, through such area to a portion of the site that does not include #habitat preservation area#, provided that there is no feasible alternative location for such access, and that an area of equivalent size, in square footage, is planted with native species that support existing adjacent undisturbed plant communities, as identified in the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, and such planted area is designated as a newly created #habitat preservation area# on the site plans.

(b) In order to grant such authorization, the Commission shall find that the modification:

- (1) results in a #habitat preservation area# that includes some of the most significant natural features on the site, prioritizing areas of higher ecological value; and
- (2) is the minimum required to achieve the intended purpose.

**143-642
Special permit for modification of habitat preservation area**

The City Planning Commission, may, by special permit, allow the modification of the boundaries of a #habitat preservation area# previously established by authorization pursuant to Section 143-62 (Authorization for Plan Review Sites). In order to grant such special permit, the Commission shall find that:

- (a) unforeseen physical circumstances relating to the continued #use# and maintenance of the site require the modification of the boundaries of the #habitat preservation area#;
- (b) the boundary modification has been mitigated by the establishment of a replacement area of a size equal to the area removed from the #habitat preservation area#, consisting of native plants selected to support existing adjacent undisturbed plant communities as identified in the #Special Natural Resources District# site assessment protocol, found on the website of the Department of City Planning, which replacement area has been included within the #habitat preservation area# on a revised site plan, resulting in a total #habitat preservation area# that is not less than the area previously approved; or, where this mitigation is not feasible; the enhancement of the ecological value and performance of the remaining #habitat preservation area# in a manner that reserves the ecological function of the site within a regional context, including but not limited to planting native plants selected to support existing adjacent undisturbed plant communities or removal of #invasive species#; and
- (c) the boundary modification is the minimum required to achieve the intended purpose.

The Commission may also permit the modification or removal of natural features within a #habitat preservation area# previously established by authorization pursuant to Section 143-62 in order to facilitate a temporary disturbance within the #habitat preservation area# that will subsequently be restored to a natural state. For such modification, only findings (a) and (c) of this Section shall apply.

**143-643
Natural area dedicated for public use**

Where an area containing significant natural features that are determined to have qualities of recreational, cultural or educational value to the public is dedicated to the City or its designee, without any cost to the City, the City Planning Commission may authorize, where appropriate, the dedicated area to be included within the #plan review site# for the purposes of #bulk# computation. The Commission, in order to grant such authorization, shall apply the findings of Section 143-62 (Authorization for Plan Review Sites). In addition, the Commission shall find that such area is directly accessible to the public from a public right-of-way and that such area shall be established for the use and enjoyment of the public.

The City Planning Commission may prescribe additional conditions and safeguards to ensure public access to the site and to minimize any adverse effects of #bulk# redistribution within the site on the surrounding area.

**143-65
Residential Sites**

The provisions of this Section, inclusive, shall apply only to #plan review sites# that:

- (a) are proposed for predominantly #residential use#, as provided in Section 143-611 (Habitat preservation area standards); and
- (b) contain either one, or both, of the following:
 - (1) at least 10,000 square feet of #habitat preservation area# on a #plan review site# of one or more acres; or
 - (2) #designated open space#.

In no event shall the number of #dwelling units# permitted by the City Planning Commission pursuant to this Section, inclusive, exceed the number that would be permitted if the entire #plan review site#, including the #habitat preservation area# and #designated open space#, as applicable, were to be developed pursuant to the regulations of this Chapter without modification pursuant to this Section, inclusive. The applicant shall provide a site plan demonstrating the maximum number of #dwelling units# that would be permitted, without the requested modifications, for the purposes of determining compliance with this provision.

**143-651
Modification of permitted residential building types**

The City Planning Commission may authorize, in R2 Districts, #semi-detached single-family residences#, in R3A and R3X Districts, #single-# and #two-family semi-detached residences#, and in R3-1 Districts, #single-# and #two-family attached residences#. The Commission may also modify the provisions of Article II, Chapter 2 to authorize, in R2 Districts, a #two-family detached residence# designed to give the appearance of two #single-family semi-detached residences#, and in R3A and R3X Districts, #buildings# with up to four #dwelling units# designed to give the appearance of two #single- or two-family semi-detached residences#.

In addition, in R3-1 Districts, the Commission may authorize multiple-family #residences#, provided that for such #use# modification, the provisions of Section 143-652 (Modification of bulk regulations for residential sites) shall not apply.

As a condition for granting such authorization, the #aggregate width of street walls# of a #building# containing #residences#, or a number of such #buildings# separated by party walls, shall not exceed 100 feet for each such #building# or #abutting buildings#.

In order to grant such authorization, the Commission shall find that:

- (a) the modifications allow a more compact development pattern, which allows for greater preservation of significant natural features and #habitat preservation area# or #designated open space#, as applicable;
- (b) the change of housing type constitutes the most effective method of concentrating development and preserving the natural features of the site;
- (c) for such concentration of development, standards of privacy and usable open areas can be and are achieved under the proposed site plan that are equal to those found with housing types in the absence of these modifications;
- (d) the existing topography and vegetation, as well as the proposed planting, effectively screen all #attached residences# from the #street line# of the #zoning lot# existing at the time of application, or that such #attached residences# are located more than 100 feet from such #street line#;
- (e) such modification is the least modification required to achieve the purpose for which it is granted; and
- (f) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-652
Modification of bulk regulations for residential sites**

The City Planning Commission may authorize the modification of the following #bulk# regulations in order to allow arrangements of #buildings#, driveways, #private roads# or required parking areas so as to preserve natural features on the site, provided that the findings of paragraph (c) of this Section are met.

- (a) The Commission may modify:
 - (1) minimum #lot area# and #lot width# required pursuant to Sections 23-30 (LOT AREA AND LOT WIDTH REGULATIONS) and 143-34 (Minimum Lot Area), except that such modification shall not

be permitted within R1-1 Districts, or within R1-2 Districts in the Hillside, Shore Acres, or Riverdale-Fieldston Subdistricts; provided that:

- (i) in the South Richmond Subdistrict, in R2 and R3 Districts, minimum #lot area# and #lot width# may be modified to permit the underlying minimum #lot area# and #lot width# pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences);
- (ii) in the Hillside, Shore Acres, or Riverdale-Fieldston Subdistricts, except that, within the Escarpment Area, minimum #lot area# shall not be modified:
 - (a) in R2 Districts, minimum #lot area# may be modified to 3,325 square feet, and minimum #lot width# to 35 feet;
 - (b) in R3-1 and R3-2 Districts, for #detached residences#, minimum #lot area# may be modified to 3,325 square feet, and minimum #lot width# to 35 feet;
 - (c) in R3A Districts, for #semi-detached residences#, minimum #lot area# may be modified to 1,700 square feet, and minimum #lot width# to 18 feet;
 - (d) in R3X Districts, for #semi-detached residences#, minimum #lot area# may be modified to 2,375 square feet, and minimum #lot width# to 25 feet;
- (iii) for any individual #zoning lot# this modification shall not be combined with the modification of #front yards# pursuant to paragraph (a)(4) of this Section, or with the modification of height and setback requirements pursuant to paragraph (a)(6), and the modification of #lot area# shall not be combined with the modification of #lot area# pursuant to paragraph (a)(2);
- (2) minimum #lot area# required pursuant to paragraph (c) of Section 23-32 in order to permit #private roads#, encompassing the area of the paved roadbed plus a seven foot wide area adjacent to and along the entire length of the required curbs, to be included, wholly or partially, at the discretion of the Commission, within the area of the #zoning lot# for the purpose of determining minimum #lot area#, provided that for any individual #zoning lot# this modification shall not be combined with the modification of minimum #lot area# pursuant to paragraph (a)(1) of this Section, or with the modification of #front yard# requirements pursuant to paragraph (a)(4);
- (3) minimum #lot area# requirements pursuant to Section 143-342 (Minimum lot area within Escarpment Areas), provided that this modification shall only be applicable to a tract of land of at least four acres and that the Commission shall find that such modification allows for greater preservation of #areas of existing slope# in their natural state, that clusters of #development# are located to the extent feasible in areas of comparatively flat topography and will not require unnecessary grading on adjacent slopes or the creation of new steep slopes, except that such modification shall not be permitted within R1 Districts;
- (4) #yard# regulations in the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, provided that:
 - (i) #rear yard# or #side yard# modifications shall not be authorized on the periphery of the #plan review site# unless acceptable agreements are jointly submitted for development of two or more adjacent properties by the owners thereof, incorporating the proposed #yard# modifications along their common #lot lines#;

- (ii) #front yards# may be reduced to a minimum of 10 feet, provided that such reductions shall not be combined with #rear yard# or #side yard# reductions, #lot area# or lot width# modifications pursuant to paragraphs (a)(1) and (a)(2) of this Section or height and setback modifications for the same #zoning lot#;
- (iii) #side yards# may each be reduced to a minimum of four feet, and in addition:
 - (a) a minimum of eight feet shall be required between #buildings#; and
 - (b) #side yard# reductions shall not be combined on the same #zoning lot# with modifications by the Commission to #front yards# or to height and setback provisions; and
- (iv) #rear yards# may be reduced to a minimum depth of 20 feet, provided that such reductions shall not be combined with #front yard# reductions for the same #zoning lot#.
- (5) #yard# regulations in the South Richmond Subdistrict, in R1-2, R2 and R3 Districts, may be modified to permit #yards# allowed by the underlying district regulations pursuant to Section 23-40 (Yard Regulations), as modified by Section 143-36 (Modified Yard Regulations for the Protection of Natural Features);
- (6) height and setback regulations, provided that:
 - (i) such modifications shall not exceed five feet in height within 100 feet of any #street line# on the periphery of the #plan review site#;
 - (ii) in addition to the findings in paragraph (c) of this Section, the Commission shall find that by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of natural features will be achieved, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
 - (iii) such height and setback modifications shall not be combined on the same #zoning lot# with #lot area# or #lot width# modifications pursuant to paragraph (a)(1) of this Section, or #front# or #side yard# modifications pursuant to paragraph (a)(4);
- (7) #court# regulations;
- (8) required space between #buildings# on the same #zoning lot# pursuant to Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case less than eight feet between #buildings#, where each #building# faces the same #street# or #private road#;
- (9) open areas pursuant to the provisions of Sections 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) and 23-891 (In R1 through R5 Districts); and
- (10) location of parking, driveways or curb cuts regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas), 25-631 (Location and width of curb cuts in certain districts) and 143-42 (Parking Modifications for the Protection of Natural Features).

The following chart summarizes which #bulk# modifications may not be combined with other #bulk# modifications pursuant to the provisions of this paragraph (a).

TABLE OF BULK MODIFICATIONS*

	Lot Area (para. 1)	Lot Width (para. 1)	Private Road Area (para. 2)	Front Yard (para. 4)	Rear Yard (para. 4)	Side Yard (para. 4)	Height (para. 6)
Lot Area (para. 1)	=		X	X			X
Lot Width (para. 1)		=		X			X
Private Road Area (para. 2)	X		=	X			
Front Yard (para. 4)	X	X	X	=	X	X	X
Rear Yard (para. 4)				X	=		
Side Yard (para. 4)				X		=	X
Height (para. 6)	X	X		X		X	=

* (X) represents where a specified #bulk# modification shall not be combined with another specified modification

(b) The Commission may also authorize the total #floor area#, #open space#, #lot coverage#, #hard surface area# or #dwelling units# permitted by the applicable district regulations to be distributed without regard for #zoning lot lines# among all #zoning lots# within a #plan review site#, provided that:

- (1) for portions of the #plan review site# that are within Resource Adjacent Areas or #areas adjacent to aquatic resources#, the #lot coverage# shall not exceed 15 percent, and the #hard surface area# shall not exceed 45 percent;
- (2) the maximum permitted #lot coverage# and #hard surface area# for each individual #zoning lot# shall not exceed:
 - (i) in R1 Districts, 35 percent and 70 percent respectively;
 - (ii) in R2 and R3 Districts, 45 percent and 75 percent respectively; and
 - (iii) in R1, R2 and R3 Districts, for individual #zoning lots# where disturbance of #area of existing slope# within such #zoning lot# results in a maximum #lot coverage# of 20 percent or less and a corresponding maximum #hard surface area# of 50 percent or less pursuant to the provisions of Sections 143-32 (Lot Coverage) and 143-33 (Hard Surface Area), the distribution of #lot coverage# and #hard surface area# within the #plan review site# shall not exceed the more restrictive standard within such #zoning lot#.

(c) Findings

In order to grant such modifications, the Commission shall find that:

- (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of significant natural features and #habitat preservation area# or #designated open space#, as applicable;
- (2) for such concentration of development, standards of privacy and usable open areas are achieved under the proposed site plan that are equal to that found with housing developments absent these modifications;
- (3) the siting of #buildings# will not adversely affect adjacent properties or #residences# within the #plan review site# by impairing privacy or access of light and air;
- (4) such modification is the least modification required to achieve the purpose for which it is granted;

- (5) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

143-66 Modification of Bulk Regulations for Certain Community Facilities

The provisions of this Section shall be applicable to #plan review sites# proposed for predominantly #community facility use#.

(a) For such sites, the City Planning Commission may authorize the distribution of #floor area#, #hard surface area# and #lot coverage# permitted by the applicable regulations for all #zoning lots# within the #plan review site# to be distributed without regard for #zoning lot lines#. In addition, the Commission may authorize:

- (1) modification of the maximum #lot coverage# provided by Section 143-614 (Open area and lot coverage requirements for community facilities);
- (2) modification of the minimum open area required pursuant to Section 143-614; and
- (3) where applicable, modification of the minimum #habitat preservation area# required from 35 percent to a minimum of 25 percent.

(b) In order to grant such authorization, the Commission shall find that:

- (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of natural features;
- (2) the siting of #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air;
- (3) such modification is the least modification required to achieve the purpose for which it is granted; and
- (4) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

143-67 Certification to Permit Tree Removal

For #plan review sites# located within an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where no #development#, #enlargement# or modification of the location of #hard surface area# is proposed, the Chairperson of the City Planning Commission may permit the removal of trees of six inch #caliper# or greater and may waive the requirement to apply for an authorization pursuant to Section 143-62 (Authorization for Plan Review Sites), provided that the Chairperson shall certify that all trees that are of six inch #caliper# or greater that are proposed to be removed are located in an area that would not qualify as a #habitat area# and are not located within a #designated aquatic resource# or applicable #buffer area# including, but not limited to, the following examples:

- (a) the tree is located in an area such as a parking lot, surrounded by #hard surface area#; or
- (b) the tree is located in an area surrounded by maintained lawn.

The Chairperson may request reports from an #environmental professional# in considering such waiver.

All provisions of Section 143-13 (Tree Regulations) shall apply to such #plan review site#.

143-70 CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE SOUTH RICHMOND SUBDISTRICT

143-71 Public schools in the South Richmond Subdistrict

[Note: provisions relocated from Section 107-121 and modified]

In the South Richmond Subdistrict, for any #development# or #enlargement# containing new #dwelling units#, the Department of Buildings shall be in receipt of a certification from the Chairperson of the City Planning Commission which certifies that sufficient #school# capacity exists to accommodate the anticipated primary and

intermediate public school children of the new #dwelling units#. All applications for certification pursuant to this Section shall be referred by the Chairperson to the School Construction Authority.

- (a) The School Construction Authority shall issue a report concerning the availability of #school# capacity within 60 days after receipt of the application. The Chairperson of the Commission shall respond within 90 days after receipt of the application. The report shall specify the following:
- (1) whether #school# space is available;
 - (2) if #school# space is not available, the report shall include:
 - (i) the number of seats required;
 - (ii) the grade organization;
 - (iii) the proposed location of the #school#;
 - (iv) size of the proposed #school# (square feet per pupil); and
 - (v) the proposed financing mechanism.
- (b) For the purposes of this Section, sufficient #school# capacity shall be deemed to exist if:
- (1) such capacity is available in existing #schools#; or
 - (2) construction funds have been authorized in the Capital Budget to accommodate anticipated primary and intermediate public school children from the proposed new #dwelling units# upon their completion or within three years from the date of the Chairperson's certification; or
 - (3) sufficient #school# space is to be provided by the applicant under a plan jointly approved by the Chairperson and the School Construction Authority.
- (c) After approval by the Chairperson and School Construction Authority of the applicant's plan to provide the #school building#, the certification may be granted either upon approval of a financial agreement by the City Council or such guarantee of construction with provision for future #school# occupancy as may be accepted by the School Construction Authority and the Chairperson.
- (d) However, the Chairperson may grant such certification if capacity is not currently available and the School Construction Authority, after consulting with the Department of Education, determines that the impact from the proposed new construction will have a minimal effect on the #schools# concerned and includes such statement in its report.
- (e) A certification by the Chairperson that sufficient capacity will be available in the public #schools#, as set forth in the above circumstances, shall automatically lapse if substantial construction of the foundations of the #development# or #enlargement# in accordance with approved plans has not been completed within one year from the date of such certification.
- (f) No certification concerning the availability of #school# capacity shall be required for any #development# or #enlargement# located:
- (1) within a predominantly built up area; or
 - (2) on a #zoning lot# which was owned separately and individually from all other adjoining #zoning lots# existing prior to January 2, 1975, and is proposed to be #developed# with one #single-# or #two-family detached residence#.

For the purposes of this Section, a "predominantly built up area" is a #block# having a maximum of four acres which is #developed# with #buildings# on #zoning lots# comprising 75 percent or more of the area of the #block#. All such #buildings# shall have a certificate of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit.

143-72 Authorizations Applicable Within the South Richmond Subdistrict

The authorizations in this Section, inclusive, shall apply to certain #zoning lots# pursuant to the provisions of Sections 143-211 (Affordable independent residences for seniors in Subarea SH) and 143-212 (Special use regulations in Subarea M). Where such #zoning lots# are also #plan review sites#, review and approval pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES) shall also be required.

143-721

Affordable independent residences for seniors in Subarea SH

[Note: provisions relocated from Section 107-672 and modified]

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# in Subarea SH, as shown on Map 3 in Appendix D to this Chapter, provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

In order to grant such authorization, the Commission shall find that:

- (a) such #developments# are part of a superior site plan;
- (b) such #residences# are compatible with the character of the surrounding area; and
- (c) the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

143-722 Residential uses in Subarea M

[Note: provisions relocated from Section 107-49 and modified]

Within Subarea M, as shown on Map 3 in Appendix D to this Chapter, the following provisions shall apply:

- (a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500 square feet, or in any case where there would be a #site alteration#, for the following:
 - (1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or
 - (2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.
- (b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District regulations;
- (c) In authorizing new #residential uses# and #residential enlargements#, the Commission shall find that:
 - (1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;
 - (2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
 - (3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and
 - (4) the authorization shall not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

143-73 Special Permits Applicable Within the South Richmond Subdistrict

The City Planning Commission may grant special permits for modifications of specified regulations of this Chapter in accordance with the provisions of this Section, inclusive. For any #zoning lots# receiving such special permit that is also a #plan review site#, review and approval pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES) shall also be required.

143-731 Exceptions to height regulations in the South Richmond Subdistrict

[Note: provisions relocated from Section 107-73 and modified]

For any #development#, the City Planning Commission may grant a special permit to modify the height regulations as set forth in Section 23-631, paragraphs (b), (c) and (d) and Section 143-371 (Height

and setback in the South Richmond Subdistrict), provided that the Commission finds that:

- (a) such #development# is so located as not to impair the essential character of the surrounding area;
- (b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography, #designated open space# or the protection of an outstanding view from a public space will be assured, and that such preservation would not be possible by the careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
- (c) that the #development's# design proposals take full advantage of all special characteristics of the site.

* * *

**APPENDIX B
INDEX OF SPECIAL PURPOSE DISTRICTS**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
***	***	***	***	***	***
Harlem River Waterfront District (HRW)	87-00	6a	090302 ZRX	5/20/09	6/30/09
Hillsides-Preservation District (HS)	119-00	21a-21b-21c-21d	870002 ZRR	6/3/87	6/30/87
Hudson River Park (HRP)	99-00	12a	160308 ZRM	10/17/16	12/15/16
***	***	***	***	***	***
Mixed Use District-17 (MX-17) Hunts Point, The Bronx	123-00	6c	1801222 ZRX	2/14/18	3/22/18
Natural Area District-1 (NA-1)	105-00	21b-26a-26b-26c-26d-27a-27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)	105-00	1a-1b-1c-1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272 ZRY	11/9/77	12/1/77
Fort Totten Natural Area District-4 (NA-4) Substantially modified	105-00	7d 11c	821255 ZRQ 190430 ZRY	3/23/83 [substantially modified date of adoption]	4/28/83 [substantially modified date of adoption]
Natural Resources District (NR)	143-00	TK TK	TK TK	[date of CPC adoption]	[date of CC adoption]
Ocean Parkway District (OP)	113-00	5d 6b 8c 9a	23284	12/22/76	1/20/77
***	***	***	***	***	***
Sheepshead Bay District (SB)	94-00	29a	22171	9/5/73	10/4/74
South-Richmond-Development District (SRD)	107-00	26b-26d-27b-32c-32d-33a-33b-33c-33d-34a-35a-35c	22972	7/23/75	9/11/75
Southern Hunters Point District (SHP)	125-00	8d	080363 ZRQ	9/24/08	11/13/08
***	***	***	***	***	***
SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
***	***	***	***	***	***

Harlem River Waterfront District (HRW)	87-00	6a	090302 ZRX	5/20/09	6/30/09
Hillsides-Preservation District (HS)	119-00	21a-21b-21c-21d	870002 ZRR	6/3/87	6/30/87
Hudson River Park (HRP)	99-00	12a	160308 ZRM	10/17/16	12/15/16
***	***	***	***	***	***
Mixed Use District-17 (MX-17) Hunts Point, The Bronx	123-00	6c	1801222 ZRX	2/14/18	3/22/18
Natural Area District-1 (NA-1)	105-00	21b-26a-26b-26c-26d-27a-27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)	105-00	1a-1b-1c-1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272 ZRY	11/9/77	12/1/77
Fort Totten Natural Area District-4 (NA-4) Substantially modified	105-00	7d 11c	821255 ZRQ 190430 ZRY	3/23/83 [substantially modified date of adoption]	4/28/83 [substantially modified date of adoption]
Natural Resources District (NR)	143-00	TK TK	TK TK	[date of CPC adoption]	[date of CC adoption]
Ocean Parkway District (OP)	113-00	5d 6b 8c 9a	23284	12/22/76	1/20/77
***	***	***	***	***	***
Sheepshead Bay District (SB)	94-00	29a	22171	9/5/73	10/4/74
South-Richmond-Development District (SRD)	107-00	26b-26d-27b-32c-32d-33a-33b-33c-33d-34a-35a-35c	22972	7/23/75	9/11/75
Southern Hunters Point District (SHP)	125-00	8d	080363 ZRQ	9/24/08	11/13/08
***	***	***	***	***	***

* * *

**APPENDIX B
INDEX OF SPECIAL PURPOSE DISTRICTS - ELIMINATED OR REPLACED**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
***	***	***	***	***	***
Greenwich Street Development District (G) Eliminated & replaced by Lower Manhattan District	86-00	12b	21418	1/6/71	1/14/71
Hillsides-Preservation District (HS) Eliminated and replaced by Special Natural Resources District	119-00	21a 21b 21c 21d	870002 ZRR	6/3/87	6/30/87

Hunters Point Mixed Use District (HP) Eliminated and replaced by Long Island City Mixed Use District	117-00	8d 9b	810538 ZRQ	10/26/81	12/3/81
***	***	***	***	***	***
Mixed Use District-3 (MX-3) Eliminated and replaced by West Chelsea District	123-00	12c	990001 ZRX	2/17/99	3/30/99
Natural Area District-1 (NA-1) <u>Eliminated and replaced by Special Natural Resources District</u>	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2) <u>Eliminated and replaced by Special Natural Resources District</u>	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3) <u>Eliminated and replaced by Special Natural Resources District</u>	105-00	21d	770272 ZRY	11/9/77	12/1/77
New York City Convention and Exhibition Center Development District (CC) Eliminated 2/22/90, 900053 ZRM	93-00	8a 8c	22264	3/29/73	5/24/73
***	***	***	***	***	***
Park District (P) Deleted by court order, 4/24/78	91-00	8d	22128(A)	11/8/72	12/7/72
South Richmond Development District (SRD) <u>Eliminated and replaced by Special Natural Resources District</u>	107-00	26b 26d 27b 32c 32d 33a 33b 33c 33d 34a 35a 35c	22972	7/23/75	9/11/75
South Street Seaport District (S) Eliminated & replaced by Lower Manhattan District	88-00	12b	21975	5/31/72	7/20/72
***	***	***	***	***	***

BRONX SPECIAL NATURAL AREA DISTRICT UPDATE
No. 3

CITY WIDE **N 190430(A) ZRY**
IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special Natural Resources District (Article XIV, Chapter 3), and modifying related provisions, including regulations related to Article X, Chapter 5 (Special Natural Areas District).

* * *

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10 or 143-01;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

ARTICLE I
GENERAL PROVISIONS

Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

* * *

11-12
Establishment of Districts

* * *

11-122
Districts Established

* * *

Special Purpose Districts

* * *

Establishment of the Special Natural Area District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Natural Area District# is hereby established.

Establishment of the Special Natural Resources District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 3, the #Special Natural Resources District# is hereby established.

Establishment of the Special Ocean Parkway District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 3, the #Special Ocean Parkway District# is hereby established.

* * *

12-10
DEFINITIONS

* * *

Special Natural Area District

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply. The #Special Natural Area District# includes any district whose designation begins with the letters "NA".

Special Natural Resources District

The "Special Natural Resources District" is a Special Purpose District designated by the letters "NR" in which special regulations set forth in Article XIV, Chapter 3, apply.

Special Ocean Parkway District

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply.

* * *

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Residential Bulk Regulations in Residence Districts

* * *

23-00
APPLICABILITY AND GENERAL PURPOSES

* * *

23-03
Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

* * *
 #Special Long Island City Mixed Use District#;
 #Special Natural Resources District#;
 #Special Ocean Parkway District#;
 * * *

**23-04
 Planting Strips in Residence Districts**

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraph (b) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

* * *
 #Special Hillside Preservation District#;
 #Special Natural Resources District#;
 #Special Ocean Parkway District#;
 * * *

**Chapter 6
 Special Urban Design Regulations**

**26-20
 SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS**

* * *

**26-26
 Modification and Waiver Provisions**

* * *

No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet, except as permitted in the #Special Natural Resources District# pursuant to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive.

* * *

**ARTICLE X
 SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 5
 Special Natural Area District**

* * *

**105-42
 Authorizations to Alter Natural Features**

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

* * *

- (d) alteration of aquatic features, pursuant to Section 105-426 in NA-1, NA-2 and NA-3 Districts.

The Commission may prescribe appropriate additional conditions and safeguards to protect the character of the #Special Natural Area District#.

**105-94
 Special Natural Area Districts Specified**

* * *

**105-942
 Special Natural Area District-2:
 Riverdale, Spuyten Duyvil and Fieldston, The Bronx**

The Riverdale Ridge of The Bronx is composed of part of Riverdale, Spuyten Duyvil and Fieldston. This ridge contains steep slopes, rock outcrops, ponds, brooks, swampy areas and mature trees.

The western foot of the ridge contains marshes, feeding areas for water fowl. The shore line of the Hudson River estuary contains the aquatic food web necessary to sustain marine life.

The marshes and most of the Hudson River shore line are included in Riverdale Park. Much of the Riverdale Ridge and Riverdale Park are in

their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

**105-943-105-942
 Special Natural Area District-3:
 Shore Acres Area of Staten Island**

* * *

**105-944-105-943
 Special Fort Totten Natural Area District-4**

* * *

**ARTICLE XIV
 SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 3
 Special Natural Resources District**

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143-00
GENERAL PURPOSES

The "Special Natural Resources District" (hereinafter also referred to as the "Special District"), established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) guide development in order to preserve, maintain and enhance aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;
- (b) protect and enhance ecological communities existing within parklands through planting regulations and limits on the extent of paved areas and other unvegetated areas that are based on the proximity of properties to such natural areas;
- (c) preserve land having qualities of recreational or educational value to the public;
- (d) reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (e) preserve natural features having unique aesthetic value to the public;
- (f) promote and preserve the character of the neighborhoods within the district;
- (g) provide clear standards balancing ecology and development for small properties;
- (h) ensure a basic standard of ecological protection for larger properties identified as containing significant natural features, while also ensuring a predictable development outcome; and
- (i) promote the most desirable use of land, guiding future development in accordance with a well-considered plan, and to conserve the value of land and buildings and thereby protect the City's tax revenues.

143-01
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). Maps referenced in this Section (Definitions) are located in Appendix A and B of this Chapter.

Area adjacent to aquatic resources

An "area adjacent to aquatic resources" is an area of land within 100 feet of #designated aquatic resources#, except that land separated from a #designated aquatic resource# by a #street# which is open and in use by the general public, or is separated by a #private road#, shall be exempt from this definition. In addition, for a #designated aquatic resource# that is not regulated by the New York State Department of Environmental Conservation, only land within 100 feet of such #designated aquatic resource# that is within a #plan review site# that is one acre in size or greater shall be included in this definition.

Area of existing slope

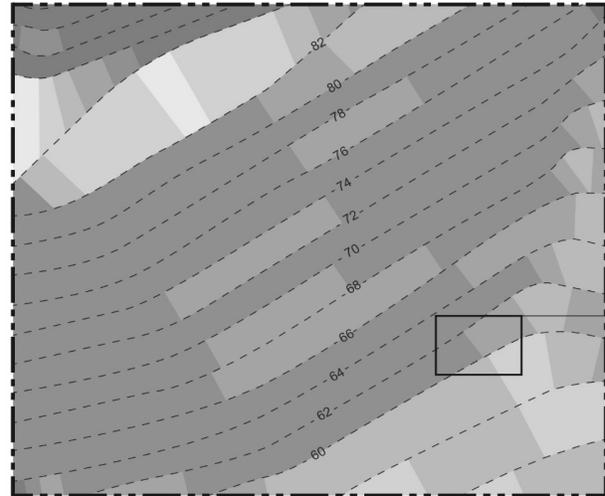
An "area of existing slope" is an area of land with a slope, as measured at the time of application, categorized as follows (S): 10 through 24.9 percent; 25 through 34.9 percent; 35 through 44.9 percent; 45 through 64.9 percent; 65 through 84.9 percent; and 85 percent or greater. Such slope category percentages shall be established in plan view based on

contour intervals (I) of two feet or less by considering the distance (D) between two contour lines.

$$S = \frac{I^2 - I^1}{D}$$

Such slopes may be verified using contours on 2017 New York City LiDAR (Light Detection and Ranging) data or a survey conducted less than two years before the date of the application, or as or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable.

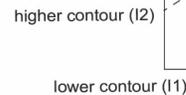
Slopes of less than 10 percent shall be excluded from an #area of existing slope#. #Areas of existing slope# are used for the purposes of determining the maximum #lot coverage# and #hard surface area# on certain #zoning lots# as set forth in Sections 143-21 (Maximum Lot Coverage) and 143-22 (Hard Surface Area) of this Chapter.



Categories of Slope (S)

- S: 10 - 24.9%
- S: 25 - 34.9%
- S: 35 - 44.9%
- S: 45 - 64.9%
- S: 65 - 84.9%
- S: >85%

$$S = \frac{I2-I1}{D}$$



AREA OF EXISTING SLOPE

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that must be protected from any type of disturbance, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, or construction of #hard surface areas#. #Areas of no disturbance# shall include:

- (a) #rock outcrops# except as provided in Section 143-123 (Rock outcrops and erratic boulders);
- (b) the #critical root zone# of each tree proposed for preservation, except as provided in Section 143-133 (Planting standards for tree credits);
- (c) all vegetation proposed to be preserved as #landscape elements# pursuant to Section 143-143 (Planting standards for landscape elements)
- (d) #designated aquatic resources# and #buffer areas# except as modified pursuant to Section 143-15 (Aquatic Resource Protections); and
- (e) for #plan review sites#, any area of trees, slopes, or other natural feature deemed significant and feasible to preserve by the City Planning Commission.

Biodiversity point

A "biodiversity point" is a value given to a #landscape element# for the purposes of determining compliance with minimum areas of vegetation required, as set forth in Section 143-14 (Biodiversity Requirement).

Buffer area

A “buffer area” is an area within 60 feet of a #designated aquatic resource# regulated by the New York State Department of Environmental Conservation. For #plan review sites# of one acre or more, a #buffer area# also includes areas within 30 feet of all other #designated aquatic resources#; such 30-foot #buffer area# shall only be applicable within such #plan review sites#.

Caliper (of a tree)

“Caliper” of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

Designated aquatic resources

A “designated aquatic resource” is a freshwater wetland regulated by the New York State Department of Environmental Conservation and, within #plan review sites# with an area of one acre or more, a #designated aquatic resource# also includes other freshwater wetland or water features including, but not limited to, streams, intermittent streams, vernal pools, ponds and lakes identified by the Department of City Planning as serving an ecological function.

The delineation of #designated aquatic resources# regulated by the New York State Department of Environmental Conservation shall be determined by such agency. All other #designated aquatic resources# shall be delineated by an #environmental professional# using the standards specified by the Department of City Planning and subject to review and approval by the Department.

Environmental professional

An “environmental professional” is an individual who has expert knowledge of the natural environment and is capable of performing a site assessment pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning. #Environmental professionals# shall be limited to:

American Society for Horticultural Science (A.S.H.S.)
 Certified Professional Horticulturist
 Ecological Societies of America (E.S.A.) Certified Ecologist
 New York Botanical Garden Certified Urban Naturalist
 Registered Landscape Architect
 Society for Ecological Restoration (S.E.R.) Certified Ecological
 Restoration Professional Society of Wetland Scientists
 (S.W.S.) Professional Wetland Scientist
 Wildlife Society Certified Wildlife Biologist

Erratic boulder

An #erratic boulder# is a solid mass of rock deposited during glacial retreat that is above natural grade, and measures more than six feet in any dimension.

Ground layer

The “ground layer” is the layer of vegetation closest to the ground, with a height of up to three feet, and is composed of non-woody herbaceous plants including, but not limited to, ferns, flowering plants and grasses.

Habitat area

A “habitat area” is an area that includes forests, wetlands, grasslands, shrublands or other natural cover that provides shelter, resources and opportunities for reproduction for wildlife. #Habitat area# includes #designated aquatic resources#. Zones of potential #habitat area# are shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning. For #plan review sites# that are over one acre in size and are located within such zones shown on the map, #habitat area# shall be identified pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

Habitat preservation area

A “habitat preservation area” is an area identified as #habitat area# to be preserved in perpetuity pursuant to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

Hard surface area

“Hard surface areas” are areas that include, but are not limited to, driveways, #private roads#, walkways, patios, decks, swimming pools, retaining walls, any other paved surfaces, and any areas that, when viewed directly from above, would be covered by a #building# or any part of a #building#. #Hard surface areas# do not include #rock outcrops# or other such naturally occurring surfaces.

Invasive species

“Invasive species” or “invasive” plants are species that are listed in the New York State Invasive Plant list, at 6 NYCRR 575.3 and 575.4, or as amended. Species categorized as regulated or as prohibited by 6

NYCRR 575.3 and 575.4 may not be planted or counted as preserved vegetation within the #Special Natural Resources District#.

In addition, plants listed as Problematic Species in the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation pursuant to Local Law 11 of 2013) shall be #invasive species#. Plants listed therein may not be planted or counted as preserved vegetation within the #Special Natural Resources District#.

Landscape element

A “landscape element” is an arrangement of #ground layer# or #shrub layer# vegetation intended to provide ecosystem services, including, but not limited to, wildlife habitat, food for wildlife, soil erosion protection, pollination, stormwater infiltration, or the facilitation of plant, water, nutrient or soil cycles. #Landscape elements# are described and assigned a #biodiversity point# value in Section 143-142 (Landscape elements).

Plan review site

A “plan review site” shall include any site existing on [date of certification], or on the date of application for a permit from the Department of Buildings, that:

- (a) contains one or more acres, where there is a proposed #development#, #enlargement#, #site alteration# or subdivision of such #zoning lot# into two or more #zoning lots#;
- (b) contains a subdivision that results in four or more #zoning lots#, which did not exist on [date of certification];
- (c) is located in a Resource Adjacent Area or an #area adjacent to aquatic resources# and is proposed to contain the following, which did not exist on [date of certification]:
 - (1) four or more #buildings#, not including #accessory buildings#; or
 - (2) eight or more #dwelling units#.
- (d) is in a Historic District or contains a Historic Landmark designated by the Landmarks Preservation Commission and, in either case, is proposed to contain a #development# or is proposed to be subdivided into two or more #zoning lots#; or
- (e) includes the proposed construction, widening or extension of a #private road#.

The area of a #plan review site# shall include all contiguous tracts of land under single fee ownership or control, including #abutting zoning lots# under the same ownership or control, and with respect to which each party having any interest therein is a party in interest, and such tract of land is declared to be treated as one #plan review site# for the purposes of this Chapter. However, such #abutting zoning lots# that are contiguous for less than 10 linear feet shall not be considered part of a single #plan review site#. In addition, at the option of an applicant, tracts of land which would be contiguous except for their separation by a #street# may be considered by the Commission to be part of a single #plan review site#.

Any #plan review site# for which an application is made, in accordance with the provisions of this Chapter for an authorization, special permit or modification thereto shall be on a tract of land that at the time of application is under the control of the applicants as the owners or holders of a written option to purchase. No authorization, special permit or modification to such #plan review site# shall be granted unless the applicants acquired actual ownership (single fee ownership or alternate ownership arrangements according to the definition of #zoning lot# in Section 12-10 for all #zoning lots# comprising the #plan review site#) of, or executed a binding sales contract for, all of the property comprising such tract. However, a tract of land which is the subject of an application for an authorization or special permit under the provisions of this Chapter may include adjacent property, provided that the application is filed jointly by the owners, or holders of a written option to purchase, of all properties involved.

The provisions of Section 143-40, (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive, shall apply to any #plan review site#.

Qualifying lot

A “qualifying lot” is a #zoning lot# where the maximum permitted #lot coverage# has been limited to 20 percent or less, and where special provisions protecting natural features apply.

Rock outcrop

A “rock outcrop” is the portion of a bedrock formation that appears above natural grade and measures more than three feet in any horizontal dimension.

Root zone, critical

The “critical root zone” of a tree is the area containing the roots of a tree that must be considered and protected to ensure the tree’s

survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of two radial feet, measured from the center of the tree trunk. The #critical root zone# encompasses and extends beyond the #structural root zone#.

Root zone, structural

The "structural root zone" of a tree is the area around the base of the tree that must be fully protected from compaction or excavation to ensure its survival. The area of the #structural root zone# is measured as five radial inches for every #caliper# inch of the tree, with a required minimum of two radial feet, measured from the center of the tree trunk.

Shrub layer

The "shrub layer" is the layer of vegetation above the #ground layer# and below the tree canopy, and is composed of woody plants that typically have multiple stems at or near the base and have a mature height range from three feet to 15 feet.

Site alteration

A "site alteration" is an alteration of any tract of land, including an alteration in unimproved portions of privately owned mapped #streets#, that consists of newly constructed or relocated #hard surface area#, removal of trees with a #caliper# of six inches or more, modification of #designated aquatic resources#, modification of #rock outcrops#, relocation or modification of #erratic boulders# or change in the ground elevation of land that is greater than two feet of cut or fill.

The use of heavy machinery for excavation or similar purpose shall be considered a #site alteration# except that soil borings or test pits shall not be considered a #site alteration# where #areas of no disturbance# are protected pursuant to the provisions of Section 143-11 (Controls During Construction).

Target species

A "target species" is a species listed under 'trees' in the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation pursuant to Local Law 11 of 2013). Any trees not listed under such guide, and not #invasive species#, shall be considered non-#target# species.

Tree credit

A "tree credit" is a value given to a tree for the purposes of calculating its relative value pursuant to vegetation requirements. #Tree credits# are based on the #caliper# or age of a tree and whether or not the tree is a #target species#. #Tree credits# are described in Sections 143-13 (Tree Regulations) and 143-131 (Tree credits) of this Chapter.

Tree protection plan

A "tree protection plan" is a plan for preserved trees provided in accordance with Section 143-133 (Planting standards for tree credits). #Tree protection plans# shall be prepared by a registered landscape architect or a certified arborist (Registered Consulting Arborist, as certified by the American Society of Consulting Arborists (A.S.C.A.), or Certified Arborist/Certified Master Arborist as certified by the International Society of Arboriculture (I.S.A.), and shall include:

- (j) relevant portions of the proposed site plan and locations of #areas of no disturbance#;
- (k) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (l) where construction staging is proposed to be located within a #critical root zone#, or where heavy machinery is proposed to pass through a #critical root zone#; soil compaction is mitigated by the installation of root protection measures and pneumatic decompaction with appropriate soil amendments;
- (m) specification that all excavation within the #critical root zone# shall be done by hand or by pneumatic excavation, and shall be monitored on site by a certified arborist;
- (n) a drawing specifying the #structural root zone# of the preserved tree. No excavation or other disturbance shall be permitted within the #structural root zone#, except to permit the planting of new #ground layer# vegetation in containers no larger than one-quarter gallon in size;
- (o) clearance pruning and root pruning as necessary, which shall be done only under the supervision of a certified arborist;
- (p) a schedule for site monitoring during construction;
- (q) a procedure to communicate protection measures to contractors and workers; and
- (r) post-construction treatment.

143-02

General Provisions

The provisions of this Chapter shall apply within the #Special Natural Resources District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or

modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

A #development#, #enlargement#, #site alteration# or subdivision of either a #zoning lot# or a #plan review site# shall require a certification from the Chairperson of the City Planning Commission or an authorization from the City Planning Commission, where required pursuant to Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

143-021

Zoning lots subject to different zoning requirements

Whenever a portion of a #zoning lot# is located partially within the #Special Natural Resources District# and partially outside of such Special District, it shall be regulated in its entirety by the provisions of this Chapter, except that any subdivision of such portion located outside of such Special District shall not be subject to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

Whenever a #zoning lot# is located in two Ecological Areas described in Section 143-04 (Ecological Areas), it shall be regulated by the provisions of this Section.

The provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply to #zoning lots# divided by zoning district boundaries between two underlying zoning districts with different #use#, #bulk# or parking regulations. Where the provisions of this Section are in conflict with the provisions of Article VII, Chapter 7, the provisions of this Section shall control.

Except as otherwise provided in this Section or Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), each portion of a #zoning lot# or #plan review site# shall be regulated by the provisions applicable to the Ecological Area in which such portion is located.

The requirements of Section 143-14 (Biodiversity Requirement) shall apply as follows: #biodiversity point# requirements for the entire #zoning lot# shall be the weighted average achieved by multiplying the percentage of the #zoning lot# in which different requirements apply based on the #biodiversity points# required, and totaling the sum of such products. Such requirements may be satisfied by plants meeting the applicable provisions anywhere on the #zoning lot#.

#Floor area# may be distributed on a single #zoning lot# without regard to boundaries between Resource Adjacent Areas and Base Protection Areas.

#Lot coverage# shall be calculated separately for each portion of the #zoning lot#. However, an adjusted average shall be calculated pursuant to the provisions of Section 77-24 (Lot Coverage) for the purposes of determining the applicability of regulations relating to #qualifying lots#.

The provisions of Section 143-24 (Special Yard Regulations for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided any portion of the #zoning lot# is within a Resource Adjacent Area or an #area adjacent to aquatic resources#.

The regulations of Section 143-251 (Modified height and setback for the protection of natural features) shall apply only to those portions of a #zoning lot# located within Resource Adjacent Areas or within an #area adjacent to aquatic resources#, except if the #zoning lot# is a #qualifying lot#, in which case the entire #zoning lot# shall be subject to the regulations of Section 143-251.

The provisions of Section 143-31 (Parking Modifications for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided that 50 percent or more of the #lot area# is located within a Resource Adjacent Area or an #area adjacent to aquatic resources#.

143-022

Applications to the City Planning Commission prior to [date of adoption]

- (a) Applications for authorization or special permit referred, certified or granted prior to [date of adoption]

- (1) Applications for authorization or special permit which were referred out or certified as complete prior to [date of adoption] may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified, and the City Planning Commission may grant or deny such application in accordance with the regulations in effect on the date that such application was certified or referred out for public review.

(2) Applications for authorization or special permit granted by the Commission prior to [date of adoption] may be continued, in accordance with the terms thereof or as such terms may be subsequently modified, pursuant to the regulations in effect on the date that such authorization or special permit was granted.

Continuance of such application shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

(b) Applications for certification filed prior to [date of certification]

Any application for a certification of future subdivision, or certification that no authorization is required, which was filed by an applicant prior to [date of certification] may be continued pursuant to the terms of such certification, and the Commission may grant or deny such application in accordance with the regulations in effect at the time such application was filed.

143-023
Permits issued prior to [date of adoption]

For "other construction" as specified in Section 11-332 (Extension of period to complete construction), such construction having permits issued prior to [date of adoption] may be continued under regulations existing at the time of issuance of such permits, provided that such construction is completed prior to [three years from date of adoption].

143-03
District Plan and Maps

The regulations of this Chapter implement the #Special Natural Resources District# Plan.

The District Plan includes the following maps in the Appendices to this Chapter:

- Appendix A. Special Natural Resources District
- Appendix B. Resource Adjacent Areas

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

143-04
Ecological Areas

In order to carry out the purposes and provisions of this Chapter, two Ecological Areas are established within the #Special Natural Resources District#. In these Ecological Areas, certain special regulations apply that do not apply in the rest of the #Special Natural Resources District#. The Ecological Areas consist of:

- (a) Resource Adjacent Areas are designated on those portions of land within 100 feet of and adjacent to #habitat areas# on public lands. Resource Adjacent Area boundaries are shown along the boundaries of public lands on the map in Appendix B of this Chapter. Resource Adjacent Areas shall be measured perpendicular to the Resource Adjacent Area boundaries shown on such maps.
- (b) Base Protection Areas are all other areas within the #Special Natural Resources District# that do not fall within Resource Adjacent Areas. Base Protection Areas do not include #areas adjacent to aquatic resources#.

143-05
Application Requirements

An application to the Department of Buildings for any #development# or #enlargement# shall include the materials set forth in paragraphs (a) or (b) of this Section, as applicable, in addition to any materials otherwise required by the Department of Buildings. An application to the Department of Buildings for any #site alteration# shall include the materials set forth in paragraph (c). An application to the Chairperson of the City Planning Commission for certification, or to the Commission for authorization or special permit, shall include the application materials set forth in paragraph (d) of this Section.

Surveys submitted to the Department of Buildings or the Commission shall be prepared by a licensed surveyor. Site plans shall be prepared by a registered architect or professional engineer. Drainage plans and soil reports shall be prepared by a professional engineer.

Landscape plans, including those that satisfy the requirements set forth in paragraph (a)(6) of this Section, may be prepared and submitted to the Department of Buildings by a registered architect or registered landscape architect. However, such plans submitted to the Commission shall be prepared by a registered landscape architect.

(a) Applications for #developments#, #enlargements# that increase #lot coverage# by 400 square feet or more, or #enlargements# that result in an increase in #floor area# of 20 percent or greater that increase the #lot coverage# by any amount, shall include the following materials:

- (1) A site context map that shows the location of the #zoning lot#, zoning district boundaries, boundaries between Resource Adjacent Areas and Base Protection Areas, #designated aquatic resources#, and #areas adjacent to aquatic resources#. #buffer areas#, as applicable, within 100 feet of the #zoning lot#.
- (2) A survey, dated no more than two years from the date of application, or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable, that establishes existing conditions related to topography at two-foot contours, the location of trees that are of six inch #caliper# or greater, #rock outcrops# and #erratic boulders#, #designated aquatic resources#, #buffer areas#, #buildings or other structures# and all other #hard surface areas#.
- (3) A compliance report that compares the survey described in paragraph (a)(2) of this Section with the most recent plans approved by the City Planning Commission or the Department of Buildings, as applicable.
- (4) Photographs, representing current conditions at the time of the application, showing the location and condition of trees proposed to be preserved and any #rock outcrops# or #erratic boulders# within or adjacent to the subject area within which construction or disturbance is proposed.
- (5) A set of architectural drawings, including:
 - (i) a site plan representing changes in topography at two-foot contours, when applicable, location of new #buildings or other structures# or #enlargements#, and modified locations of #hard surface areas#, with detailed zoning calculations as per Section 143-20 (SPECIAL BULK REGULATIONS); and
 - (ii) plans, elevations and section drawings detailing all new and modified #buildings or other structures# and #hard surface areas#;
- (6) A set of landscape drawings for the entire #zoning lot# or subject area with a key plan showing:
 - (i) the location and details of newly proposed or modified #hard surface areas#;
 - (ii) the location, #critical root zone#, #caliper# and species of all trees, newly planted or preserved, to be counted as #tree credits# with tree schedule pursuant to Section 143-13 (Tree Requirement), inclusive;
 - (iii) the location of all newly planted vegetation to be counted as part of a #landscape element# for #biodiversity points#, or otherwise required pursuant to Section 143-14 (Biodiversity Requirement), inclusive;
 - (iv) the boundaries and square footage of all existing vegetation to be preserved and counted as part of a #landscape element# for #biodiversity points# or otherwise required pursuant to Section 143-14, inclusive;
 - (v) for sites with #areas of existing slope#, a grading plan, showing all existing and proposed contours at two-foot intervals, all categories of slope affected by areas of encroachment, pursuant to Section 143-21 (Lot Coverage), critical spot elevations, and at least one longitudinal and one latitudinal cross-section located within areas of modified topography at the greatest areas of topographical change, showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;

- (vi) where applicable, #designated aquatic resources# and #buffer areas# pursuant to Section 143-15 (Aquatic resource protections);
- (7) a drainage plan and soil report, as applicable, showing direction of water flow over land, and locations of stormwater collection or infiltration; and
- (8) A set of construction plans detailing erosion controls, #area of no disturbance#, location of temporary fence, staging area, trenching for utilities and foundations, areas used by construction equipment and other provisions pursuant to Section 143-11 (Controls During Construction).
- (b) Applications for #enlargements# that result in an increase of #lot coverage# of less than 400 square feet and that result in an increase in #floor area# of less than 20 percent shall include materials described in paragraphs (a)(1), (a)(5), (a)(6)(i) and (a)(6)(ii) of this Section. Applications for #enlargements# that do not result in an increase in #lot coverage# shall include materials described in paragraphs (a)(1) and (a)(5) of this Section.
- (c) Applications for #site alterations# that modify the location or size of #hard surface area# totaling:
- (1) an area 400 square feet or greater, or that remove more than 12 #tree credits#, shall include the materials set forth in paragraphs (a)(1), (a)(2), (a)(4) and (a)(6) of this Section, as applicable; or
- (2) an area of less than 400 square feet shall include the materials set forth in paragraphs (a)(6)(i) and (a)(6)(ii) of this Section.
- (d) In addition to materials required pursuant to Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), all applications to the Commission:
- (1) shall include the materials set forth in paragraph (a) of this Section;
- (2) shall include an area map and an aerial photograph illustrating the #plan review site# and any #habitat area# located on public lands that is partially or wholly within 600 feet of such #zoning lot#;
- (3) for any subdivision, #zoning lot# merger or other change to #lot lines#, the site plan shall include the proposed layout of individual #zoning lots# and all proposed improvements thereupon, except as specifically exempted for subdivisions resulting only in #single-# and #two-family residences#, in addition to all the other requirements of this Section;
- (4) may also be required by the Commission to include:
- (i) a schedule for carrying out the proposed construction;
- (ii) a maintenance plan for any common areas, including #private roads# and any #habitat preservation areas# to be commonly held; and
- (iii) any other information necessary to evaluate the request.

The Chairperson of the City Planning Commission may modify one or more requirements set forth in paragraph (d) of this Section, when such modification is requested by the applicant in writing and when the Chairperson determines that the requirements are unnecessary for evaluation purposes.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a wetland permit from the New York State Department of Environmental Conservation is required for a #development#, #enlargement# or #site alteration#, a copy of an approved wetland delineation shall be submitted.

143-10 NATURAL RESOURCES

The provisions of this Section, inclusive, apply to all tracts of land, including #site alterations# in unimproved portions of privately owned mapped #streets#.

For #plan review sites# subject to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), the regulations relating to tree and biodiversity requirements set forth in Sections 143-13 and 143-14, inclusive, shall be modified in accordance with the provisions of Section 143-413 (Planting regulations for plan review sites).

No permanent certificate of occupancy or final sign-off, as applicable, shall be issued by the Department of Buildings unless an inspection report is filed with the Department of Buildings, stating that the planting requirements of the following provisions, as applicable, have been satisfied based on a field inspection:

Section 143-13 (Tree Requirement)
Section 143-14 (Biodiversity Requirement)

For #zoning lots# with #developments# or #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that involve an increase in #lot coverage#, the certificate of occupancy shall specify that the #zoning lot# is subject to the provisions of Sections 143-13 and 143-14.

143-11 Natural Resource Protection Requirements

143-111 Controls during construction

[Note: provisions relocated from Sections 105-36 and modified]

The provisions of this Section shall apply to all tracts of land with proposed #development#, #enlargement# or #site alteration#, except that a #site alteration# consisting only of the removal of trees totaling 12 #tree credits# or fewer shall not be required to comply with the provisions of this Section.

The following requirements shall be met during construction and clearly identified on the construction plan as set forth in Section 143-05 (Application Requirements):

- (a) Equipment access roads, loading and unloading areas, concrete washout locations, fueling locations, utility trenching locations with soil stockpiling and staging areas;
- (b) The staging area shall be as close to the construction area as practical, or within the nearest #hard surface area# of sufficient size for such purpose;
- (c) Deep mulch blankets or other methods to avoid soil compaction shall be provided in all locations used for equipment access, staging or storage, except where such uses are located on # hard surface areas#;
- (d) Construction fences shall be erected so as to be located between all areas of construction activity and all #areas of no disturbance#;
- (e) Excavating for the purpose of producing fill shall be prohibited; and
- (f) Any exposed earth area, other than areas excavated for #buildings#, shall have straw, jute matting or geotextiles placed on it and be seeded with annual rye grass within two days of exposure. All areas downhill of areas of disturbance shall have temporary structural measures for erosion and sediment controls in accordance with New York State Standards and Specifications for Erosion and Sediment Control.

A compliance report, verifying that the requirements of this Section have been met, shall be maintained on site and shall be available for review by the Department of Buildings. Such compliance report shall be based on a review of the property during each calendar week that heavy construction equipment is present on site.

143-112 Invasive species

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land in the #Special Natural Resources District# and in no case shall any existing #invasive species# be counted towards fulfillment of the requirements of Section 143-13 (Tree Regulations), inclusive, or be included as preserved vegetation within a #landscape element# or counted as #biodiversity points# pursuant to Section 143-14 (Biodiversity Requirement), inclusive.

143-12 Modifications of Certain Natural Features

143-121 Grading standards

[Note: provisions relocated from Sections 105-34 and modified]

The following grading requirements shall apply to all tracts of land with #areas of existing slope#:

- (a) cut slopes shall be no steeper than one horizontal to one vertical, and subsurface drainage shall be provided as necessary for stability;
- (b) fill slopes shall be no steeper than three horizontal to one vertical; and
- (c) tops and toes of cut slope or fill slopes shall be set back from #lot lines# and #buildings or other structures# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.

143-122
Retaining wall standards

For the purposes of applying the provisions of this Section, retaining walls shall not include walls that are part of a #building#.

(a) Maximum height

Within 10 feet of a #street line#, individual retaining walls shall not exceed an average height of four feet, as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of six feet.

Beyond 10 feet of a #street line#, retaining walls shall not exceed an average height of six feet as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of eight feet.

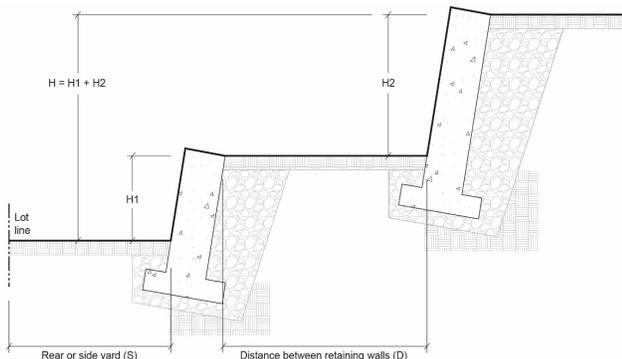
(b) Minimum distance between retaining walls

Where the aggregate height of any two adjacent retaining walls exceeds a height of three feet, as measured in elevation, a minimum average distance shall be provided between such retaining walls, in accordance with the following:

<u>Aggregate height of any two walls (in feet)</u>	<u>Minimum average distance between walls (in feet)</u>
3-5	3
5-10	5
10 or more	10

(c) Minimum distance between retaining walls and #side# or #rear lot lines#

Retaining walls shall be set back from #side# or #rear lot lines# for a horizontal distance of three feet plus one-fifth the height of the retaining wall but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.



Retaining walls shall be set back from side or rear lot lines for a horizontal distance of three feet plus one-fifth the height of the retaining wall but need not exceed a horizontal distance of 10 feet.

RETAINING WALL STANDARDS

(d) Planting requirements

Where the aggregate height of any two retaining walls exceeds a height of 10 feet, as measured in elevation, and such retaining walls are located within 10 feet of each other, planting shall be provided between such walls consisting of at least 75 percent of the linear

footage of such retaining walls, through any combination of perennials, annuals, decorative grasses or shrubs. The height of planted material shall be at least three feet at the time of planting.

143-123
Rock outcrops and erratic boulders

The provisions of this Section shall apply in all #Residence Districts#. To the greatest extent possible, #rock outcrops# and #erratic boulders# shall be maintained in their existing state and location, and shall be disturbed only as set forth in this Section.

Disturbance of more than 400 square feet of #rock outcrop# area, measured both in plan and in elevation, shall not be permitted within a single #zoning lot#, except that an application may be made to the City Planning Commission for an authorization to permit disturbance in excess of 400 square feet. Such application shall be subject to the conditions and findings of Section 143-42 (Authorization for Plan Review Sites).

(a) No #rock outcrop# shall be removed or disturbed in any way within a #front yard#, except as set forth in paragraph (c).

(b) Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within 50 feet of the #front lot line# in R1 Districts, or within 30 feet of the #front lot line# in all other Residence Districts, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation.

(c) Nothing in paragraphs (a) or (b) shall preclude the construction of a single driveway no more than 10 feet in width and a single walkway or staircase no more than five feet in width in the area between the #street wall# and its extensions and the #street line#. For driveways providing access to more than one dwelling unit, the maximum width shall be 20 feet, or where the driveways are separated by a distance of 60 feet, two driveways with a maximum width of 10 feet each.

(d) No #rock outcrop# shall be removed or disturbed in any way within a #rear yard#, except as set forth in this paragraph (d). Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within a #rear yard#, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation. Elevation view shall be based on the view of the #rear yard# from the #rear yard line#.

(e) No #erratic boulder# shall be removed or destroyed in any way, except that they may be relocated from their existing location to anywhere within 50 feet of the #front lot line# in an R1 District or within 30 feet of the #front lot line# in all other Districts.

143-13
Tree Regulations

All #developments# and #enlargements# that involve an increase in #lot coverage#, and #site alterations# shall comply with the tree requirements set forth in this Section, inclusive.

Trees with #tree credits# or trees that are of six inch #caliper# or greater may only be removed in compliance with the provisions of this Section, inclusive. However, for the removal of unsafe trees determined by the Department of Buildings or the Department of Parks and Recreation to constitute a hazardous condition, and for trees that are destroyed by natural causes, compliance with the provisions of this Section and Section 143-14 (Biodiversity Requirement), as applicable, shall be required only after one year has passed since such event.

Trees required under previous Special District regulations shall be maintained in good health except as provided in this Section, inclusive.

Trees that are required pursuant to other Sections of this Resolution and that meet the standards of this Section, inclusive, may be used towards fulfillment of the requirements of Section 143-131, except that street trees required pursuant to Section 23-03 (Street Tree Planting in Residence Districts) shall not be counted towards the fulfillment of such requirements.

143-131
Tree credits

In order to satisfy the tree requirements set forth in Section 143-132 (Determining tree requirements), trees shall be assigned #tree credits# in accordance with this Section. Such trees shall be newly planted or preserved in accordance with the provisions set forth in Section 143-133 (Planting standards for tree credits).

INDIVIDUAL TREE CREDIT VALUES

<u>Individual Tree Designation</u>	<u>Description</u>	<u>#Tree Credits#:#Target species#</u>	<u>#Tree Credits#:#Non-#target species#</u>
Old tree	A preserved tree of 50 inch #caliper# or greater, or at least 144 years of age*	36	18
Mature tree	A preserved tree of 34 inch #caliper# or greater, or at least 98 years of age*	18	12
Large tree	A preserved tree of 22 inch #caliper# or greater, or at least 62 years of age*	6	4
Medium tree	A preserved tree of 14 inch #caliper# or greater, or at least 38 years of age*	4	3
Standard tree	A preserved tree of six inch #caliper# or greater, or at least 24 years of age*	3	2
Young tree	A newly planted tree of two inch #caliper# or greater	2	1
Sapling	A newly planted tree of between one and two inch #caliper#	1	n/a

* In cases where #tree credits# are determined by the age of a tree, such determination shall be made by a professional arborist. Age may be determined by a core sample, and may be extrapolated to other trees of the same species and similar size on the same #zoning lot#.

Where there is a cluster of four or more trees, of which at least one tree is within 15 feet of three other trees measured on center, and such cluster consists of preserved trees that are six inch #caliper# or greater, or newly planted trees that are one inch #caliper# or greater, for each tree comprising the tree cluster, #tree credits# shall be 1.5 times the #tree credit# value of each preserved #target# tree or 1.25 times the #tree credit# value of each preserved non-#target# tree or newly planted tree.

For the purposes of applying the provisions of this Section, trees classified as "newly planted" may retain such classification provided they appear on an approved site plan after [date of adoption] filed with the Department of Buildings, remain in good health and continue to comply with the standards set forth in Section 143-133 (Planting standards for tree credits), until such trees meet the requirements to be classified as a standard tree.

143-132
Determining tree requirements

In order to satisfy the tree requirements set forth in this Section, trees shall be assigned #tree credits# in accordance with Section 143-131 (Tree credits).

- (a) #Zoning lots# containing #residential uses# in #Residence Districts#

#Tree credits# shall be determined as follows for #zoning lots# in #Residence Districts# that contain #residential use#:

- (1) the minimum number of #tree credits# on a #zoning lot# shall be three #tree credits# per 750 square feet of #lot area# in R1 and R2 Districts, or two #tree credits# per 750 square feet of #lot area# in R4 and R6 Districts;
 - (2) the minimum number of trees that are one inch #caliper# or greater shall be one tree per 1,000 square feet of #lot area#; and
 - (3) for #zoning lots# with a #lot width# greater than 40 feet, the total number of #tree credits# located in the area between all #street walls# of a #building# and their prolongations and the #street line# shall be greater than or equal to the #lot width# divided by 10 and rounded to the nearest whole number, except that such #tree credits# need not exceed 16.
- (b) All other #zoning lots#
- For #zoning lots# in #Residence Districts# without #residential uses#, the minimum number of #tree credits# on a #zoning lot# shall be:
- (1) 1.5 per 750 square feet of #lot area#; and
 - (2) the minimum number of trees that are one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.
- (c) Trees within unimproved portions of mapped #streets#
- For the purposes of this Section, trees located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-13 (Tree Regulations), where:
- (1) the unimproved portion of the privately owned mapped #street# is not required for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
 - (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for a #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

Where #tree credits# or numbers of trees required for a #zoning lot# result in a fraction, the requirements of Section 143-13 (Tree Regulations), inclusive, shall be satisfied by providing a whole number of #tree credits# or trees in excess of such fractional amount.

143-133
Planting standards for tree credits

#Tree credits# shall only be assigned to trees planted or preserved in accordance with the provisions set forth in this Section. #Invasive species# are prohibited from being planted on a #zoning lot# or tract of land and in no case shall they be counted towards fulfillment of the requirements of Section 143-132 (Determining tree requirements).

(a) **Newly planted trees**

Newly planted trees shall be eligible for #tree credits# provided that each tree shall be no smaller than the applicable #caliper# specified in the table in Section 143-131 (Tree credits), and shall be planted no closer to nearby trees than:

- (2) five feet between saplings; or
- (3) 7 feet, 6 inches between young trees, saplings and preserved trees.

Such distances shall be measured on center. If two trees of different size designations are planted next to each other, the greater distance shall control.

In addition, newly planted trees shall have no #hard surface area# within their #critical root zone#.

(b) **Preserved trees**

#Tree credits# shall only be assigned to preserved trees, provided no area shall be disturbed within their #structural root zones#, and provided no more than 10 percent of the #critical root zone# is disturbed by any combination of the following:

- (1) proposed #hard surface area#; or
- (2) modifications to topography, including any excavation or fill, except for newly planted vegetation within a container that is sized one quarter-gallon or smaller.

However, preserved trees with more than 10 percent and no more than 30 percent of their #critical root zones# disturbed by proposed #hard surface area#, topographic modification, construction staging, use of heavy machinery or newly planted vegetation within a container that is more than one quarter-gallon, as set forth in this paragraph may be counted towards the assigned #tree credit# value set forth in Section 143-131 (Tree credits) only if such trees have a #tree protection plan#.

For the purposes of this paragraph (b), a deck or porch that is elevated above natural grade shall not be considered as disturbance within a #critical root zone# or #structural root zone#, except for the area of excavation required for the structural support of such #hard surface area#.

Removal of #hard surface area# from the #critical root zone# of a tree, when conducted pursuant to a #tree protection plan# shall not be considered disturbance.

For the purposes of assigning #tree credits#, preserved trees that are less than six inches in #caliper# may be treated as a newly planted "young tree" or "sapling," as applicable, for #zoning lots# where the total #tree credit# of all trees existing prior to any proposed #development#, #enlargement# or #site alteration# is less than the amount required pursuant to Section 143-132 (Determining tree requirements). A survey of existing site conditions showing the location of all existing trees that are six inches in #caliper# or greater shall be provided.

**143-134
Tree preservation requirement**

In all #Residence Districts#, removal of live trees that are six inch #caliper# or greater, where the trunks of such trees are located within 15 feet of a #rear lot line#, shall be permitted only under the following circumstances:

- (a) where such trees are located in areas to be occupied by #buildings#, or within a distance of eight feet of an existing or proposed #building#, provided that it is not possible to avoid such removal by adjustments in the location of such #buildings#;
- (b) for #zoning lots# no greater than 3,800 square feet of #lot area#, where such trees are located in areas to be occupied by swimming pools, or within a distance of eight feet of an existing or proposed swimming pool, provided that it is not possible to avoid such removal by adjustments in the location of such swimming pools;
- (c) where such trees are located in an area to be occupied by a driveway or area required for #accessory# parking, provided that it is not possible to avoid such removal by adjustments in the location of such driveway or parking area;
- (d) where a total of over 30 percent of the #critical root zone# of such trees would be impacted by proposed disturbances, provided that it is not possible to avoid such impacts by adjustments in the location of proposed #buildings#, swimming pools, driveways, #private roads# or parking areas;
- (e) where a defect exists in such tree with a rating of "Moderate," "High," or "Extreme," as described in the Best Management Practices for Tree Risk Assessment published by the International Society of Arboriculture (ISA) and as determined by a professional arborist possessing a current Tree Risk Assessment qualification issued by the ISA; and where it is not possible or practical to mitigate such defect by any means other than removal of the tree; or
- (f) where any portion of a #rear lot line# of a #zoning lot# is located within 70 feet of the #front lot line# of such #zoning lot#.

Notwithstanding the removal of any trees permitted pursuant to paragraphs (a) through (f) of this Section, such #zoning lot# shall comply with all other requirements of Section 143-13 (Tree Regulations), inclusive.

**143-14
Biodiversity Requirement**

The biodiversity planting requirements of this Section shall apply within the #Special Natural Resources District#.

- (a) **Applicability of biodiversity requirement to #developments#, #enlargements# and certain #site alterations#**

The planting requirements set forth in this Section, inclusive, shall apply on #zoning lots# or other tracts of land, to:

- (1) #developments#;
- (2) #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that result in an increase in #lot coverage#;

- (3) the removal of more than 12 #tree credits#;
- (4) newly constructed or relocated #hard surface area# with an area of 400 square feet or more; or
- (5) for #zoning lots# previously subject to paragraphs (a)(1), (a)(2), (a)(3) or (a)(4) of this Section, the establishment of a new category of #landscape element# where such newly planted vegetation counts toward #biodiversity points# previously satisfied by another type of #landscape element#.

The minimum biodiversity requirement on a #zoning lot# shall be as set forth in Section 143-141 (Determining biodiversity requirements). Required vegetation shall be grouped within #landscape elements# and assigned #biodiversity points# in accordance with Section 143-142 (Landscape elements). Vegetation within #landscape elements# shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements). #Buffer areas# shall be planted pursuant to the provisions set forth in Section 143-144 (Planting requirements for buffer area adjacent to designated aquatic resources).

For #zoning lots# that have planted or preserved #landscape elements# pursuant to the provisions of this Section, inclusive, such vegetation may be subsequently altered, provided that the required area of vegetation is not reduced below the area required for such #landscape element#.

However, where Section 37-90 (PARKING LOTS) applies, and the open parking area covers at least 40 percent of the #zoning lot# or #plan review site#, as applicable, the provisions of Sections 143-141, 143-142 and 143-143 shall be deemed satisfied by the provision of landscaping pursuant to Section 37-90.

- (b) **Requirements for maintaining vegetation on all other lots**

For #zoning lots# with #buildings# constructed prior to [date of adoption] that are not subject to the biodiversity requirements of paragraph (a) of this Section, the provisions of Sections 143-141 (Determining biodiversity requirements), 143-142 (Landscape elements) and 143-143 (Planting standards for landscape elements) shall not apply. However, such #zoning lots# shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of paragraph (b) of this Section, as follows.

Existing square footage of vegetation that is not lawn or trees shall not be reduced to less than:

- (1) 15 percent of the #lot area# in Resource Adjacent Areas and in #areas adjacent to aquatic resources#; or
- (2) five percent of the #lot area# in Base Protection Areas.

**143-141
Determining biodiversity requirements**

In order to satisfy the biodiversity requirements set forth in Section 143-14 (Biodiversity Requirements), inclusive, vegetation shall be assigned #biodiversity points#. All #zoning lots# shall have #biodiversity points# greater than or equal to the point requirement set forth in this Section, as applicable:

- (a) six #biodiversity points# in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (b) four #biodiversity points# for #zoning lots# that contain #residential uses# in R1 or R2 Districts in Base Protection Areas;
- (d) two #biodiversity points# for #zoning lots# that do not contain #residential uses# in R1 or R2 Districts in Base Protection Areas; and
- (e) two #biodiversity points# in Base Protection Areas containing R4 or R6 Districts.

In the event of a conflict between the provisions of one paragraph of this Section and another paragraph, the more restrictive shall control.

**143-142
Landscape elements**

In order to satisfy the #biodiversity point# requirements set forth in Section 143-141 (Determining biodiversity requirements), vegetation shall be categorized into one of the #landscape elements# set forth in the table in this Section. All vegetation shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements).

BIODIVERSITY POINT VALUE PER REQUIRED AREA

#Landscape element#	#Biodiversity points#	Design requirements
Basic Garden	1	2.5 percent of #lot area#
Wildlife Garden	1	2 percent of #lot area#
Green Roof—Intensive	1	12.5 percent of the #lot coverage#
Green Roof—Extensive	1	15 percent of the #lot coverage#

The total area of a #landscape element# shall not be less than as set forth in the Table in this Section for each such #landscape element#. In addition, the following design requirements shall apply:

(c) Basic gardens, wildlife gardens and green roofs

The minimum horizontal dimension of each basic garden, wildlife garden or green roof shall be eight feet, except that, for #zoning lots# with a #lot area# less than 3,800 square feet, each wildlife garden or green roof shall have a minimum horizontal dimension of four feet.

(d) Wildlife garden buffers

For #developments# on #zoning lots# located in a Resource Adjacent Area, wildlife gardens shall be located within buffers as specified in this paragraph (b), and special planting standards shall apply to such gardens pursuant to Section 143-143 (Planting standards for landscape elements). To fulfill #biodiversity point# requirements, wildlife garden buffers shall be located along #side# and #rear lot lines#, or portions thereof, adjacent to a Resource Adjacent Area boundary line, as shown on the map in Appendix B of this Chapter. For wildlife garden buffers along #side lot lines#, or portions thereof, the minimum width shall be eight feet. For wildlife garden buffers along #rear lot lines#, or portions thereof, the minimum depth shall be 10 feet. The width or depth of wildlife garden buffers shall be measured perpendicular to such #side# or #rear lot lines#, respectively.

However, where #buildings# or other #hard surface area# lawfully existing as of [date of adoption] are located so as to be in conflict with the requirements of this paragraph (a), such areas that are in conflict may be exempt from such requirements.

(c) #Landscape elements# within unimproved portions of mapped #streets#

For the purposes of this Section, #landscape elements# located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-14 (Biodiversity Requirement), where:

- (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than thirty days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

143-143 Planting standards for landscape elements

Vegetation planted or preserved within #landscape elements# shall be in good health and shall comply with the provisions set forth in this Section. Trees shall not count toward the vegetation coverage requirements of #landscape elements#; coverage requirements shall only be satisfied through #ground# and #shrub layer# plantings. Vegetation required pursuant to other Sections of this Resolution that meet the standards of this Section may be used towards fulfillment of the requirements of Section 143-141 (Determining biodiversity requirements).

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land and in no case shall existing #invasive species# be included as preserved vegetation within a #landscape element# or counted as #biodiversity points#.

(e) Basic gardens

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall each be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied.

(f) Wildlife gardens

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall each be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#.

(g) Wildlife garden buffers

In Resource Adjacent Areas, the #shrub layer# shall occupy at least 20 percent of the wildlife garden buffer and the #ground layer# shall occupy at least 40 percent of such buffer. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#. Such wildlife garden buffer area shall also have three #tree credits# per 750 square feet of area within such wildlife garden buffer area.

Trees required within wildlife garden buffers shall be planted or preserved in accordance with Section 143-133 (Planting standards for tree credits). Such trees shall contribute toward satisfying the requirements of Section 143-13 (Tree Regulations).

(h) Green roofs

The minimum depth of planting medium for “intensive green roofs” shall be eight inches, and the minimum depth of planting medium for “extensive green roofs” shall be three inches. A minimum of six different species shall be provided for “intensive green roofs” and a minimum of four different species shall be provided for “extensive green roofs.”

Illustrative Example

The following example, while not part of the Zoning Resolution, is included to demonstrate how biodiversity planting requirements are calculated.

Example of calculations for a “basic garden” on a 5,000 square-foot lot

Basic gardens are assigned one #biodiversity point# for each 2.5 percent of the #lot area# they occupy, as set forth in the table in Section 143-142 (Landscape elements). For a #zoning lot# with a #lot area# of 5,000 square feet, a basic garden of 500 square feet, or 10 percent, would achieve the required four #biodiversity points#. In this example, because of design considerations, two areas are established for basic gardens: one along a side lot line, eight feet wide by 20 feet deep (providing 1.28 #biodiversity points#), and another across the front of the lot, 40 feet wide by 8 feet 6 inches deep (providing 2.72 #biodiversity points#).

Paragraph (b) of Section 143-143 (Planting standards for landscape elements) specifies that both the #ground layer# and #shrub layer# each need to be at least 15 percent of the square footage of each #landscape element#. That means that both the #ground layer# and #shrub layer# each need to have a coverage of at least 24 square feet in the side garden, and at least 51 square feet in the front garden. Additional vegetation required for the remaining 70 percent coverage may be either in the #ground layer# or #shrub layer#.

143-144 Planting requirements for buffer area adjacent to designated aquatic resources

Vegetation shall be planted or preserved in #buffer areas# adjacent to #designated aquatic resources# in accordance with this Section. For #designated aquatic resources# regulated by the New York State Department of Environmental Conservation (DEC), vegetation other than lawn shall be located in a #buffer area# and shall be planted or preserved in a manner determined by DEC.

For #plan review sites# containing #designated aquatic resources# not regulated by DEC, vegetation other than lawn shall be planted in a #buffer area# that extends for 30 feet measured from the edge of the #designated aquatic resource#. Vegetation shall be planted or preserved as directed by the City Planning Commission pursuant to Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES). Such #buffer area# boundary shall be demarcated by a split rail fence or a similar boundary marker, with a gate permitted for maintenance purposes.

For #zoning lots# that are not #plan review sites# or a portion thereof, the planting required pursuant to this Section shall be waived in the following instances:

- (a) For all #uses# lawfully existing on [date of adoption], planting shall not be required within portions of #buffer areas# that contain #buildings# and other #hard surface areas#, to the extent that such #buildings# and other #hard surface areas# lawfully existed in those locations on [date of adoption]. In addition, planting shall not be required within portions of #buffer areas# within five feet of any #building# lawfully existing on [date of adoption]; and
- (b) For a #residential building# lawfully existing on [date of adoption], and for a #development# or #enlargement# of a #residential building# on a #zoning lot# existing both on [date of certification] and on the date of application for a building permit, planting shall not be required within portions of #buffer areas# that:
 - (1) are open areas where disturbance is permitted pursuant to Section 143-151 (Permitted encroachment area); and
 - (2) are within a #front yard#.

Vegetation planted or preserved pursuant to the provisions of this Section may be counted towards satisfying the requirements of Section 143-13 (Tree Regulations), inclusive, and the biodiversity requirements of Sections 143-141, 143-142 and 143-143.

143-15 Aquatic Resource Protections

For #zoning lots# containing #designated aquatic resources# or #buffer areas#, the provisions of this Section, inclusive, shall apply.

No removal of trees or other vegetation, no disturbance of topography, no #development#, no horizontal #enlargement# and no increase in #hard surface area# shall be permitted within a #designated aquatic resource# or #buffer area#, except as provided in this Section, inclusive, or as otherwise approved by the New York State Department of Environmental Conservation. However, removal of #invasive species# and the construction of unpaved trails using hand tools shall be permitted within a #designated aquatic resource# or #buffer area# where permitted by the New York State Department of Environmental Conservation or the City Planning Commission, as applicable.

For #designated aquatic resources# and adjacent areas that are regulated by the New York State Department of Environmental Conservation, nothing in the regulations of this Chapter shall modify state regulations requiring application to such agency for proposed #development# or other state-regulated activity.

Section 143-151 (Permitted encroachment area) establishes the size and shape of a permitted encroachment area. Section 143-152 (Location of permitted encroachment) establishes the #zoning lots# that are eligible to encroach upon #designated aquatic resources# and #buffer areas# and rules to minimize such encroachment. Section 143-27 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources) establishes rules to allow clustering of #buildings# outside of #designated aquatic resources# and #buffer areas# in order to minimize encroachment.

143-151 Permitted encroachment area

For the purposes of this Section and Section 143-152 (Location of permitted encroachment), the "permitted encroachment area" shall be a combination of permitted #lot coverage# and an area adjacent to a #building#. The permitted encroachment area is the largest area allowed to be disturbed within a #designated aquatic resource# or #buffer area#.

- (a) Permitted #lot coverage#

The maximum permitted #lot coverage# on a #zoning lot# shall be determined by the applicable Zoning District as indicated in the following table:

Zoning District	#Lot coverage# (in square feet)
R1-1	1200
R1-2	800
R2 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

A #building# shall be located on a #zoning lot# so that its #lot coverage# shall avoid or minimize disturbance of #designated aquatic resources# and #buffer areas#, except that the minimum width of a #building# need not be less than 15 feet, and the shape, in plan view, of the outermost walls of such #building# need not be other than a rectangle.

- (b) Permitted encroachment adjacent to a #building#

An area with a depth of five feet, as measured perpendicular to the #building# wall, shall be exempt from the planting requirements of Section 143-144, and shall be permitted around a single #building# that contains the primary #use# on the #zoning lot#, except the depth of such area shall be 20 feet adjacent to a rear #building# wall that is opposite a #street# or #private road#. For #zoning lots# with multiple #street# frontages, such depth of 20 feet may be utilized only once. Within this area, an encroachment of fill for lawn, #hard surface area# or other similar encroachment shall be permitted within a #buffer area# or #designated aquatic resource#.

The provisions of Section 143-24 (Special Yard Regulations for the Protection of Natural Features) shall be used, as applicable, to facilitate a #building# location that, combined with the permitted encroachment adjacent to such #building#, minimizes the area of encroachment on a #designated aquatic resource# or #buffer area#, as applicable.

143-152 Location of permitted encroachment

On a #zoning lot#, existing both on [date of certification], and on the date of application for a building permit, encroachment on a #designated aquatic resource# or #buffer area# shall only be permitted as follows:

- (a) Where the permitted encroachment area is located utilizing the applicable modified #yards#, but cannot be located fully outside of a #designated aquatic resource# or #buffer area#:
 - (1) the permitted encroachment area may encroach into a #buffer area# to the minimum extent necessary to accommodate such permitted encroachment area;
 - (2) where encroachment into a #buffer area# pursuant to paragraph (a)(1) of this Section does not accommodate the entire permitted encroachment area, only then shall encroachment into a #designated aquatic resource# be permitted, to the minimum extent necessary to accommodate such permitted encroachment area.
- (b) A single driveway with a width of 10 feet, or greater where required by the New York City Fire Department, shall be permitted to access a permitted encroachment area, and may encroach into a #buffer area# or #designated aquatic resource# to the minimum extent necessary.
- (c) The provisions of Section 143-31 (Parking Modifications for the Protection of Natural Features) shall be used, as applicable, to facilitate the location of required off-street parking that minimizes the area of encroachment on a #designated aquatic resource# and #buffer area#. Required #accessory# off-street parking spaces need not be located within a #building# in order to minimize the area of encroachment;
- (d) if it is necessary to locate proposed #accessory# off-street parking spaces within a #designated aquatic resource# or #buffer area#, no more than one #dwelling unit# shall be permitted.

143-20 SPECIAL BULK REGULATIONS

The special #bulk# regulations of this Section, inclusive, shall apply throughout the #Special Natural Resources District#.

143-21 Lot Coverage

R1 R2

In the districts indicated, for #zoning lots# containing predominantly #residential uses#, the #lot coverage# and #open space# regulations of the underlying districts shall not apply. In lieu thereof, the provisions set forth in this Section shall apply. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential uses# shall be defined as a #zoning lot# containing predominantly #residential uses#.

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include #accessory buildings# permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). Such #accessory buildings#, and #buildings or other structures# used for

domestic or agricultural storage, shall be included in #lot coverage# calculations.

The maximum permitted #lot coverage# shall be as set forth in paragraph (a) of this Section. However, the provisions of paragraph (b) modify the maximum #lot coverage# of a #zoning lot# in cases of encroachment of #areas of existing slope#. In no case shall the #lot coverage# resulting from paragraphs (a) or (b) be required to be less than the #lot coverage# set forth in paragraph (c) of this Section. Paragraph (d) sets forth an exemption from #lot coverage# for a #building# or portion of a #building# containing required off-street #accessory# parking spaces in certain instances.

(a) Basic maximum #lot coverage#

TABLE I
BASIC MAXIMUM LOT COVERAGE

Area	Maximum permitted #lot coverage# (in percent)
Base Protection Area: R1 District	25
Base Protection Area: R2 Districts	30
Resource Adjacent Area and #areas adjacent to aquatic resources#	15

(b) #Lot coverage# determined by slope encroachment

Where an area of encroachment is proposed in an #area of existing slope# that is greater than 150 square feet in cumulative area, the maximum #lot coverage# shall be determined by the steepest slope category encroached upon that has an area greater than 150 square feet cumulatively, as set forth in Table II of this Section. Where there is no encroachment upon a slope category with an area greater than 150 square feet cumulatively, the maximum #lot coverage# shall be determined by the slope category with the largest area encroached upon. When the maximum permitted #lot coverage# indicated in Table II exceeds the maximum permitted #lot coverage# set forth in Table I, the more restrictive shall apply.

For the purposes of this Section “encroachment” shall be the area of proposed changes in ground elevation by more than two feet of cut or fill, including areas proposed for excavation to such depth for #buildings#, #hard surface areas#, structural elements for decks and for any other #site alteration# related to such grade change of more than two feet.

TABLE II
MAXIMUM LOT COVERAGE FOR ENCROACHMENT WITHIN AREAS OF EXISTING SLOPE

Slope category (in percent) #area of existing slope#	Maximum permitted #lot coverage# (in percent)
85 or greater	12.5
65–84.9	15
45–64.9	17.5
35–44.9	20
25–34.9	22.5
10.0–24.9	25

(c) Notwithstanding any other provisions of this Section, in no case shall the resulting maximum #lot coverage#, in square feet, be required to be less than the permitted #lot coverage# set forth in Table III.

TABLE III
PERMITTED LOT COVERAGE

Zoning District	Permitted #lot coverage# (in square feet)
R1-1	1,200
R1-2	800
R2 Districts with #single-# or #two-family detached residences#	700
All other #zoning lots#	600

(d) Exemption from #lot coverage# for enclosed #accessory# parking spaces

For #qualifying lots#, an #accessory building# enclosing required off-street #accessory# parking spaces, or a portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces, shall be exempt from #lot coverage# requirements if such #accessory building# or portion of a #building#:

- (4) is located on a slope that rises above the adjacent #street# or #private road#;
- (5) is no more than 10 feet in height above #curb level#;
- (6) is located entirely within 25 feet of a #street# or #private road#; and such #building# or portion either:
 - (i) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
 - (ii) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

Such #accessory building# or portion of a #building# shall not be exempt from #hard surface area# limitations.

143-22

Hard Surface Area

The maximum permitted #hard surface area# for a #zoning lot# is set forth in this Section. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential use# shall be defined as a #zoning lot# containing predominantly #residential use#.

R1 R2

(a) In the districts indicated, for #zoning lots# containing predominantly #residential use#, the maximum permitted #lot coverage# set forth in paragraphs (a) or (b) of Section 143-21 (Lot Coverage) shall determine the maximum permitted #hard surface area# in accordance with Table I of this Section. The maximum permitted #hard surface area# on a #zoning lot# shall not exceed the percent of #lot area# set forth in Table I.

TABLE I
PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ZONING LOTS CONTAINING PREDOMINANTLY RESIDENTIAL USE IN R1 THROUGH R2 DISTRICTS

Maximum permitted #lot coverage# (in percent)	Maximum permitted #hard surface area# (in percent)
12.5	40
15	45
17.5	45
20	50
22.5	50
25	50
30	65

R1 R2 R4 R6

(b) In the districts indicated, the maximum permitted #hard surface area# for all #zoning lots# not subject to paragraph (a) of this Section, shall be as set forth in Table II for the applicable zoning district.

TABLE II
PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ALL OTHER ZONING LOTS

Zoning district	Maximum permitted #hard surface area# (in percent)
R1 R2 R4 R6	75

143-23

Minimum Lot Area for Zoning Lots Containing Designated Aquatic Resources

The minimum #lot area# regulations set forth in Article II, Chapter 3, shall be modified as set forth in this Section.

Where the sum of all areas containing #designated aquatic resources# and #buffer areas# on the #zoning lot# constitutes more than 10 percent of the #lot area#, such area shall be excluded for the purposes of calculating #lot area# necessary to meet minimum #lot area# requirements of Section 23-32 (Minimum Lot Area or Lot Width for Residences).

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts, both on [date of certification] and on the date of application for a building permit.

**143-24
Special Yard Regulations for the Protection of Natural Features**

In order to facilitate the protection of natural features, the provisions of this Section, inclusive, shall modify the #yard# regulations of the underlying districts as applicable in the #Special Natural Resources District#. However, in no case shall the provisions of both Sections 143-242 (Front yard reductions) and 143-243 (Rear yard reductions) be applied to the same #zoning lot#.

**143-241
Permitted obstructions in yards**

For #residential buildings# on #qualifying lots#, the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to allow required off-street parking spaces, open or enclosed, as permitted obstructions within a #front yard#, provided the height of any #building# enclosing such off-street parking spaces does not exceed 10 feet above #curb level#.

A portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces on such #qualifying lots#, shall be considered a permitted obstruction in a #front yard# if such portion of a #building#:

- (d) is located on a slope that rises above the adjacent #street# or #private road#;
- (e) is no more than 10 feet in height above #curb level#;
- (f) is located entirely within 25 feet of a #street# or #private road#; and such portion of a #building# either:
 - (1) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
 - (2) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

In addition, for #zoning lots# subject to the provisions of Section 143-252 (Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources), the provisions of Section 23-44 shall be modified to allow portions of #buildings# that project up to three feet into #yards# as permitted obstructions within such #yards#.

**143-242
Front yard reductions**

The regulations for minimum #front yards# shall be modified in accordance with the provisions set forth in paragraphs (a) or (b) of this Section, as applicable:

- (a) In R1, R2, and R4 Districts
 - (1) In R1 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet;
 - (2) In R2 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet; or
 - (3) In R2 through R4 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet, provided that certain natural features are preserved within specified portions of the #zoning lot#, as follows:
 - (i) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;

- (ii) such natural features, including #critical root zones#, are, in whole or in part located beyond 30 feet of the #rear lot line# and are in the rear half of the #zoning lot#; and
- (iii) such natural features are located within an #area of no disturbance#.

- (b) In Resource Adjacent Areas or #areas adjacent to aquatic resources#
 - (1) In R1 Districts, #front yards# shall have a minimum required depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet; and
 - (2) In R2 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet.

However, if an open #accessory# off-street parking space is located between the #street wall# of a #building# containing #residences# and the #street line#, there shall be an open area between such #street wall# and #street line# which is at least 8 feet 6 inches in width by 18 feet in depth to accommodate such parking space.

**143-243
Rear yard reductions**

#Rear yards# shall have a minimum depth of 20 feet as set forth in paragraphs (a) or (b) of this Section:

- (a) In R2 Districts, for #qualifying lots#, and for #zoning lots# located in Resource Adjacent Areas or #areas adjacent to aquatic resources#; and
- (b) In R1 through R6 Districts, provided that certain natural features are preserved as follows:
 - (1) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
 - (2) such natural features, including #critical root zones#, are, in whole or in part located outside of the #front yard# and are in the front half of the #zoning lot#; and
 - (3) such natural features are located within an #area of no disturbance#.

**143-244
Measurement of yards in unimproved streets**

For #qualifying lots# in R2 Districts, or for #zoning lots# within Resource Adjacent Areas or #areas adjacent to aquatic resources#, the minimum required #front yard# depth shall be measured from a tax lot boundary within a #street# shown on the City Map, instead of from the #street line# in cases where:

- (a) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (b) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

**143-25
Height and Setback Regulations**

In the #Special Natural Resources District#, the special height and setback regulations of Sections 143-251 (Modified height and setback for the protection of natural features) and 143-252 (Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources) shall apply.

**143-251
Modified height and setback for the protection of natural features**

R1 R2
In the districts indicated, in order to facilitate the protection of natural features, the maximum perimeter wall height and maximum #building# height of a #residential building#, or the #residential# portion of a #building# may be modified in accordance with the provisions of this Section.

Within Resource Adjacent Areas, #areas adjacent to aquatic resources#, and for #qualifying lots#, paragraph (a) of Section 23-631 (General

provisions) shall be modified so that the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# beginning at a height of 30 feet above the #front yard line#.

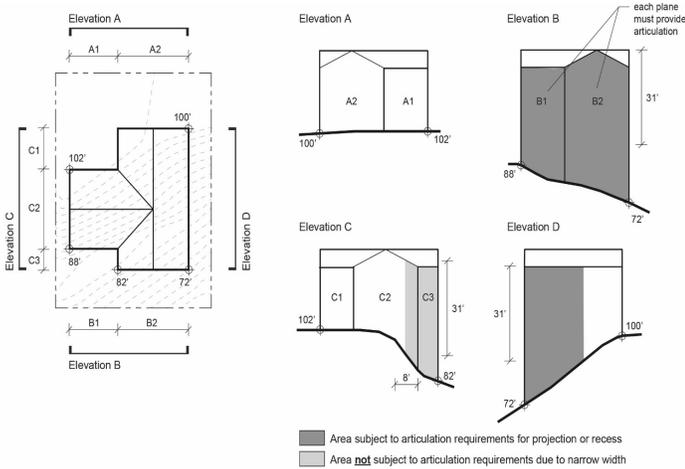
143-252
Articulation requirements in Resource Adjacent Areas and in areas adjacent to aquatic resources

R1 R2

In the districts indicated, the provisions of this Section shall apply to #residential buildings# in Resource Adjacent Areas and #areas adjacent to aquatic resources#. The provisions of this Section shall not apply to #accessory buildings#.

For any portion of such #residential building# that is eight feet in width or greater and exceeds a vertical distance of 31 feet between the roof of the #building# and the final adjoining grade, an area equaling at least 25 percent of the surface area of such portion must project from or be recessed from an exterior wall covering at least 25 percent of the area in a continuous plane by at least 18 inches from the wall above or below.

Four elevation views shall be provided for each #building# in addition to application materials set forth in 143-05 (Application Requirements). Each such elevation view shall show that such #residential building# complies with the recess and projection requirements of this Section.



ARTICULATION REQUIREMENTS

143-26
Open Area Regulations for Residences

Open areas shall be provided between #residential buildings# and each of the following: #designated aquatic resources#, #buffer areas#, or #habitat preservation area#, in accordance with the requirements of this Section.

- (a) An open area shall be provided adjacent to the rear wall of each #residential building# or #building segment#. For the purposes of this Section, the "rear wall" shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 20 feet when measured perpendicular to each rear wall.
- (b) An open area shall also be provided adjacent to the side walls of each #residential building# or #building segment#. For the purposes of this Section, a "side wall" shall be a wall that does not face a #street# or #private road#, and is not a rear wall. The depth of such open area shall be equal to the depth of each #building# or #building segment#, and the width of such open area shall be at least five feet when measured perpendicular to each side wall.
- (c) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and any remaining walls not facing a #street# or #private road# shall be designated side walls. The open area provisions of this Section shall apply to the areas adjacent to such rear wall and side walls.

Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted within such open areas.

143-27
Special Bulk Regulations for Lots Containing Designated Aquatic Resources

In the #Special Natural Resources District# in all #Residence Districts#, except R1-1 Districts, and except #plan review sites# of one acre or more, the special #bulk# regulations of this Section shall apply to any tract of land containing #designated aquatic resources# or #buffer area#. Such tract of land may contain a single #zoning lot# or two or more #zoning lots# #developed# as a unit in single ownership or control which are contiguous for a distance of at least 10 feet or would be contiguous except for their separation by a #street#.

For all permitted #residential uses# on such tract of land, the total #floor area#, #lot coverage#, #hard surface area# or #dwelling units# generated by that portion of the #zoning lot# containing #designated aquatic resources# or #buffer area# may be distributed without regard for #zoning lot lines#, provided that, within Resource Adjacent Areas and #areas adjacent to aquatic resources#, the maximum applicable #lot coverage# of 15 percent and #hard surface area# of 45 percent shall not be exceeded.

The provisions of Sections 23-40 (YARD REGULATIONS) and 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), shall not apply. In lieu thereof, the following regulations shall apply:

- (a) #Yards#
 - (4) #front yards# shall have a minimum required depth of 10 feet;
 - (2) #side yards# shall have a minimum required width of four feet;
 - (3) #rear yards# shall have a minimum required depth of 10 feet;
- (b) Minimum distance between #buildings#
 - (1) the minimum distance between #buildings# on the same or #abutting zoning lots# across a common #side lot line# shall not be less than eight feet;
 - (2) the minimum distance between #buildings# on #abutting zoning lots# across a common #rear lot line# shall not be less than 40 feet.

The provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and the provisions of Section 143-26 (Open Area Regulations for Residences) shall apply without modification.

The provisions of Section 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) relating to two #buildings# on a #zoning lot# where one building is a "front building" and another is a "rear building" as described in such Section, shall be modified to require an open area with a minimum width of 20 feet between any "rear building" and the #rear lot line# of an adjoining #zoning lot#. In addition, the provisions of Section 23-891 (In R1 through R5 Districts) shall be modified to require an open area adjacent to the rear wall of each #building# with a depth of at least 20 feet when measured perpendicular to each rear wall.

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Where such tract of land is subject to the provisions of Section 143-40 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), modifications of #bulk# in accordance with this Section shall also comply with the provisions set forth in Sections 143-41 (General Provisions) and shall be subject to all findings and conditions set forth in 143-42 (Authorization for Plan Review Sites).

143-30
SPECIAL PARKING REGULATIONS

Special parking regulations apply in the #Special Natural Resources District#.

143-31
Parking Modifications for the Protection of Natural Features

In the #Special Natural Resources District#, on #qualifying lots#, in order to facilitate the protection of natural features, the following provisions shall apply.

- (a) Location of parking spaces
 - Section 25-621 (Location of parking spaces in certain districts) shall not apply.
- (b) Parking spaces within an unimproved portion of a privately owned mapped #street#

#Accessory# off-street parking spaces may be permitted within an unimproved portion of a privately owned mapped #street# provided that:

- (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter to the Department of Buildings from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

143-32 Special Surfacing Regulations

R1 R2

In the districts indicated, Section 25-65 (Surfacing) shall be modified to allow dustless gravel driveways that access one #single-family residence#, provided that all portions of such driveway located between the curb and the #front lot line# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick.

143-40 SPECIAL REGULATIONS FOR PLAN REVIEW SITES

The provisions of this Section 143-40, inclusive, shall apply to all #plan review sites# in the #Special Natural Resources District#.

143-41 General Provisions

For #plan review sites#, a #development#, #enlargement#, #site alteration# or #zoning lot# subdivision shall only be permitted by authorization of the City Planning Commission pursuant to Section 143-42 (Authorization for Plan Review Sites), except that such authorization shall not be required for:

- (a) minor #enlargements# or #site alterations# as set forth in Section 143-416 (Minor enlargements or site alterations on plan review sites);
- (b) #site alterations# that are not related to a proposed #development#, #enlargement# or subdivision of a #zoning lot# where such #site alterations#:
 - (1) in any given calendar year, consist of an area of less than 400 square feet and the removal of no more than two trees or 12 #tree credits#, whichever is greater; and
 - (2) are located both in Base Protection Areas and outside of areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning;
- (c) the removal of trees where the following conditions apply:
 - (1) on #plan review sites# in Resource Adjacent Areas and #areas adjacent to aquatic resources#, that are located outside of areas shown on the #Special Natural Resource District# Habitat Map, where such trees to be removed are not located in #designated aquatic resources#, #buffer areas# or #areas of existing slope# of 25 percent or greater and that total less than 12 #tree credits# cumulatively; or
 - (2) on #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, which have received certification to remove trees pursuant to Section 143-47 (Certification to Permit Tree Removal).

The review of all #plan review sites# by the City Planning Commission pursuant to Section 143-42 is required, except as specifically excluded in paragraphs (a) through (c) of this Section.

All #plan review sites# are subject to all provisions of this Chapter except where specifically modified pursuant to the provisions of Section 143-40, inclusive. Additional requirements relating to habitat preservation, planting, open areas, private roads, minor #enlargements#, #site alterations# and site planning applicable to such sites, are set forth in Sections 143-411 through 143-417.

The applicant shall provide an assessment of the significant natural features of the site to the Commission pursuant to the provisions of paragraph (d)(1) of Section 143-42, and, for #plan review sites# with an area one acre or larger located within areas shown on the #Special

Natural Resource District# Habitat Map, available on the website of the Department of City Planning, the applicant shall provide an assessment of #habitat areas# pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

At the option of an applicant, a long-term development plan may be proposed pursuant to the provisions of Section 143-431 (Establishment of a development plan). Approval of a development plan by the Commission allows for expedited review of future development pursuant to Sections 143-432 (Certification for preliminary plan site) or 143-433 (Renewal authorization for conceptual plan site).

For #plan review sites# that are required to establish #habitat preservation areas# pursuant to Section 143-411 (Habitat preservation area standards), the Commission may modify the applicable standards and boundaries of the #habitat preservation area# pursuant to Sections 143-441 (Modification of habitat preservation area standards) and 143-442 (Special permit for modification of habitat preservation area). At the applicant's request, the #habitat preservation area# may be dedicated for public use, pursuant to Section 143-443, and the Commission may permit modification of #bulk# regulations as if such land remained within the #plan review site#. In addition, for all sites that are required to establish #habitat preservation areas#, in order to facilitate the preservation of natural resources and the clustering of development on the site, applications may be made to the Commission for the modification of #use# or #bulk# regulations pursuant to Sections 143-45 (Residential Sites), and 143-46 (Modification of Bulk Regulations for Certain Community Facilities).

Where Section 143-27 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources) is applicable to #plan review sites# of less than one acre, modification of #bulk# regulations shall be as-of-right, provided that the resulting site plan shall be subject to all findings and conditions set forth in Section 143-42. For #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where only tree removal is proposed, an authorization pursuant to Section 143-42 shall not be required if a certification is granted pursuant to Section 143-47.

For #plan review sites# subject to the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), only portions of #zoning lots# landward of the #shoreline# shall be used to calculate the required percentage of #habitat preservation area# and required planting pursuant to Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

The provisions of Section 74-74 (Large Scale General Development) and Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) shall not apply.

143-411 Habitat preservation area standards

The provisions of this Section shall apply to #plan review sites# existing on [date of certification] that contain one or more acres located in an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where:

- (a) such #plan review site# contains #habitat area# as determined through a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning; and
- (b) such #habitat area# occupies an uninterrupted continuous area of no less than 10,000 square feet, and no portion of such area measures less than 10 feet in width at any point. For the purposes of determining the width of irregular shapes, any area that cannot wholly contain a circle with a diameter of 10 feet shall be considered less than the required width.

Such #habitat area#, in whole or in part, shall be preserved as #habitat preservation area# pursuant to the provisions of this Section.

The minimum amount of #habitat preservation area# as a percentage of a #plan review site# is set forth in the Table in this Section. For sites that have at least 10,000 square feet of #habitat area#, as determined pursuant to this Section, but less than the minimum required #habitat preservation area# pursuant to the Table in this Section, the portion of the site containing #habitat area# shall not be reduced below the amount existing at the time of application except pursuant to Section 143-441 (Modification of habitat preservation area standards).

Table I of this Section shall apply according to the predominant proposed #use# of the entire #plan review site#. For the purposes of applying the provisions of Section 143-40, inclusive, the greatest proportion of #floor area# allocated to a #use# described in Table I shall be defined as predominantly containing such #use#.

HABITAT PRESERVATION AREA REQUIREMENTS

	Predominant proposed #use#	
	#Residential#	#Community Facility#
#Habitat preservation area# minimum percent of #plan review site#	25 percent	35 percent
Reduced #habitat preservation area# percent of #plan review site# when amenity is provided	20 percent: recreation	None

Where a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, determines #designated aquatic resources# to be on such #plan review site#, the #habitat preservation area# shall be the greater of the requirement as set forth in the table, or the size of such #designated aquatic resource# and #buffer areas#, except as otherwise determined by the Commission.

For #plan review sites# required to provide waterfront public access areas pursuant to the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), the minimum #habitat preservation area# shall be reduced to 20 percent and the provisions of Section 143-412 (Amenities allowed in connection with reduced habitat preservation area) shall not apply.

The regulations allowing the reduction of #habitat preservation area# in connection with the provision of amenities are set forth in Section 143-412. Provision of such amenities shall allow the reduction of the required percentage of #habitat preservation area# to an amount no less than the percentage shown in the Table, and subject to the requirements and limitations of Section 143-412.

The #habitat preservation area# shall be shown on a proposed site plan. Such areas established on the site plan shall not be modified except by subsequent application of a special permit pursuant to Section 143-442 (Special permit for modification of habitat preservation area).

#Habitat preservation areas# on a #zoning lot# shall be considered #lot area# for the purposes of the applicable regulations on #floor area ratio#, #open space#, #lot coverage#, #hard surface area#, #lot area# or density, unless otherwise specified by the provisions of this Chapter.

#Habitat preservation areas# not fronting on a #street# shall be delineated from adjacent areas by a boundary marker acceptable to the City Planning Commission.

#Habitat preservation areas# may include the following permitted obstructions:

- (1) Unpaved footpaths
- (2) Unpaved sitting areas, not exceeding 100 square feet
- (3) Light fixtures
- (4) Boundary marker such as a split rail fence used to delineate the boundaries of the #habitat preservation area#

143-412 Amenities allowed in connection with reduced habitat preservation area

For #plan review sites# that are either predominantly #residential#, #commercial# or #manufacturing#, the required #habitat preservation area# may be reduced provided that a portion of the site is set aside and improved pursuant to the standards of this Section.

For #plan review sites# that are predominantly #residential#, for each percent of the #plan review site# set aside for recreational purposes, the required #habitat preservation area# may be reduced by one percent, to no less than 20 percent of the #plan review site#, provided that:

- (a) the recreational area shall be accessible to the public, or to the owners, occupants, employees, customers, residents or visitors of the #use# to which such space is #accessory#, except that such recreational area may be closed to the public where it serves the residents of four or more #dwelling units#. Such conditions, as applicable, shall be noted on the certificate of occupancy of all #buildings# on the #zoning lot#;
- (b) the recreational area shall be open to the sky except for #accessory buildings# covering not more than 20 percent of the recreation area, and may include active recreation areas, such as swimming pools, ball fields or courts, or facilities and equipment normally found in playgrounds, or passive areas, such as picnic areas or other sitting areas, and shall comply with the #use# regulations of the underlying district;

- (c) the recreational area shall consist of a minimum of 5,000 square feet;
- (d) a minimum of 10,000 square feet of continuous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-41, inclusive;
- (e) the recreational area is adjacent to the remaining #habitat preservation area#; and
- (f) the recreational area is directly accessible from a #street# or #private road#.

143-413 Planting regulations for plan review sites

The planting requirements set forth in 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement) shall apply as modified by the provisions of this Section.

For the purposes of calculating #tree credits# and #biodiversity points#, #habitat preservation areas# shall be excluded from #lot area# computations.

(a) Tree requirement

For all #plan review sites#, paragraph (b) of Section 143-132 (Determining tree requirements) shall not apply. The remaining provisions of Section 143-132 shall apply as follows:

- (1) For #plan review sites# with a #habitat preservation area#:
 - For #plan review sites# where a #habitat preservation area# is required, the provisions of this paragraph shall apply.
 - For #plan review sites# that contain a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply.
 - For a #plan review site# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# on a #plan review site# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.
- (2) For #plan review sites# without a #habitat preservation area#:
 - For #plan review sites# where a #habitat preservation area# is not required, the provisions of this paragraph shall apply.
 - (i) for a #plan review site# that contains a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply to such #plan review site#;
 - (ii) for a #plan review site# in a Resource Adjacent Area or #area adjacent to aquatic resources# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.
 - (iii) for a #plan review site# in a Base Protection Area that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be one #tree credit# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

(b) Biodiversity requirement

The requirements set forth in Section 143-14, inclusive, shall apply, except as modified by the provisions of this paragraph.

For #plan review sites#, except #plan review sites# containing predominately #residential uses#, where a #habitat preservation area# is required, such required area may be counted as #biodiversity points# in accordance with this paragraph. For each 2.5 percent of #lot area# that such #habitat preservation area# occupies, one #biodiversity point# may be counted. Percentages of #lot area# in increments less than 2.5 percent shall not be counted. Where such #habitat preservation area# does not fully satisfy the #biodiversity point# requirement set forth in Section 143-

141 (Determining biodiversity requirements), or where a #plan review site# has no required #habitat preservation area#, such remaining #biodiversity points# shall be satisfied through the provision of #landscape elements# in accordance with Section 143-14.

143-414
Open area and lot coverage requirements for community facilities

For #plan review sites# containing predominantly #community facility uses#, the provisions of this Section shall apply.

(a) **Required open areas**

A minimum of 15 percent of the #plan review site# shall be open area. Such open area shall not include #habitat preservation area#, or any required planted area pursuant to the provisions of paragraph (b) of Section 143-413 (Planting regulations for plan review sites). Required open areas may not include #buildings#, parking areas, driveways or #private roads#, paved walkways or other # hard surface areas#. Open areas may include passive recreation areas or active recreation areas, except that active recreation areas that are #hard surface areas# shall not be counted towards the total required open area. However, such active recreation areas surfaced with artificial turf may be included in calculations of required open area, up to a maximum of 10 percent of the #plan review site#.

If, at the time of application, a #plan review site# has less than 15 percent open area, the percentage of the site containing open area shall not be reduced below the amount existing at the time of application.

Open areas provided pursuant to this Section shall be designated on a site plan. Such open areas shall not be modified except by subsequent authorization by the City Planning Commission pursuant to Section 143-42 (Authorization for Plan Review Sites).

However, #plan review sites# containing only the following #community facility uses# shall be exempt from the requirements of this paragraph:

- Ambulatory diagnostic or treatment health care facilities
- Houses of worship
- Non-profit or voluntary hospitals and related facilities, except animal hospitals
- Proprietary hospitals and related facilities, except animal hospitals

(b) **#Lot coverage#**

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include portions of #buildings# or #accessory buildings# permitted pursuant to Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). All #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

#Lot coverage# shall be limited to a maximum of 25 percent, except that sites that are in Base Protection Areas and that do not contain #habitat preservation areas# shall have a maximum #lot coverage# of 35 percent.

143-415
Requirements for private roads

In Resource Adjacent Areas and #areas adjacent to aquatic resources#, the provisions of this Section shall apply to #private roads# authorized by the City Planning Commission and that provide access to #buildings developed# after [date of adoption]. #Private roads# previously approved by the Commission or constructed as-of-right shall continue to be governed under the regulations applicable at the time of approval. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply, and the provisions of Sections 26-31 through 26-34 shall apply for #private roads# in #lower density growth management areas#. #Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including, but not limited to curbs and curb drops, street lighting, signage, and crosswalks. In addition to the Department of Transportation standards, the design of the #private road shall comply with the following requirements:

- (a) The maximum grade of a #private road# shall not exceed 10 percent;
- (b) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both

the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the outer edge of the sidewalk;

- (c) The paved width of a #private road# shall not exceed 34 feet, except the paved width of a #private road# shall not exceed 30 feet in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (d) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;
- (e) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;
- (f) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;
- (g) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;
- (h) Along the entire length of each side of a #private road#, trees of at least three inch #caliper# shall be provided and maintained at the rate of one tree for every 25 feet of #private road#;
- (i) Section 26-31 (Yards) shall apply, except that the curb of the #private road# shall be considered to be the #street line#; and
- (j) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (c) of this Section.

The Commission may, by authorization pursuant to paragraph (a) of Section 143-42 (Authorization for Plan Review Sites) allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

143-416
Minor enlargements or site alterations on plan review sites

For #plan review sites# that are one acre or larger in size, the following provisions shall apply:

- (a) Minor #enlargements# of existing #buildings# and minor #site alterations# that meet the size thresholds of this paragraph (a) shall be permitted as-of-right by the Department of Buildings, provided that such #enlargement# or #site alteration# complies with all applicable provisions of this Resolution, including the #plan review site# provisions of Section 143-41, inclusive, and:
 - (1) such #enlargement# or #site alteration# is within 15 feet of the exterior of an existing #building#;
 - (2) the total #floor area# of all such minor #enlargements# constructed after [date of adoption] on the #plan review site# shall not exceed 5,000 square feet; and
 - (3) the total area of all such minor #site alterations# constructed after [date of adoption] on the #plan review site# shall not exceed 10,000 square feet.
- (b) #Enlargements# or #site alterations# that meet the size thresholds of paragraph (a) of this Section are not subject to the provisions of Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

143-417
Site planning requirements

#Developments# and portions of #buildings# that are #enlarged# and result in an increase in #lot coverage# shall comply with the provisions of this Section. The City Planning Commission may modify the requirements of this Section pursuant to Section 143-42 (Authorization for Plan Review Sites)

- (a) At least 50 percent of the #street walls# of #buildings# containing Use Groups 6 and 10 shall be within 20 feet of the #street line#. The provisions of Section 37-34 (Minimum Transparency Requirements) shall apply to the portion of such #buildings# within 20 feet of the #street line#.
- (b) Loading areas shall not be located between the #street wall# of a #building# and its prolongations and the #street#.

For #zoning lots# with frontage on more than one #street#, the provisions of this Section shall apply along only one frontage.

**143-42
Authorization for Plan Review Sites**

For #plan review sites#, the City Planning Commission may authorize a #development#, #enlargement#, #site alteration#, the subdivision of a #zoning lot#, or the construction, widening, or extension of a #private road# pursuant to the conditions and findings of this Section. The Commission may also authorize modifications to certain requirements set forth in Section 143-41 (General Provisions) as provided in paragraph (a) of this Section, and may authorize modifications to the provisions of Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA) as provided in paragraph (b).

(a) **Modifications**

In order to facilitate the protection of natural features, the Commission may authorize modifications pursuant to the following provisions, provided that such modifications facilitate the goals of the #Special Natural Resources District# and facilitate a proposal that better achieves the findings of paragraph (d) of this Section:

(1) **#Private roads# and driveways**

The Commission may modify the requirements for #private roads# as set forth in Section 143-415 (Requirements for private roads) as well as Section 143-121 (Grading standards) to facilitate appropriate #private roads# or driveways. The Commission may also modify the requirements of Sections 143-31 (Parking Modifications for the Protection of Natural Features), 25-621 (Location of parking spaces in certain districts), 25-631 (Location and width of curb cuts in certain districts) and 25-635 (Maximum driveway grade).

(2) **Parking areas**

The Commission may modify parking lot landscaping and maneuverability requirements, provided such modifications preserve significant natural features or #habitat preservation areas# or, for existing parking lots, such modifications are proportionate to the enlarged or reconfigured portions of such parking lots.

(3) **Site planning requirements**

The Commission may modify the requirements of Section 143-417 (Site planning requirements), provided that the Commission shall find that the proposed configuration and design of #buildings#, including any associated structures and open areas, will result in a site plan in which such #buildings# and open areas will relate harmoniously with one another and with #buildings# and open areas on nearby #zoning lots#, the #street# and the surrounding area.

(4) **Tree and planting requirements**

The Commission may modify the requirements of Sections 143-13 (Tree Regulations), 143-14 (Biodiversity Requirement) and 143-413 (Planting regulations for plan review sites) for #plan review sites# occupied entirely by cemeteries, provided that the Commission shall find that such modification is the minimum necessary to accommodate an existing #use#, and that any expansion of such #use# complies with the requirements of such Sections in relation to the portion of the #plan review site# into which the expansion is proposed.

In addition, for all #uses#, where only a portion of a #plan review site# is affected by a proposed #development#, #enlargement# or #site alteration#, the Commission may modify the requirements of Sections 143-13, 143-14 and 143-413 to apply planting requirements to portions of a #plan review site# in which #development#, #enlargement# or #site alteration# is proposed, provided that such portion is no less than one acre in size.

(5) **#Designated aquatic resources# and #buffer areas#**

The Commission may modify the provisions of Section 143-15 (Aquatic Resource Protections) and 143-144 (Planting requirements for buffer areas adjacent to designated aquatic resources), provided that, in addition to the findings of paragraph (d), the Commission shall find that the proposed site plan preserves #designated aquatic features# and #buffer areas# to the greatest extent feasible and,

where applicable, such modification is consistent with standards and policies of the New York State Department of Environmental Conservation.

(6) **Topography and retaining walls**

The Commission may modify the provisions of Sections 143-121 (Grading standards) and 143-122 (Retaining wall standards), provided that such modifications are necessary to preserve significant natural features or #habitat preservation area# and that such modifications will not impair the character of the surrounding area.

(b) **Modifications for waterfront lots subject to #habitat preservation area# requirements**

In order to balance the protection of natural features with waterfront public access requirements, the Commission may modify the following provisions, provided that such modifications facilitate an application that better achieves the findings of paragraph (d) of this Section.

Defined terms in this Section shall include terms as defined in Section 62-11.

(1) **#Shore public walkway#**

Where the required #habitat preservation area# is located within or adjacent to a #shore public walkway#, the Commission may modify the following provisions:

- (i) Section 62-53 (Requirements for Shore Public Walkways) may be modified so a #shore public walkway# is reduced to any width not less than 15 feet.
- (ii) Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be modified so that a circulation path with a minimum clear width of eight feet shall be permitted.

(2) **#Supplemental public access area#**

Where the required #habitat preservation area# is located within or adjacent to a #supplemental public access area#, the Commission may modify the following provisions:

- (i) #Habitat preservation areas# may be provided in lieu of the planting requirements of paragraph (c) of Section 62-62.
- (ii) #Habitat preservation areas# may be used to satisfy the location and area requirements of Section 62-57 (Requirements for Supplemental Public Access Areas).

(3) **#Upland connection#**

#Habitat preservation areas# within or adjacent to an #upland connection# may be provided in lieu of the requirements of Sections 62-56 (Requirements for Upland Connections) and 62-64 (Design Requirements for Upland Connections), provided that:

- (i) for Type 1 #upland connections#, a minimum clear path of five feet to allow public access shall be required within an #upland connection# located within or adjacent to #habitat preservation areas#;
- (ii) for Type 2 #upland connections#, a minimum clear path of five feet to allow public access shall be required on one side of the roadbed with a continuous tree pit four feet in width within an #upland connection# located within or adjacent to #habitat preservation areas#; and
- (iii) at least six linear feet of seating shall be required for every 100 feet of #upland connection#.

(c) **Conditions**

The following conditions shall apply:

- (1) For #plan review sites# subject to Section 143-411 (Habitat preservation area standards), the Commission shall establish #habitat preservation areas# that satisfy the minimum area required

by Section 143-411 or, where the #habitat area# does not cover the minimum required portion of the site, the Commission shall establish #habitat preservation areas# for all of the #habitat area# of the site that meets the dimensional requirements of Section 143-411.

The applicant shall provide a maintenance plan acceptable to the Commission for such #habitat preservation areas#, establishing maintenance for such areas in perpetuity by the applicant and his or her successors. Such #habitat preservation areas# shall be shown on a site plan and referenced in a Restrictive Declaration. After construction on a #plan review site# has commenced and approved plans are vested, any future changes to the boundaries of the #habitat preservation area# may be permitted only by special permit of the Commission pursuant to Section 143-442 (Special permit for modification of habitat preservation area).

- (2) For #plan review sites# subject to previous approvals by the Commission pursuant to this Section, or pursuant to previous Special District regulations, the applicant shall document successful management and maintenance of #habitat preservation areas# or #areas of no disturbance#, where applicable, or other natural features indicated on the previously approved site plan.
- (3) For #plan review sites# with significant natural features to be preserved pursuant to paragraph (d)(1) of this Section, such areas shall be shown on a site plan as #areas of no disturbance# and referenced in a Notice of Restrictions or a Restrictive Declaration.
- (4) For #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, a Restrictive Declaration shall be executed, setting forth provisions for the construction, maintenance and operation of such #private roads# or other common access. Such declaration shall require that adequate security be provided to ensure that the #private roads# or other common access are properly maintained and operated in accordance with the declaration.
- (5) A Notice of Restrictions or a Restrictive Declaration, approved by the Commission, shall be recorded against the tax lots comprising the property subject to the provisions of this Section, in the Office of the City Register. Such notice or declaration shall be binding on the owners, successors, and assigns. A certified copy of the recorded notice or declaration shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a precondition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the site. The recording information 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.

(d) In order to authorize the proposed action, the Commission shall find that:

- (1) the most significant natural features throughout the site have been identified and protected, where feasible, including the following, as applicable:
 - (i) Botanic features such as large specimen trees and rare plant communities;
 - (ii) Topographic and geological features such as steep slopes and rock outcrops;
 - (iii) Aquatic features such as wetlands, streams, and natural drainage patterns;
- (2) the #habitat preservation area#, where required pursuant to Section 143-411:
 - (i) is of high ecological value, or is proposed to be restored or improved through the removal of #invasive species# or the planting of native species to achieve a high ecological value;

- (ii) is arranged to minimize edge habitat and maximize core habitat, including, where feasible, connecting to other contiguous or nearby habitat off-site and, if divided into portions, each portion is no less than 10,000 square feet;
- (iii) where feasible, is located on the site where it is visible to the residents, occupants or visitors to the site, thereby enhancing the site and encouraging the enjoyment and maintenance of the preserved area;
- (iv) where feasible, is located so that it includes some of the most significant natural features on the site referred to in paragraph (d)(1) of this Section within the boundaries of the #habitat preservation area#;
- (3) the optional amenity area, where provided pursuant to Section 143-412 (Amenities allowed in connection with reduced habitat preservation area), is well designed and appropriately located;
- (4) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads# and #accessory# off-street parking and loading areas:
 - (i) is well designed;
 - (ii) minimizes disturbance of significant natural features;
 - (iii) minimizes curb cuts on major #streets#;
 - (iv) is integrated wherever feasible with the network of surrounding #streets# and #private roads#;
 - (v) for #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, such common access or #private roads# will be suitably maintained; and
 - (vi) the proposed #street# or #private road# system is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (5) the subdivision of the site, where applicable, will result in an appropriate layout of #zoning lots# and #blocks#, and the subdivision as a whole meets all of the other findings of this Section; and
- (6) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

For subdivisions resulting only in #single-# and #two-family residences#, the Commission shall establish the location of #lot lines# and, where applicable, the location of #habitat preservation area#, #areas of no disturbance# and #private roads#. For such subdivisions, the Commission may request additional information regarding proposed or feasible #building# locations, driveways, pathways and other #hard surface areas#, and the location of preserved or newly planted trees and #landscape elements#, all of which will be subject to Department of Buildings approval for such features at the time of #development#, #enlargement# or #site alteration# according to the provisions of this Chapter and the Zoning Resolution as a whole.

143-43 Development Plan

143-431 Establishment of a development plan

The City Planning Commission may authorize the establishment of a long-term development plan, which provides for predictable development of a #plan review site# through phased construction over an extended period of time. The plan shall be reviewed pursuant to the conditions and findings of Section 143-42 (Authorization for Plan Review Sites). However, in addition to considering specific proposed #buildings# and other improvements, the Commission shall also consider proposed #developments#, #enlargements# or #site alterations# that would be implemented as part of a phased construction plan. Pursuant to the provisions of this Section, two types of areas may also be shown within the plan: preliminary plan sites and conceptual plan sites.

- (a) Preliminary plan sites shall have an area no larger than 1.5 times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each preliminary plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:
- (1) proposed #uses#, including proposed #floor area# for each #use#;
 - (2) proposed #lot coverage#, including proposed #building# location and #primary entrance#;
 - (3) proposed #building# height;
 - (4) elevation of proposed #building# facades;
 - (5) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;
 - (6) landscaping, planting and walkways and other paved surfaces related to the proposed #development# or #enlargement#;

Preliminary plan sites shall be indicated on the plan as such, and may later be developed pursuant to the certification in Section 143-432 (Certification for preliminary plan site).

- (b) Conceptual plan sites shall have an area no larger than three times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each conceptual plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:
- (1) proposed #uses#, including proposed #floor area# for each #use#;
 - (2) proposed #lot coverage#;
 - (3) proposed #building# height;
 - (4) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;

Conceptual plan sites shall be indicated on the plan as such, and may later be developed pursuant to the authorization renewal in Section 143-433 (Renewal authorization for conceptual plan site).

Preliminary plan sites and conceptual plan sites may be developed at any time in the future, including such cases where the boundary of #plan review site# is modified, and conceptual plan sites shall not be subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), except after granted an authorization pursuant to Section 143-433.

Within areas of the #plan review site# not designated as proposed construction, preliminary plan sites or conceptual plan sites, no #development#, #enlargement# or #site alteration# shall be permitted except by subsequent authorization pursuant to this Section, except as provided in Sections 143-416 (Minor enlargements or site alterations on plan review sites) or 143-42.

**143-432
Certification for preliminary plan site**

For #plan review sites# that have received approval from the City Planning Commission pursuant to Section 143-431 (Establishment of a development plan), where such approval included preliminary plan sites within a specified area on the approved site plan, the Chairperson of the City Planning Commission shall certify to the Commissioner of Buildings that:

- (a) the proposed #use# is the same as shown in the high definition plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than in the plans contained in the application materials of the approved development plan;
- (b) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan, the location of the proposed #development# or #enlargement# is no more than 30 feet from the location shown on the plans contained in the application materials of the approved development plan, and the location of the #primary entrance# is similar to as shown in such materials and plan;
- (c) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;

- (d) the elevation of the proposed #development# or #enlargement# is generally the same as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed parking areas, including number of parking spaces, are generally the same or have fewer parking areas than as shown on the plans contained in the application materials of the approved development plan, and proposed driveways, #private roads# and #streets# are generally the same as shown on the plans contained in the application materials of the approved development plan;
- (f) the landscaping, planting, and arrangement of paved walkways and other paved surfaces relating to the proposed #development# or #enlargement# is similar and the amount of landscaped area is not less than as shown in the plans contained in the application materials of the approved development plan; and
- (g) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

**143-433
Renewal authorization for conceptual plan site**

For #plan review sites# that have received approval by the City Planning Commission pursuant to Section 143-431 (Establishment of a development plan), where such approval included designated conceptual plan sites within a specified area on the approved site plan, an authorization renewal must be obtained from the City Planning Commission prior to pursuing the #development#, #enlargement# or #site alteration# within such conceptual plan site, provided that the Commission shall find that:

- (a) the proposed configuration of #buildings#, including any associated structures and open areas, is consistent with the intent of the findings of Section 143-431;
- (b) the proposed #use# is the same or similar to that shown in the plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than the plans contained in the application materials of the approved development plan;
- (c) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan;
- (d) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads#, #accessory# off-street parking and loading areas, is consistent with the intent of the findings of Section 143-431, minimizes curb cuts on major #streets#, and is integrated wherever feasible with the network of surrounding #streets# and #private roads#; and
- (f) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition the authorization renewal upon compliance with an approved landscaping plan.

**143-44
Habitat Preservation Area**

**143-441
Modification of habitat preservation area standards**

The City Planning Commission, may, by authorization, modify the #habitat preservation area# standards of Section 143-411 (Habitat preservation area standards) as set forth in paragraph (a) of this Section, provided that the findings of paragraph (b) of this Section are met.

- (a) Modifications
The Commission may modify the #habitat preservation area# standards of Section 143-411 as follows:
 - (1) The Commission may allow areas less than 10,000 square feet of contiguous #habitat area# to be included within the #habitat preservation area#, provided that at least one area within the #plan review site# has at least 10,000 square

feet of contiguous #habitat area#, and provided that the total area included within the #habitat preservation area# meets the requirements of Section 143-411.

- (2) Where the existing percentage of #habitat area# is less than the required #habitat preservation area# pursuant to Section 143-411, or when providing access to a #plan review site# would result in a reduction below such required percentage, the Commission may allow a reduction of the #habitat preservation area# below the required percentage in order to permit vehicular or pedestrian access, or to permit utility access, through such area to a portion of the site that does not include #habitat preservation area#, provided that there is no feasible alternative location for such access, and that an area of equivalent size, in square footage, is planted with native species that support existing adjacent undisturbed plant communities, as identified in the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, and such planted area is designated as a newly created #habitat preservation area# on the site plans.
- (b) In order to grant such authorization, the Commission shall find that the modification:
- (1) results in a #habitat preservation area# that includes some of the most significant natural features on the site, prioritizing areas of higher ecological value; and
- (2) is the minimum required to achieve the intended purpose.

143-442

Special permit for modification of habitat preservation area

The City Planning Commission, may, by special permit, allow the modification of the boundaries of a #habitat preservation area# previously established by authorization pursuant to Section 143-42 (Authorization for Plan Review Sites). In order to grant such special permit, the Commission shall find that:

- (a) unforeseen physical circumstances relating to the continued #use# and maintenance of the site require the modification of the boundaries of the #habitat preservation area#;
- (b) the boundary modification has been mitigated by the establishment of a replacement area of a size equal to the area removed from the #habitat preservation area#, consisting of native plants selected to support existing adjacent undisturbed plant communities as identified in the #Special Natural Resources District# site assessment protocol, found on the website of the Department of City Planning, which replacement area has been included within the #habitat preservation area# on a revised site plan, resulting in a total #habitat preservation area# that is not less than the area previously approved; or, where this mitigation is not feasible; the enhancement of the ecological value and performance of the remaining #habitat preservation area# in a manner that reserves the ecological function of the site within a regional context, including but not limited to planting native plants selected to support existing adjacent undisturbed plant communities or removal of #invasive species#; and
- (c) the boundary modification is the minimum required to achieve the intended purpose.

The Commission may also permit the modification or removal of natural features within a #habitat preservation area# previously established by authorization pursuant to Section 143-42 in order to facilitate a temporary disturbance within the #habitat preservation area# that will subsequently be restored to a natural state. For such modification, only findings (a) and (c) of this Section shall apply.

143-443

Natural area dedicated for public use

Where an area containing significant natural features that are determined to have qualities of recreational, cultural or educational value to the public is dedicated to the City or its designee, without any cost to the City, the City Planning Commission may authorize, where appropriate, the dedicated area to be included within the #plan review site# for the purposes of #bulk# computation. The Commission, in order to grant such authorization, shall apply the findings of Section 143-42 (Authorization for Plan Review Sites). In addition, the Commission shall find that such area is directly accessible to the public from a public right-of-way and that such area shall be established for the use and enjoyment of the public.

The City Planning Commission may prescribe additional conditions and safeguards to ensure public access to the site and to minimize any adverse effects of #bulk# redistribution within the site on the surrounding area.

143-45

Residential Sites

The provisions of this Section, inclusive, shall apply only to #plan review sites# that:

- (a) are proposed for predominantly #residential use#, as provided in Section 143-411 (Habitat preservation area standards); and
- (b) contain at least 10,000 square feet of #habitat preservation area# on a #plan review site# of one or more acres.

In no event shall the number of #dwelling units# permitted by the City Planning Commission pursuant to this Section, inclusive, exceed the number that would be permitted if the entire #plan review site#, including the #habitat preservation area#, were to be developed pursuant to the regulations of this Chapter without modification pursuant to this Section, inclusive. The applicant shall provide a site plan demonstrating the maximum number of #dwelling units# that would be permitted, without the requested modifications, for the purposes of determining compliance with this provision.

143-451

Modification of permitted residential building types

The City Planning Commission may authorize, in R2 Districts, #semi-detached single-family residences#. The Commission may also modify the provisions of Article II, Chapter 2 to authorize, in R2 Districts, a #two-family detached residence# designed to give the appearance of two #single-family semi-detached residences#.

As a condition for granting such authorization, the #aggregate width of street walls# of a #building# containing #residences#, or a number of such #buildings# separated by party walls, shall not exceed 100 feet for each such #building# or #abutting buildings#.

In order to grant such authorization, the Commission shall find that:

- (a) the modifications allow a more compact development pattern, which allows for greater preservation of significant natural features and #habitat preservation area#;
- (b) the change of housing type constitutes the most effective method of concentrating development and preserving the natural features of the site;
- (c) for such concentration of development, standards of privacy and usable open areas can be and are achieved under the proposed site plan that are equal to those found with housing types in the absence of these modifications;
- (d) the existing topography and vegetation, as well as the proposed planting, effectively screen all #attached residences# from the #street line# of the #zoning lot# existing at the time of application, or that such #attached residences# are located more than 100 feet from such #street line#;
- (e) such modification is the least modification required to achieve the purpose for which it is granted; and
- (f) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

143-452

Modification of bulk regulations for residential sites

The City Planning Commission may authorize the modification of the following #bulk# regulations in order to allow arrangements of #buildings#, driveways, #private roads# or required parking areas so as to preserve natural features on the site, provided that the findings of paragraph (c) of this Section are met.

- (a) The Commission may modify:
- (1) minimum #lot area# and #lot width# required pursuant to Sections 23-30 (LOT AREA AND LOT WIDTH REGULATIONS) and 143-23 (Minimum Lot Area for Zoning Lots Containing Designated Aquatic Resources), except that such modification shall not be permitted within R1 Districts and provided that:
- (i) in R2 Districts, minimum #lot area# may be modified to no less than 3,325 square feet, and minimum #lot width# to no less than 35 feet;

- (ii) for any individual #zoning lot# this modification shall not be combined with the modification of #front yards# pursuant to paragraph (a)(2) of this Section, or with the modification of height and setback requirements pursuant to paragraph (a)(3);
- (2) #yard# regulations, provided that:
 - (i) #rear yard# or #side yard# modifications shall not be authorized on the periphery of the #plan review site# unless acceptable agreements are jointly submitted for development of two or more adjacent properties by the owners thereof, incorporating the proposed #yard# modifications along their common #lot lines#;
 - (ii) #front yards# may be reduced to a minimum of 10 feet, provided that such reductions shall not be combined with #rear yard# or #side yard# reductions, #lot area# or lot width# modifications pursuant to paragraph (a) (1) of this Section or height and setback modifications for the same #zoning lot#;
 - (iii) #side yards# may each be reduced to a minimum of four feet, and in addition:
 - (a) a minimum of eight feet shall be required between #buildings#; and
 - (b) #side yard# reductions shall not be combined on the same #zoning lot# with modifications by the Commission to #front yards# or to height and setback provisions; and
 - (iv) #rear yards# may be reduced to a minimum depth of 20 feet, provided that such reductions shall not be combined with #front yard# reductions for the same #zoning lot#.
- (3) height and setback regulations, provided that:
 - (i) such modifications shall not exceed five feet in height within 100 feet of any #street line# on the periphery of the #plan review site#;
 - (ii) in addition to the findings in paragraph (c) of this Section, the Commission shall find that by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of natural features will be achieved, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
 - (iii) such height and setback modifications shall not be combined on the same #zoning lot# with #lot area# or #lot width# modifications pursuant to paragraph (a)(1) of this Section, or #front# or #side yard# modifications pursuant to paragraph (a)(2);
- (4) #court# regulations;
- (5) required space between #buildings# on the same #zoning lot# pursuant to Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case less than eight feet between #buildings#, where each #building# faces the same #street# or #private road#;
- (6) open areas pursuant to the provisions of Sections 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) and 23-891 (In R1 through R5 Districts); and
- (7) location of parking, driveways or curb cuts regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear

Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-631 (Location and width of curb cuts in certain districts) and 143-31 (Parking Modifications for the Protection of Natural Features).

The following chart summarizes which #bulk# modifications may not be combined with other #bulk# modifications pursuant to the provisions of this paragraph (a).

TABLE OF BULK MODIFICATIONS*

	Lot Area and Lot Width (para. 1)	Front Yard (para. 2)	Rear Yard (para. 2)	Side Yard (para. 2)	Height (para. 3)
Lot Area and Lot Width (para. 1)	--	X			X
Front Yard (para. 2)	X	--	X	X	X
Rear Yard (para. 2)		X	--		
Side Yard (para. 2)		X		--	X
Height (para. 3)	X	X		X	--

* (X) represents where a specified #bulk# modification shall not be combined with another specified modification

- (b) The Commission may also authorize the total #floor area#, #open space#, #lot coverage#, #hard surface area# or #dwelling units# permitted by the applicable district regulations to be distributed without regard for #zoning lot lines# among all #zoning lots# within a #plan review site#, provided that:
 - (1) for portions of the #plan review site# that are within Resource Adjacent Areas or #areas adjacent to aquatic resources#, the #lot coverage# shall not exceed 15 percent, and the #hard surface area# shall not exceed 45 percent;
 - (2) the maximum permitted #lot coverage# and #hard surface area# for each individual #zoning lot# shall not exceed:
 - (i) in R1 Districts, 35 percent and 70 percent respectively;
 - (ii) in R2 Districts, 45 percent and 75 percent respectively; and
 - (iii) in R1 and R2 Districts, for individual #zoning lots# where disturbance of #area of existing slope# within such #zoning lot# results in a maximum #lot coverage# of 20 percent or less and a corresponding maximum #hard surface area# of 50 percent or less pursuant to the provisions of Sections 143-32 (Lot Coverage) and 143-33 (Hard Surface Area), the distribution of #lot coverage# and #hard surface area# within the #plan review site# shall not exceed the more restrictive standard within such #zoning lot#.
- (c) Findings

In order to grant such modifications, the Commission shall find that:

 - (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of significant natural features and #habitat preservation area#;
 - (2) for such concentration of development, standards of privacy and usable open areas are achieved under the proposed site plan that are equal to that found with housing developments absent these modifications;
 - (3) the siting of #buildings# will not adversely affect adjacent properties or #residences# within the #plan review site# by impairing privacy or access of light and air;

- (4) such modification is the least modification required to achieve the purpose for which it is granted;
- (5) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-46
Modification of Bulk Regulations for Certain Community Facilities**

The provisions of this Section shall be applicable to #plan review sites# proposed for predominantly #community facility use#.

- (a) For such sites, the City Planning Commission may authorize the distribution of #floor area#, #hard surface area# and #lot coverage# permitted by the applicable regulations for all #zoning lots# within the #plan review site# to be distributed without regard for #zoning lot lines#. In addition, the Commission may authorize:
 - (1) modification of the maximum #lot coverage# provided by Section 143-414 (Open area and lot coverage requirements for community facilities);
 - (2) modification of the minimum open area required pursuant to Section 143-414; and
 - (3) where applicable, modification of the minimum #habitat preservation area# required from 35 percent to a minimum of 25 percent.
- (b) In order to grant such authorization, the Commission shall find that:
 - (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of natural features;
 - (2) the siting of #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air;
 - (3) such modification is the least modification required to achieve the purpose for which it is granted; and
 - (4) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

**143-47
Certification to Permit Tree Removal**

For #plan review sites# located within an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where no #development#, #enlargement# or modification of the location of #hard surface area# is proposed, the Chairperson of the City Planning Commission may permit the removal of trees of six inch #caliper# or greater and may waive the requirement to apply for an authorization pursuant to Section 143-42 (Authorization for Plan Review Sites), provided that the Chairperson shall certify that all trees that are of six inch #caliper# or greater that are proposed to be removed are located in an area that would not qualify as a #habitat area# and are not located within a #designated aquatic resource# or applicable #buffer area# including, but not limited to, the following examples:

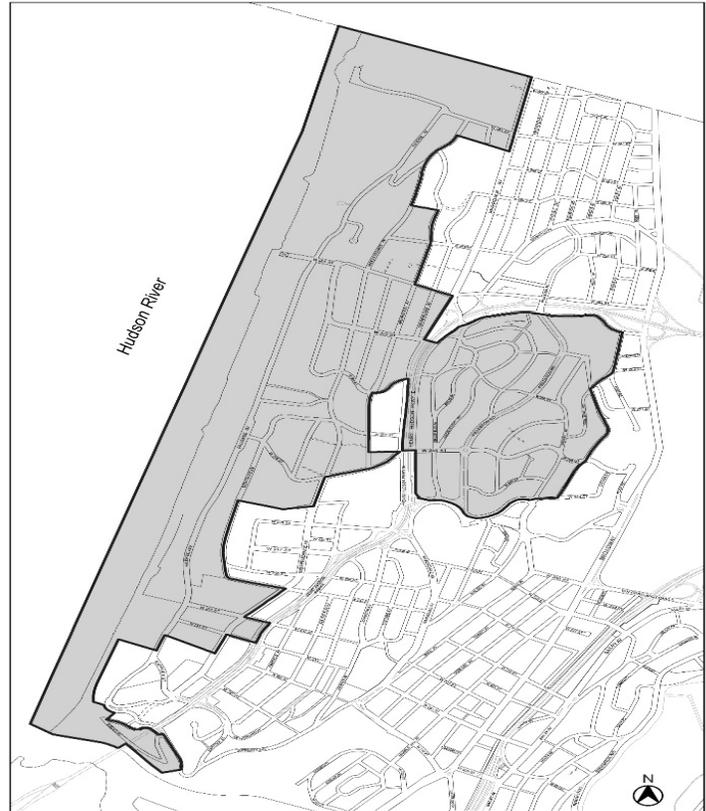
- (a) the tree is located in an area such as a parking lot, surrounded by #hard surface area#; or
- (b) the tree is located in an area surrounded by maintained lawn.

The Chairperson may request reports from an #environmental professional# in considering such waiver.

All provisions of Section 143-13 (Tree Regulations) shall apply to such #plan review site#.

Appendix A. Special Natural Resources District

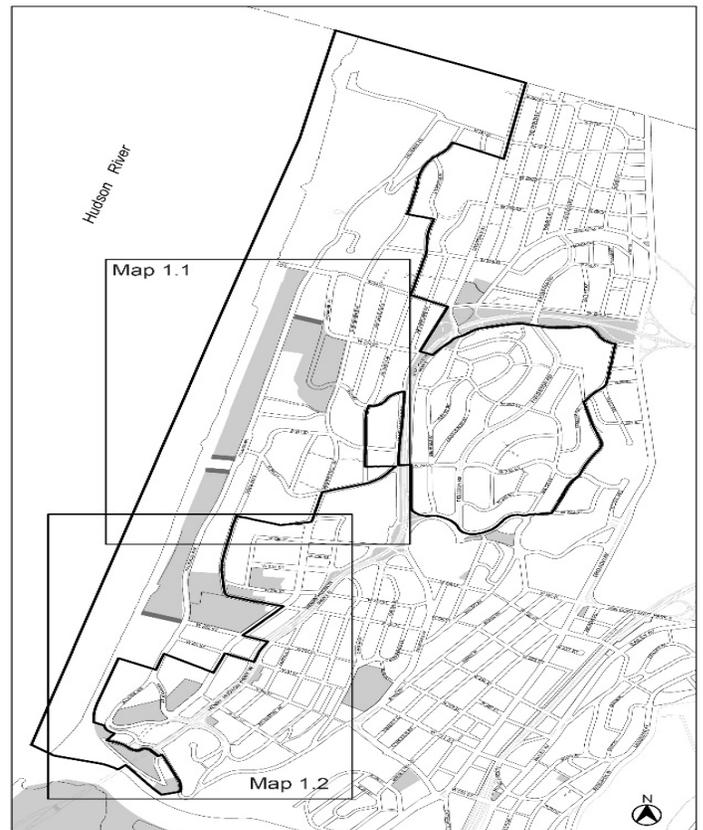
Map 1 (date of adoption)



Special Natural Resources District

Appendix B. Resource Adjacent Areas

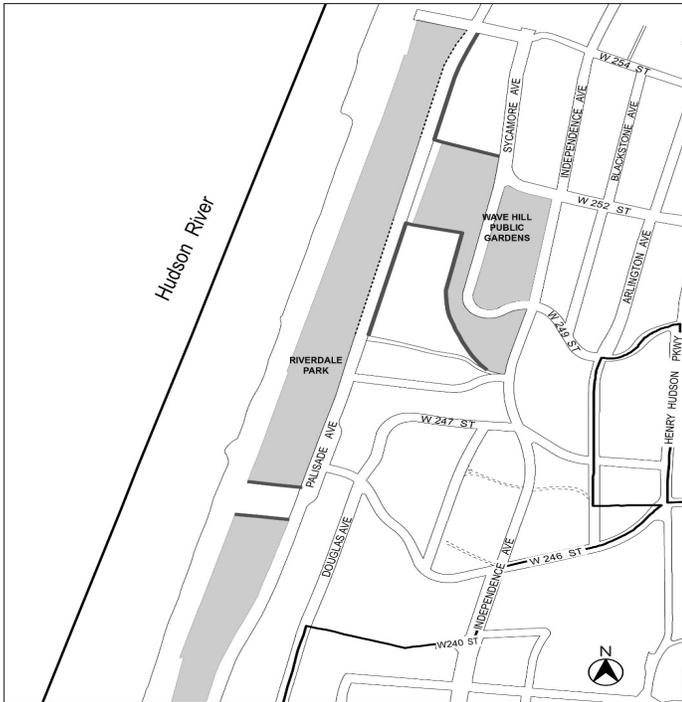
Map 1 (date of adoption)



-  Special Natural Resources District
-  Public land containing habitat
-  Resource Adjacent Area boundary
(For further reference regarding the boundaries shown on the text maps in this Appendix, go to <http://arog.is/1LPGaL>)

Appendix B.

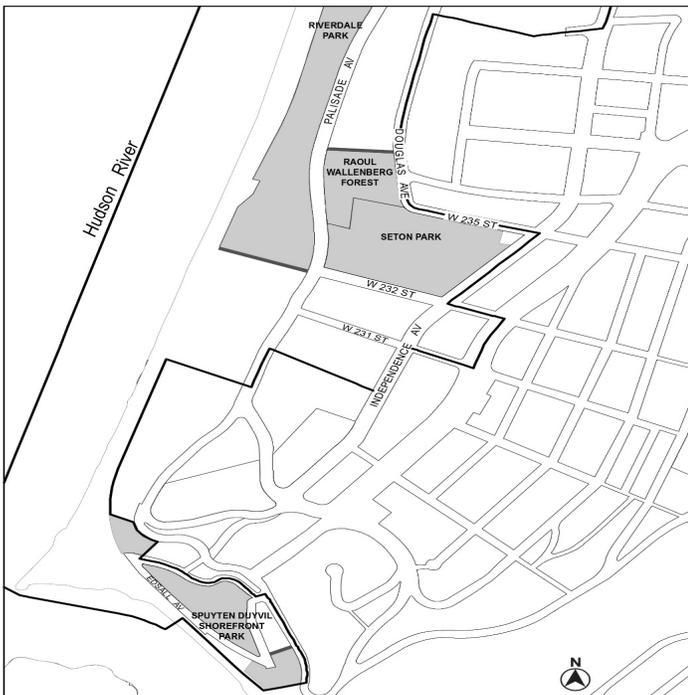
Map 1.1 (date of adoption)



-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street

Appendix B.

Map 1.2 (date of adoption)



-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary

* * *

**APPENDIX B
INDEX OF SPECIAL PURPOSE DISTRICTS**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
* * *	* * *	* * *	* * *	* * *	* * *
Natural Area District-1 (NA-1)	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272 ZRY	11/9/77	12/1/77
Natural Area District-4 (NA-4)	105-00	7d 11c	821255 ZRQ	3/23/83	4/28/83
Natural Resources District (NR)	143-00	1a 1b 1c 1d	190430 ZRY	[date of CPC adoption]	[date of City Council adoption]
Ocean Parkway District (OP)	113-00	5d 6b 8c 9a	23284	12/22/76	1/20/77
* * *	* * *	* * *	* * *	* * *	* * *

**APPENDIX B
INDEX OF SPECIAL PURPOSE DISTRICTS - ELIMINATED OR REPLACED**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/ COUNCIL ADOPTION
* * *	* * *	* * *	* * *	* * *	* * *
Mixed Use District-3 (MX-3) Eliminated and replaced by West Chelsea District	123-00	12c	990001 ZRX	2/17/99	3/30/99
Natural Area District-2 (NA-2) Eliminated and replaced by Special Natural Resources District	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
New York City Convention and Exhibition Center Development District (CC) Eliminated 2/22/90, 900053 ZRM	93-00	8a 8c	22264	3/29/73	5/24/73
* * *	* * *	* * *	* * *	* * *	* * *

* * *
NOTICE

On Wednesday, August 14, 2019, in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY 10271, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an application by the New York City Department of City Planning (DCP). The Proposed Actions consist of zoning map and text amendments to the Zoning Resolution (ZR) to modify existing special district regulations and establish a Special Natural Resources District (SNRD). The original Proposed Actions apply to the Riverdale-Fieldston neighborhood in the Bronx, Community District 8 and neighborhoods throughout Community Districts 1, 2 and 3 in Staten Island.

At the public hearing, the City Planning Commission will also consider a modification to the zoning text amendment, as proposed by DCP (ULURP No. N 190430 (A) ZRY). This modified text amendment applies to the Riverdale-Fieldston neighborhood in the Bronx only. Written

comments on the DEIS are requested and will be received and considered by the Lead Agency through Monday, August 26, 2019.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 19DCP083Y.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3370



jy31-a14

COMMUNITY BOARDS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the following matters have been scheduled for a public hearing by Bronx Community Board 10:

BOROUGH OF BRONX

COMMUNITY BOARD NO. 10 - Tuesday, August 6, 2019, 7:00 P.M.,
Providence Rest Auditorium, 3304 Waterbury Avenue, Bronx, NY
10465.

BSA Application # 2019-7-BZ

An application to the New York City Board of Standards and Appeals for a Special Permit (Section 73-121), to permit a proposed educational training facility (Fordham University Sailing and Rowing Team), contrary to ZR Section 22-10. R2 zoning district, 3341 Country Club Road, Block 5409, Lot 470, Borough of the Bronx.

jy31-a6

EMPLOYEES' RETIREMENT SYSTEM

■ MEETING

Please be advised that the next Special Board Meeting of the Board of Trustees of the New York City Employees' Retirement System, has been scheduled, for Thursday, August 8, 2019, at 9:30 A.M. To be held, at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor, Boardroom, Brooklyn, NY 11201-3751.

a1-7

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, August 6, 2019, a public hearing, will be held, at 1 Centre Street, 9th Floor, Borough of Manhattan, with respect, to the following properties, and then followed by a public meeting. The final order and estimated times, for each application, will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting, should contact the Landmarks Commission no later than five (5) business days, before the hearing or meeting.

173 Bergen Street - Boerum Hill Historic District

LPC-19-38950 - Block 195 - Lot 48 - **Zoning:** R6
CERTIFICATE OF APPROPRIATENESS

A rowhouse, built between 1869-1871. Application is to construct a rear yard addition.

184 Columbia Heights - Brooklyn Heights Historic District

LPC-19-40244 - Block 208 - Lot 319 - **Zoning:** R6
CERTIFICATE OF APPROPRIATENESS

A Beaux-Arts style apartment house, built c.1920. Application is to legalize the installation of windows, without Landmarks Preservation Commission permit(s), and establish a master plan governing the future installation of windows.

86 Hancock Street - Bedford Historic District

LPC-19-34416 - Block 1837 - Lot 26 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style rowhouse, with Egyptian Revival style elements, built c. 1882. Application is to excavate the rear yard, and modify and legalize the replacement of sidewalk paving, without Landmarks Preservation Commission permit(s).

204 6th Avenue - Park Slope Historic District Extension II

LPC-19-39659 - Block 953 - Lot 51 - **Zoning:** R6A

CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style store and apartment house, built in 1879. Application is to legalize the installation of HVAC equipment, without Landmarks Preservation Commission permit(s).

85 Franklin Street - Tribeca East Historic District

LPC-19-31178 - Block 174 - Lot 22 - **Zoning:** C6-2A

CERTIFICATE OF APPROPRIATENESS

A Moderne style commercial building, originally built as a store and lofts building in 1860-62, and altered in 1936 by Thomas White Lamb. Application is to alter the façade, and construct a streetwall rooftop addition.

99 Spring Street - SoHo-Cast Iron Historic District

LPC-19-37152 - Block 498 - Lot 26 - **Zoning:**

CERTIFICATE OF APPROPRIATENESS

A hotel building, designed by J. & D. Jardine and built in 1871. Application is to alter the storefront.

17 East 9th Street - Greenwich Village Historic District

LPC-19-31428 - Block 567 - Lot 26 - **Zoning:** R7-2

CERTIFICATE OF APPROPRIATENESS

A rowhouse, built in 1844. Application is to install a stoop, construct rooftop and rear yard additions and perform excavation work.

317 West 11th Street - Greenwich Village Historic District

LPC-19-34243 - Block 634 - Lot 34 - **Zoning:** R6

CERTIFICATE OF APPROPRIATENESS

A house, built c. 1845. Application is to construct a rooftop addition.

319 West 11th Street - Greenwich Village Historic District

LPC-20-00544 - Block 634 - Lot 34 - **Zoning:** R6

CERTIFICATE OF APPROPRIATENESS

A house, built c. 1845. Application is to modify the front façade and front areaway, reconstruct the rear façade and rear addition, construct a rooftop addition, and perform excavation.

695 6th Avenue - Ladies' Mile Historic District

LPC-20-00205 - Block 798 - Lot 41 - **Zoning:** C6-2A

CERTIFICATE OF APPROPRIATENESS

A Commercial Palace style department store, built in phases between 1889 and 1911 and, designed by a series of architecture firms, including William Schickel & Co., Buchman & Deisler, Buchman & Fox, and Taylor & Levi. Application is to construct rooftop and courtyard additions; install mechanical equipment and railings; replace a canopy; install lighting and signage; modify ground floor infill; and remove a fire escape.

456 West 23rd Street - Chelsea Historic District Extension

LPC-19-33835 - Block 720 - Lot 75 - **Zoning:** R7B

CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse, built in 1857. Application is to replace windows.

123 West 87th Street - Upper West Side/Central Park West Historic District

LPC-19-26377 - Block 1218 - Lot 124 - **Zoning:** R7-2

CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style rowhouse, designed by Increase M. Grenell and built in 1883-84. Application is to install stoop balustrades and newel posts, and replace doors.

125 West 87th Street - Upper West Side/Central Park West Historic District

LPC-19-26378 - Block 1218 - Lot 24 - **Zoning:** R7-2

CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style rowhouse, designed by Increase M. Grenell and built in 1883-84. Application is to install stoop balustrades and newel posts, and replace doors.

20 East 68th Street - Upper East Side Historic District

LPC-19-38586 - Block 1382 - Lot 7501 - **Zoning:** C5-1

CERTIFICATE OF APPROPRIATENESS

An apartment building, designed by Boak & Raad and built in 1955. Application is to establish a master plan governing the future installation of windows.

157 East 72nd Street - Upper East Side Historic District Extension

LPC-19-34429 - Block 1407 - Lot 7501 - **Zoning:** R10A

CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style apartment building, designed by Rouse & Goldstone and built in 1924. Application is to establish a Master Plan governing the future installation of windows.

jy24-a6

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, August 13, 2019, a public hearing will be held, at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission, no later than five (5) business days before the hearing or meeting.

**140 Prospect Avenue - Douglaston Historic District
LPC-19-39089 - Block 8095 - Lot 61 - Zoning: R1-2
CERTIFICATE OF APPROPRIATENESS**

An Arts and Crafts style house built circa 1915, designed by Craftsman Builders. Application is to legalize paving a portion of the side yard and installing built-in outdoor furniture, without Landmarks Preservation Commission permits.

**141 Montague Street - Brooklyn Heights Historic District
LPC-19-30430 - Block 243 - Lot 17 - Zoning: R7-1
CERTIFICATE OF APPROPRIATENESS**

A rowhouse, built before 1900 and altered in the early 20th century, to accommodate storefronts, at the first and second floors. Application is to install signage.

**215 Dean Street - Boerum Hill Historic District
LPC-19-39860 - Block 190 - Lot 54 - Zoning: R6B
CERTIFICATE OF APPROPRIATENESS**

A modified Italianate style rowhouse, built in 1852-1853. Application is to construct a rear yard addition and to install rooftop HVAC equipment.

**Grand Army Plaza - Scenic Landmark
LPC-20-00160 - Block 1117 - Lot 1 - Zoning:
ADVISORY REPORT**

A plaza originally established in the 1860s and expanded and redesigned by Carrere and Hastings in 1913-1916. Application is to modify and install paths.

**54 Stone Street, aka 87-89 Pearl Street - Stone Street Historic District
LPC-19-39799 - Block 29 - Lot 7504 - Zoning: C5-5
CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style and Neo-Renaissance style store and loft building. Application is to legalize the installation of a storefront in non-compliance with CNE 03-7266 (LPC 03-4756), and to legalize the installation of light fixtures, signs and a menu box without Landmarks Preservation Commission permit(s).

**60 Pine Street - Individual Landmark
LPC-20-00099 - Block 41 - Lot 15 - Zoning: C5-5
CERTIFICATE OF APPROPRIATENESS**

A Romanesque Revival style clubhouse, designed by Charles C. Haight, built in 1886-87, and modified with an extension, designed by Warren & Wetmore and built in 1910-11. Application is to construct a rooftop addition, infill the interior courtyard, install a barrier-free access lift, and remove a fire escape.

**623 Broadway - NoHo Historic District
LPC-19-34393 - Block 523 - Lot 47 - Zoning: C6-2
CERTIFICATE OF APPROPRIATENESS**

A Renaissance Revival style warehouse, designed by John B. Snook and built in 1881-82. Application is to construct a rooftop addition.

**323-325 Bleecker Street - Greenwich Village Historic District
LPC-19-41295 - Block 591 - Lot 43 - Zoning: C1-6
CERTIFICATE OF APPROPRIATENESS**

An apartment building, built in 1902. Application is to remove concealed cast iron vault lights and replace sidewalk paving.

**135 Central Park West - Upper West Side/Central Park West Historic District
LPC-19-37877 - Block 1126 - Lot 29 - Zoning: R-10A
CERTIFICATE OF APPROPRIATENESS**

A Beaux-Arts style apartment house, designed by Clinton & Russell and built in 1904-07. Application is to create and modify window openings, at the roof.

**2 West 64th Street - Upper West Side/Central Park West Historic District
LPC-19-39038 - Block 1116 - Lot 29 - Zoning: R10A
CERTIFICATE OF APPROPRIATENESS**

An Art Nouveau style institutional building, designed by Robert D. Kohn and built in 1909-10. Application is to install signage.

23 East 64th Street - Upper East Side Historic District

LPC-19-22844 - Block 1379 - Lot 17 - Zoning: C5-1

CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse, designed by John G. Prague, built in 1879-80 and altered in 1919 and 1926. Application is to legalize the installation of rooftop mechanical equipment, without Landmarks Preservation Commission permit(s).

1040 Park Avenue - Park Avenue Historic District

LPC-20-00244 - Block 1498 - Lot 33 - Zoning: R10

CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style apartment building, designed by Delano & Aldrich and built in 1923-24. Application is to establish a Master Plan governing the future installation of through-wall louvers.

jy31-a13

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled, for a public hearing, by the New York City Department of Transportation. The hearing, will be held, at 55 Water Street, 9th Floor, Room 945, commencing at 2:00 P.M., on Wednesday, August 21, 2019. Interested parties can obtain copies of proposed agreements, or request sign-language interpreters (with at least seven days prior notice), at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 IN THE MATTER OF a proposed revocable consent, authorizing 46-43 193 Street LLC, to continue to maintain and use a retaining wall and a stoop, on the east sidewalk of 193rd Street, north of 47th Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2019, and provides among other terms and conditions, for compensation payable to the City, according to the following schedule: **R.P. #2105**

For the period from July 1, 2019 to June 30, 2029 - \$100/per annum

the maintenance of a security deposit in the sum of \$1,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#2 IN THE MATTER OF a proposed revocable consent, authorizing 203 East 72nd Street Corp., to continue to maintain and use electrical conduits and six (6) lampposts on the north sidewalk of East 72nd Street, east of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #958**

For the period July 1, 2018 to June 30, 2028 - \$900/per annum

the maintenance of a security deposit in the sum of \$1,000 the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#3 IN THE MATTER OF a proposed revocable consent, authorizing 452 Fifth Owners LLC, to continue to maintain and use conduits under West 39th and West 40th Street, west of Fifth Avenue and cables in certain existing facilities of the Empire City Subway Company (Limited), in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and schedule: **R.P. # 1170**

For the period July 1, 2016 to June 30, 2017	- \$7,395
For the period July 1, 2017 to June 30, 2018	- \$7,561
For the period July 1, 2018 to June 30, 2019	- \$7,727
For the period July 1, 2019 to June 30, 2020	- \$7,893
For the period July 1, 2020 to June 30, 2021	- \$8,059
For the period July 1, 2021 to June 30, 2022	- \$8,225
For the period July 1, 2022 to June 30, 2023	- \$8,391
For the period July 1, 2023 to June 30, 2024	- \$8,557
For the period July 1, 2024 to June 30, 2025	- \$8,723
For the period July 1, 2025 to June 30, 2026	- \$8,889

the maintenance of a security deposit in the sum of \$8,900 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#4 IN THE MATTER OF a proposed revocable consent, authorizing AVB 1865 Broadway LLC, to continue to maintain and use planters along the west sidewalk of Broadway, north of West 71st Street and along the north sidewalk of West 61st Street, west of Broadway, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from January 30, 2015 to June 30, 2025, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #1780**

For the period January 30, 2015 to June 30, 2015 - \$126 prorated/per annum
For the period July 1, 2015 to June 30, 2025 - \$126/per annum

the maintenance of a security deposit in the sum of \$700 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#5 IN THE MATTER OF a proposed revocable consent, authorizing Commerce Real Property LLC, to construct, maintain and use a flood mitigation system components in and under the north sidewalk of Commerce Street, east of Inlay Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2479**

From the Approval Date by the Mayor to June 30, 2030 - \$2,000

the maintenance of a security deposit in the sum of \$2,400 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#6 IN THE MATTER OF a proposed revocable consent, authorizing Ladybird Bakery, Inc., to continue to maintain and use two (2) benches on the west sidewalk of Eight Avenue, north of 12th Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #1680**

For the period July 1, 2019 to June 30, 2029- \$300/per annum

the maintenance of a security deposit in the sum of \$200 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#7 IN THE MATTER OF a proposed revocable consent, authorizing Lucille Lortel Theatre Foundation, to continue to maintain and use name plates and bollards on the north sidewalk of Christopher Street, east of Hudson Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #1678**

For the period July 1, 2019 to June 30, 2029 - \$7,350/per annum

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#8 IN THE MATTER OF a proposed revocable consent, authorizing New York Recycling Ventures, Inc., to continue to maintain and use fenced-in planted areas on the sidewalks of East Bay Avenue, Whittier Street, Viele Avenue and Longfellow Avenue, in the Borough of the Bronx. The proposed revocable consent, is for a term of ten years, from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2070**

For the period July 1, 2019 to June 30, 2029 - \$173/per annum

the maintenance of a security deposit in the sum of \$3,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#9 IN THE MATTER OF a proposed revocable consent, authorizing One Bryant Park LLC, to continue to maintain and use bollards on the sidewalks of the site bounded by Sixth Avenue, 42nd and 43rd Street, in the Borough of Manhattan. The proposed revocable consent is for a

term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2099**

For the period from July 1, 2019 to June 30, 2029 - \$0/per annum
the maintenance of a security deposit in the sum of \$69,300 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#10 IN THE MATTER OF a proposed revocable consent, authorizing One Grand Army Plaza Condominium, to continue to maintain and use planted areas and entrance detail, together with benches and lightings, on the east sidewalk of Plaza Street East, between Eastern Parkway and St. John Place, and on the southeast sidewalk of St. Johns Place, northeast of Plaza Street East, in the Borough of Brooklyn. The proposed revocable consent, is for a term of ten years from July 1, 2018 to June 30, 2028, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2016**

For the period July 1, 2018 to June 30, 2019 - \$8,243
For the period July 1, 2019 to June 30, 2020 - \$8,375
For the period July 1, 2020 to June 30, 2021 - \$8,507
For the period July 1, 2021 to June 30, 2022 - \$8,639
For the period July 1, 2022 to June 30, 2023 - \$8,771
For the period July 1, 2023 to June 30, 2024 - \$8,903
For the period July 1, 2024 to June 30, 2025 - \$9,035
For the period July 1, 2025 to June 30, 2026 - \$9,167
For the period July 1, 2026 to June 30, 2027 - \$9,299
For the period July 1, 2027 to June 30, 2028 - \$9,431

the maintenance of a security deposit in the sum of \$1,200 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#11 IN THE MATTER OF a proposed revocable consent, authorizing Teresa Yuen Ling Chan and Benedict Chun Man Chan, to continue to maintain and use retaining walls, together with fences on the east sidewalk of 213th Street, south of 28th Avenue, and on the south sidewalk of 28th Avenue, east of 213th Street, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 16, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1537**

For the period July 1, 2016 to June 30, 2026 - \$100/per annum

the maintenance of a security deposit in the sum of \$1,200 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#12 IN THE MATTER OF a proposed revocable consent, authorizing The New York Public Library Astor Lenox and Tilden Foundations, to continue to maintain and use an accessibility ramp, together with stairs, on the west sidewalk of Amsterdam Avenue, north of West 81st Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2019 to June 30, 2029, and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2085**

For the period from July 1, 2019 to June 30, 2029 - \$25/per annum

the maintenance of a security deposit in the sum of \$0.00 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#13 IN THE MATTER OF a proposed revocable consent, authorizing 108-07 Corona Avenue LLC, to construct, maintain and use a sidewalk hatch door, in the south sidewalk of 52nd Avenue, east of Corona Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions, for compensation payable to the City according to the following schedule: **R.P. #2459**

From the Approval Date to June 30, 2020 - \$373/per annum
For the period July 1, 2020 to June 30, 2021 - \$379
For the period July 1, 2021 to June 30, 2022 - \$385
For the period July 1, 2022 to June 30, 2023 - \$391
For the period July 1, 2023 to June 30, 2024 - \$397
For the period July 1, 2024 to June 30, 2025 - \$404
For the period July 1, 2025 to June 30, 2026 - \$410
For the period July 1, 2026 to June 30, 2027 - \$416

For the period July 1, 2027 to June 30, 2028 - \$422
 For the period July 1, 2028 to June 30, 2029 - \$428
 For the period July 1, 2029 to June 30, 2030 - \$434

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, for bodily injury and property damage, One Million Dollars (\$1,000,000), for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

☛ a1-21

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York in partnership with PropertyRoom.com posts vehicle and heavy machinery auctions online every week at: <https://www.propertyroom.com/s/nyc+fleet>

All auctions are open to the public and registration is free.

Vehicles can be viewed in person by appointment at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214. Phone: (718) 802-0022

m30-s11

OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

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

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

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

j2-d31

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property appear in the Public Hearing Section.

j9-30

POLICE

■ NOTICE

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

The following list of properties is in the custody of the Property Clerk Division without claimants:

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

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

INQUIRIES

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

FOR MOTOR VEHICLES (All Boroughs):

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

FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j2-d31

PROCUREMENT

"Compete To Win" More Contracts!

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

- *Win More Contracts at nyc.gov/competetowin*

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

HHS ACCELERATOR

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 prequalification application using the City's Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are 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, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

Participating NYC Agencies

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children's Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit www.nyc.gov/hhsaccelerator.

CAMPAIGN FINANCE BOARD

ADMINISTRATIVE SERVICES

■ SOLICITATION

Services (other than human services)

SOFTWARE DEVELOPMENT SERVICES - Negotiated Acquisition - Other - PIN#004202000003 - Due 8-12-19

This notice is for informational purposes only. Pursuant to Rules 3-04(b)(2)(D), (3), and(4), the New York City Campaign Finance Board, intends to negotiate with Mobikasa LLC, for the purpose of entering into a contract, to provide systems analysis and programming for CFB computer applications including C-SMART (web-based candidate software for reporting financial information), CFIS (candidate financial information system), and related applications.

This is a time sensitive project and there is a compelling need for these services. Therefore, it would not be practicable or advantageous to the City, to award the contract by means of competitive sealed proposals.

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.

Campaign Finance Board, 100 Church Street, 12th Floor, New York, NY 10007. Kitty Chan (212) 409-1800; Fax: (212) 409-1705; contracts@nycffb.info

jy29-a2

CHIEF MEDICAL EXAMINER

PROCUREMENT

■ INTENT TO AWARD

Goods

BECKMAN COULTER BIOMEK i5 AND i7 NGS WORKSTATIONS, SUPPORT AND SUPPLIES - Sole Source - Available only from a single source - PIN#81620ME003 - Due 8-2-19

NYC Office of Chief Medical Examiner, intends to enter into a sole source contract, with Beckman Coulter, for the provision of Beckman Coulter Biomek i5 and i7 NGS Workstations, Support and supplies, for use in our Forensic Laboratory.

Any vendor who is capable of providing this product, to the NYC Office of Chief Medical Examiner, may express their interests, in writing, to Vilma Johnson, Contract Officer, Office of Chief Medical Examiner, 421 East 26th Street, New York, NY 10016.

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.

Chief Medical Examiner, 421 East 26th Street, 10th Floor, New York, NY 10016. Vilma Johnson (212) 323-1729; Fax: (646) 500-5542; vjohnson@ocme.nyc.gov

jy26-a1

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

■ AWARD

Goods

TRUCK, JET RODDER AND VACUUM COMBINATION - DSNV - Competitive Sealed Bids - PIN#8571900040 - AMT: \$7,904,289.95 - TO: Gabrielli Truck Sales Ltd, 153-20 South Conduit Avenue, Jamaica, NY 11434.

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DESIGN AND CONSTRUCTION

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATION

Construction/Construction Services

RECONSTRUCTION OF PARSONS BOULEVARD-BOROUGH OF QUEENS - Competitive Sealed Bids - PIN#85019B0057 - Due 8-29-19 at 11:00 A.M.

PROJECT NO.: HWPEDSF4A/DDC PIN: 8502019HW0016C.

Bid Document Deposit - \$35.00 per set-Company Check or Money Order Only-No Cash Accepted - Late Bids Will Not Be Accepted.

There will be a Optional Pre-Bid Walk-Thru on Thursday, August 15, 2019, at 10:30 A.M., at the Department of Design and Construction, located at 30-30 Thomson Avenue (entrance on 30th Place), Bid Room, 1st Floor.

Special Experience Requirements. Apprenticeship Participation Requirements apply to this Contract. Bid documents are available at: <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp>.

THIS PROJECT IS SUBJECT TO HireNYC.

As of August 1, 2017, the New York City Mayor's Office of Contract Services (MOCS), has launched the Procurement and Sourcing Solutions Portal (PASSPort), a new procurement system that will replace the paper – VENDEX process.

All organizations intending to do business with the City of New York should complete an online disclosure process to be considered for a contract. This disclosure process was formerly completed using Vendor Information Exchange System (VENDEX) paper-based forms. In anticipation of awards, bidders/proposers must create an account and enroll in PASSPort, and file all disclosure information. Paper submissions, including Certifications of No Changes to existing VENDEX packages will not be accepted in lieu of complete online filings. You can access PASSPort from the following link: <http://www.nyc.gov/passport>.

This contract is subject to DRI (Downtown Revitalization Initiative) requirements. Please refer to the Bid Documents, particularly the DRI pages, for information regarding MBE and WBE requirements and goals.

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.

Design and Construction, 30-30 Thomson Avenue, Long Island City, NY 11101. Brenda Barreiro (718) 391-1041; csb_projectinquiries@ddc.nyc.gov

Accessibility questions: Disability Services Facilitator (718) 391-2815, or via email, at DDCEEO@ddc.nyc.gov, by: Monday, August 19, 2019, 5:00 P.M.



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EMERGENCY MANAGEMENT

■ AWARD

Services (other than human services)

TRAVEL CARD SERVICES - Intergovernmental Purchase - Other - PIN#0171900005001 - AMT: \$900,000.00 - TO: Citibank, N.A., 701 East 60th Street N, Sioux Falls, SD 57104.

New York City Emergency Management Department (NYCEM), is purchasing travel card services, through the New York State Office of General Services (OGS) contract PS66495 (Group 79008; Award 22712). NYCEM, has selected a qualified contractor, to provide a credit card, for travel services, on behalf of NYCEM. NYCEM utilizes travel cards as management tools, for authorized employees, to facilitate the purchase of travel (transportation and lodging), and other services necessary, to achieve agency program requirements.

Citibank N.A. is the only vendor on the OGS (Intergovernmental) contract providing travel card services.

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ENVIRONMENTAL PROTECTION

AGENCY CHIEF CONTRACTING OFFICE

■ INTENT TO AWARD

Construction Related Services

CSO-GC-TUNNEL - Negotiated Acquisition - Other - PIN#82619N0005 - Due 8-16-19 at 4:00 P.M.

DEP, intends to enter into negotiations with Hazen and Sawyer DPC - Eckenfelder Engineering PC, dba Brown and Caldwell Associates - McMillen JA Engineering PLLC - Tri Venture for Facility Planning and Design Services for the construction of a tunnel system, to abate CSO discharges to the Gowanus Canal. Firms wishing to express interest on similar future projects may direct inquiries to the contact listed.

Pursuant to PPB Section 3-04(b)(2) the agency has determined that it is in the best interest of the City, to utilize the negotiated acquisition method, because there is a time sensitive situation where a vendor must be obtained quickly in response to a court order. During an ongoing construction project, the agency has found a compelling necessity to procure performance of additional work and advantages of negotiating with the existing consultant clearly outweigh the disadvantages of a lack of competition.

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.

Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373. Joseph Vaicels (718) 595-4290; jvaicels@dep.nyc.gov

jy31-a6

FINANCE

ADMINISTRATION AND PLANNING

■ AWARD

Services (other than human services)

MICROSOFT PREMIERE SUPPORT - Intergovernmental Purchase - Other - PIN#83619O0003001 - AMT: \$443,710.00 - TO: Microsoft Corporation, 11 Times Square, New York, NY 10036.

Brand Specific.

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FIRE DEPARTMENT

FISCAL SERVICES

■ SOLICITATION

Goods

PATIENT REVERSE ISOLATION CHAMBERS - Request for Information - PIN#05720RFI0004 - Due 8-29-19 at 4:00 P.M.

The Fire Department of the City of New York ("Fire Department" or "FDNY" or "The Department"), in the interest of promoting competition and in obtaining information on Patient Reverse Isolation Chambers, for its emergency medical operations, is seeking qualified vendors to participate in a testing and evaluation study of various Patient Reverse Isolation Chambers. The purpose of this study is to assess the reliability and durability of various types of Patient Reverse Isolation Chambers submitted to the Fire Department as part of a product evaluation program, and to make findings and recommendations based on this Request for Information.

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, Room 5W-12-K, Brooklyn, NY 11201. Shannon Cardone (718) 999-2590; shannon.cardone@fdny.nyc.gov

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HOMELESS SERVICES

■ INTENT TO AWARD

Goods and Services

PROVISION OF FOOD SERVICES TO FAMILY SHELTERS

- Negotiated Acquisition - Other - PIN#07110B0003001N007 - Due 8-2-19 at 2:00 P.M.

For Informational Purposes Only.

The Department of Homeless Services (DHS), intends to enter into a Negotiated Acquisition Extension with the current vendor, Maramont Corp., to continue to provide food services for Family Shelters for 12 months.

E-PIN: 07110B0003001N007.

Term: 7/1/2019 - 6/30/2020.

Amount: \$4,772,340.09.

Vendors interested in responding to this or other future solicitations for these types of services, may express their interest by filing with the New York City Vendor Enrollment Center, at (212) 857-1680, or via email, at vendorenrollmen@cityhall.nyc.gov. For Human Service contracts, go to <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>.

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.

Homeless Services, 150 Greenwich Street, 37th Floor, New York, NY 10007. Adrienne Williams (929) 221-6346; Fax: (929) 221-0758; williamsadri@dss.nyc.gov

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■ AWARD

Human Services/Client Services

PROVISION TO OP. AND DEV. STAND ALONE TRANSITIONAL RESIDENCES FOR HOMELESS FWC. CROTONA II, 745 EAST 178TH STREET, BRONX, NY 10457 - Competitive Sealed Proposals

- Judgment required in evaluating proposals - PIN#07110P0002264 - AMT: \$11,940,035.00 - TO: H.E.L.P Bronx, 115 East 13th Street, New York, NY 10003.

Contract Term: 7/1/2019 to 6/30/2024.

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HOUSING AUTHORITY

PROCUREMENT

■ SOLICITATION

Goods

ENVELOPES-NEOPOST, 10" X 13" - Competitive Sealed Bids - PIN#69686 - Due 8-15-19 at 12:00 P.M.

This is a RFQ for 3-year (s) Blanket Order Agreement. The awarded bidder/vendor agrees to have DUPLICATING PRINT ENVELOPES-NEOPOST, readily available for delivery within 10 days after receipt of order, on an "as needed basis" during the duration of the contract period. The quantities provided are estimates based on current usage and the New York City Housing Authority may order less or more,

depending on our needs. All price adjustable RFQ'S are fixed for one year after award date. One price adjustment per year will be allowed with mfg. supporting documentation only. Samples may be required to be provided within 10 days of request. Failure to do so will result in bid being considered non-responsive.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department, at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at time of request.

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

Housing Authority, 90 Church Street, 6th Floor, Cubicle# - 6-724, New York, NY 10007. Vanessa Butcher (212) 306-4684; Fax: (212) 306-5109; vanessa.butcher@nycha.nyc.gov



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PARKS AND RECREATION

■ VENDOR LIST

Construction Related Services

PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION, NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS.

NYC DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of NYC DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, NYC DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construct its parks, playgrounds, beaches, gardens and green-streets. NYC DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL, will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

NYC DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

* Firms that are in the process of becoming a New York City-Certified M/WBE, may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained online at: <http://a856-internet.nyc.gov/nycvendronline/home.asap.>; or <http://www.nycgovparks.org/opportunities/business>.

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, Olmsted Center Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; dmbwe.capital@parks.nyc.gov

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■ AWARD

Goods

HOUSEHOLD AND CHEMICAL CLEANING SUPPLIES - Other - PIN# 226188846 - AMT: \$36,000.00 - TO: Jamaica Hardware and Paints Inc., 131-01 Jamaica Avenue, Richmond Hill, NY 11418.

Various household and chemical cleaning supplies. Contracts awarded, pursuant to the Innovative Procurement Method, under PPB Rule 3-12 (M/WBE Purchase Method).

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■ SOLICITATION

Goods and Services

OPERATION OF A RESTAURANT AT KELTCH PARK, BRONX - Request for Proposals - PIN# X58-R 2020 - Due 9-6-19 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the Department of Parks and Recreation ("Parks"), has issued a Request for Proposals (RFP), for the renovation, operation and maintenance of a restaurant, and the option to operate one (1) mobile food concession, at Keltch Park, in the borough of the Bronx.

All proposals submitted in response to this RFP, must be submitted, by no later than September 6, 2019, at 3:00 P.M., to Parks' Revenue Division. There will be a recommended on-site proposer meeting and site tour on Friday, August 16, 2019, at 10:00 A.M. We will meet, at the restaurant concession site (Block #2857, Lot #95), located at Keltch Park, West 170th Street and Jerome Avenue, in the borough of the Bronx. If you are considering responding to this RFP, please make every effort to attend this meeting and site tour. To obtain directions to the proposed concession site, please call (212) 360-1397.

Hard copies of the RFP can be obtained, at no cost, commencing July 24, 2019 through September 6, 2019, during the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue division of the New York City Department of Parks and Recreation, which is located at The Arsenal, 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download commencing July 24, 2019, through September 6, 2019, on Parks' website. To download the RFP, visit www.nyc.gov/parks/businessopportunities, click on the link for "Concessions Opportunities, at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFP's description.

For more information, contact Glenn Kaalund, Senior Project Manager, at (212) 360-3482. You can also email him, at Glenn.Kaalund@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, The Arsenal, 830 Fifth Avenue, Room 407, New York, NY 10065. Glenn Kaalund (212) 360-1397; Fax: (212) 360-3434; glenn.kaalund@parks.nyc.gov

Accessibility questions: Glenn Kaalund, glenn.kaalund@parks.nyc.gov, or (212) 360-3482, by: Tuesday, September 3, 2019, 5:00 P.M.



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■ CAPITAL PROJECTS

■ SOLICITATION

Construction Related Services

CITYWIDE CONSULTANTS SERVICES FOR OPEN SPACE PLANNING - Request for Proposals - PIN# 84619P0003 - Due 8-22-19 at 2:00 P.M.

Copies of RFP can be downloaded, at the agency's website, <http://www.nyc.gov/parks>, or, at the City Record's website, www.nyc.gov/cityrecord.

A Pre-Proposal Meeting is scheduled for August 9, 2019, at 2:00 P.M., at the Olmsted Center Annex, Bid Room, Flushing Meadows-Corona Park, Flushing, NY 11368.

MWBE goals will be required for individual Work Orders under these contracts, in accordance with Local Law 1 of 2013, NYC's Minority-Owned and Women-Owned Business Enterprise (MWBE) program.

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

Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alvaro Mora (718) 760-6897; Fax: (718) 760-6885; rfpsubmissions@parks.nyc.gov

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CONTRACTS

■ SOLICITATION

Construction / Construction Services

RECONSTRUCTION OF BOILERS AND HEATING SYSTEMS - Competitive Sealed Bids - PIN#CNYG-916MA2 - Due 8-29-19 at 10:30 A.M.

The Reconstruction of Boilers and Heating Systems at Various Parks and Recreation Facilities, Citywide. E-PIN#84619B0208.

Pre-Bid Meeting: Thursday, August 15, 2019. Time: 11:30 A.M.
Location: Olmsted Center Annex Bid Room.

This procurement is subject to participation goals for MBEs and/or WBEs, as required by Local Law 1 of 2013.

Contract Under Project Labor Agreement.

Bidders are hereby advised that this contract is subject to the Project Labor Agreement (PLA) Covering Specified Renovation and Rehabilitation of City-Owned Buildings and Structures entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated local unions. Please refer to the bid documents for further information.

Bid Security: Bid Bond in the amount of 5 percent of Bid Amount or Bid Deposit in the amount of 5 percent of Bid Amount.

The Cost Estimate Range is: Less than \$1,000,000.00.

To request the Plan Holder's List, please call the Blue Print Room, at (718) 760-6576.

To manage your vendor name and commodity codes on file with the City of New York, please go to New York City's Procurement and Sourcing Solutions Portal (PASSPort), at <https://a858-login.nyc.gov/osp/a/t1/auth/saml2/sso>. To manage or update your email, address or contact information, please go to New York City's Payee Informational Portal, at <https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService>.

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

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, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Kylie Murphy (718) 760-6855; kylie.murphy@parks.nyc.gov

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■ AWARD

Construction / Construction Services

RECONSTRUCTION OF A GRAND STAIRCASE AND PARK PATHWAYS - Competitive Sealed Bids - PIN#84618B0129001 - AMT: \$8,877,849.50 - TO: Grace Industries, LLC, 11 Commerical Street, Plainview, NY 11803.

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RECONSTRUCTION OF COMFORT STATION IN NEWPORT PLAYGROUND - Competitive Sealed Bids - PIN#84617B0182001 - AMT: \$882,000.00 - TO: Sienia Construction Inc., 52-15 65th Place, Unit 6E, Maspeth, NY 11378.

B339-117M.

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PURCHASING AND ACCOUNTING

■ INTENT TO AWARD

Services (other than human services)

MEDIEVAL FESTIVAL AT FORT TRYON PARK - Sole Source - Available only from a single source - PIN#84620C000X01 - Due 9-13-19 at 11:00 A.M.

The Department of Parks and Recreation, intends to enter into a Sole Source negotiation with Washington Heights and Inwood Development Corp. (WHIDC), 57 Wadsworth Avenue, New York, NY 10033, to develop and conduct the Medieval Festival, at Fort Tryon Park, Manhattan, on Sunday, September 29, 2019, AND the rain date is October 6, 2019.

Any firm that would like to express their interest in providing services for similar projects in the future, may do so by phone and joining the City Bidder's list, by filling out the NYC-FMS Vendor Enrollment form, at <https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService/>, to enroll your organization with the City of New York.

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, 24 West 61st Street, 3rd Floor, New York, NY 10023. Sandra Williams (212) 830-7974; Fax: (917) 849-6476; sandra.williams@parks.nyc.gov

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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) 788-0010. 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.



HEALTH AND MENTAL HYGIENE

■ PUBLIC HEARINGS

CORRECTION NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing, will be held, on Thursday, August 8, 2019, at 42-09 28th Street, Long Island City, NY 11101, commencing at 2:30 P.M. on the following:

IN THE MATTER OF the proposed Purchase Order/Contract between the Department of Health and Mental Hygiene and Boundary Exterminate Corp., located at 176 Boundary Avenue, Massapequa, NY 11758, for Integrated Pest Management Services. The contract amount shall be \$149,880.00. The contract term shall be from November 1, 2019 to June 30, 2021. The PIN is 20DP012401R0X00.

The Vendor has been selected, pursuant to Section 3-08 (c)(1)iv) of the Procurement Policy Board Rules.

A draft copy of the Purchase Order/Contract will be available for public inspection, at the New York City Department of Health and Mental Hygiene, Office of Contracts, 42-09 28th Street, 17th Floor, Long Island City, NY 11101, from July 26, 2019 to August 8, 2019, excluding weekends and holidays, between the hours of 10:00 A.M. and 4:00 P.M. (EST).

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AGENCY RULES

CORRECTION

■ NOTICE

Notice of Adoption of Chapter 1 of Title 39 of the Rule of the City of New York

NOTICE IS HEREBY GIVEN in accordance with Section 1043(f) of the New York City Charter (“Charter”) and pursuant to the authority granted to the Department of Correction (“Department”) by Sections 389 and 623 of the Charter, a notice of public hearing and opportunity to comment on the Department’s proposal to amend Title 39 of the Rules of the City of New York was published in the City Record on May 8, 2019, and a public hearing was held on June 13, 2019. The Department now adopts the amendments as set forth below.

Statement of Basis and Purpose

The adopted rules amend the rules of the Department of Correction, codified in Title 39 of the Rules of the City of New York:

- New provisions are added to the list of Sex Offenses (Section 1-03(c)(23)) in compliance with the federal Prison Rape Elimination Act and federal rules promulgated thereunder, and to conform to amendments made by the Board of Correction to the Board’s rules (Title 40 of the Rules of the City of New York);
- New offenses are added to the list of offenses under Disrespect of Staff (Section 1-03(c)(10)) to specifically cover acts of sexual harassment towards staff.

The changes to the Rules of Conduct provisions add certain definitions to the list of inmate misbehaviors that constitute disciplinary offenses, in order to account for changes in federal law, and changes in technology; and to conform rules governing hearings to State Commission of Correction rules, including providing for hearing facilitators.

The following is a summary of the new rules.

Amendments to Section 1-03(c)(10) add prohibited conduct provisions under Disrespect for Staff to include acts that constitute sexual harassment towards staff

These sections create new graduated offenses for inmates who act inappropriately towards staff by engaging in conduct of a sexual nature towards staff. Such conduct includes making sexual advances towards staff, or acting in verbal or nonverbal ways that are sexually derogatory or offensive towards staff, including but not limited to making sexually suggestive remarks, jokes, innuendos, comments, gestures; leering; and displaying sexually explicit material on Department property.

Amendments to Section 1-03(c)(23) (Prohibited Conduct, Sexual Offenses)

The amendments to subparagraphs 122.10, 122.11, and 122.13 in Paragraph 23 (Sex Offenses), and the addition of new subparagraph 122.14, are made in part in response to U.S. Department of Justice regulations (Title 28 of the Code of Federal Regulations, §§ 115.5 et seq.) adopting national standards to prevent, detect, and respond to prison rape as required by the Prison Rape Elimination Act (“PREA”) of 2003 (Title 34 of the United States Code, §§ 30302 et seq.). This section expands and clarifies existing sex offenses by prohibiting, among other things, sexual abuse against another person; kissing, embracing, and hand-holding by inmates; and making sexual advances or verbal comments of a derogatory or offensive nature including but not limited to sexually suggestive remarks, jokes, innuendos, comments, and gestures.

In addition to the amendments listed above,

- Section 1-03(b), Definitions, is amended to eliminate the numbering of the definitions and to alphabetically insert the following new definitions: “Department ID,” “sexual abuse,” “sexually explicit material,” and “staff.”
- Section 1-03(c), Prohibited Conduct, is amended to make the following changes:
 - o Section 1-03(c)(2), the offense of Assault and Fighting, is amended to add the assault offenses of gang assault and

Security Risk Group assault; both shall be Grade I offenses.

- o Section 1-03(c)(4), the offense of Contraband, is amended to put the razor rules all in one location; to add manufactured chemical compounds that are not facility-issued as contraband (e.g., synthetic marijuana); to add types of devices to the prohibition on telecommunication and recording devices; and to clarify that credit cards, debit cards, and gift cards are contraband.
- o Section 1-03(c)(6), the offense of Creating a Fire, Health or Safety Hazard, is amended to add a prohibition on using food warmers as personal cooking devices.
- o Section 1-03(c)(17), the offense of violating Identification Procedures, is amended to reflect that inmate ID cards have been replaced by other forms of Department identification; to expressly prohibit tampering or destruction of inmate ID; and to provide for the penalty of restitution without reference to a particular cost if inmate ID is tampered with or destroyed.
- o Section 1-03(c)(24), the offense of Smuggling, is amended to add the Grade I offense of smuggling manufactured chemical compounds that are not issued by the Department.
- Section 1-04, Hearing Procedures, is amended to eliminate the reference to close custody, which is no longer used by the Department; the amendments to protective custody are made to clarify the process for placement.

The Adopted Rules

New material is underlined.

Deleted material is [bracketed.]

1. Section 1-03(b) of title 39 of the Rules of the City of New York (“RCNY”) (Prohibited Conduct, Definitions) is hereby amended by removing the number before each definition, and inserting the following new definitions alphabetically within the list of definitions:

“Department ID” shall mean any form of Department-issued tag, card, wristband, or other object that serves to identify an inmate.

“Sexual abuse” means sexual abuse as defined in the Prison Rape Elimination Act.

“Sexually explicit material” is any printed or displayed material that shows the frontal and or rear nudity of any person, including but not limited to: the fully exposed female breast(s) and/or the genitalia of any gender; sexual excitement; sexual conduct, sexual intercourse; or sadomasochistic abuse.

“Staff” shall include, but not be limited to, uniformed and civilian Department staff, medical staff, contractors and their employees or volunteers.

2. Section 1-03(c) is amended by the addition of the following text to appear above Paragraph (1):

An inmate who violates a rule listed in any subsection of Section 1-03(c) as a “Grade I” offense shall be guilty of the stated Grade I offense; an inmate who violates a rule listed in any subsection of Section 1-03(c) as a “Grade II” offense shall be guilty of the stated Grade II offense; and an inmate who violates a rule listed in any subsection of Section 1-03(c) as a “Grade III” offense shall be guilty of the stated Grade III offense

3. Section 1-03(c)(2) of title 39 of RCNY (Prohibited Conduct, Assault and Fighting), is hereby amended by inserting, under the heading “Grade I,” and below subparagraph 101.14, new subparagraphs 101.15 and 101.15.1, to read as follows:

101.15: An inmate is guilty of the Grade I offense of Gang Assault on an inmate when the inmate, while acting in concert with two or more inmates, injures, spits on or throws any object or substance at any other inmate.

101.15.1: An inmate is guilty of the Grade I offense of Security Risk Group Assault when the inmate injures, spits on or throws any object or substance at any other inmate based on either inmate’s Security Risk Group status or motivated by a Security Risk Group related purpose.

4. Section 1-03(c)(4) of title 39 of RCNY (Prohibited Conduct, Contraband), is hereby amended to read in its entirety as follows:

Grade I:

103.05: Inmates shall not possess any tobacco-related products including, but not limited to, cigarettes, cigars, loose tobacco, chewing tobacco, rolling paper, matches and lighters.

103.07: Inmates shall not sell, exchange or distribute tobacco-related products including, but not limited to, cigarettes, cigars, loose tobacco, chewing tobacco, matches and lighters.

103.08: Inmates shall not make, possess, sell or exchange any amount of alcoholic beverage.

103.10: Inmates shall not make, possess, sell or exchange any type of contraband weapon. Any object that could be used as a weapon may be classified as a weapon.

103.10.5: Inmates shall not possess or transport a Department-issued razor outside the housing area.

103.10.6: Inmates shall return all Department-issued razors after shaving is completed, in accordance with Department or facility procedures. Razors shall be returned in the same condition as received; for example, blade and handle shall be intact.

103.10.7: Inmates shall not possess more than one Department-issued razor.

103.11: Inmates shall not make, possess, sell, give or exchange any amount of narcotic, narcotic paraphernalia, or any other controlled substance, or a manufactured chemical compound that is not facility issued.

103.12: Inmates shall not make, possess, sell, give or exchange any type of escape paraphernalia. Where there is the likelihood that an item can be used to aid an escape, it may be classified as escape paraphernalia. Keys, possession of identification belonging to another person, or fictitious person, transferring an inmate's identification to another, possession of employee clothing, or any other articles which would aid in an escape, or which suggest that an escape is being planned, are contraband.

103.12.5: Inmates shall not possess any type of electronic telecommunications and/or recording device or instrument or any part of such device or instrument, which is designed to transmit and/or receive telephonic, electronic, digital, cellular or radio communications; [device or any part of such instrument designed to have] record or capture sound and/or [image] images; [recording or capturing capabilities]; or charge the power of any such device or instrument. Such devices shall include, but shall not be limited to, cameras (digital or film), video recorders, [and] tape or digital recording devices, electronic storage devices, phone chargers, battery chargers, A/C adapters, A/C cables, [The term "telecommunication device" shall include, but not be limited to, any type of instrument, device, machine or equipment which is designed to transmit and/or receive telephonic, electronic, digital, cellular or radio signals or communications or any part of such instrument, device, machine or equipment as well as any type of instrument designed to have sound, or image recording abilities and shall include, but not be limited to, a) cellular or digital [phone] phones, [a pager] pagers, [a two-way radio] two-way radios, text messaging devices, or modem equipment or [device] devices. (including a modem equipment device), a camera, a video recorder and a tape or digital recording device, or any other device that has such capabilities.] (Radios sold in commissary are excluded from this prohibition.)

103.12.6: Inmates shall not possess any contraband with intent to sell or distribute such contraband.

103.12.7: [An inmate is guilty of the offense of Possession of Contraband Grade I when such inmate possesses] Inmates shall not possess money whose value exceeds twenty (20) dollars in cash [or], checks, credit cards regardless of the credit available on the card, or debit or gift cards regardless of the value stored on the card. Money confiscated as contraband will be deposited in the City's treasury and will not be returned to the inmate.

Grade II:

103.13: Inmates shall not sell or exchange prescription drugs or non-prescription drugs. Inmates shall not possess prescription drugs that they are not authorized by medical staff to possess.

103.13.5: Inmates shall not possess prescription or non-prescription drugs in quantities in excess of that authorized by medical staff. Inmates are not authorized to possess expired prescription medication or drugs.

103.13.6: Inmates are not authorized to possess any drug that by prescription, or by medical order, must be ingested in view of Department and/or medical staff.

103.13.7: Inmates shall not possess more than one Department-issued razor.

103.14: Inmates shall not make, possess, sell, exchange, use or display any item that identifies the inmate as a member or associate of a Security Risk Group [or of a gang]. Articles of religious significance that are Security Risk Group identifiers shall only be considered contraband if they are displayed. Incidental or inadvertent exposure of the item (for example, while showering, saying the rosary or other religious observance, dressing or undressing or sleeping) shall not be considered "display" under this rule.

103.15: An inmate is guilty of the offense of Possession of Contraband Grade II when such inmate possesses money [not in excess of] having a value of up to and including twenty (20) dollars, [or] in the form of cash or checks [or credit cards]. Money confiscated as contraband will be deposited in the City's treasury and will not be returned to the inmate.

Grade III:

103.16: Inmates shall not possess unauthorized hobby materials, art supplies or tattooing equipment, or writing implements.

103.17: Inmates shall not possess unauthorized amounts of jewelry, clothing, food, or personal property.

103.18: Inmates shall not possess unauthorized amounts of City-issued property.

103.19: Inmates shall not possess any other unauthorized items not specifically listed within this section.

5. Section 1-03(c)(6) of title 39 of RCNY (Prohibited Conduct, Creating a Fire, Health or Safety Hazard), is hereby amended by the addition of a new subparagraph 105.25, to read in its entirety as follows:

105.25: Inmates shall not use a food warmer as a personal cooking device.

6. Section 1-03(c)(10) of title 39 of RCNY (Prohibited Conduct, Disrespect for Staff) is hereby amended to read in its entirety as follows:

10) Disrespect for Staff, Sexual Harassment towards Staff
Grade I:

109.10: [Inmates shall not physically resist staff members.]

An inmate is guilty of the Grade I offense of Disrespect for Staff if the inmate physically resists a staff member, including by pulling or twisting away.

109.11: [Inmates shall not harass or annoy staff members by touching or rubbing against them.] An inmate is guilty of the Grade I offense of Disrespect for Staff/Sexual Harassment towards Staff if the inmate harasses or annoys a staff member by touching the staff member.

109.11.5: An inmate is guilty of the Grade I offense of Sexual Harassment towards Staff if the inmate engages in unwelcome physical conduct of a sexual nature, including but not limited to: patting, rubbing, kissing, grabbing, pinching or touching of staff.

Grade II:

109.12 [Inmates shall not verbally abuse or harass staff members, or make obscene gestures towards any staff members.] An inmate is guilty of the Grade II offense of Disrespect for Staff/Sexual Harassment towards Staff if the inmate verbally abuses or harasses a staff member, or makes obscene gestures towards any staff member.

109.13: An inmate is guilty of the Grade II offense of Disrespect for Staff/Sexual Harassment Towards Staff when the inmate, in the plain view of staff, intentionally touches the inmate's own body with or without exposing the genitals, buttocks or breasts, in a manner that demonstrates it is for the purpose of sexual arousal, gratification, annoyance, or offense, and that any reasonable person would consider this conduct offensive.

109.14: An inmate is guilty of the Grade II offense of Disrespect for Staff/Sexual Harassment Toward Staff when the inmate requests, solicits or otherwise encourages a staff member or any other to engage in sexual activity, or makes repeated and unwelcome sexual advances or verbal comments of a derogatory or offensive nature, including but not limited to: sexually suggestive remarks, jokes, innuendos, leering, comments, and gestures.

109.15: An inmate is guilty of the Grade II offense of sexual harassment towards staff when the inmate refuses to remove sexually explicit material the inmate has affixed, posted or displayed on Department property after being asked to do so by staff.

Grade III:

109.16: An inmate is guilty of the Grade III offense of sexual harassment towards staff when the inmate affixes, posts or displays any sexually explicit material on Department property, including walls, windows, or lighting fixtures.

7. Section 1-03(c)(17) of title 39 of RCNY (Prohibited Conduct, Identification Procedures) is hereby amended to read in its entirety as follows:

17) Identification Procedures

Grade III:

115.10: Inmates shall carry and display their Department ID [cards clipped onto the outermost garment] at all times when outside their cell or sleeping quarters.

115.11: Inmates shall promptly produce their Department ID [cards] at the direction of any staff member.

115.12: Inmates shall report the loss of their Department ID [card] promptly to appropriate staff members. Inmates shall be charged restitution [a fee of \$6.00] for a new Department

ID [identification card with or without a clip. There will be no charge for the clip alone].

115.13: Inmates shall not intentionally tamper with or destroy their Department ID.

8. Section 1-03(c)(23) of title 39 of RCNY (Prohibited Conduct, Sexual Offenses) is hereby amended to read in its entirety as follows:

23) Sex Offenses

Grade I:

122.10: [Inmates shall not force or in any way coerce any person to engage in sexual activities.] An inmate is guilty of a Grade I Sex Offense when the inmate forces, coerces or attempts sexual abuse against another person, or engages in sexual abuse of a person who is unable to consent or refuse.

Grade II:

122.11: [Inmates shall not voluntarily engage in sexual activity with any other person.] An inmate is guilty of a Grade II Sex Offense when the inmate engages in sexual activity with another inmate. All contact between inmates is prohibited, including kissing, embracing, and hand-holding.

122.12: [Inmates shall not expose the private parts of their body in a lewd manner.] An inmate is guilty of a Grade II Sex Offense when the inmate exposes the private parts of the inmate's body in a lewd manner.

Grade III:

122.13: [Inmates shall not request, solicit or otherwise encourage any person to engage in sexual activity.] An inmate is guilty of a Grade III Sex Offense when the inmate requests, solicits or otherwise encourages any other inmate to engage in sexual activity, or makes repeated and unwelcome sexual advances or verbal comments of a derogatory or offensive nature, including but not limited to, sexually suggestive remarks, jokes, innuendos, comments, and gestures.

122.14: An inmate is guilty of a Grade III Sex Offense when the inmate, in the plain view of any person other than staff, intentionally touches oneself with or without exposing their genitals, buttocks or breasts in a manner that demonstrates it is for the purpose of sexual arousal, gratification, annoyance or offense, and that any reasonable person would consider this conduct offensive.

9. Subparagraph 123.10 of Section 1-03(c)(24) of title 39 of RCNY (Prohibited Conduct, Smuggling) is hereby amended to read as follows:

123.10: Inmates shall be guilty of Grade I smuggling if, by their own actions or acting in concert with others, they smuggle weapons, drugs or drug-related products, manufactured chemical compounds that are not facility issued, alcohol, tobacco or tobacco-related products, or escape paraphernalia into or out of the facility.

10. Section 1-04 of title 39 of RCNY (Hearing Procedures) is hereby amended as follows:

§ 1-04 Hearing Procedures

[This section sets forth hearing procedures.]

(a) General procedures.

(1) When you are placed [against your will] in any of the most restrictive security categories, [including punitive segregation] (other than Pre-Hearing Detention, which is addressed in subsection (b) below), you will be given written notice of:

- (i) The reasons for the designation.
- (ii) The evidence relied upon. The Department is not required to provide you with the source of confidential information.
- (iii) The right to a hearing before an impartial Adjudication Captain appointed from the Adjudication Unit.
- (iv) Your rights at the hearing.

(b) Disciplinary hearing procedures.

- (1) Pre-Hearing Detention (PHD). When you are placed in Pre-Hearing Detention (PHD) prior to your disciplinary hearing,
 - (i) You will be issued a Notice of Pre-Hearing Detention within twenty-four (24) hours of the

placement, which will state the reason for the placement in PHD.

(ii) You will have the opportunity to respond to the Notice of Pre-Hearing Detection, verbally, or in writing in a designated space on the Notice form.

(iii) [the] The infraction hearing will be completed within three (3) business days of your transfer to PHD whenever possible, but you shall not be held in PHD for more than seven (7) business days. If the hearing is not held in such time, you must be released from PHD. [If the infraction hearing cannot be completed within three (3) business days, the Adjudication Captain will assess whether it is likely that a hearing will be completed within another three (3) business days. PHD placement may be extended once for a maximum of another three (3) business days. If the hearing is not completed within that time the Chief of Facility Operations or his/her designee shall determine whether you should be placed in Close Custody.]

(2) Disciplinary Infraction Hearings. If you are not placed in PHD, the infraction hearing will take place within three (3) business days after you receive written notice, unless any further delay is justified in accordance with disciplinary due process [Directive 6500R-B III.C.2. Hearings] Your hearing may be held in absentia (that is, without you present) only [under the following circumstances:] if the following occurs: (i) [You] you are notified of the hearing and refuse to appear; or (ii) [You] you appear and are extremely disruptive, causing a situation[, which] that is unduly hazardous to institutional safety[, and necessitating] that necessitates your removal from the hearing room [thus constituting a constructive refusal to appear. When either of these situations arises] If your hearing is held in absentia, the justification for holding the hearing in absentia shall be clearly documented in the Adjudication Captain's decision.

(3) At your hearing, you have the following rights:

- (i) To personally appear;
- (ii) To make statements;
- (iii) To present material, relevant, and non-duplicative evidence;
- (iv) To have witnesses testify at the hearing, provided they are reasonably available and [attending] their attendance at the infraction hearing will not be unduly hazardous to the institutional safety of correctional goals.
- (v) If you are non-English speaking, illiterate, blind, deaf, have poor vision, are hard of hearing, or if your case is very complicated, you have a right to be helped by a "hearing facilitator" (not a lawyer). The hearing facilitator shall be designated by the chief administrative officer, or the chief administrative officer's designee, at least twenty-four (24) hours prior to the hearing. The hearing facilitator may assist you with:

- (aa) Interviewing witnesses;
- (bb) Obtaining evidence and/or written statements;
- (cc) Providing assistance at the disciplinary hearing;
- (dd) Providing assistance understanding administrative segregation decisions;
- (ee) Providing assistance understanding the evidence relied on by the hearing officer and the reasons for action taken;
- (ff) Providing assistance understanding the waiver of any rights; and
- (gg) Providing assistance in filing an appeal.
- (vi) If you do not understand or are not able to communicate in English well enough to conduct the hearing in English, you have a right to an interpreter in addition to a hearing facilitator.
- (vii) You have a right to appeal [an adverse] a decision against you.
- (viii) You have a right to have the hearing recorded.

(c) [Close Custody and Close Custody/Protective Custody] Protective Custody

- (1) If you are transferred to [close custody (CC), including] protective custody [(CC/PC)] (PC), the Department will determine within two (2) business days whether you should continue in such housing. If you do not consent to a decision to continue [CC or CC/PC] PC placement, you will be provided with written notice as set forth in 39 RCNY §1-04(a) (l).
- (2) The hearing will be held no sooner than 24 hours and no later than three (3) business days after you receive the written notice of your [Close Custody security designation] PC housing placement, unless an adjournment is required or for one of the reasons set forth in Directive [6006R-C III. E. 8] 6007R-A.
- (3) The Adjudication Captain will recommend whether you should remain in [CC or CC/] PC to the [Chief of Facility] Operations Security Intelligence Unit (OSIU) in writing within one (1) business day after the hearing. You will receive a copy of the decision [of the Chief of Facility Operations or designee] from OSIU.
- (4) If you are placed in [CC or CC/PC] PC the Department will review your [case] placement thirty (30) days after OSIU initially determined the assignment and then every [twenty-eight (28)] sixty (60) days thereafter to see if you should remain in [CC or CC/PC] PC. You will be notified in writing of the results of that review.
- (5) If you request a hearing you will have the following rights:
 - i. To personally appear;
 - ii. To be informed of the evidence against you that resulted in the designation, subject to limitations regarding confidential information to protect another person's safety or facility security;
 - iii. The opportunity to make a statement;
 - iv. To call witnesses subject to the Adjudication Captain's discretion;
 - v. To present evidence;
 - vi. The right to a written determination with reasons.

(d) *Miscellaneous.*

- (1) If you are illiterate, if your case is very complicated, or a pre-hearing transfer has restricted access to potential witnesses, you have a right to be helped by a "hearing facilitator" (not a lawyer). In hearings other than disciplinary infraction hearings, the Department may in its discretion allow you to have a lawyer present who is willing to represent you.
- (2) If you do not understand English an interpreter will be provided.
- (3) The proceedings of the hearing are recorded.]

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FINANCE

■ NOTICE

NOTICE OF RULE MAKING

Pursuant to the power vested in me as Commissioner of Finance by Section 237 of the New York State Vehicle and Traffic Law, section 19-203 of the Administrative Code of the City of New York, and Sections 1043 and 1504 of the New York City Charter, I hereby promulgate the rule amending the Schedule of Parking Violation Fines to correct certain cross-references concerning certain parking violations. This rule was published in the proposed form on May 30, 2019. A hearing for public comment was waived, pursuant to Section 1043(e)(iii) of the New York City Charter on the ground that it would serve no public purpose.

S/S
Jacques Jiha, Commissioner of Finance

STATEMENT OF BASIS AND PURPOSE

Section 19-203(b) of the Administrative Code of the City of New York allows the Department to provide for penalties for parking violations. The Department's rule in 19 RCNY § 39-05 ("Rule 39-05") codifies all fines pertaining to parking violations issued in violation of 34 RCNY §§ 4-08 and 4-10. The Department collects and processes these fines, remitting the fines to the Commissioner.

This rule is being amended to correct certain cross-references concerning certain parking violations as defined in Rule 39-05.

The Department's authority for this rule is found in Section 237 of the New York State Vehicle and Traffic Law, Section 19-203 of the Administrative Code of the City of New York, and Sections 1043 and 1504 of the New York City Charter.

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 department, unless otherwise specified or unless the context clearly indicates otherwise

Amendment to Rule Relating to Parking Violations

The paragraph immediately following the schedule of fines set forth in Section 39-05 of Chapter 39 of Title 19 of the Rules of the City of New York is amended to read as follows:

As used in this section, the term "Restricted Area" means all of Manhattan south of the building line on the north side of 96th Street, and between the Hudson River and the East River. Within the Restricted Area, the fine for violations enumerated in paragraphs (c), [(i)](k), [(l)](o) and [(m)](p) is \$50.00 and for paragraph [(h)](j) the fine is \$45.00.

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PARKS AND RECREATION

■ NOTICE

NOTICE OF ADOPTION

Revision of New York City Department of Parks & Recreation's Rules

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Parks & Recreation ("the Department") by Sections 389 and 533(a)(9) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, the Department hereby revises Chapter 3 of Title 56 of the Rules of the City of New York.

Written comments regarding the rules were received in accordance with the notice published in the City Record or electronically through NYC RULES, at www.nyc.gov/nycrules and a public hearing was held on July 8, 2019, at Thomas Jefferson Recreation Center, 2180 1st Avenue, New York, NY 10029. Written comments and a recording of the oral testimony from the hearing were made available to the public via email, at rules@parks.nyc.gov and (212) 360-1383.

Statement of Basis and Purpose

The Department of Parks and Recreation (the "Department") is changing its rules to establish procedures and fees for the operation of Dyckman Marina.

In response to comments received by the Department, it has reduced the proposed fee for the storage of kayaks, canoes, and stand-up paddleboards \$500 per vessel per year.

The purpose of this proposed rule is to:

- Publish the Department's requirements and procedures for operation and use of the Dyckman Marina, if it is not operated under a concession agreement.
- Establish the Department's fees for use of the Dyckman Marina, if it is not operated under a concession agreement.
- Clarify Article 3 of the Department's rules.

The Department's authority for these rules is found in Sections 389, 533(a)(9), and 1043 of the New York City Charter.

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 department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 3-01 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

Chapter 3: [Rules Governing the West 79th Street Boat Basin, the Sheepshead Bay Piers and the World's Fair Marina] Marinas Operated by the Department

§ 3-01 Application.

These rules apply to the permissible use of the marinas operated by the Department, including but not limited to the West 79th Street Boat Basin which is located in Riverside Park on the east bank of the Hudson River at West 79th Street in Manhattan]. They also govern]; the Sheepshead Bay Piers adjacent to Emmons Avenue in Brooklyn];

the World's Fair Marina in Flushing Bay [which is located in Flushing Meadows Corona Park, Queens, and any other marina acquired by the Department and which is] provided they are not covered by a concession agreement with the Department. These special rules supplement the general rules which govern the use of City parkland set forth in chapters one and two of this title. To the extent that they are not inconsistent herewith, the rules set forth in chapters one and two of this title apply to the use of the [marina, piers and boat basin] Department's Marinas.

Section 2. Section 3-02 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-02 Definitions.

Boat Basin. "Boat Basin" means the West 79th Street Boat Basin located in Riverside Park on the east bank of the Hudson River at West 79th Street in Manhattan.

Boat Launch. "Boat Launch" means any location designated by the Commissioner for the launching of [vessels] Vessels of any kind via the use of an automobile or other motorized vehicle down a fixed ramp.

Chief Dockmaster. "Chief Dockmaster" means the person appointed by the Commissioner that is responsible for the overall administration of the [marina division facilities] Marinas and enforcement of Department policies and rules [under the direction of the marina manager or administrator].

Commercial Permit. "Commercial Permit" means a permit to store, dock or launch a [vessel] Vessel used for commercial operations.

Commissioner. "Commissioner" means the Commissioner of the Department of Parks and Recreation or the chief executive officer of any successor agency.

Department. "Department" refers to the Department of Parks and Recreation of the City of New York or any successor agency.

Dinghy. "Dinghy" means a [vessel] Vessel with a total length of fourteen feet or less.

Dockmaster. "Dockmaster" refers to the person who administers, manages or maintains the [marina, piers and boat basin] Marinas at the direction of the [supervisory or chief dockmaster] Supervisory Dockmaster or Chief Dockmaster.

Dyckman Marina. "Dyckman Marina" refers to the Dyckman Marina on the east bank of the Hudson River at Dyckman Street.

Emergency. "Emergency" means any situation which the [dockmaster] Dockmaster determines threatens imminent personal injury, property damage or environmental damage.

Facility. "Facility" means any or all of the [boat basin, marina, and piers] Marinas.

Garage. "Garage" means the underground parking garage at the rotunda in the [boat basin] Boat Basin.

Guest. "Guest" means a person who enters the [marina, piers or boat basin] Marinas at the invitation of a [permittee] Permittee to board the [permittee's] Permittee's [vessel] Vessel.

Houseboat. "Houseboat" means any [vessel] Vessel which has been designed primarily for use as a dwelling place as opposed to active recreational use, including but not limited to boats unable to operate in open water when subject to moderate winds and strong currents and boats designed with a rectangular main deck and full or square-shaped underwater hull as opposed to the tapered bow of a conventional recreational [vessel] Vessel.

Marina. "Marina" means the [World's Fair Marina in Flushing Bay, located in Flushing Meadows Corona Park, Queens.] World's Fair Marina, Sheepshead Bay Piers, West 79th Street Boat Basin, and any other marina operated by the Department.

Marina Division. "Marina Division" means the Department's division responsible for managing, operating and maintaining recreational and commercial vessel usage at, but not limited to, the division facilities and mooring fields.]

Marina Manager or Marina Administrator. "Marina Manager" or "Marina Administrator" means the manager or administrator of the Department's Marina Division. The person appointed by the Commissioner that is responsible for the overall administration of the marina division facilities and enforcement of Department policies and rules.]

Parking Permit. "Parking Permit" means a dated written permission to park at the [marina] World's Fair Marina parking lot or [boat basin garage] Boat Basin Garage.

Permit. "Permit" means a permit to store, dock, moor or launch a [vessel] Vessel at the [marina, piers or boat basin] Marinas. Such term

includes, but is not limited to, seasonal dockage permits issued for the 6 month summer season or 12 month terms, transient dockage permits issued on a daily basis, permits to launch kayaks or canoes at the [marina, piers or boat basin] Marinas, permits for commercial [vessel] Vessel operations and special permits for educational research events and special events, including filming. Such term does not include [parking permits] Parking Permits.

Permittee. "Permittee" means the person whose name appears on a permit.

Permittee Family. "Permittee Family" means the members of a [permittee's] Permittee's immediate family, which is restricted to husband, wife, son, daughter or domestic partner, listed on the front page of the [permit] Permit application. Permittee family members are not designated as guests and do not have any interest in the permit, except for spouses or domestic partners who jointly hold permits.

Personal Watercraft. "Personal Watercraft" or "PWC" or "Jet Ski" means any small power-driven [vessel] Vessel where by design the operator and passengers stand or sit astride the watercraft as opposed to sitting within the hull of a conventional boat. Personal Watercraft traditionally are gasoline-powered and can be propeller-driven or propelled by water jet.

Sheepshead Bay Piers. "Sheepshead Bay Piers" means the piers located on the northern side of Sheepshead Bay, adjacent to Emmons Avenue in Brooklyn.

Supervisory Dockmaster. "Supervisory Dockmaster" means the individual responsible for the administration of the marina division facilities and enforcement of Department policies and rules under the direction of the [chief dockmaster] Chief Dockmaster.

Vessel. "Vessel" means a floating craft of any kind, including but not limited to a boat, sailboat, motorboat, dinghies, canoe and kayak.

Waiting list. "Waiting list" means a list maintained by the Department of persons interested in obtaining seasonal dockage permits and mooring permits at the [boat basin] Boat Basin. This list is the sole method of obtaining a dockage or mooring permit at the [boat basin] Boat Basin.

World's Fair Marina. "World's Fair Marina" means the World's Fair Marina in Flushing Bay, located in Flushing Meadows Corona Park, Queens.

Section 3. Section 3-03 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:
§ 3-03 Access.

(a) The [marina, piers and boat basin] Marinas are open to [permittees, a permittee's family, guests] Permittees, Permittee Family, Guests, contractors and other persons who have obtained the permission of the [dockmaster or] Department to enter. All private contractors must be properly licensed and insured, proof of which shall be registered with the [marina division] Department. In addition, the [dockmaster] Department shall establish and post regular hours during which the public shall have access to specified portions of the [marina and boat basin] World's Fair Marina and Boat Basin.

(b) Keys are issued to the [marina and boat basin] World's Fair Marina and Boat Basin piers each year for [permittees] Permittees. To receive a key, [permittees] Permittees must have paid for the full seasonal dockage or mooring and have no other outstanding charges, and must sign an agreement regarding the Department's key policy. Permittees must also have completed a dockage or mooring permit application and provided all required [vessel] Vessel insurance and registration as required by 56 RCNY § 3-06 (d) and (q).

Section 4. Section 3-04 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:
§ 3-04 Guests.

Access to the [marina, piers and boat basin by guests] the Marinas by Guests is subject to the following conditions:

(a) All [guests and members of a permittee's family] Guests and Permittee Family must comply with these rules. Anyone who fails to comply with such rules may be expelled from the [facility] Marinas. Anyone who repeatedly fails to comply with the rules may be permanently barred from the [facility] Marinas. Permittees are responsible for the conduct of their guests and family members. Violations of these rules by [guests and/or a permittee's family] Guests and/or Permittee Family can be grounds for termination of the [permittee's permit] Permittee's Permit in accordance with § 3-06(g) of this chapter.

(b) In the interest of safety, the [dockmaster] Dockmaster may limit the number of [guests] occupants on a [vessel] Vessel. In no cases shall the number of persons on board a [vessel] Vessel exceed the manufacturer's builders plate.

(c) A [permittee] Permittee must notify the [dockmaster] Dockmaster in writing of any person who will be boarding his or her

[vessel] Vessel when the [permittee] Permittee is not in the [marina or boat basin] relevant Marina. [Guests may not stay overnight on a vessel when the permittee is not on board without a guest pass issued by the dockmaster. The dockmaster may refuse or terminate such permission where he or she has reason to believe that there has been a transfer of the right to occupy the vessel by the permittee to the guest.]

(d) If a [permittee] Permittee intends to have a [guest] Guest remain overnight on his or her [vessel] Vessel while the [permittee] Permittee is not on board, a [guest] pass must be obtained from the [dockmaster] Dockmaster. Guests may not stay overnight on a Vessel when the Permittee is not on board without a pass from the Dockmaster. The Dockmaster may refuse or terminate the pass if he or she has reason to believe there has been a transfer of the right to occupy the Vessel by the Permittee to the Guest. This pass may be issued for up to one month. No [guest] Guest may remain in the [marina or boat basin] World's Fair Marina or Boat Basin for longer than one month while the [permittee] Permittee is absent, although the [dockmaster] Dockmaster has discretion to extend this limit for good cause. [Any guest who has not been authorized to remain overnight in the marina or boat basin will be denied access.]

Section 5. Section 3-05 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-05 Inspections.

All [vessels] Vessels in the [marina, piers and boat basin] Marinas may be boarded by authorized officers and employees of the Department or other City, State and federal agencies if necessary to respond to an emergency or urgent health or safety hazard, as part of the general health or safety inspection or as otherwise permitted by applicable law. It shall be a violation of these rules for a [permittee] Permittee to refuse to allow, prevent or interfere with such boarding.

Section 6. Section 3-06 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-06 Permits.

(a) No person shall dock, store or launch a [vessel] Vessel at a [facility] Marina without an appropriate [permit] Permit from the Department and without payment of all required fees.

(b) All payments must be in the form of money order, credit card, or check in a form acceptable to the Department.

(c) All recreational [vessels] Vessels must be personally owned and such ownership reflected on registration or U.S. Coast Guard documentation. Permits for recreational [vessels] Vessels shall be issued to a natural person and not to a business or corporate entity.

(d) For security and emergency purposes, [permittees] Permittees must provide State or federal issued photo identification to the [marina division] Department for photocopying and retention in the customer folder [in the marina or boat basin office].

(e) A [permit] Permit shall not be issued for a [vessel which] Vessel that is unsafe or likely to cause injury to people or damage to property as determined by the [dockmaster] Dockmaster.

(f) (1) Dockage permits shall only be issued for [vessels] Vessels that the [chief dockmaster] Chief Dockmaster determines are capable of operating in open water. All [vessels] Vessels (transient, seasonal, mooring or year round) must be and remain in safe operational condition. Any existing [permittee] Permittee with an operational and seaworthy [vessel] Vessel must continuously maintain an operational and seaworthy [vessel] Vessel. All [vessels that are] Vessels brought to any Department [facility] Marina must be seaworthy and must meet operational requirements to the original manufacturer's specifications. The [chief dockmaster] Chief Dockmaster shall require a demonstration of a [vessel's] Vessel's seaworthiness and compliance with the manufacturer's specifications, and shall require that any modifications to the [vessel] Vessel be approved by a certified naval architect to ensure compliance with original manufacturers' specifications. Before issuing a [permit] Permit and otherwise upon reasonable notice, the [chief dockmaster] Chief Dockmaster may inspect a [vessel] Vessel and/or require a demonstration of the [vessel's] Vessel's operational capability in open water.

(2) For the [boat basin] Boat Basin only, the Department may offer up to 52 winter season permits at any time (less any existing winter permits) first, to existing summer season permit holders in seniority order and second, to individuals on the [waiting list] Waiting List in list order, creating 12 month or year-round dockage permits. The location of winter season slips will be determined by the [chief dockmaster] Chief Dockmaster and allocated by seniority order. However, the [chief dockmaster] Chief Dockmaster may change the location and/or number of these slips as necessary to ensure the safety of [vessels] Vessels and the [boat basin] Boat Basin.

(3) Except for [vessels] Vessels permitted to dock at the [boat basin] Boat Basin prior to November 1, 2010, no permit, summer or winter, shall be issued to a [houseboat] Houseboat.

(g) Dockage permits shall not be issued unless the applicant presents evidence of hull and liability insurance, either New York State registration or documentation by the U.S. Coast Guard and successful completion of a U.S. Coast Guard boating safety course or sufficient nautical experience as determined by the [dockmaster] Dockmaster.

In addition, the [vessel] Vessel for which the [permit] Permit is to be issued must be well maintained and seaworthy.

(h) A [permit] Permit shall be issued to the named [permittee] Permittee for a particular [vessel] Vessel and is not transferable. A [permit] Permit can be held jointly by spouses or domestic partners. If a [permittee] Permittee replaces a [vessel] Vessel, the [dockmaster] Dockmaster may only approve the new [vessel] Vessel after a suitable slip has been found before it may be docked pursuant to the permit. The [dockmaster] Dockmaster shall reject a replacement [vessel which] Vessel that is not capable of operating in open water, not properly insured or which is neither New York State registered nor documented by the U.S. Coast Guard. The [dockmaster] Dockmaster may inspect and/or require a demonstration of the replacement [vessel's] Vessel's operational capability in open water.

(i) All completed [permit] Permit applications [shall] must be submitted to the Department. All outstanding fees, charges, fines or civil penalties must be paid before a renewal application will be considered.

(j) The [supervisory dockmaster] Supervisory Dockmaster may revoke, terminate or refuse to renew any [permit] Permit issued pursuant to this section:

[(k)(1) where the [permittee] Permittee or applicant for the renewal has been found liable in a proceeding before the [Environmental Control Board of the City of New York (ECB)] Office of Administrative Trials and Hearings (OATH) or in a court of three or more violations of these rules set forth in 56 RCNY Chapters 1 and 2 of this title;

(2) where the applicant for renewal or [permittee] Permittee has failed to pay any outstanding fees, charges, fines or civil penalties within 15 days of the date of mailing of a written notice of such outstanding amount;

(3) where the [permittee] Permittee or applicant for renewal has been found liable in a proceeding before the [ECB] OATH or in a court of engaging in disorderly behavior as defined in 56 RCNY [§ 1-04(i), paragraphs (6), (7), and (9) of 56 RCNY Chapter 1 of this title] § 1-04(l); or

(4) as provided in subdivision o of this section, in accordance with the needs or requirements of the Department or the interests of the City as determined by the supervisory [dockmaster] Dockmaster.

(k) Reserved.

(1) The [supervisory dockmaster] Supervisory Dockmaster shall mail or hand deliver notice of the intention to revoke, refuse to renew or terminate a [permit] Permit and the reasons therefor. [In the event that] If a mailing address is unknown or mail is returned undelivered, such notice may, in lieu of mailing or hand delivery, be posted in a conspicuous place on the [vessel] Vessel.

(m) (1) [A permittee,] If a permit is revoked or terminated or a renewal is refused, a Permittee or applicant for renewal may file written objections with the [chief dockmaster] Chief Dockmaster within 10 days from the date of such mailing, delivery or posting. The objections must set forth the reasons why the [permit] Permit should not be terminated or revoked or should be renewed, and include any evidence supporting the objection. The filing of objections will not prevent the [chief dockmaster] Chief Dockmaster from barring the [permittee] Permittee from the [facility] Marina if the [chief dockmaster] Chief Dockmaster specifically finds that it is in the public interest to do so. After considering any objections raised by the applicant or [permittee] Permittee, the [chief dockmaster] Chief Dockmaster shall make a determination whether to revoke, refuse to renew or terminate the [permit] Permit and shall provide notice of such determination to the [permittee] Permittee or applicant for renewal in the above manner.

(2) A [permittee] Permittee or applicant for renewal may file written objections with the Commissioner within 10 days from the date of the written decision of the [chief dockmaster] Chief Dockmaster. The objections must set forth the reasons why the [permit] Permit should not be terminated or revoked or should be renewed, and include any evidence supporting the objection. After considering any objections raised by the applicant or [permittee] Permittee, the Commissioner shall make a final determination whether to affirm or reverse the [chief dockmaster] Chief Dockmaster's determination to revoke, refuse to renew or terminate the [permit] Permit and shall provide notice of such determination to the [permittee] Permittee or applicant for renewal in the above manner.

(n) Nothing in this chapter shall be construed to create a property right in any [permit] Permit. All permits issued by the Department are by their nature terminable at will by the Commissioner in accordance with the needs and the requirements of the Department or in the interest of the City as determined by the Commissioner.

(o) An applicant for renewal or a former [permittee] Permittee who has been found liable in a proceeding before [the Environmental Control Board] OATH or in a court violating any provisions of these rules or the rules set forth in chapters 1 and 2 of this title or who has delinquent payment record may be required to provide current credit card information and/or make a security deposit before a renewal application will be considered. Such [permittee's] Permittee's credit card shall be charged for any balances accrued by the [permittee] Permittee that remain unpaid after 45 days of mailing of such outstanding charges. Any security deposit received from the [permittee] Permittee will be returned to the [permittee] Permittee

without interest upon departure from the [marina, piers, or boat basin] Marinas, provided the [permittee] Permittee has settled all outstanding charges.

(p) All [permittees] Permittees must maintain hull and liability insurance policies naming the City as an additional insured on the policy for docked [vessels] Vessels and provide the [dockmaster] Dockmaster with a copy of the insurance certificate. Proof of such insurance must be submitted to the [dockmaster] Dockmaster by May 1 of each year. The insurance must be valid for the length of the [permit] Permit and any lapse in coverage will be considered automatic grounds for termination of the permit.

(q) The [dockmaster] Dockmaster may impose other reasonable conditions on the issuance or renewal of a [permit] Permit to protect public safety or to safeguard the interests of the City.

(r) (1) Where a [permit] Permit expires or is revoked, terminated or not renewed, the [vessel] Vessel must be removed from the [facility] Marina within 10 days after written notice by the [supervisory dockmaster] Supervisory Dockmaster to remove it is mailed or hand-delivered to the applicant or [permittee] Permittee. [In the event that] If a mailing address is unknown or mail is returned undelivered, such notice may in lieu of such mailing be posted in a conspicuous place on the [vessel] Vessel. Where the [vessel] Vessel is not removed within 10 days, the Department may remove the [vessel] Vessel or cause the [vessel] Vessel to be removed from the [facility] Marina. Except where a [vessel] Vessel enters [the facility] Marina due to an emergency, the [dockmaster] Dockmaster may immediately and without notice remove any [vessel] Vessel which enters or remains in [the facility] Marina without an appropriate permit.

(2) The [permittee] Permittee or owner shall be liable for the costs of removal and storage of the [vessel] Vessel, payable prior to release of the [vessel] Vessel. Any [vessel] Vessel removed from [the facility] Marina which is not claimed within 30 days shall be deemed to be abandoned and shall be treated in accordance with applicable law.

(s) Every applicant and [permittee] Permittee must provide the [dockmaster] Dockmaster with a day and evening telephone number as well as an e-mail and/or mailing address in writing at which he or she may receive notice required by these rules or other applicable law. Any change in telephone number, e-mail, or mailing address must be reported in writing to the [dockmaster] Dockmaster within 10 days.

(t) Upon accepting a [permit] Permit to dock at the [boat basin] Boat Basin, [permittee] Permittee must within two years, dock a [vessel] Vessel, meeting all the requirements of this chapter. If an existing [boat basin permittee] Boat Basin Permittee removes his or her [vessel] Vessel for any reason, the [permittee] Permittee must dock a [vessel] Vessel, meeting all the requirements of this chapter, within two years from the date they removed their [vessel] Vessel. The minimum dockage fee will be charged for each permitted season until a [vessel] Vessel is brought in. If no [vessel] Vessel is docked within two years, the [permit] Permit will be revoked as per 56 RCNY § 3-06(1).

(u) A [permittee] Permittee may choose to postpone keeping a [vessel] Vessel at the [boat basin] Boat Basin for any particular season without payment only once in the life of the permit. Permittees must submit a letter to the [chief dockmaster] Chief Dockmaster at least 90 days prior to the start of the season in question stating that they will be opting to keep the [vessel] Vessel out of the [boat basin] Boat Basin.

(v) Permits will be immediately revoked for any of the following reasons:

- (1) Conduct endangering the safety of any person.
- (2) Fire aboard a [vessel] Vessel that is determined to be caused by improper upkeep of the [vessel] Vessel.
- (3) The improper use of heating equipment, including the storing of kerosene, installation or repair of electrical equipment by other than a qualified electrician.
- (4) A violation of 56 RCNY § 3-13.
- (5) Trespassing aboard another [vessel] Vessel docked or moored at a [marina division facility] Marina.
- (6) Violation of this subdivision by guests or immediate family members of a [permit] Permit holder.
- (7) Renting or subletting of permits.
- (8) Any other action which interferes with the safe operation of [division] Department facilities, including but not limited to violations of 56 RCNY § 3-08.

(w) Any person who docks or abandons a [vessel] Vessel at the [boat basin, marina or piers] Marinas without authorization and who refuses to remove the vessel immediately upon written notice, will not be eligible to request or receive a [permit] Permit or berth of any type for any [facility] Marina for a minimum of 24 months. Objections to [of] the denial of [permit] Permit eligibility shall be available under subdivision n of 56 RCNY § 3-06.

Section 7. Section 3-07 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-07 Waiting List

The Department shall maintain and utilize a [waiting list] Waiting List for the issuance of Boat Basin seasonal dockage permits and mooring permits, which shall be available upon request from the Department. Applications [for the waiting list] to be added to the Waiting List must be mailed to the Department of Parks & Recreation, [Legal] Revenue Office, The Arsenal, 830 5th Avenue, New York, NY 10065 Attn: Boat

Basin Waiting List via return receipt U.S. mail on forms supplied by the Department and accompanied by a processing fee of \$75. Only natural persons shall be eligible for Boat Basin permits. No person already holding a [permit] Permit may apply for a Boat Basin [permit] Permit.

Section 8. Section 3-08 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-08 Conduct and Clean Boating.

(a) No person shall urinate or defecate into the water or along the docks and walkways of [the facility] Marina. No person shall use a toilet [in the facility] which discharges into the water without marine sanitation devices approved by the New York State Department of Environmental Conservation.

(b) Composting toilet systems are not permitted.

(c) All [vessels] Vessels with waste holding tanks must discharge waste through the pump out station or by other methods approved by the New York State Department of Environmental Conservation.

(d) No person shall discharge into the water or on the docks and walkways any oil, spirits, drift, debris, inflammable liquids, rubbish or refuse.

(e) No person shall bring or park a motor vehicle on the promenade or docks without the prior written approval of the [dockmaster] Dockmaster.

(f) No person shall make or cause or allow to be made unreasonable noise [in the facility] so as to cause public inconvenience, annoyance, or harm. Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort, or repose of a reasonable person of normal sensitivity or injures or endangers the health or safety of a reasonable person of normal sensitivity. The [dockmaster] Dockmaster may restrict the outdoor use of radios, record players, compact disc players, television receivers, tape recorders, digital music players and other sound reproduction devices after 10 p.m. Sunday through Thursday and after midnight on Friday and Saturday.

(g) Garbage [shall] must be placed in plastic bags and deposited in designated receptacles.

(h) No person shall make an open flame or operate a barbecue grill in [the facility] Marina, on the docks or walkways or on any [vessel] Vessel.

(i) No person shall store or use any machinery or equipment for welding or burning where such storage or use is prohibited by the fire code or other law or rule.

(j) No person shall ride or store a bicycle or other vehicle on the walkways and docks.

(k) No person shall run or skate on the dock.

(l) No person shall swim, dive, or fish from [vessels] Vessel, docks, or finger piers, except in areas specifically designed for such purposes.

(m) No person shall leave any entrance gate to the [marina or boat basin] World's Fair Marina or Boat Basin open or unlocked.

(n) No person shall admit someone unfamiliar to themselves into the [marina or boat basin] World's Fair Marina or Boat Basin. Any unfamiliar person is to be directed to the [marina or boat basin] World's Fair Marina or Boat Basin office.

(o) No person shall advertise from a [vessel] Vessel while docked or moored at a Department [facility] Marina.

(p) [The New York waters of the Hudson River are an Environmental Protection Agency (EPA) designated "No Discharge Area" (NDA).] No person shall discharge any [boat sewage from a holding tank or portable toilet or use a direct discharge toilet anywhere in the river, from the Battery to Troy Dam. All sewage must be emptied at a pump out station.] sewage in "No Discharge Zones" (NDZ) designated by the Environmental Protection Agency, including the Hudson River and Jamaica Bay.

(q) On water bodies that are not designated [NDA] NDZ, boaters must discharge treated sewage from a Type I or Type II United States Coast Guard certified Marine Sanitation Device (MSD) unless at least three nautical miles or more from shore.

(r) No person shall transport cans of fuel on [marina, piers, or boat basin] docks or piers at the Marinas unless authorized by the [dockmaster] Dockmaster in the [dockmaster's] Dockmaster's reasonable discretion. Vessels must fuel at gas docks.

(s) As per New York State Department of Environmental Conservation regulations, [vessel] Vessel owners must receive pre-approval from the [dockmaster] Dockmaster before applying anti-fouling paint to their [vessel] Vessel. Paint scrapping must be disposed of in designated areas. Containment systems must be used and boat maintenance may not be performed near water or sewer drains.

(t) Hoses and water lines must be turned to the closed position upon completion of use. Water lines must never be left running unattended or for extended periods of time.

(u) Any person who engages in disorderly behavior as defined in [Section 1-04(i), of chapter 1] § 1-04(i) of this title may, in addition to any other applicable penalties, be expelled immediately from the [marina, piers, or boat basin] Marinas.

(v) No person may offer or provide any form of tip, money, gift or any other gratuity to any City employee [at any facility]. No person may procure any services from Department staff except as specifically allowed under these rules. Violations of this provision will result in termination of any [permit] Permit and will bar the violator from any

Department [facility] Marina for a minimum of 24 months. Objections to termination of a [permit] Permit or denial of [permit] Permit eligibility shall be available under subdivision n of 56 RCNY § 3-06.

Section 9. Section 3-10 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-10 Condition of Vessels.

(a) All [vessels] Vessels in the [facility] Marinas and all equipment thereon [shall] must be maintained in good order and free of any hazard to persons, [vessels] Vessels or facility structures. In addition, all [vessels] Vessels docked at the [piers or the marina] Sheepshead Bay Piers or the World's Fair Marina must be seaworthy.

(b) No structural modifications may be made to the superstructure of a [vessel] Vessel docked at [the facility] a Marina and/or permitted to use [the facility] a Marina without the express written consent of the [dockmaster] Dockmaster. Prior to any modification, the Department may require an evaluation from an experienced certified marine surveyor in good standing with a national recognized marine surveying society or association, or from a New York State licensed naval architectural engineer. Such evaluation shall be performed at the [permittee's] Permittee's expense and a detailed report of such evaluation shall be provided to the Department. No modifications shall be made which will in any way limit the movement of the [vessel] Vessel, change the center of gravity to the extent that the [vessel] Vessel is unseaworthy, restrict the navigation by removal of the helm station, inhibit the line of sight forward from the helm, increase the height of the [vessel] Vessel or extend the [vessel] Vessel over water beyond the existing hull, or increase the load beyond the manufacturer's hull design capacity.

(c) The [dockmaster] Dockmaster may refuse dockage of any [vessel] Vessel that does not meet the above requirements.

Section 10. Section 3-11 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-11 Operation of Vessels.

(a) All [vessels] Vessels entering, leaving or moving within the [facility shall] Marinas must be operated under mechanical power, not sail, except in an emergency. [All vessels in the facility shall] All Vessels in the Marinas must be operated at speeds so as not to create a wake.

(b) [When a vessel enters the marina or boat basin, it shall] A Vessel that enters the World's Fair Marina or Boat Basin must be berthed or moored only where ordered and maneuvered as directed by Department staff.

(c) Vessels entering the [marina, piers, or boat basin] Marinas under emergency conditions [shall] must promptly be reported by their owners to Department staff.

(d) A [permittee] Permittee holding a seasonal dockage permit must notify the [dockmaster] Dockmaster in writing prior to removing a [vessel from the facility] Vessel from a Marina for more than 48 hours. [In order to maximize access to the marina or boat basin, the dockmaster] To maximize access to the World's Fair Marina or Boat Basin, the Dockmaster may issue a transient dockage permit for the [permittee's] Permittee's assigned slip during such absence. A [permittee] Permittee who fails to notify the [dockmaster] Dockmaster of his or her scheduled return time or who returns before his or her scheduled return time may be required to remain outside the [marina or boat basin] World's Fair Marina or Boat Basin until a vacant slip is available.

(e) In the event of an emergency, including unsafe condition on a ship, mooring, or [vessel] Vessel, the Department may order a [permittee] Permittee to take specific remedial measures within a reasonable period of time, as determined by the [dockmaster] Dockmaster. A [permittee] Permittee who fails to take such measures within the specified time period shall be subject to the penalties set forth herein.

Section 11. Section 3-13 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-13 Utilities.

(a) Vessels docked at the [marina and boat basin] Marinas may only be supplied with electricity through the metered electrical hook up at its assigned slip. All electrical or utility connections must be free of defects. No person shall tamper or interfere with an electric meter. A [permittee] Permittee must pay all metered charges for electricity.

Electrical lines shall not be rigged or positioned so as to obstruct walkways or docks.

(b) Electricity shall not be used for heating a [vessel] Vessel. The [dockmaster] Dockmaster may issue orders limiting or restricting the installation and use of appliances which he or she determines require quantities of electricity that may disrupt electrical service at the [marina or boat basin] Marinas.

(c) [At those times when] If the Department does not supply fresh water to [vessels docked at the marina and boat basin, permittees] Vessels docked at the Marinas, Permittees may fill on-board tanks from a water line at the head of the dock. Hoses shall not be rigged or positioned so as to obstruct walkways and docks, or to cause leakage or ice accumulation.

Section 12. Section 3-14 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-14 Maintenance and Use of Docks.

(a) Except as hereinafter provided, personal property shall not be stored on piers, docks or walkways. Personal property may be stored by a [permittee] Permittee in a dock box no larger than 30 cubic feet and no higher than 30 inches located on a fixed pier. At the [marina] World's Fair Marina, personal property may also be stored in dock boxes on floating docks if permission is granted by the [dockmaster] Dockmaster. The name of the [permittee shall] Permittee must be clearly posted on the dock box. The dock box [shall] must be positioned so as not to obstruct the walkway or impede access to the [vessels] Vessels. The location of the dock box shall be subject to the approval of the [dockmaster] Dockmaster. No dock boxes shall be permitted on floating piers at the [boat basin] Boat Basin.

(b) Personal property left unattended on a pier in violation of this provision, including noncomplying dock boxes, shall be subject to removal by the [dockmaster] Dockmaster. The [dockmaster] Dockmaster shall give notice to the owner of the property prior to such removal if the identity of and an address for such person are reasonably ascertainable or to the [permittee of the vessel] Permittee of the Vessel docked in the slip adjacent to the place from which the property was removed. The cost of the removal and storage of such property shall be charged to the owner or [permittee] Permittee and shall be payable prior to release of the property. Any personal property which is unclaimed after thirty days shall be deemed to be abandoned and shall be turned over to the police property clerk for disposal pursuant to law.

(c) It shall be unlawful to construct, reconstruct, alter, add to, extend or physically alter in any manner any slip, dock or pilings without the prior written approval of the [dockmaster] Dockmaster. Permittees may utilize boarding steps approved by the [dockmaster] Dockmaster.

(d) A [permittee shall] Permittee must keep the dock adjacent to his or her [vessel] Vessel, including the finger pier, free of refuse, rubbish and litter at all times.

Section 13. Section 3-15 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-15 Sunken, Abandoned or Delinquent Vessels, Dinghies and Trailers; Trailer Storage.

(a) The [dockmaster] Dockmaster may require that any [vessel or dingy] Vessel which sinks be removed from [the facility] a Marina until appropriate repairs are made. A sunken [vessel or dingy shall] Vessel must be removed from the [facility] Marina within 48 hours after oral or written notice by the [dockmaster to remove the vessel or dingy] Dockmaster to remove the Vessel. Upon request of the [permittee or owner, the dockmaster] Permittee or owner, the Dockmaster may in writing extend the time for removal of the [vessel or dingy] Vessel. If the [vessel or dingy] Vessel is not removed within the allowed time, the [dockmaster may remove the vessel or dingy] Dockmaster may remove the Vessel or cause it to be removed and may recover the cost of the removal and storage or disposal of the [vessel or dingy from the permittee] Vessel from the Permittee or owner of the [vessel or dingy] Vessel. If the [dockmaster] Dockmaster determines that a sunken [vessel or dingy] Vessel is discharging pollutants into the water or causing any other kind of emergency, the Department may take action to stop the cause of pollution and may remove or cause the [vessel or dingy] Vessel to be removed, without prior notice to the [permittee] Permittee or owner of the [vessel] Vessel, and recover all costs associated with the containment, removal and storage or disposal of the [vessel or dingy from the permittee] Vessel from the Permittee or owner of the [vessel or dingy] Vessel.

(b) [In the event that the permittee or vessel] If a Permittee or Vessel owner fails to pay for a [permit] Permit or the repair and service of [such vessel] a Vessel and equipment, the Department may detain the [vessel] Vessel until such sum is paid. [In the event that] If such outstanding sum is not paid in full within 90 days, the Department may secure [such vessel] the Vessel with chains and/or locks, or cause [such vessel] the Vessel and equipment to be moved to a non-active slip or pier, be disposed of as abandoned property, or be sold at auction. The [permittee] Permittee will be responsible for all costs related to storage, disposal, and sale of the Vessel [of the vessel, disposal,] and all outstanding obligations.

(c) The [marina] World's Fair Marina will assess a fee for [vessels or dinghies] Vessels that remain in the [marina] World's Fair Marina boat yard [for a duration longer than] after the published winter season or after work on such [vessel or dinghy] Vessel has been completed. This fee shall be determined by the daily transient dockage rate in effect at the [marina] World's Fair Marina at the time of yard storage.

(d) Vessel [or dinghy] trailers may be used for delivery and removal of owner's [vessel or dinghy from the marina] Vessel from the World's Fair Marina and/or storage of the [vessel at the marina] Vessel at the World's Fair Marina during the winter season only. All trailers brought to the [marina] World's Fair Marina must be identified by the owner to [marina office] Department staff. Empty trailers may not be stored at the [marina] World's Fair Marina and must be removed within 24 hours of launch of [vessel] Vessel. The yard manager will coordinate with owners of [vessels or dinghies] Vessels that are to be hauled out and placed on trailer. Any empty trailer remaining at the [marina] World's Fair Marina for more than 24 hours will be disposed of as abandoned property, salvaged as scrap metal, or sold at auction. The [permittee] Permittee will be responsible for all costs related to the removal, disposal and/or sale of the trailer.

(e) The Department may designate a limited number of storage spaces for trailers belonging to [marina permittees] World's Fair Marina Permittees. Such storage shall be offered via waitlist, first to customers receiving winter land storage and then to customers receiving winter water storage. The [marina] World's Fair Marina accepts no responsibility for the security or condition of trailers stored on [marina] World's Fair Marina property. Permittees must secure their own trailers with a lock. Trailers must have valid Department of Motor Vehicles registration and must be clearly labeled with [vessel] Vessel registration number printed on the trailer to be considered for storage. The Department reserves the right to cancel this arrangement for operational or safety needs at any time.

Section 14. Section 3-17 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-17 Parking of Motor Vehicles.

(a) No person shall park at the [garage at the boat basin or the marina] Boat Basin Garage or the World's Fair Marina parking lot without a [parking permit] Parking Permit issued by the Department. The Department shall seek to accommodate year-round and seasonal [permittees] Permittees first in providing parking at the facilities. At the [boat basin] Boat Basin, spaces will be assigned first to [permittees] Permittees seeking year-round parking, followed by those seeking seasonal parking, then by [permittees] Permittees who hold kayak permits. [Non-permittees] Non-Permittees shall be eligible for parking spaces on a [month to month] month-to-month basis, subject to availability. If there are more [permittees] Permittees than available spaces, the Department shall maintain a waiting list of the [permittees eligible for parking permits] Permittees eligible for Parking Permits, which shall be available upon request. Parking [permits] Permits are issued to the person named on the permits and are valid only for the registered vehicle or vehicles identified on the permit. Parking [permits] Permits are not transferable. Any assignment or attempted assignment of a [garage parking permit] Garage Parking Permit shall result in the cancellation of such permit.

(b) No person shall remain overnight in the [garage] Garage or parking lot or in a vehicle parked in the [garage] Garage or parking lot.

The Department may remove or cause to be removed any vehicle which is parked in the [garage] Garage or parking lot without a current [parking permit] Parking Permit or without payment of all required fees. The cost of towing and storage of the vehicle shall be charged to the [permittee] Permittee or owner of the vehicle and shall be payable prior to release of the vehicle. Any vehicle which is unclaimed after thirty days shall be deemed to be an abandoned vehicle and shall be disposed of, pursuant to the procedures set in § 1224 of the Vehicle and Traffic Law.

Section 15. Section 3-18 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-18 Pets.

(a) It is a violation of these rules to keep an animal as a pet [at the facility] where the keeping of such animal is prohibited by the City Health Code or any other City, State or Federal law or rule.

(b) The owner or other person in charge or control of a pet [shall expeditiously] must without delay, remove, clean or clear all feces or vomit deposited by the pet from the walkways and docks.

(c) The [dockmaster] Dockmaster may order the removal of a pet from [the facility] a Marina where the owner or other person in charge or control of the pet has failed or refused to prevent the pet from harassing or harming other persons, or has failed or refused repeatedly to remove, clean or clear feces or vomit deposited by the pet on the walkways or docks.

(d) All [dogs, cats and other] pets must be kept on a leash, or in appropriate carrying cases or cages, when not confined aboard a [vessel] Vessel.

Section 16. Section 3-21 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-21 Liability.

(a) Permittee agrees to maintain current [vessel] Vessel insurance, including hull and liability insurance, collision and fire, and extended coverage insurance. Insurance policies must name the City of New York as an additional insured. Each insurer shall waive subrogation. Each [permittee] Permittee will be held responsible for damage he or she causes to other boats in the [marina, piers or boat basin] Marinas or to the structure of facilities thereof. The Department assumes no responsibility for [permittee's] Permittee's boat or equipment.

(b) Permittee acknowledges that the Department makes no representation regarding the adequacy of water levels for egress and ingress. The Department is not responsible for damages resulting directly or indirectly from low water levels.

(c) The Department assumes no responsibility for the safety of any [vessel] Vessel at the [marina, piers or boat basin] Marinas and shall not be responsible for loss or damage or injury to persons or property due to wind, waves, theft, collision, chafing, vandalism, fire, low water levels, or any other cause except for the negligence of Department employees acting in the performance of their duties. The Department shall not be liable for any damage to the [vessel] Vessel occurring before, during, or after a severe storm, hurricane, or other emergency, for services performed, or for the failure to provide services. Permittee [shall] must pay for all services performed, and for all goods or materials used in all work performed, in a reasonable effort to protect and safeguard the [vessel] Vessel, regardless of the success of such efforts.

(d) Permittee waives all claims against the City, its agents and employees for any damage to a [vessel] Vessel and its contents arising out of the removal, relocation, storage and/or disposal of a [vessel] Vessel by the Department pursuant to 56 RCNY §§ 3-06(o), 3-09(c) and 3-15, except for gross negligence or willful misconduct by the Department. In accordance with such rules, [permittee] Permittee shall be responsible for all costs incurred by the Department associated with such removal, relocating, storage and/or disposal.

(e) [Department permits] Permits are for dockage or moorage only, and no injury, loss or damage to the [permittee's vessel, or to the permittee] Permittee's Vessel, Permittee, members of his or her family, guests, employees or agents is assumed by the Department, nor will the Department be held liable for any loss or damage caused by weather, acts of [g]God, or other incidents beyond the control of the Department.

(f) Unless the [marina or boat basin] Department receives a specific written work order to do so and suitable charge is applied and paid for, the Department does not guarantee inspection of [vessel(s)] any vessel or equipment during any storage period and is not responsible for any damage an inspection may have prevented.

(g) The Department and its staff assumes no responsibility for delays in hauling, repairing, cleaning or launching of [vessels at the marinas] Vessels at the Marinas.

Section 18. Section 3-22 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-22 Commercial Permits.

(a) Commercial [permits] Permits may be issued at the [boat basin and marina] World's Fair Marina, Boat Basin, and Dyckman Marina to operators of commercial [vessels] Vessels upon terms to be determined by the Department. The [dockmaster] Dockmaster is authorized to exempt holders of these [commercial permits] Commercial Permits from certain rules set forth in this 56 RCNY Chapter 3. Vessels docked under non-commercial permits may not engage in commercial activity without the express written approval of the Department. This approval must be attained on an annual basis. Complete commercial plans must be provided to the Department and no advertising may take place at the [boat basin and marina] World's Fair Marina, Boat Basin, and Dyckman Marina. The Department may refuse such permission or terminate any authorization previously granted if it determines that such use may interfere with the public use or the operation of the facility or will not be in the best interest of the City. Approval will not be granted unless the [permittee] Permittee presents a valid United States Coast Guard Captain's license and evidence of insurance coverage for liability and property damage, which must be deemed sufficient by the [dockmaster] Dockmaster.

(b) Commercial trips [must involve] with 6 passengers or less [and] must pay the commercial pickup fee (6 passengers or less) for each trip in addition to regular dockage.

(c) [Any vessel] Vessels planning commercial trips involving more than 6 passengers must [apply for a commercial permit] obtain a Commercial Permit and may not operate under a non-commercial permit. [Operators must comply with all other Department rules and other applicable rules and regulations for such vessels. The Sheepshead Bay Piers are managed for recreational charter boat and related purposes. Only commercial vessels involved in creational charter boating, entertainment cruising, recreational fishing, or related recreational services will be offered dockage permits.]

Section 19. Section 3-23 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

§ 3-23 Fees.

(a) Permit fees are strictly in accordance with published schedules. Vessel length shall include all bowsprits, outboard brackets, swim platforms, pulpits, anchors, davit overhangs, and related. Permit fees at the World's Fair Marina and 79th Street Boat Basin [shall] must be

paid in advance to cover the full boating season. Yearly dockage at the Sheepshead Bay Piers shall be billed in 12 monthly installments with dockage paid in advance of each month. All services must be paid in advance except for electric and emergency repairs. No refunds shall be made in any instance.

(b) Charges for all services, which will be sent in writing to the address of the owner on file, [shall] must be paid within 15 days of receipt of billing or a 2% late fee will be assessed each month. If the [permittee] Permittee fails to pay for the rental of space or the repair and service of their boat and equipment, the agency may detain the boat until such sum is paid. If the outstanding sum[,] is not paid in full within 90 days, the Department may move the boat and equipment to a non-active slip or pier, disposed of it as abandoned property, or sell it at auction. The [permittee] Permittee will be responsible for all costs related to storage of the boat, disposal, and all outstanding charges.

(c) No cash will be accepted for transactions. [All boat basin transactions must take place in the marina office. All marina transactions must take place in the marina office, with the exception of event dockage.] All financial transactions must take place in a Department office. No financial transaction may take place aboard a private boat.

(d) Depending on available space, summer seasonal customers at the [marina and boat basin] World's Fair Marina, Boat Basin, and Dyckman Marina may be allowed to arrive prior to May 1 and/or depart after October 31. In such instances, a half-month pro-rate, based on the associated six-month summer permit, will be applied from April 15 to April 30 and/or from November 1 to November 15. Any seasonal [permittee] Permittee arriving prior to April 15 and/or departing after November 15 will be billed the daily transient rate for the period of time at the [marina or boat basin] relevant Marina prior to April 15 and/or after November 15. Extensions are solely at the discretion of [the dockmaster, marina manager or marina administrator] the Department.

(e) Depending on available space, winter seasonal customers at the [marina] World's Fair Marina and Dyckman Marina may be allowed to arrive prior to November 1 and/or depart after April 30. In such instances, a half-month pro-rate, based on the associated six-month winter permit, will be applied from October 15 to October 31 and/or from May 1 to May 15. Any winter [permittees] Permittees arriving prior to October 15 and/or departing after May 15 will be billed the daily transient rate for the period of time at the [marina] World's Fair Marina and Dyckman Marina, prior to October 15 and/or after May 15. Extensions are solely at the discretion of the [dockmaster, marina manager or marina administrator] the Department.

(f) Pro-rated monthly dockage, moorage or storage services of three months or more may be authorized by the [dockmaster, marina manager or marina administrator] Department. All requests for pro-rated services are subject to Department approval. Pro-rated rates will not be applied for any services with a waiting list.

(e) The Department may, at its sole discretion, retain a [vessel] Vessel from being removed or released from the [marina, piers or boat basin] Marinas where there is an outstanding fee or fees owed to the Department associated with [vessel] Vessel storage, labor, and/or other services. Such notice of non-release will be provided in writing to the [permittee] Permittee.

(f) In addition to any penalties provided for in the chapter, violations of these rules shall be punishable as provided in 56 RCNY § 1-07.

[(a)](g) West 79th Street Boat Basin [(May 2012 and subsequent years)]

Seasonal Dockage [(Sizable waiting list, as of 2012)]	Summer (May 1 to October 31)	\$120/linear foot or \$3000, whichever shall be greater
	Winter (November 1 to April 30) – Current Winter [permittees] <u>Permittees</u> only	\$105/linear foot or \$2,625, whichever shall be greater
Transient Dockage (Non-commercial boats only)		\$3.50/linear foot per day for up to 14 days \$42.00/linear foot for stays of 15 to 29 days \$75.00/linear foot for stays over 29 days
Passenger Pickup/Drop off (Non-commercial boats only)	40 feet or less 41 feet or more	\$25 \$40
Dinghy Landing Only Non-permit holders, non-transient dockage	14 feet or less	\$26/day
Dock & Dine (4 hour maximum)		\$1.25/linear foot
Commercial Landing Fee	30 minutes for loading and 30 minutes for unloading maximum	\$4/linear foot
Commercial Pickup (Non-commercial boats only)	6 passengers or less	\$32/trip
Mooring (Moorings available, as of 2012)	Daily	\$30
	Weekly	\$180
	Entire Season (May 1 to Oct 31)	\$1550
Electricity	For permit holders only	Billed monthly based on rate paid by Department
Transient Electricity	30 amp	\$10/day
	50 amp	\$20/day
	100 amp	\$35/day
Labor Rate		\$75/hour
Sanitation Waste System Pump Out	Commercial [vessel] <u>Vessel</u> s only	\$80 plus labor
Water Pump Out	Per pump provided	\$65 plus labor
Towing Outside Marina	Non-commercial boats only	\$150/hour
Kayak/Canoe Storage (Storage available, as of 2012)	Yearly, per [vessel] <u>Vessel</u> (May 1 to April 30)	\$350
Team Canoe Storage (Storage available, as of 2012)	Summer only, competition canoes, per [vessel] <u>Vessel</u>	\$750
Dinghy/Motor Storage (November 1 to April 30 only)	No auxiliary fuel tanks allowed	\$175/winter
Key Deposit or Replacement		\$10
Slip Dockage Waiting List	Application	\$75
Parking Pass	Daily	\$10
Parking (Waitlist for parking, as of 2012)	Rotunda parking garage; permit holders only	\$275/month
[(b)(h) World's Fair Marina [(May 2012 and thereafter)]		
Summer Dockage [(Limited dockage available, as of 2012)]	20 feet or less	\$1325
	21 to 26 feet	\$70/linear foot
	27 to 35 feet	\$73/linear foot
	36 to 45 feet	\$78/linear foot
	46 to 65 feet	\$95/linear foot
	66 feet or greater	\$118/linear foot
	>	
Commercial Charter Boat [(Limited dockage available, as of 2012)]	May 1 to October 31	\$135/linear foot
	November 1 to April 30	\$52/linear foot
Winter Storage Water storage available	Water	\$35/linear foot or \$700, whichever shall be greater
	Land (Waitlist as of 2012)	\$50/linear foot or \$1,000, whichever shall be greater
Transient Dockage	Non-commercial boats only	\$2/linear foot/day (24 hours)
	Sporting events/concerts in the park (event duration only)/dock & dine	\$1/linear foot
	Commercial [vessel] <u>Vessel</u> (does not include passenger loading/unloading fee)	\$2.50/linear foot/day (24 hours)

Passenger Pickup/Drop off (Non-commercial boats only)	40 feet or less 41 feet or more	\$20 \$30
Dinghy Landing Only (Non-permit holders, non-transient dockage)	14 feet or less	\$22/day
Commercial Landing Fee	30 minutes for loading and 30 minutes for unloading maximum	\$3/linear foot
Commercial Pickup (Non-commercial boats only)	6 passengers or less	\$28/trip
Electricity	For permit holders only	Billed monthly based on rate paid by Department.
Transient Electricity	30 amp 50 amp 100 amp	\$7/day \$12/day \$40/day
Team Canoe Storage (Storage available, as of 2012)	Summer Winter	\$500/boat \$250/boat
Hydrohoist Wet Storage (No [vessel] <u>Vessel</u>)	Winter	\$500
Vessel or Dinghy Trailer Storage (Limited space via waitlist, winter [permittees] <u>Permittees</u> only)	Summer	\$400
Key Deposit or Replacement		\$10

WORLD'S FAIR LABOR RATES

A fifty percent deposit must be pre-paid for any work order estimated by the [dockmaster] Dockmaster or yard manager to be greater than \$400. In addition, the following fees must be paid in full in advance of services being rendered: Haul Out, Launch, Move One Way, Block, Load on Trailer, Pressure Wash Bottom, Step or Unstep Mast.

Labor Rate		\$75/hour
Parts (Parts sold over-the-counter in the marina must be paid for in full prior to receipt)	Boat repair, maintenance	Sold at Manufacturer Suggested Retail Price (MSRP)
Sanitation System Pump Out	Commercial [vessel] <u>Vessel</u> s only	\$80 plus labor
Water Pump Out	Per pump provided	\$45 plus labor
Crane Service		\$100/hour
Travel Lift		\$100/hour
Forklift		\$90/hour
Haul Out		\$2.50/linear foot
Launch	Using travel lift	\$2.50/linear foot
Move One Way		\$2.50/linear foot
Block		\$2.50/linear foot
Load On Trailer	Using travel lift	\$2.50/linear foot
Pressure Wash Bottom		\$2.50/linear foot
Step or Unstep Mast		\$5/linear foot
Towing Inside Marina		\$75.00/hour
Towing Outside Marina		\$150.00/hour
Bottom Painting	30 feet or less 31 feet or more	\$13.75/linear foot \$14.75/linear foot
[(c))(i) Sheepshead Bay Piers [(May 2012 and subsequent years)]		
Yearly Dockage		\$125.00/linear foot
Transient Dockage	Non-commercial boats only Up to 24 hours	\$2 /linear foot/day
Commercial Vessels	Loading and Unloading	\$3/foot/30 minutes loading and unloading maximum \$3/foot/hour beyond 30 minutes loading/unloading
Dock & Dine	Non-commercial [vessel] <u>Vessel</u> only Up to 4 hours	\$1/linear foot

(j) Dyckman Marina

Dyckman Marina does not operate a launch service. Vessels on moorings or at anchor must have a motorized dinghy to come ashore. Dinghy landing is available at no additional charge.

Summer Dockage	May 1 to October 31	\$170 per linear foot or \$4,250, whichever is greater
Winter Storage (storage on customer-owned trailer)	November 1 to April 30	\$140 per linear foot or \$3,500, whichever is greater
Transient Dockage	Up to 14 days	\$4.50 per linear foot per day
	15-29 days	\$60 per linear foot
	30 days	\$100 per linear foot
Moorage	May 1 to October 31	\$2,000
Transient Moorage	\$40 per day	\$240 per week
Anchorage	\$35 per day	
Dock & Dine	4 hour maximum	\$3 per linear foot
Touch & Go	\$1.25 per linear foot	
Commercial Pick-Up/Drop-Off (includes inspected and uninspected [vessel] Vessel charters)		\$7 per linear foot
Boat Launch (self-launch)	\$20	
Trailer Parking	\$40 per day	
Trailer Storage	May 1 to October 31	\$2,000
Electricity (permit holders only)	\$0.30 per kWh	
Transient Electricity	\$10 per day for 30 amp	
	\$20 per day for 50 amp	
	\$35 per day for 100 amp	
Dinghy Storage	November 1 to April 30	\$425
Kayak/Canoe/SUP Storage	May 1 to April 30	\$500 per Vessel per year
Labor Rate	\$95 per hour	

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RENT GUIDELINES BOARD

■ NOTICE

2019 Apartment & Loft Order #51

June 25, 2019

Order Number 51 - Apartments and Lofts, rent levels for leases commencing **October 1, 2019** through **September 30, 2020**.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended and implemented by Resolution No 276 of 1974 of the New York City Council, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board (RGB) hereby **adopts** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2019**. These rent adjustments will apply to rent stabilized apartments with leases commencing on or after **October 1, 2019** and through **September 30, 2020**. Rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law are also included in this order.

ADJUSTMENT FOR RENEWAL LEASES (APARTMENTS)

Together with such further adjustments as may be authorized by law, the annual adjustment for renewal leases for apartments shall be:

For a **one-year** renewal lease commencing on or after **October 1, 2019** and on or before **September 30, 2020**: **1.5%**

For a **two-year** renewal lease commencing on or after **October 1, 2019** and on or before **September 30, 2020**: **2.5%**

These adjustments shall also apply to dwelling units in a structure subject to the partial tax exemption program under Section 421a of the Real Property Tax Law, or in a structure subject to Section 423 of the Real Property Tax Law as a Redevelopment Project.

ADJUSTMENTS FOR LOFTS (UNITS IN THE CATEGORY OF BUILDINGS COVERED BY ARTICLE 7-C OF THE MULTIPLE DWELLING LAW)

The Rent Guidelines Board **adopts** the following levels of rent increase above the "base rent," as defined in Section 286, subdivision 4, of

the Multiple Dwelling Law, for units to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law:

For **one-year** increase periods commencing on or after **October 1, 2019** and on or before **September 30, 2020**: **1.5%**

For **two-year** increase periods commencing on or after **October 1, 2019** and on or before **September 30, 2020**: **2.5%**

FRACTIONAL TERMS

For the purposes of these guidelines any lease or tenancy for a period up to and including one year shall be deemed a one-year lease or tenancy, and any lease or tenancy for a period of over one year and up to and including two years shall be deemed a two-year lease or tenancy.

ESCALATOR CLAUSES

Where a lease for a dwelling unit in effect on May 31, 1968 or where a lease in effect on June 30, 1974 for a dwelling unit which became subject to the Rent Stabilization Law of 1969, by virtue of the Emergency Tenant Protection Act of 1974 and Resolution Number 276 of the New York City Council, contained an escalator clause for the increased costs of operation and such clause is still in effect, the lawful rent on **September 30, 2019** over which the fair rent under this Order is computed shall include the increased rental, if any, due under such clause except those charges which accrued within one year of the commencement of the renewal lease. Moreover, where a lease contained an escalator clause that the owner may validly renew under the Code, unless the owner elects or has elected in writing to delete such clause, effective no later than **October 1, 2019** from the existing lease and all subsequent leases for such dwelling unit, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized under this Order.

SPECIAL ADJUSTMENTS UNDER PRIOR ORDERS

All rent adjustments lawfully implemented and maintained under previous apartment orders and included in the base rent in effect on **September 30, 2019** shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

SPECIAL GUIDELINE

Under Section 26-513(b)(1) of the New York City Administrative Code, and Section 9(e) of the Emergency Tenant Protection Act of 1974, the Rent Guidelines Board is obligated to promulgate special guidelines to aid the State Division of Housing and Community Renewal in its determination of initial legal regulated rents for housing accommodations previously subject to the City Rent and Rehabilitation Law which are the subject of a tenant application for adjustment. The Rent Guidelines Board hereby **adopts** the following Special Guidelines:

For dwelling units subject to the Rent and Rehabilitation Law on **September 30, 2019**, which become vacant after **September 30, 2019**, the special guideline shall be **39%** above the maximum base rent.

DECONTROLLED UNITS

The permissible increase for decontrolled units as referenced in Order 3a, which become decontrolled after **September 30, 2019**, shall be **39%** above the maximum base rent.

CREDITS

Rentals charged and paid in excess of the levels of rent increase established by this Order shall be fully credited against the next month's rent.

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing apartment units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

The Rent Guidelines Board is also authorized to promulgate rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law. The purpose of the loft guidelines is to implement the public policy set forth in the Legislative Findings of Article 7-C of the Multiple Dwelling Law (Section 280).

Dated: June 25, 2019

David Reiss, Chair
New York City Rent Guidelines Board

EXPLANATORY STATEMENT - APARTMENT ORDER #51

Explanatory Statement and Findings of the Rent Guidelines Board In Relation to 2019-20 Lease Increase Allowances for

Apartments and Lofts under the Jurisdiction of the Rent Stabilization Law¹

Summary of Order No. 51

The Rent Guidelines Board (RGB) by Order No. 51 has set the following maximum rent increases for leases subject to renewal on or after October 1, 2019 and on or before September 30, 2020 for apartments under its jurisdiction:

- For a one-year renewal lease commencing on or after October 1, 2019 and on or before September 30, 2020: 1.5%
- For a two-year renewal lease commencing on or after October 1, 2019 and on or before September 30, 2020: 2.5%

Adjustments for Lofts

For Loft units to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law, the Board established the following maximum rent increases for increase periods commencing on or after October 1, 2019 and on or before September 30, 2020. No vacancy allowance is included for lofts.

<u>1 Year</u>	<u>2 Years</u>
1.5%	2.5%

The guidelines do not apply to hotel, rooming house, and single room occupancy units that are covered by separate Hotel Orders.

Any increase for a renewal lease may be collected no more than once during the guideline period governed by Order No. 51.

Special Guideline

Leases for units subject to rent control on September 30, 2019 that subsequently become vacant and then enter the stabilization system are not subject to the above adjustments. Such newly stabilized rents are subject to review by the New York State Homes and Community Renewal (HCR). In order to aid DHCR in this review the Rent Guidelines Board has set a special guideline of 39% above the maximum base rent.

All rent adjustments lawfully implemented and maintained under previous apartment Orders and included in the base rent in effect on September 30, 2019 shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

Background of Order No. 51

The Rent Guidelines Board is mandated by the Rent Stabilization Law of 1969 (Section 26-510(b) of the NYC Administrative Code) to establish annual guidelines for rent adjustments for housing accommodations subject to that law and to the Emergency Tenant Protection Act of 1974. In order to establish guidelines, the Board must consider, among other things:

1. the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating and maintenance costs (including insurance rates, governmental fees, cost of fuel and labor costs), (iii) costs and availability of financing (including effective rates of interest), (iv) overall supply of housing accommodations and overall vacancy rates;
2. relevant data from the current and projected cost of living indices for the affected area;
3. such other data as may be made available to it.

The Board gathered information on the above topics by means of public meetings and hearings, written submissions by the public, and written reports and memoranda prepared by the Board's staff. The Board calculates rent increase allowances on the basis of cost increases experienced in the past year, its forecasts of cost increases over the next year, its determination of the relevant operating and maintenance cost-to-rent ratio, and other relevant information concerning the state of the residential real estate industry.

Material Considered by the Board

Order No. 51 was issued by the Board following **six** public meetings, **four** public hearings, its review of written submissions provided by the public, and a review of research and memoranda prepared by the Board's staff. Approximately **193** written submissions were received at the Board's offices from many individuals and organizations including public officials, tenants and tenant groups, and owners and owner groups. The Board members were provided with copies of public comments received by the **June 21, 2019** deadline. All of the above listed documents were available for public inspection.

1 This Explanatory Statement explains the actions taken by the Board members on individual points and reflects the general views of those voting in the majority. It is not meant to summarize all the viewpoints expressed.

Open meetings of the Board were held following public notice on April 4, April 18, April 25 and May 16, 2019. On **May 7, 2019**, the Board adopted proposed rent guidelines for apartments, lofts, and hotels.

Public hearings were held on **June 11, June 13, June 18, and June 20, 2019** pursuant to Section 1043 of the New York City Charter and Section 26-510(h) of the New York City Administrative Code. Testimony on the proposed rent adjustments for rent-stabilized apartments and lofts was heard on June 11 from **5:30 p.m. to 10:00 p.m.**, June 13 from **5:10 p.m. to 8:00 p.m.**, June 18 from **5:30 p.m. to 9:20 p.m.**, and June 20 from **5:15 p.m. to 9:55 p.m.** The hearings ended when all those who were in attendance who registered to testify did so and there were no additional speakers. Testimony from members of the public speaking at these hearings was added to the public record. The Board heard testimony from **approximately 219** apartment tenants and tenant representatives, **22** apartment owners and owner representatives, and **3** public officials. In addition, **7** speakers read into the record written testimony from various public officials. On **June 25, 2019** the guidelines set forth in Order No. 51 were adopted.

A written transcription and/or audio recording and/or video recording was made of all proceedings.

Presentations by RGB Staff and Housing Experts Invited by Members of the Board

Each year the staff of the New York City Rent Guidelines Board is asked to prepare numerous reports containing various facts and figures relating to conditions within the residential real estate industry. The Board's analysis is supplemented by testimony from industry and tenant representatives, housing experts, and by various articles and reports gathered from professional publications.

Listed below are the other experts invited and the dates of the public meetings at which their testimony was presented:

Meeting Date / Name	Affiliation
April 4, 2019:	<u>Staff presentations</u> <i>2019 Income and Expense Study</i> <i>2019 Income and Affordability Study</i> <u>NYC Department of Housing Preservation and Development</u>
1. Lucy Joffe	Assistant Commissioner, Housing Policy
2. Elyzabeth Gaumer	Assistant Commissioner, Research and Evaluation
April 18, 2019:	<u>Staff presentations</u> <i>2019 Price Index of Operating Costs</i> <i>2019 Mortgage Survey Report</i> <u>NYS Homes and Community Renewal (HCR)</u>
1. Woody Pascal	Deputy Commissioner for Rent Administration
April 25, 2019:	<u>Apartment Tenants group testimony:</u> Association for Neighborhood and Housing Development (ANHD) Community Service Society (CSS) Collins, Dobkins and Miller LLP
1. Stephanie Sosa	
2. Oksana Mironova	
3. Tim Collins	
	<u>Apartment Owners group testimony:</u> Rent Stabilization Association (RSA) Real Estate Board of New York (REBNY) Community Housing Improvement Program (CHIP)
1. Vito Signorile	
2. Paimaan Lodhi	
3. Joseph Condon	
4. Mary Ann Rothman	New York Council of Cooperatives and Condominiums (CNYC)
	<u>Hotel Tenants group testimony:</u> MFY Legal Services, Inc. Goddard Riverside Law Project Goddard Riverside Law Project
1. Brian J. Sullivan	
2. Stephanie Storke	
3. Larry Wood	
May 16, 2019:	<u>Staff presentations</u> <i>2019 Housing Supply Report</i> <i>Changes to the Rent Stabilized Housing Stock in New York City in 2018</i> <u>Community Preservation Corporation (CPC)</u>
1. Rafael E. Cestero	President & Chief Executive Officer

Selected Excerpts from Oral and Written Testimony from Tenants and Tenant Groups²

Comments from tenants and tenant groups included:

"Based on current data it is clear that had the Board authorized cumulative rent increases of 166.15% over the twenty-seven year period since 1990, owners would have been kept 'whole' for both operating cost increases and the effect of inflation on net incomes, and rent stabilized tenants would have been protected against excessive and unwarranted rent increases. In fact, the Board authorized rent

2 Sources: Submissions by tenant groups and testimony by tenants.

increases of 199.55% over this period. While rent guidelines have been lower over the past four years, they have failed to ameliorate excesses accumulated from prior years, contributing to a continuation of crushing rent burdens, displacement and homelessness.”

“Rents have far outpaced incomes in stabilized apartments. Even though median rents climbed by 30 percent above inflation, the typical stabilized household was earning the same inflation-adjusted amount in 2016 as in 2001... With skyrocketing rents, a diminishing low-rent housing stock that leaves tenants with minimal choices if they are priced out of their rent regulated apartments, and evidence that landlords are generating 41 cents in income on each dollar, we recommend that the RGB issues low rent guidelines for another year.”

“I’ve lived in the same rent stabilized apartment over 45 years, in a ten-unit brownstone on the upper westside. I am the only rent regulated tenant — the rest pay market rate; and we’re 30% vacant for more than a year. My main concern — I pay over 50% of my meager income for rent... The issue is, DRIE/SCRIE only freezes our rents. It’s not a rollback like other rent increase exemptions to 30% or 1/3 of our income. We need legislation to make this happen for us. DRIE/SCRIE is paid for by the Department of Finance which requires recipients to sign two-year leases. We have never had a 0% increase. If my rent goes up, will the city find funds for it along with the rollback so many need? Enough is enough! Too many of us are hanging by a thread. With the cost of living ever growing I’ve come close to homelessness.”

“The Rent Stabilization Law, which creates the RGB, was enacted specifically to protect tenants from ‘unjust, unreasonable and oppressive rents.’ Its ‘Findings and Declaration of Emergency’ do not speak of any need to protect landlords, who even then were ‘demanding exorbitant and oppressive rent increases’, but rather of the need ‘to forestall profiteering, speculation and other disruptive practices tending to produce threats to the public health, safety and general welfare.’... But your mandate and mission under the Stabilization law, as defined in the Findings, remains to protect tenants from ‘oppressive rents’, not guarantee ever-increasing LL profits, as the board has historically done, pushing rents and profits to their current exorbitant levels. Year after year, the RGB has made the affordability crisis worse by imposing additional increases based first on the mistaken view that their job was to protect LL profits, and then by applying a misguided PIOC methodology that relies on speculative price increases and ignores the hard data of runaway profits setting new records every year.”

“So what’s the case for a low RGB increase or a freeze or even a rollback? How about 13 straight years of positive net operating income for landlords—even with two rent freezes. There are still MCIs in my rent that will never go away—\$180 worth—MCIs rubber-stamped by DHCR and compounding with every lease renewal. They represent infinite profit for my latest landlord—an organization cited in a United Nations report for predatory practices around the world.”

Selected Excerpts from Oral and Written Testimony from Owners and Owner Groups³

Comments from owners and owner groups included:

“For over 50 years, this Board has had a duty to grant rent stabilized apartment owners reasonable rent guidelines to offset the ongoing increases in building operating costs and mandates. Since 2014, this Board, all appointed by the current Administration, has failed to adequately compensate property owners for the astronomical increases in property taxes, water and sewer rates, maintenance costs, and much more. Despite enacting the largest rent increase since 2013 last year, this Board has now enacted the lowest guidelines over a five-year period in the history of the City Rent Guidelines Board.”

“The rate of RGB allowed rent increases has not kept up with the rate of annual expense growth. Over a 20-year period and across multiple mayoral administrations, RGB increases averaged 2.7%, while expenses for property owners increased more than twice that rate, at 5.5%. This incongruence is a result of a highly politicized process that relies on a flawed methodology that artificially inflates Net Operating Income (NOI) and arbitrarily reduces expenses.”

“I want to highlight the financial tension that arises for an owner when trying to provide a certain standard of quality of life to residents while at the same time not being able to receive adequate income to cover those expenses needed to maintain that standard. All the responsibility is placed on the owner (by DOB, HPD, Politicians, Everyone), to maintain the buildings and units to a certain standard and manage the buildings with a certain level of care. I fully understand that and why, but then the system needs to protect owners as well, not just tenants, and enable owners to fulfill those responsibilities without undue hardship and provide them with the increases that allow for sustainable operations.”

“Over the past 5 years, the economics of providing good housing when half of it is regulated has become unsustainable. While stabilized rents have been allowed to rise less than 4%, most of my big operating costs

have increased at double-digit rates. I spend by far the most on property taxes... But it’s not just taxes. In 2017, my 3-year insurance policy rose 17%. In 2018, gas costs rose 6%, my super’s fee, 12%; boiler maintenance, 6%. In terms of big costs, after taxes last year I spent the most, \$31,000, to replace old gas lines to meet current code. As a result, repairs and building improvement costs jumped 23%. Yes, this was I hope a onetime event, but new safety regulations add to maintenance costs every year. To sum up, I’ve put 40 years into housing my fellow New Yorkers and maintaining my building. It’s very hard to do that when rent increases fall far behind operating costs. I’m therefore asking you to vote for fair guidelines this year: a 4% increase for a 1-year lease and 8% for two years.”

“After five years of unsustainable rent guidelines, this Board must reverse course and properly compensate owners for their continued increases in operating costs. Many will argue that rent freezes were justified based on the PIOC in 2015 and 2016, but that has been far from the case since. Particularly because of the uncertainties of the State rent laws, rent-stabilized property owners can no longer afford to be deprived of the necessary source of income that they need to properly maintain their buildings. Last year’s 4.5% increase in the PIOC and this year’s 5.5% increase reflect long-term increases in building operating costs that far surpass increases in the consumer price index. This trend will most certainly continue next year and subsequent years.”

Selected Excerpts from Oral and Written Testimony from Public Officials⁴

Comments from public officials included:

“I urge you to consider implementing a rent freeze instead of abiding by the Board’s preliminary recommendations... Additionally, I believe that building owners are asking for rent increases that are for the express purpose of circumventing regulation by the Rent Guidelines Board via preferential rents. According to the [2019 Income and Expense] Study, there was a 27.9 percent gap between what building owners were legally permitted to collect and revenue they were actually collecting. This is the largest gap since data was collected. Building owners are requesting rent increases that they know the market will not support with the intention of waiting for the market to gentrify, forcing tenants out at a time when rent stabilization is needed most.”

“I am writing to advocate that the Rent Guidelines Board issue a rent freeze for one and two year lease renewals... According to the Rent Guidelines Board’s yearly summary, landlords’ profits on rent-stabilized tenants increased for the 13th consecutive year, with property owners on average making a net income of \$540 per unit.”

“As they did last year, tenant advocates are asking for a 0.5% rollback or a freeze for one year renewal leases. A rent freeze—or rollback—would be beneficial to both building owners and tenants. Owners will continue to get a good return on their property, as the RGB reports have demonstrated, and tenants can live without fear that they will be unable to afford to stay in their homes. I therefore request that this Board continue to serve its goal of protecting a fair housing market. The RGB’s own report demonstrates that, despite landlords’ claims to the contrary, their profits are increasing, and have increased through two rent freezes. I understand that the RGB has already preliminarily declined to approve a rent freeze or rollback for one year renewal leases, I urge the Board to reconsider.”

“The homelessness crisis and the shortage of affordable housing are inextricably linked. Our city’s rent stabilized housing stock is a bulwark against homelessness that we must preserve at all costs. Raising rents would put over a million tenants at risk of not being able to afford the staples of life but a rent freeze, on the other hand, would create a measure of protection tenants badly need without causing adverse effects for the vast majority of landlords. Thank you for considering the interests of our rent stabilized constituents and working to protect New York City from a worsening homelessness crisis.”

“So, in light of the Board’s ongoing responsibility to ensure neither building owners nor tenants are unduly burdened, I urge you to do your part to continue the course correction of past increases that have heavily favored building owners. I call on the Board to enact the lowest proposed increases of 0.5% increase for one-year leases and 1.5% increase for two-year lease renewals, at the most.”

Findings of the rent guidelines board

Rent Guidelines Board Research

The Rent Guidelines Board based its determination on its consideration of the oral and written testimony noted above, as well as upon its consideration of statistical information prepared by the RGB staff set forth in these findings and the following reports:

1. *2019 Income and Expense Study*, April 2019, (Based on income and expense data provided by the Finance

3 Sources: Submissions by owner groups and testimony by owners

4 Sources: Submissions by public officials.

Department, the *Income and Expense Study* measures rents, operating costs and net operating income in rent stabilized buildings);

2. *2019 Mortgage Survey Report*, April 2019, (An evaluation of recent underwriting practices, financial availability and terms, and lending criteria);
3. *2019 Income and Affordability Study*, April 2019, (Includes employment trends, housing court actions, changes in eligibility requirements and public benefit levels in New York City);
4. *2019 Price Index of Operating Costs*, April 2019, (Measures the price change for a market basket of goods and services which are used in the operation and maintenance of stabilized buildings);
5. *2019 Housing Supply Report*, May 2019, (Includes new housing construction measured by certificates of occupancy in new buildings and units authorized by new building permits, tax abatement and exemption programs, and cooperative and condominium conversion and construction activities in New York City); and,
6. *Changes to the Rent Stabilized Housing Stock in NYC in 2018*, May 2019, (A report quantifying all the events that lead to additions to and subtractions from the rent stabilized housing stock).

The six reports listed above may be found in their entirety on the RGB's website, nyc.gov/rgb, and are also available at the RGB offices, One Centre St., Suite 2210, New York, NY 10007 upon request.

2019 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City

The 2019 Price Index of Operating Costs for rent stabilized apartment houses in New York City found a 5.5% increase in costs for the period between March 2018 and March 2019.

This year, the PIOC for all rent stabilized apartment buildings increased by 5.5%. Increases occurred in all PIOC components. The largest proportional increase was seen in Fuel (13.8%), followed by Taxes (7.1%), Labor Costs (6.0%) and Insurance Costs (6.0%). More moderate increases occurred in the Maintenance (3.8%) and Administrative Costs (3.5%) components, while the growth in Utilities (0.4%) was nearly flat. The growth in the Consumer Price Index (CPI), which measures inflation in a wide range of consumer goods and services, during this same time period was lower than the PIOC, rising 1.9%.⁵ See Table 1 for changes in costs and prices for all rent stabilized apartment buildings from 2018-19.

The "Core" PIOC, which excludes changes in fuel oil, natural gas, and steam costs used for heating buildings, is useful for analyzing long-term inflationary trends. The Core PIOC rose by 4.9% this year and was lower than the overall PIOC due to the exclusion of costs in the Fuel component, which rose 13.8%.

Table 1

2018-19 Percentage Changes in Components of the Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City ⁶			
Component	Expenditure Weights	2018-19 Percentage Δ	2018-19 Weighted Percentage Δ
Taxes	29.57%	7.09%	2.10%
Labor Costs	15.71%	6.01%	0.94%
Fuel Oil	6.87%	13.82%	0.95%
Utilities	9.90%	0.37%	0.04%
Maintenance	17.72%	3.85%	0.68%
Administrative Costs	15.18%	3.49%	0.53%
Insurance Costs	5.04%	5.96%	0.30%
All Items	100%	-	5.54%

Source: *2019 Price Index of Operating Costs*
 Note: The Δ symbol means change.

On April 22, 2019 the staff of the Rent Guidelines Board released a memo to Board members with information relating

5 The average CPI for All Urban Consumers, New York-Northeastern New Jersey for the year from March 2018 to February 2019 (274.3) compared to the average for the year from March 2017 to February 2018 (269.2) rose by 1.9%. This is the latest available CPI data and is roughly analogous to the 'PIOC year'.

6 Totals may not add due to weighting and rounding.

to the Price Index of Operating Costs (PIOC). The entire memo follows:

At the April 18, 2019 *Price Index of Operating Costs* presentation, one question was asked for which an immediate answer could not be provided. That answer follows.

Question 1: Can you break out the number of units in rent stabilized buildings based on the size of the building?

The following table provides the number of rent stabilized buildings based on the size of the building. The total number of units in each category is also included. Note that the number of buildings listed represents buildings that contain a minimum of one rent stabilized unit, and that building groupings are based on the number of residential units in each building, as reported by the NYC Department of Finance. Similarly, the number of units includes both those that are rent stabilized as well as those that have been deregulated, based on data for total residential units from the NYC Department of Finance. It is interesting to note that about 58% of the buildings contain less than 20 units but only contain about 17% of the total number of units Citywide.

Building Size	Number of RS Buildings	Proportion of RS Buildings	Units within RS Buildings	Proportion of RS Units
1-5 Units	2,473	6.4%	8,564	0.7%
6-10 Units	14,594	37.5%	104,921	9.0%
11-19 Units	5,595	14.4%	83,835	7.2%
20-99 Units	14,392	37.0%	606,715	52.1%
100+ Units	1,819	4.7%	360,850	31.0%
Unknown	52	0.1%	--	--
Total	38,925	100.0%	1,164,885	100.0%

Source: NYC Department of Finance, FY 2019

Local Law 63/Income & Expense Review

The sample size for the Income and Expense (I&E) Study includes 15,395 properties containing 694,485 units. This is the 27th year that staff has been able to obtain longitudinal data in addition to cross-sectional data. The RGB staff found the following average monthly (per unit) operating and maintenance (O&M) costs in 2018 Real Property Income and Expense (RPIE) statements for the year 2017:

Table 2

2017 Average Monthly Operating and Maintenance Costs Per Unit			
	Pre '47	Post '46	All Stabilized
Total	\$944	\$1,175	\$984

Source: *2019 Income and Expense Study*, from 2018 Real Property Income and Expense filings for 2017, NYC Department of Finance.

In 1992, the Board benefited from the results of audits conducted on a stratified sample of 46 rent stabilized buildings by the Department of Finance. Audited income and expense (I&E) figures were compared to statements filed by owners. On average the audits showed an 8% over reporting of expenses. The categories, which accounted for nearly all of the expense over reporting, were maintenance, administration, and "miscellaneous." The largest over-reporting was in miscellaneous expenses.

If we assume that an audit of this year's I&E data would yield similar findings to the 1992 audit, one would expect the average O&M cost for stabilized buildings to be \$904, rather than \$984. As a result, the following relationship between operating costs and residential rental income was suggested by the Local Law 63 data:

Table 2(a)

2017 Operating Cost to Rent/Income Ratio Adjusted to 1992 Audit					
	O&M Costs ⁷	Rent	O&M to Rent Ratio	Income	O&M to Income Ratio
All stabilized	\$904	\$1,353	0.668	\$1,524	0.593

Source: *2019 Income and Expense Study*, from 2018 Real Property Income and Expense filings for 2017, NYC Department of Finance.

Forecasts of Operating and Maintenance Price Increases for 2019-20

7 Overall O&M expenses were adjusted according to the findings of an income and expenses audit conducted by the Department of Finance in 1992. The unadjusted O&M to Rent ratio would be 0.727. The unadjusted O&M to Income ratio would be 0.646.

In order to decide upon the allowable rent increases for two-year leases, the RGB considers price changes for operating costs likely to occur over the next year. In making its forecasts the Board relies on expert assessments of likely price trends for the individual components, the history of changes in prices for the individual components and general economic trends. The Board’s projections for 2019-20 are set forth in Table 3, which shows the Board’s forecasts for price increases for the various categories of operating and maintenance costs.

Table 3

Year-to-Year Percentage Changes in Components of the Price Index of Operating Costs: Actual 2018-19 and Projected 2019-20		
	Price Index 2018-19	Projected Price Index 2019-20
Taxes	7.1%	5.6%
Labor Costs	6.0%	3.5%
Fuel Oil	13.8%	-6.9%
Utilities	0.4%	1.4%
Maintenance	3.8%	3.3%
Administrative Costs	3.5%	2.8%
Insurance Costs	6.0%	5.7%
Total (Weighted)	5.5%	3.2%

Source: 2019 Price Index of Operating Costs

Overall, the PIOC is expected to grow by 3.2% from 2019 to 2020. Costs are predicted to rise in each component except Fuel, with the largest growth (5.7%) projected to be in Insurance, with Taxes, the component that carries the most weight in the Index, close behind at 5.6%. Other projected increases include Labor Costs (3.5%), Maintenance (3.3%), Administrative Costs (2.8%), and Utilities (1.4%). Fuel is the only component predicted to decrease, by 6.9%. Table 3 shows projected changes in PIOC components for 2020. The core PIOC is projected to rise 3.9%, 0.7 percentage points more than the overall projected Apartment PIOC.

Commensurate Rent Adjustment

Throughout its history, the Rent Guidelines Board has used a formula, known as the commensurate rent adjustment, to help determine annual rent guidelines for rent stabilized apartments. In essence, the “commensurate” combines various data concerning operating costs, revenues, and inflation into a single measure to determine how much rents would have to change for net operating income (NOI) in rent stabilized buildings to remain constant. The different types of “commensurate” adjustments described below are primarily meant to provide a foundation for discussion concerning prospective guidelines.

In its simplest form, the commensurate rent adjustment is the amount of rent change needed to maintain owners’ current dollar NOI at a constant level. In other words, the commensurate provides a set of one- and two-year renewal rent adjustments, or guidelines, that will compensate owners for the change in prices measured by the PIOC and keep net operating income constant. The first commensurate method is called the “Net Revenue” approach. While this formula takes into consideration the term of leases actually signed by tenants, it does not adjust owners’ NOI for inflation. The “Net Revenue” formula is presented in two ways: first, by adjusting for the mix of lease terms;

and second, by adding an assumption for rent stabilized apartment turnover and the subsequent impact of revenue from vacancy increases. Under the “Net Revenue” formula, a guideline that would preserve NOI in the face of this year’s 5.5% increase in the PIOC is 4.0% for a one-year lease and 8.0% for a two-year lease. Using this formula and adding assumptions for the impact of vacancy increases on revenues when apartments experience turnover, results in guidelines of 3.0% for one-year leases and 5.25% for two-year leases.

The second commensurate method considers the mix of lease terms while adjusting NOI upward to reflect general inflation, keeping both operating and maintenance (O&M) costs and NOI constant. This is commonly called the “CPI-Adjusted NOI” formula. A guideline that would preserve NOI in the face of the 1.9% increase in the Consumer Price Index (see Endnote 2) and the 5.5% increase in the PIOC is 4.75% for a one-year lease and 9.25% for a two-year lease. Guidelines using this formula and adding the estimated impact of vacancy increases are 3.75% for one-year leases and 6.75% for two-year leases.⁸

The third commensurate method, the “traditional” commensurate adjustment, is the formula that has been in use since the inception of the Rent Guidelines Board and is the only method that relies on the PIOC projection. The “traditional” commensurate yields 3.6% for a one-year lease and 4.7% for a two-year lease. This reflects the increase in operating costs of 5.5% found in the 2019 PIOC and the projection of a 3.2% increase next year.

All of these commensurate methods have limitations. The “Net Revenue” formula does not attempt to adjust NOI based on changes in interest rates or the effect of inflation. The “CPI-Adjusted NOI” formula inflates the debt service portion of NOI, even though interest rates have been historically low over recent years. For both of these commensurate methods, including a consideration of the amount of income owners receive on vacancy assumes that turnover rates are constant across the City.

As a means of compensating for cost changes, the “traditional” commensurate rent adjustment has two major flaws. First, although the formula is designed to keep owners’ current dollar income constant, the formula does not consider the mix of one- and two-year lease renewals. Since only about two-thirds of leases are renewed in any given year, with a slight majority of leases being renewed having a one-year duration, the formula does not necessarily accurately estimate the amount of income needed to compensate owners for O&M cost changes.

A second flaw of the “traditional” commensurate formula is that it does not consider the erosion of owners’ income by inflation. By maintaining current dollar NOI at a constant level, adherence to the formula may cause profitability to decline over time. However, such degradation is not an inevitable consequence of using the “traditional” commensurate formula.⁹

8 The following assumptions were used in the computation of the commensurates: (1) the required change in owner revenue is 64.6% of the 2019 PIOC increase of 5.5%, or 3.6%. The 64.6% figure is the most recent ratio of average operating costs to average income in rent stabilized buildings; (2) for the “CPI-Adjusted NOI” commensurate, the increase in revenue due to the impact of inflation on NOI is 35.4% times the latest 12-month increase in the CPI ending February 2019 (1.9%), or 0.67%; (3) these lease terms are only illustrative—other combinations of one- and two-year guidelines could produce the adjustment in revenue; (4) assumptions regarding lease renewals and turnover were derived from the 2017 Housing and Vacancy Survey; (5) for the commensurate formulae, including a vacancy assumption, the 10.5% median increase in vacancy leases found in the rent stabilized apartments that reported a vacancy lease in the 2018 apartment registration file from the New York State Homes and Community Renewal was used; and (6) the collectability of these commensurate adjustments are assumed.

9 Whether profits will actually decline depends on the level of inflation, the composition of NOI (i.e., how much is debt service and how much is profit), and changes in tax law and interest rates.

Finally, it is important to note that only the “traditional” commensurate formula uses the PIOC projection and that this projection is not used in conjunction with, or as part of, the “Net Revenue” and “CPI-Adjusted NOI” formulas. As stated previously, all three formulas attempt to compensate owners for the adjustment in their operating and maintenance costs measured each year in the PIOC. The “Net Revenue” and the “CPI-Adjusted NOI” formulas attempt to compensate owners for the adjustment in O&M costs by using only the known PIOC change in costs (5.5%). The traditional method differs from the other formulas in that it uses both the PIOC’s actual change in costs as well as the projected change in costs (3.2%).

Each of these formulae may be best thought of as a starting point for deliberations. The data presented in other Rent Guidelines Board annual research reports (e.g., the Income and Affordability Study and the Income and Expense Study) along with public testimony can be used in conjunction with these various commensurates to determine appropriate rent adjustments.

Consideration of Other Factors

Before determining the guideline, the Board considered other factors affecting the rent stabilized housing stock and the economics of rental housing.

Effective Rates of Interest

The Board took into account current mortgage interest rates and the availability of financing and refinancing. It reviewed the staff’s 2019 Mortgage Survey Report of lending institutions. Table 4 gives the reported rate and points for the past nine years as reported by the mortgage survey.

Table 4

2019 Mortgage Survey ¹⁰ Average Interest Rates and Points for New Financing of Permanent Mortgage Loans 2011-2019									
	2011	2012	2013	2014	2015	2016	2017	2018	2019
Avg. Rates	5.8%	4.6%	4.4%	4.9%	4.3%	4.0%	4.3%	4.8%	4.7%
Avg. Points	0.61	0.63	0.59	0.54	0.70	0.42	0.44	0.44	0.38

On April 22, 2019 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2019 Mortgage Survey Report. The memo follows:

At the April 18, 2019 meeting of the RGB, board members asked for additional information from the 2019 Mortgage Survey Report:

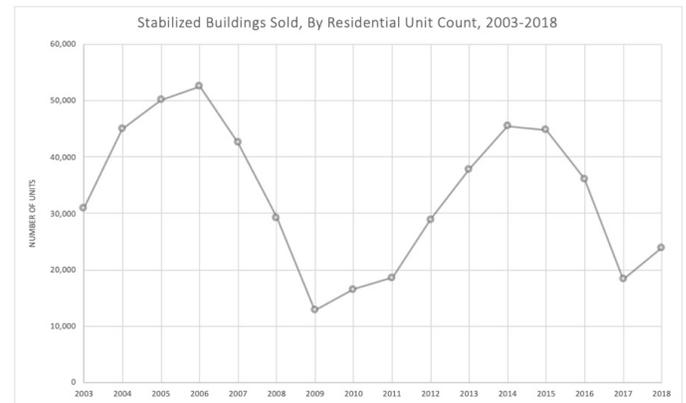
1. A copy of the 2019 Survey of Mortgage Financing for Multifamily Properties is attached.
2. Below are the total number of residential units located in rent stabilized buildings Citywide sold each year, along with the total number of buildings sold as well as the average number of units in each building sold each year. On the following page are graphs of building sales by unit count and by building count.

Year	# of Residential Units in RS Buildings Sold	# of RS Buildings Sold	Average # of Residential Units per Building Sold
2018	23,932	885	27.0
2017	18,370	793	23.2
2016	36,150	1,167	31.0
2015	44,847	1,361	33.0
2014	45,534	1,356	33.6
2013	37,855	1,431	26.5
2012	28,912	1,135	25.5
2011	18,628	709	26.3
2010	16,565	541	30.6
2009	12,827	521	24.6
2008	29,232	1,021	28.6
2007	42,567	1,474	28.9
2006	52,557	1,433	36.7
2005	50,168	1,816	27.6
2004	45,025	1,728	26.1
2003	30,969	1,481	20.9

Note: Figures exclude Staten Island.
Source: NYC Department of Finance.

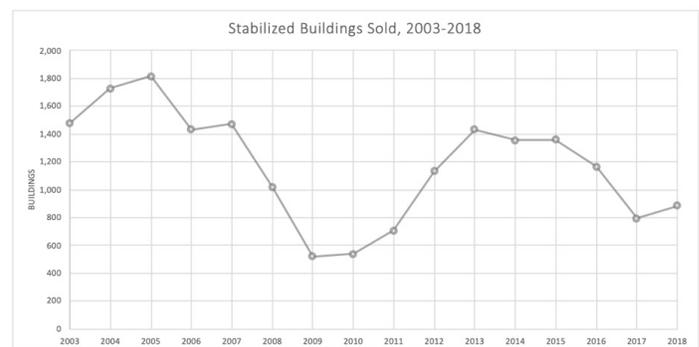
10 Institutions were asked to provide information on their “typical” loan to rent stabilized buildings. Data for each variable in any particular year and from year to year may be based upon responses from a different number of institutions.

Rent Stabilized Building Sales Citywide, by Unit, 2003-2018



Note: Figures exclude Staten Island.
Source: NYC Department of Finance.

Rent Stabilized Building Sales Citywide, by Building, 2003-2018



Note: Figures exclude Staten Island.
Source: NYC Department of Finance.

Condition of the Rent Stabilized Housing Stock

The Board reviewed the number of units that are moving out of the rental market due to cooperative and condominium conversion.

Table 5

Number of Cooperative / Condominium Plans ¹¹ Accepted for Filing, 2010-2018									
	2010	2011	2012	2013	2014	2015	2016	2017	2018
New Construction	235	185	111	151	211	219	210	228	235
Conversion Non-Eviction	20	20	24	16	20	28	27	18	11
Conversion Eviction	4	9	3	0	0	1	0	0	0
Rehabilitation	0	2	8	21	37	43	45	33	43
Total	259	216	146	188	268	291	282	279	289
Subtotal:									
HPD Sponsored Plans	4	9	3	1	0	1	0	0	1

Source: New York State Attorney General’s Office, Real Estate Financing.

11 The figures given above for eviction and non-eviction plans include those that are abandoned because an insufficient percentage of units were sold within the 15-month deadline. In addition, some of the eviction plans accepted for filing may have subsequently been amended or resubmitted as non-eviction plans and therefore may be reflected in both categories. HPD sponsored plans are a subset of the total plans. Some numbers revised from prior years.

On May 21, 2019 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2019 Housing Supply Report. The memo follows:

At the May 16, 2019 *Housing Supply Report* presentation, three questions were asked for which an immediate answer could not be provided. Answers follow.

Question 1: Can you provide population projections from the NYC Department of City Planning?

The NYC Department of City Planning last released population projections in 2013. A table of their projections follow, and the full report on population projections can be found on their website at: <https://on.nyc.gov/30ot8W1>.

New York City Population by Borough, 2010-2040

Borough/Year	2010	2020	2030	2040
New York City	8,242,624	8,550,971	8,821,027	9,025,145
Bronx	1,385,108	1,446,788	1,518,998	1,579,245
Brooklyn	2,552,911	2,648,452	2,754,009	2,840,525
Manhattan	1,585,873	1,638,281	1,676,720	1,691,617
Queens	2,250,002	2,330,295	2,373,551	2,412,649
Staten Island	468,730	487,155	497,749	501,109

Source: NYC Department of City Planning

Population estimates for 2018 were released by the U.S. Census Bureau in April of 2019. Per Census Bureau estimates, NYC lost almost 40,000 residents between July 1, 2017 and July 1, 2018, a decline of 0.5%, to a total of 8,398,748 persons. There was also an estimated decline of almost 38,000 persons between 2016 and 2017, a 0.4% decline. Some of this decline may be attributed to a change to the methodology used by the Census Bureau to estimate migration to and from foreign countries and Puerto Rico. You can read more about this methodological change here: <https://on.nyc.gov/2mjmsDO>.

Question 2: Can you provide a historical overview of housing units per capita?

There are three sources of estimates of housing units and population in New York City – decennial censuses, the annual *American Community Survey (ACS)*, beginning in 2005), and the triennial *NYC Housing and Vacancy Survey (HVS)*, beginning in 1965, with data presented here from 1978 forward). All three are conducted by the U.S. Census Bureau. The following tables detail housing units per capita from each of the three surveys. For context, the *HVS* and *ACS* tables also include average household size.

Decennial Census, 1950-2010		American Community Survey, 2005-2017			NYC Housing and Vacancy Survey, 1978-2017		
Year	Housing Units/Population*	Year	Housing Units/Population*	Average Household Size**	Year	Housing Units/Population*	Average Household Size**
1950	0.31	2005	0.41	2.63	1978	0.40	N/A
1960	0.35	2006	0.40	2.66	1981	0.41	N/A
1970	0.37	2007	0.40	2.67	1984	0.40	N/A
1980	0.42	2008	0.40	2.68	1987	0.40	2.3
1990	0.41	2009	0.40	2.66	1991	0.42	2.5
2000	0.40	2010	0.41	2.64	1993	0.42	2.6
2010	0.41	2011	0.41	2.67	1996	0.41	2.6
		2012	0.41	2.64	1999	0.42	2.4
		2013	0.40	2.67	2002	0.40	2.4
		2014	0.40	2.64	2005	0.41	2.3
		2015	0.40	2.68	2008	0.41	2.3
		2016	0.41	2.68	2011	0.42	2.4
		2017	0.41	2.67	2014	0.41	2.4
					2017	0.40	2.3

Source: U.S. Census Bureau

*Based on all housing units (occupied and vacant), including those that are vacant and not available for rent or sale.

**Based on occupied housing units only.

Source: U.S. Census Bureau

*Based on all housing units (occupied and vacant), including those that are vacant and not available for rent or sale.

**Based on occupied housing units only.

Source: U.S. Census Bureau

*Based on all housing units (occupied and vacant), including those that are vacant and not available for rent or sale.

**Based on occupied housing units only.

Question 3: Can you compare overcrowding rates in New York City to other major cities?

The overcrowding rates presented in the *Housing Supply Report* are derived from the *2017 NYC Housing and Vacancy Survey*, which is solely conducted in New York City and therefore cannot be used to compare overcrowding rates to other cities. That survey found that in 2017, 11.5% of all rental housing was considered overcrowded (an average of more than 1 person per room) and 4.5% was severely overcrowded (an average of more than 1.5 persons per room). In order to compare New York City with other major cities, another source of data is necessary. The table on the following page is derived from the *2017 American Community Survey*. The table shows overcrowding rates in cities with 500,000 or more persons (as well as the U.S. as a whole), and for context also includes the rental vacancy rate and the average household size in each city. It is sorted in descending order of overcrowding.

Overcrowding Rates, Rental Vacancy Rates, and Average Rental Household Size, Cities Over 500,000

City	% overcrowded (more than 1.0 persons per room)	% severely overcrowded (more than 1.5 persons per room)	Rental vacancy rate	Average household size of renter-occupied units
Los Angeles	17.3%	9.2%	3.8%	2.68
San Jose	16.8%	6.5%	5.1%	3.10
Fresno	13.8%	6.7%	3.7%	2.95
New York City	11.1%	4.6%	3.5%	2.56
San Diego	11.0%	4.3%	3.9%	2.65
Miami	10.0%	5.8%	8.3%	2.50
Houston	9.4%	3.1%	10.4%	2.57
Phoenix	8.6%	3.0%	5.5%	2.76
San Francisco	8.0%	5.8%	3.5%	2.18
Sacramento	7.9%	1.7%	2.4%	2.50
El Paso	7.2%	1.6%	11.5%	2.71
Austin	7.0%	2.8%	7.5%	2.29
San Antonio	6.8%	2.3%	9.1%	2.66
Fort Worth	6.5%	1.6%	10.2%	2.60
<i>United States</i>	<i>6.2%</i>	<i>2.2%</i>	<i>6.2%</i>	<i>2.51</i>
Las Vegas	6.2%	2.3%	5.1%	2.63
Washington, D.C.	6.1%	2.7%	5.7%	2.19
Tucson	6.0%	2.7%	6.2%	2.29
Portland	5.7%	3.2%	3.1%	2.12
Denver	5.4%	2.0%	5.2%	2.20
Seattle	5.1%	3.6%	3.9%	1.87
Oklahoma City	4.8%	1.4%	9.4%	2.44
Chicago	4.7%	1.7%	7.0%	2.35
Jacksonville	4.7%	1.3%	6.4%	2.49
Nashville	4.2%	1.2%	7.1%	2.23
Philadelphia	4.0%	1.7%	6.3%	2.28
Louisville	3.8%	1.2%	6.7%	2.22
Albuquerque	3.7%	1.5%	7.9%	2.27
Detroit	3.6%	1.6%	5.3%	2.36
Columbus	3.6%	0.9%	5.8%	2.33
Memphis	3.5%	0.5%	9.4%	2.55
Milwaukee	3.4%	1.2%	7.2%	2.45
Boston	3.2%	1.4%	2.8%	2.32
Charlotte	3.1%	1.3%	6.1%	2.41
Baltimore	2.8%	1.3%	7.4%	2.31
Indianapolis	2.6%	1.0%	8.2%	2.36

Source: 2017 American Community Survey

Consumer Price Index

The Board reviewed the Consumer Price Index. Table 6 shows the percentage change for the NY-Northeastern NJ Metropolitan area since 2012.

Table 6

Percentage Changes in the Consumer Price Index for the New York City - Northeastern New Jersey Metropolitan Area, 2012-2019 (For "All Urban Consumers")								
	2012	2013	2014	2015	2016	2017	2018	2019
1st Quarter Avg. ¹²	2.7%	2.1%	1.4%	-0.2%	0.7%	2.5%	1.6%	1.5%
Yearly Avg.	2.0%	1.7%	1.3%	0.1%	1.1%	2.0%	1.9%	--

Source: U.S. Bureau of Labor Statistics.

Calculating of the Current Operating and Maintenance Expense to Rent Ratio

Each year the Board estimates the current average proportion of the rent roll which owners spend on operating and maintenance costs. This figure is used to ensure that the rent increases granted by the Board compensate owners for the increases in operating and maintenance expenses. This is commonly referred to as the O&M to rent ratio.

With current longitudinal income and expense data, staff has constructed an index, using 1989 as a base year. Except for the last three years, this index measures changes in building income and operating expenses as reported in annual income and expense statements. The second and third to last years in the table will reflect actual PIOC increases and projected rent changes. The last year in the

12 1st Quarter Average refers to the change of the CPI average of the first three months of one year to the average of the first three months of the following year. Some numbers revised from prior years.

table - projecting into the future - will include staff projections for both expenses and rents. This index is labeled as Table 7.

However, this index it is not without limitations. First, as noted, for the past and coming year the index will continue to rely upon the price index and staff rent and cost projections. Second, while this table looks at the overall relationship between costs and income, it does not measure the specific impact of rent regulation on that relationship.

Table 7

Revised Calculation of Operating and Maintenance Cost Ratio for Rent Stabilized Buildings from 1989 to 2020			
Year ¹³	Average Monthly O & M Per d.u. ¹⁴	Average Monthly Income Per d.u.	Average O & M to Income Ratio
1989	\$370 (\$340)	\$567	.65 (.60)
1990	\$382 (\$351)	\$564	.68 (.62)
1991	\$382 (\$351)	\$559	.68 (.63)
1992	\$395 (\$363)	\$576	.69 (.63)
1993	\$409 (\$376)	\$601	.68 (.63)
1994	\$415 (\$381)	\$628	.66 (.61)
1995	\$425 (\$391)	\$657	.65 (.59)
1996	\$444 (\$408)	\$679	.65 (.60)
1997	\$458 (\$421)	\$724	.63 (.58)
1998	\$459 (\$422)	\$755	.61 (.56)
1999	\$464 (\$426)	\$778	.60 (.55)
2000	\$503 (\$462)	\$822	.61 (.56)
2001	\$531 (\$488)	\$868	.61 (.56)
2002	\$570 (\$524)	\$912	.63 (.57)
2003	\$618 (\$567)	\$912	.68 (.62)
2004	\$654 (\$601)	\$969	.67 (.62)
2005	\$679 (\$624)	\$961	.71 (.65)
2006	\$695 (\$638)	\$1,009	.69 (.63)
2007	\$738 (\$678)	\$1,088	.68 (.62)
2008	\$790 (\$726)	\$1,129	.70 (.64)
2009	\$781 (\$717)	\$1,142	.68 (.63)
2010	\$790 (\$726)	\$1,171	.67 (.62)
2011	\$812 (\$746)	\$1,208	.68 (.63)
2012	\$841 (\$772)	\$1,277	.66 (.60)
2013	\$884 (\$812)	\$1,337	.66 (.61)
2014	\$946 (\$869)	\$1,434	.66 (.61)
2015	\$960 (\$882)	\$1,487	.64 (.59)
2016	\$985 (\$905)	\$1,552	.63 (.58)
2017	\$984 (\$904)	\$1,524	.65 (.59)
2018 ¹⁵	\$1,028 (\$944)	\$1,554	.66 (.61)

13 The O&M and income data from 2008 to 2011 has been revised from that reported in previous explanatory statements to reflect actual, rather than estimated, expense and income data.

14 Operating and expense data listed is based upon unaudited filings with the Department of Finance. Audits of 46 buildings conducted in 1992 suggest that expenses may be overstated by 8% on average. See Rent Stabilized Housing in New York City, A Summary of Rent Guidelines Board Research 1992, pages 40-44. Figures in parentheses are adjusted to reflect these findings.

15 Estimated expense figure includes 2018 expense updated by the PIOC for the period from 3/1/17 through 2/28/18 (4.5%). Income includes the income for 2018 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 3/1/17 through 2/28/18 (1.98% -- i.e., the 10/1/16 to 9/30/17 rent projection (1.72%) times (.583), plus the 10/1/17 to 9/30/18 rent projection (2.35%) times (.417)).

2019 ¹⁶	\$1,085 (\$996)	\$1,593	.68 (.63)
2020 ¹⁷	\$1,120 (\$1,028)	\$1,630	.69 (.63)

Source: RGB Income and Expense Studies, 1989-2019, Price Index of Operating Costs, 2018 - 2019, RGB Rent Index for 2015 - 2019.

On May 6, 2019 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2019 Income & Expense Study. The memo follows:

At the request of the NYC Rent Guidelines Board Chair, David Reiss, staff has calculated the change in inflation-adjusted ("real") net operating income (NOI) for the years 2006 through 2017. Also provided, in nominal terms, are average rent growth, average income growth, average cost growth, and average NOI growth. Those four columns, dating back to 1991, can also be found on page 17 of the *2019 Income and Expense Study*. As the table below illustrates, inflation-adjusted NOI for owners of rent stabilized properties increased for eleven straight years from 2006-2016. However, "real" NOI decreased 1.5% in 2017. This "real" decline in NOI can be attributed to the growth in operating costs of 4.5% outpacing the 3.0% growth in both rent and income from 2016 to 2017, as well as inflation rising by 2.0%, the highest growth since 2012.

Increase in Average Monthly Rents, Income, Operating Costs and Net Operating Income (NOI) per Dwelling Unit, 2006-2017

	Avg. Rent Growth	Avg. Income Growth	Avg. Cost Growth	Nominal Avg. NOI Growth	Real Avg. NOI Growth*
2005-06	5.6%	5.5%	4.1%	8.8%	4.8%
2006-07	6.5%	6.5%	5.2%	9.3%	6.3%
2007-08	5.8%	6.2%	6.4%	5.8%	1.8%
2008-09	1.4%	1.8%	0.1%	5.8%	5.3%
2009-10	0.7%	1.2%	0.9%	1.8%	0.1%
2010-11	4.4%	4.5%	4.1%	5.6%	2.6%
2011-12	5.0%	5.3%	3.2%	9.6%	7.5%
2012-13	4.5%	4.5%	5.0%	3.4%	1.7%
2013-14	4.8%	4.9%	5.6%	3.5%	2.2%
2014-15	4.4%	4.4%	1.1%	10.8%	10.7%
2015-16	3.1%	3.1%	2.4%	4.4%	3.3%
2016-17	3.0%	3.0%	4.5%	0.4%	-1.5%

* NOI growth as adjusted by the effect of inflation as calculated by RGB staff using CPI data from the US Bureau of Labor statistics.
Source: NYC Department of Finance, 2004-2018 RPIE Data.

Changes in Housing Affordability

NYC's economy in 2018 showed many strengths as compared with the preceding year. Positive indicators include growing employment levels, which rose for the ninth consecutive year, increasing 1.9% in 2018. The unemployment rate also fell, declining by 0.5 percentage points, to 4.1%, the lowest level recorded in at least the last 43 years. Gross City Product (GCP) also increased for the ninth consecutive year, rising in inflation-adjusted terms by 3.0% in 2018.

Also, during 2018, the number of non-payment filings in Housing Court fell by 4.7%, calendared cases by 10.5%, and tenant evictions by 13.9%. There was also a decrease in cash assistance caseloads of 2.8%, while SNAP caseloads fell 3.6% and Medicaid enrollees fell 7.8%. Inflation also rose at a slightly slower pace, with the Consumer Price Index rising 1.9% in 2018, 0.1 percentage points slower than 2017. In addition, following two years of stagnation, inflation-adjusted wages rose during the most recent 12-month period for which data is available (the fourth quarter of 2017 through the third quarter of 2018), rising 3.5% over the corresponding time period of the prior year.

Negative indicators include personal bankruptcy filings, which rose 8.2% in New York City in 2018. In addition, homeless levels rose for the tenth consecutive year, although at a slowing rate, by 0.9%.

The most recent numbers, from the fourth quarter of 2018 (as compared to the fourth quarter of 2017), show many positive indicators, including cash assistance levels down 1.5%; SNAP recipients down 3.5%; GCP rising, by 3.0% in real terms; employment levels up 1.7%; the unemployment rate down 0.3 percentage points; and in Housing

16 Estimated expense figure includes 2019 expense estimate updated by the PIOC for the period from 3/1/18 through 2/28/19 (5.5%). Income includes the income estimate for 2019 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 3/1/18 through 2/28/19 (2.48% -- i.e., the 10/1/17 to 9/30/18 rent projection (2.35%) times (.583), plus the 10/1/18 to 9/30/19 rent projection (2.66%) times (.417)).

17 Estimated expense figure includes 2020 expense estimate updated by the 2020 PIOC projection for the period from 3/1/19 through 2/29/20 (3.2%). Income includes the income estimate for 2020 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 3/1/19 through 2/29/20 (2.33% - i.e., the 10/1/18 to 9/30/19 rent projection (2.66%) times (.583), plus the 10/1/19 to 9/30/20 rent projection (1.87%) times (.417)).

Court, the number of cases heard (calendared) down 3.2% and the number of non-payment filings down 2.7%.¹⁸ However, homeless rates were up 1.0% during the fourth quarter of 2018.

On April 22, 2019 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2019 Income & Affordability Study. The memo follows:

At the April 4, 2019 *Income & Affordability Study* (18A) presentation, seven questions were asked for which an immediate answer could not be provided. Answers follow.

Question 1: How many persons are receiving Senior Citizen Rent Increase Exemption (SCRIE) and Disabled Person Rent Increase Exemption (DRIE) benefits?

In Fiscal Year 2019, approximately 60,632 persons will receive SCRIE benefits (at a cost of \$142.4 million to the City of New York) and approximately 11,423 persons will receive DRIE benefits (at a cost of \$24.8 million). The two programs account for approximately 7.5% of all occupied rent stabilized apartments.

Question 2: Can you provide the out-of-pocket gross rent-to-income ratio by deciles for rent stabilized tenants?

The *NYC Housing and Vacancy Survey* does not provide out-of-pocket rent-to-income ratios, but using the study's methodology an out-of-pocket rent-to-income ratio can be estimated by adding the cost of utilities to out-of-pocket rent and dividing by household income. Out-of-pocket rent is the rent that renters report as being paid by themselves to owners, not including any government subsidies. Results from the *2017 Housing and Vacancy Survey* follow:

Decile	Estimated Out-of-Pocket Gross Rent-to-Income Ratio
10%	12.7%
20%	17.4%
30%	22.0%
40%	26.8%
50%	31.5%
60%	37.5%
70%	45.9%
80%	60.4%
90%	93.0%

Question 3: Can you provide the number of rent stabilized tenants paying 50% or more of their income in gross rent, including those who do and do not receive Section 8?

Per the *2017 HVS*, the percentage of rent stabilized tenants paying 50% or more of their income towards gross rent (including those who receive Section 8) is approximately 35.2%. As noted in annual *Income and Affordability Studies*, tenants who receive Section 8 generally pay no more than 30% of their income towards rent. However, the *HVS* reports that 89% of rent stabilized tenants who receive Section 8 are recorded by the *HVS* as having a gross rent-to-income ratio in excess of 30%, including 50% with rent-to-income ratios in excess of 100%.

Analyzing only those rent stabilized tenants who do not receive Section 8, the percentage of rent stabilized tenants paying 50% or more of their income towards gross rent is approximately 30.4%.

Approximately 26.2% of rent stabilized tenants pay an out-of-pocket gross rent-to-income ratio of 50% or higher.

Question 4: Can you compare the median gross rent-to-income ratio in New York City to other major cities?

The annual *American Community Survey* provides data on gross rent-to-income ratios for cities nationwide. As noted in the *2019 Income and Affordability Study*, New York City had the 26th highest gross rent-to-income ratio among 84 large cities (those with populations of 250,000 or more) in 2017. Of these cities, Miami had the highest ratio, at 38.5%, and San Francisco had the lowest ratio, at 23.9%. Other major cities include Los Angeles (34.5%), Philadelphia (32.0%), Boston (30.3%), Chicago (29.5%), and Washington, DC (29.2%).

Question 5: Can you provide median household income, contract rent, and gross rent, by borough, for rent stabilized households?

Data from the *2017 Housing and Vacancy Survey* follows:

Borough	Median Household Income	Median Contract Rent	Median Gross Rent
Bronx	\$32,126	\$1,130	\$1,250
Brooklyn	\$44,200	\$1,268	\$1,370
Manhattan	\$57,000	\$1,450	\$1,536
Queens	\$50,064	\$1,400	\$1,480
Staten Island	\$44,000	\$1,200	\$1,290
Citywide	\$44,560	\$1,269	\$1,375

Question 6: Do the issues with the reporting of rent-to-income ratios for Section 8 recipients in the Housing and Vacancy Survey also apply to the American Community Survey?

As noted in annual *Income and Affordability Studies*, tenants who receive Section 8 generally pay no more than 30% of their income towards rent. However, the *HVS* reports that 89% of rent stabilized tenants who receive Section 8 are recorded by the *HVS* as having a gross rent-to-income ratio in excess of 30%, including 50% with rent-to-income ratios in excess of 100%. This discrepancy may lead to an overstatement of the rent-to-income ratio, especially among rent stabilized tenants. Per the *2019 Income and Affordability Study*, an analysis of *2017 HVS* data found that the gross rent-to-income ratio for rent stabilized tenants not receiving Section 8 was 33.5%, a difference of 2.5 percentage points from the overall rent stabilized rate of 36.0%.

18 This data is obtained from the Civil Court of the City of New York, which cannot provide exact "quarterly" data. The Court has 13 terms in a year, each a little less than a month long. This data is for terms 10-13, which is from approximately the middle of September through the end of the year. It is compared to the same period of the prior year.

The *American Community Survey (ACS)* does not ask respondents about their receipt of Section 8 benefits, nor do they ask respondents for their out-of-pocket rent. Respondents are simply asked, "What is the monthly rent for this house, apartment, or mobile home?" Respondents receive the survey in the mail and can fill out the survey on paper or online. The *Housing and Vacancy (HVS)* survey is conducted in person with respondents. Regarding rent payments, interviewers ask the respondent, "What is the MONTHLY rent?" They are then asked, "Of the rent you reported, how much is paid out of pocket by this household? (Out of pocket means the money your household pays for rent over and above any shelter allowance or other government housing subsidy.)"

Because the *ACS* survey does not allow us to stratify data either for those who are rent stabilized or those who receive Section 8, we cannot estimate the gross rent-to-income ratio for those who do not receive Section 8. However, an examination of the microdata for both the *ACS* and the *HVS* reveals that a similar number of respondents report gross rent-to-income ratios of 100% or greater. Amongst all tenants, approximately 12%¹ of those in the *ACS* survey report a gross rent-to-income ratio of 100% or greater, as do 14% of the *HVS* respondents. While there is no way to attribute the rent-to-income ratios of 100% or greater to the receipt of Section 8 (or other rent subsidy programs), it is likely that the issues of overestimation of the rent-to-income ratios (due to rent subsidy programs) present in the *HVS* are also present in the *ACS*.

While the rent-to-income ratios presented in the *ACS* survey could potentially be overestimated, it is still useful to track it on an annual basis to see how affordability is improving or declining relative to other years. The gross rent-to-income ratio, as reported by the *ACS*, is presented below for the years 2005-2017 (the earliest and latest years available for study):

ACS Survey Year	Bronx	Brooklyn	Manhattan	Queens	SI	NYC
2017	36.8%	32.7%	27.3%	32.2%	33.4%	31.7%
2016	34.9%	32.3%	28.1%	33.2%	33.8%	31.9%
2015	35.6%	32.1%	28.9%	33.0%	32.6%	32.0%
2014	36.3%	33.8%	28.4%	34.4%	34.7%	32.7%
2013	34.9%	32.7%	28.7%	33.6%	33.0%	32.2%
2012	36.0%	32.7%	28.6%	33.8%	32.4%	32.2%
2011	35.8%	33.6%	28.5%	34.0%	29.7%	32.5%
2010	34.2%	32.8%	28.2%	33.6%	33.5%	31.9%
2009	33.0%	32.0%	27.4%	30.9%	34.4%	30.6%
2008	32.7%	31.8%	27.1%	30.3%	32.0%	30.1%
2007	31.9%	31.6%	26.4%	31.1%	32.1%	29.9%
2006	32.8%	31.8%	27.5%	31.2%	31.1%	30.5%
2005	33.6%	31.4%	28.0%	32.3%	35.3%	31.0%

¹ The *ACS* does not release microdata for the full survey sample. For New York City in 2017, the microdata sample is 31,589 households, versus the full sample size of 43,521 households. Therefore, only 72.6% of the survey sample can be analyzed through microdata and the most accurate data will be derived from tables published on the *ACS* website, based on the full sample size. This particular data point cannot be obtained from the *ACS* tables, so microdata was used. The actual estimate of the number of households with gross rent-to-income ratios of 100% or greater may differ slightly from the number presented here.

Question 7: What are the eligibility requirements for cash assistance programs?

New York State funds two cash assistance programs – the Family Assistance Program (FA) and Safety Net Assistance Program (SNA).

Both the income eligibility requirements and amount of benefits for FA and SNA are determined by factors such as the applicant's household size and the presence of children in the household. New applicants must have an adjusted income below the "standard of need" for their household size, and if determined eligible on that basis, the grant is the difference between the household's income and the standard of need. For instance, in New York City, a new applicant with a family of three (with at least one child) would have to have income below \$789 to be eligible (although some deductions to income, like work-related expenses, may apply). This household, were they earning no income, would be eligible for a total of \$789 in benefits each month (equal to the "standard of need"). Any income would reduce the grant available to the household. However, once deemed eligible for assistance, recipients with earned income have some of that income disregarded when calculating the grant, so that there is not a dollar-for-dollar reduction in the grant for every dollar earned.

More program details (from the website of the NYS Office of Temporary and Disability Assistance) follow:

"Family Assistance (FA)

Family Assistance (FA) provides cash assistance to eligible needy families that include a minor child living with a parent (including families where both parents are in the household) or a caretaker relative. FA operates under federal Temporary Assistance for Needy Families (TANF) guidelines.

Under FA, eligible adults are limited to receiving benefits for a total of 60 months in their lifetime, including months of TANF-funded assistance granted in other states. Once this limit is reached, that adult and all members of his or her FA household are ineligible to receive any more FA benefits. The months need not be consecutive, but rather each individual month in which TANF-funded benefits are received is included in the lifetime count.

Parents and other adult relatives receiving FA who are determined to be able to work must comply with federal work requirements to receive FA benefits.

As a further condition of FA eligibility each person who applies for or is receiving FA is required to cooperate with state and local departments of social services in efforts to locate any absent parent and obtain support payments and other payments or property. Non-cooperation without good cause could result in lower FA benefits.

Safety Net Assistance (SNA)

Safety Net Assistance (SNA) provides cash assistance to eligible needy individuals and families who are not eligible for FA). SNA is for:

- Single adults
- Childless couples
- Children living apart from any adult relative
- Families of persons found to be abusing drugs or alcohol
- Families of persons refusing drug/alcohol screening, assessment or treatment
- Aliens who are eligible for temporary assistance, but who are not eligible for federal reimbursement

Recipients of SNA who are determined to be able to work must also comply with work requirements to receive SNA benefits.

Generally, you can receive cash SNA for a maximum of two years in a lifetime. After that, if you are eligible for SNA, it is provided in non-cash form, such as a payment made directly to your landlord or voucher sent directly to your utility company. In addition, non-cash SNA is provided for:

- Families of persons found to be abusing drugs or alcohol
- Families of persons refusing drug/alcohol screening, assessment or treatment
- Families with an adult who has exceeded the 60 month lifetime time limit

Emergency Assistance

An emergency is an urgent need or situation that has to be taken care of right away. Some examples of an emergency are:

- You are homeless
- You have little or no food
- Your landlord has told you that you must move or has given you eviction papers
- You do not have fuel for heating in the cold weather period
- Your utilities are shut-off or are about to be shut-off, or you have a 72-hour disconnect notice
- You or someone in your family has been physically harmed, or threatened with violence by a partner, ex-partner or other household member

If you and/or your family are experiencing an emergency situation, you may be eligible for emergency assistance. Some examples of emergency assistance include, but are not limited to:

- Payment of shelter arrears
- Payment of utility arrears
- Payment of fuel and/or cost of fuel delivery
- Payment of Domestic Violence Shelter costs
- Payment of Temporary Housing (Hotel/Motel) costs

Payments may be authorized once you are determined to be eligible for one of the following emergency programs:

Emergency Assistance to Adults (EAA) - provides assistance for individuals and couples who have been determined eligible or are receiving SSI (Supplemental Security Income) or State Supplementation Program (SSP) payments.

Emergency Assistance to Needy Families (EAF) - provides assistance to meet the emergency needs of pregnant women and families with at least one child under age 18, or under age 19 and regularly attending full time secondary school.

Emergency Safety Net Assistance (ESNA) - provides emergency assistance to single adults and childless couples.

Note: Aliens who do not have documents that permit them to reside legally in the US are eligible only for certain kinds of emergency benefits.

You DO NOT have to be eligible for ongoing Temporary Assistance to receive Emergency Assistance."

On May 14, 2019 the staff of the Rent Guidelines Board released a memo to Board members with additional data from NYS Homes and Community Renewal (HCR). The memo follows:

The Rent Guidelines Board (RGB) last year asked staff to compile historical data provided to the RGB by NYS Homes and Community Renewal (HCR). This is an update of last year's memo. We have included the number of registered stabilized units both originally reported and subsequently updated; overcharge complaint caseloads as of approximately April or May of each year; preferential rents and the percentage of apartments with preferential rents (based on the originally reported number of stabilized units); registered Individual Apartment Improvements (IAIs); and Major Capital Improvements (MCIs) applied for and granted (in dollars), as well as the average MCI rent increase per room.

As the data shows, here are some general takeaways:

- The number of registered stabilized units (using the updated count) over the period since 2004 ranged from as few as 819,221 in 2009 to as many as 911,218 in 2016. The updated count reflects owners' late registrations.
- There is a clear upward trend in the proportion of stabilized units that charge preferential rents (using originally reported counts), rising from 16.3% in 2006 to 30.6% in 2018.
- The overcharge complaint caseload has ranged roughly between one and three thousand per year since 2008, compared to about 600-900 between 2003 to 2007.
- The average MCI increase per room has primarily increased since 2013, when we first asked for this information, rising from \$8.71 to \$13.81 in 2018.
- The number of IAIs has ranged between 12,797 and 19,475 each year since 2010, with no discernable trend.

	# of Registered Stabilized Units (Original Count)	# of Registered Stabilized Units (Updated Count)	Overcharge Complaints Caseloads	# of Preferential Rents Registered (Original Count)	Preferential Rents as % of Registrations	# of registered IAIs	MCI Total Amount Applied For	MCI Total Amount Granted	MCI Avg. Increase per/room
2018	885,205	-	2,211	270,719	30.6%	14,356	\$254,211,939	\$217,261,769	\$13.81
2017	856,267	905,970	997	255,481	29.8%	14,470	\$219,571,452	\$185,880,245	\$13.15
2016	842,144	911,218	2,185	252,763	30.0%	13,182	\$308,460,789	\$273,961,197	\$13.38
2015	839,164	896,758	2,578	248,873	29.7%	12,797	\$146,543,088	\$126,680,780	\$11.59
2014	839,797	905,067	2,589	238,573	28.4%	13,591	\$140,738,859	\$112,304,323	\$10.77
2013	832,105	900,808	3,078	232,126	27.9%	13,182	\$282,170,096	\$185,382,687	\$8.71
2012	823,919	901,381	3,035	221,376	26.9%	-	\$168,015,593	\$120,455,727	-
2011	814,500	896,747	2,521	203,408	25.0%	19,475	\$238,748,776	\$153,284,754	-
2010	803,753	891,403	2,074	189,368	23.6%	18,167	\$197,771,725	\$139,112,623	-
2009	808,643	819,221	1,815	164,442	20.3%	-	\$166,238,377	\$118,727,068	-
2008	821,876	853,066	1,038	154,900	18.8%	-	-	-	-
2007	836,004	860,876	867	150,184	18.0%	-	-	-	-
2006	838,592	870,072	607	136,665	16.3%	-	-	-	-
2005	849,582	875,709	848	-	-	-	-	-	-
2004	-	879,940	767	-	-	-	-	-	-

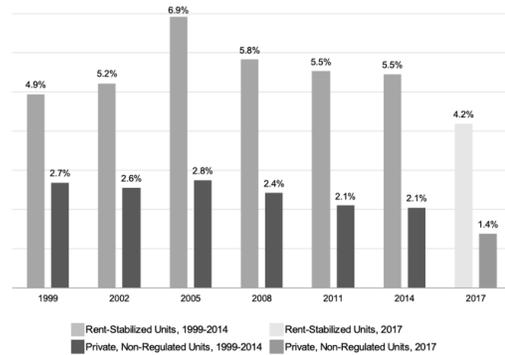
Source: NYS Homes and Community Renewal (HCR).
Notes: Overcharge complaint caseloads are as of April or May of each year. Additional years of overcharge complaint caseloads, not shown above: 1997: 8,878; 2000: 3,265; 2001: 1,216; 2002: 894; 2003: 824; and 2019: 2,364. In addition, other data not shown above was not requested by the RGB in those years.

On April 24, 2019 the staff of the Rent Guidelines Board released a memo to Board members with additional data from the NYC Department of Housing Preservation and Development (HPD). The memo follows:

The NYC Department of Housing Preservation and Development (HPD) testified before the Board at the April 4, 2019 meeting. Board members requested additional information, which is presented here:

HPD provided the following data from triennial NYC Housing and Vacancy Surveys:

Percentage of Units with 5 or more Maintenance Deficiencies



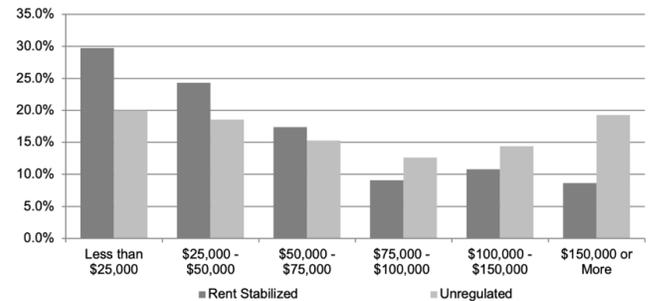
Source: U.S. Census Bureau. See 1999 - 2017 NYC Housing and Vacancy Survey Series (A: Rent-Occupied Housing Units by Rent Regulation Status, Table S3 Maintenance deficiencies, based on occupant self-report, include: 1) additional heating required in winter; 2) heating breakdown; 3) cracks or holes in interior walls, ceilings, or floors; 4) presence of rodents; 5) presence of broken plaster or peeling paint; 6) toilet breakdown; 7) water leakage into unit.

Income Distribution of Rent Stabilized and Unregulated Tenants

Household Income	Rent Stabilized		Unregulated	
	%	LB UB	%	LB UB
Less than \$25,000	29.7%	[28.0% , 31.5%]	19.9%	[18.6% , 21.2%
\$25,000 - \$50,000	24.3%	[23.0% , 25.6%]	18.5%	[17.4% , 19.7%
\$50,000 - \$75,000	17.4%	[16.3% , 18.6%]	15.3%	[14.1% , 16.4%
\$75,000 - \$100,000	9.1%	[8.1% , 10.1%]	12.6%	[11.6% , 13.7%
\$100,000 - \$150,000	10.8%	[9.8% , 11.8%]	14.4%	[13.2% , 15.5%
\$150,000 or More	8.6%	[7.8% , 9.5%]	19.3%	[18.0% , 20.5%

Data source: HPD Research, US Census NYC HVS 2017 microdata
LB and UB (lower bound and upper bound) are based on 95% confidence intervals

Income Distribution of Stabilized and Unregulated Tenants



Income Deciles of Rent Stabilized and Unregulated Tenants

Decile	Rent Stabilized		Unregulated	
	Income	HUDIL %*	Income	HUDIL %*
1	Less than \$9,288	0% - 11%	Less than \$13,000	0% - 16%
2	\$9,288 - \$16,300	11% - 20%	\$13,000 - \$25,000	16% - 31%
3	\$16,300 - \$25,000	20% - 31%	\$25,000 - \$38,000	31% - 47%
4	\$25,000 - \$34,222	31% - 42%	\$38,000 - \$50,000	47% - 61%
5	\$34,222 - \$44,560	42% - 55%	\$50,000 - \$67,000	61% - 82%
6	\$44,560 - \$55,400	55% - 68%	\$67,000 - \$84,000	82% - 103%
7	\$55,400 - \$70,000	68% - 86%	\$84,000 - \$108,000	103% - 132%
8	\$70,000 - \$97,000	86% - 119%	\$108,000 - \$145,000	132% - 178%
9	\$97,000 - \$138,000	119% - 169%	\$145,000 - \$210,000	178% - 257%
10	\$138,000 or Above	Above 169%	\$210,000 or Above	Above 257%

Data source: HPD Research, US Census NYC HVS 2017 microdata
* HUD Income Limit percentages are based on level that the income in each decile would be for a family of three (based on FY16 HUD Income Limits)

Age Distribution Persons in Rent Stabilized and Unregulated Units

Age	Rent Stabilized			Unregulated		
	n	%	LB UB	n	%	LB UB
Under 18	546,659	22.6%	[21.5% , 23.7%]	593,959	24.1%	[22.8% , 25.4%]
18 - 30	526,585	21.8%	[20.7% , 22.8%]	638,300	25.9%	[24.7% , 27.1%]
31 - 45	529,219	21.9%	[20.9% , 22.8%]	644,262	26.1%	[25.0% , 27.2%]
46 - 61	440,158	18.2%	[17.2% , 19.2%]	369,169	15.0%	[14.2% , 15.8%]
62 and Above	378,390	15.6%	[14.7% , 16.5%]	219,730	8.9%	[8.2% , 9.6%]
Total Tenants in Occupied Units	2,421,011			2,465,419		

Data source: HPD Research, US Census NYC HVS 2017 microdata
LB and UB (lower bound and upper bound) are based on 95% confidence intervals

Median and Mean Gross Rent of all NYC Rental Units

Year	Median Gross Rent			Mean Gross Rent		
	Estimate	LB	UB	Estimate	LB	UB
2011	\$1,309	[\$1,292 , \$1,326]	\$1,508	[\$1,488 , \$1,527]		
2014	\$1,366	[\$1,347 , \$1,384]	\$1,604	[\$1,579 , \$1,629]		
2017	\$1,450	[\$1,435 , \$1,465]	\$1,694	[\$1,672 , \$1,715]		

Data source: HPD Research, US Census NYC HVS 2017 microdata
LB and UB (lower bound and upper bound) are based on 95% confidence intervals
Rents are adjusted to real April 2017 dollars

Answers to questions that do not relate to the NYC Housing and Vacancy Survey follow:

How many of the 421-a units approved in 2018 were approved solely due to compliance issues?
760 Final Certificates of Occupancy (FCEs) that were approved in 2018 were related to DOF 421-a suspensions. We cannot speak to the exact number of units that those FCE comprise though. HCR may be able to provide more complete unit level information. [Note from RGB Staff: There were 1,037 FCEs approved in 2018, therefore 73% of the FCEs were related to compliance].

How many units are in our special loan programs? What are the eligibility requirements?

Opendoor: There are no eligibility requirements in terms of building size, this program includes cooperative and condominium buildings. To date, only one Opendoor project has closed, it was 57 units.

Homefix: Will target 1-4 family homes, but this program has not started yet, that is, no units have been financed under this program to date.

NHS/SCHAP: These two programs are the precursor to Homefix. NHS targets owners of 1-4 family homes, while SCHAP does not have a unit size eligibility requirement, it is targeted to individual homeowners for improvements. To date, 374 units have closed under NHS and SCHAP.

What percentage of new construction and preservation units are rent stabilized?

Please see the tables below for breakdowns of HPD's rental unit counts by income limits for the New Housing Marketplace Plan and the Housing New York Plan. All units besides those in the "Other start units" category are rent stabilized.

New Housing Marketplace Unit Starts by Construction Type, AMI % (7/1/2003 - 12/31/2013)						
Construction Type	Rentals only					
	Extremely Low Income (0-30%) Unit Starts	Low Income (0-80%) Unit Starts	Moderate Income (81-120%) Unit Starts	Middle Income (121-180%) Unit Starts	Other Unit Starts	Grand Total Unit Starts
New Construction	2,647	33,236	950	4,090	1,889	42,812
Preservation	1,567	63,825	6,803	1,426	636	74,257
Grand Total	4,214	97,061	7,753	5,516	2,525	117,069

1. For projects prior to 7/1/2008, "Low Income" units may include some 0-50% AMI units due to data limitations.
2. "Other" includes superintendent, unrestricted, market rate, and units where the income is unknown.

Housing New York Unit Starts by Reporting Construction Type, AMI % (1/1/2014 - 12/31/2018)							
Construction Type	Rentals only						
	Extremely Low Income (0-30%) Unit Starts	Very Low Income (31-50%) Unit Starts	Low Income (51-80%) Unit Starts	Moderate Income (81-120%) Unit Starts	Middle Income (121-165%) Unit Starts	Other Unit Starts (Super Units)	Grand Total Unit Starts
New Construction	7,557	4,705	19,636	2,273	3,481	202	37,855
Preservation	9,885	14,452	27,666	3,135	5,782	360	61,280
Grand Total	17,442	19,158	47,302	5,408	9,263	562	99,135

What is the number of buildings that have gone through HPD maintenance over time?

Housing New York Preservation Projects - Building Count (1/1/2014 - 12/31/2018)	
Project Closing Calendar Year	Building Count
2014	299
2015	433
2016	355
2017	367
2018	269
Grand Total	1,723

On May 6, 2019 the staff of the Rent Guidelines Board released a memo to Board members with additional data from the 2017 NYC Housing and Vacancy Survey The memo follows:

At the request of a Board member, the following table shows median rent stabilized household incomes and number of households, by sub-borough (roughly equivalent to a Community District), per the 2017 NYC Housing and Vacancy Survey.

Rent Stabilized Median Household Income and Number of Households, by Borough and Sub-borough

Borough/Sub-borough ¹	Median Household Income (Rent Stabilized Only)	# of Households (Rent Stabilized Only)
Bronx		
Mott Haven/Hunts Point	\$22,860	21,910
Morrisania/East Tremont	\$28,000	22,301
Highbridge/ S. Concourse	\$32,000	37,623
University Heights/ Fordham	\$31,720	32,349
Kingsbridge Heights/Mosholu	\$38,000	39,766
Riverdale/Kingsbridge	\$40,000	22,808
Soundview/Parkchester	\$40,000	20,623
Throgs Neck/Co-op City	\$40,000	...*
Pelham Parkway	\$43,800	14,552
Williamsbridge/Baychester	\$24,928	13,227
Boroughwide	\$32,126	229,429

*Data not available (see Footnote 1)

¹All data at the sub-borough level should be interpreted with caution, as the survey sample is small. Where data is missing, it is due to large margins of error that impact the reliability of the data. Borough figures include all households within the borough, including those sub-boroughs that are not reported separately.

Borough/Sub-borough	Median Household Income (Rent Stabilized Only)	# of Households (Rent Stabilized Only)
Brooklyn		
Williamsburg/Greenpoint	\$86,000	22,531
Brooklyn Heights/Fort Greene	\$75,000	8,176
Bedford Stuyvesant	\$49,000	15,536
Bushwick	\$45,000	10,706
East New York/Starrett City	...*	...*
Park Slope/Carroll Gardens	...*	6,883
Sunset Park	\$41,600	11,715
North Crown Heights/Prospect Heights	\$50,000	18,703
South Crown Heights	\$47,400	28,876
Bay Ridge	\$45,172	18,132
Bensonhurst	\$47,000	22,228
Borough Park	...*	14,758
Coney Island	\$26,490	15,040
Flatbush	\$45,000	31,609
Sheepshead Bay/Gravesend	\$30,160	16,449
Brownsville/Ocean Hill	\$38,000	14,863
East Flatbush	\$33,400	16,980
Flatlands/Canarsie	\$50,000	...*
Boroughwide	\$44,200	281,556
Manhattan		
Greenwich Village/Financial District	\$100,000	18,831
Lower East Side/Chinatown	\$60,000	23,750
Chelsea/Clinton/Midtown	...*	25,537
Stuyvesant Town/Turtle-Bay	...*	23,364
Upper West Side	\$68,900	24,052
Upper East Side	\$70,000	23,301
Morningside Heights/Hamilton Heights	\$38,000	20,053
Central Harlem	\$55,010	22,418
East Harlem	...*	14,220
Washington Heights/Inwood	\$42,100	49,250
Boroughwide	\$57,000	244,776

*Data not available (see Footnote 1)

Borough/Sub-borough	Median Household Income (Rent Stabilized Only)	# of Households (Rent Stabilized Only)
Queens		
Astoria	\$60,900	27,571
Sunnyside/Woodside	\$43,000	18,649
Jackson Heights	\$45,800	17,788
Elmhurst/Corona	\$60,000	20,209
Middle Village/Ridgewood	\$42,000	14,992
Rego Park/Forest Hills	\$55,300	17,255
Flushing/Whitestone	\$47,840	19,581
Hillcrest/Fresh Meadows	\$52,000	10,592
Kew Gardens/Woodhaven	\$55,000	8,550
South Ozone Park/Howard Beach	--*	--*
Bayside/Little Neck	\$52,000	--*
Jamaica	\$48,000	9,577
Bellerose/Rosedale	\$68,200	--*
Rockaways	--*	10,969
Boroughwide	\$50,064	180,453
Staten Island		
North Shore	--*	--*
Mid-Island	--*	--*
South Shore	--*	--*
Boroughwide	--*	10,300
Citywide**	\$44,560	946,514

*Data not available (see Footnote 1)

**Citywide figures include all households within the City, including those sub-boroughs that are not reported separately.

Source: 2017 NYC Housing and Vacancy Survey

Buildings with Different Fuel and Utility Arrangements

The Board was also informed of the circumstances of buildings with different fuel and utility arrangements including buildings that are master-metered for electricity and that are heated with gas versus oil (see Table 8). Under some of the Board's Orders in the past, separate adjustments have been established for buildings in certain of these categories where there were indications of drastically different changes in costs in comparison to the generally prevailing fuel and utility arrangements. This year the Board did not make a distinction between guidelines for buildings with different fuel and utility arrangements under Order 51.

Table 8

Index Type	2018-19 Price Index Change	One-Year Rent Adjustment Commensurate With O&M to Income Ratio of .646
All Dwelling Units	5.5%	3.55%
Pre 1947	5.7%	3.68%
Post 1946	5.1%	3.29%
Oil Used for Heating	5.8%	3.75%
Gas Used for Heating	5.5%	3.55%

Note: The O&M to Income ratio is from the 2019 Income and Expense Study.

Source: 2019 Price Index of Operating Costs

Adjustments for Units in the Category of Buildings Covered by Article 7-C of The Multiple Dwelling Law (Lofts)

Section 286 sub-division 7 of the Multiple Dwelling Law states that the Rent Guidelines Board "shall annually establish guidelines for rent adjustments for the category of buildings covered by this article." In addition, the law specifically requires that the Board, "consider the necessity of a separate category for such buildings, and a separately determined guideline for rent adjustments for those units in which heat is not required to be provided by the owner and may establish such separate category and guideline."

The increase in the Loft Index this year was 6.2%, 1.0 percentage points higher than the 5.2% increase in 2018. Increases in costs were seen in all eight components that make up this index. Fuel Costs witnessed the highest rise, increasing 13.7%. More moderate increases were seen in Taxes (7.1%), Labor Costs (6.4%), Insurance Costs (6.0%), Administrative Costs-Legal (4.3%), Administrative Costs-Other (3.2%), Maintenance (4.1%), and Utilities (1.6%).

This year's guidelines for lofts are: 1.5% for a one-year lease and 2.5% for a two-year lease.

Table 9

Changes in the Price Index of Operating Costs for Lofts from 2018-2019	
	Loft O & M Price Index Change
All Buildings	6.2%

Source: 2019 Price Index of Operating Costs

Special Guidelines for Vacancy Decontrolled Units Entering the Stabilized Stock

Pursuant to Section 26-513(b) of the New York City Administrative Code, as amended, the Rent Guidelines Board establishes a special guideline in order to aid the NYC Homes and Community Renewal in determining fair market rents for housing accommodations that enter the stabilization system. This year, the Board set the guidelines at 39% above the Maximum Base Rent.

The Board concluded that for units formerly subject to rent control, 39% above the maximum base rent was a desirable minimum increase.

INCREASE FOR UNITS RECEIVING PARTIAL TAX EXEMPTION PURSUANT TO SECTION 421 AND 423 OF THE REAL PROPERTY TAX LAW

The guideline percentages for 421-A and 423 buildings were set at the same levels as for leases in other categories of stabilized apartments.

This Order does not prohibit the inclusion of the lease provision for an annual or other periodic rent increase over the initial rent at an average rate of not more than 2.2 per cent per annum where the dwelling unit is receiving partial tax exemption pursuant to Section 421-A of the Real Property Tax Law. The cumulative but not compound charge of up to 2.2 per cent per annum as provided by Section 421-A or the rate provided by Section 423 is in addition to the amount permitted by this Order.

Votes

The votes of the Board on the adopted motion pertaining to the provisions of Order #51 were as follows:

	Yes	No	Abstentions
Guidelines for Apartment Order #51	5	4	-

Dated: June 25, 2019

Filed with the City Clerk: June 28, 2019

David Reiss
Chair
NYC Rent Guidelines Board

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- Chapter 576 of the Laws of 1974 (The Emergency Tenant Protection Act).
- Resolution Number 276 of 1974 of the New York City Council.
- Chapter 203 of the Laws of 1977.
- Chapter 933 of the Laws of 1977 (Open Meetings Law).
- Local Laws of the City of New York for the year 1979, No. 25.
- Chapter 234 of the Laws of 1980.
- Chapter 383 of the Laws of 1981.
- Local Laws of the City of New York for the Year 1982, No. 18.
- Chapter 403 of the Laws of 1983.
- Chapter 248 of the Laws of 1985.
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- Chapter 167 of the Laws of 1991.
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- Chapter 82 of the Laws of 2003.
- Chapter 97 of the Laws of 2011.
- Rent Act of 2015
- Housing Stability and Tenant Protection Act of 2019
- Written submissions by tenants, tenant organizations, owners, owner organizations, and elected officials.
- RGB Staff, 2019 Price Index of Operating Costs.
- RGB Staff, 2019 Mortgage Survey Report.
- RGB Staff, 2019 Income and Expense Study.
- RGB Staff, 2019 Income and Affordability Study.
- RGB Staff, 2019 Housing Supply Report.
- RGB Staff, Changes to the Rent Stabilized Housing Stock in New York City in 2018.
- U.S. Bureau of the Census, New York City Housing and Vacancy Surveys, 1970-2017.

NEW YORK CITY RENT GUIDELINES BOARD

2019 Hotel Order #49

June 25, 2019

Order Number 49 - Hotels, Rooming Houses, Single Room Occupancy Buildings and Lodging Houses. Rent levels to be effective for leases commencing October 1, 2019 through September 30, 2020.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended and implemented by Resolution No. 276 of 1974 of the New York City Council, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board hereby adopts the following levels of fair rent increases over lawful rents charged and paid on September 30, 2019.

APPLICABILITY

This order shall apply to units in buildings subject to the Hotel Section of the Rent Stabilization Law (Sections 26-504(c) and 26-506 of the N.Y.C. Administrative Code), as amended, or the Emergency Tenant Protection Act of 1974 (L.1974, c. 576 §4[§5(a)(7)]). With respect to any tenant who has no lease or rental agreement, the level of rent increase established herein shall be effective as of one year from the date of the tenant's commencing occupancy, or as of one year from the date of the last rent adjustment charged to the tenant, or as of October 1, 2019, whichever is later. This anniversary date will also serve as the effective date for all subsequent Rent Guidelines Board Hotel Orders, unless the Board shall specifically provide otherwise in the Order. Where a lease or rental agreement is in effect, this Order shall govern the rent increase applicable on or after October 1, 2019 upon expiration of such lease or rental agreement, but in no event prior to one year from the commencement date of the expiring lease, unless the parties have contracted to be bound by the effective date of this Order.

RENT GUIDELINES FOR HOTELS, ROOMING HOUSES, SINGLE ROOM OCCUPANCY BUILDINGS AND LODGING HOUSES

Pursuant to its mandate to promulgate rent adjustments for hotel units subject to the Rent Stabilization Law of 1969, as amended, (§26-510(e) of the N.Y.C Administrative Code) the Rent Guidelines Board hereby adopts the following rent adjustments:

The allowable level of rent adjustment over the lawful rent actually charged and paid on September 30, 2019 shall be:

- 1) Residential Class A (apartment) hotels - 0%
2) Lodging houses - 0%
3) Rooming houses (Class B buildings containing less than 30 units) - 0%
4) Class B hotels - 0%
5) Single Room Occupancy buildings (MDL section 248 SRO's) - 0%

NEW TENANCIES

No "vacancy allowance" is permitted under this order. Therefore, the rents charged for tenancies commencing on or after October 1, 2019 and on or before September 30, 2020 may not exceed the levels over rentals charged on September 30, 2019.

ADDITIONAL CHARGES

It is expressly understood that the rents collectible under the terms of this Order are intended to compensate in full for all services provided without extra charge on the statutory date for the particular hotel dwelling unit or at the commencement of the tenancy if subsequent thereto. No additional charges may be made to a tenant for such services, however such charges may be called or identified.

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing hotel units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

Dated: June 25, 2019

David Reiss, Chair
New York City Rent Guidelines Board

EXPLANATORY STATEMENT - HOTEL ORDER #49

Explanatory Statement and Findings of the Rent Guidelines Board In Relation to 2019-20 Lease Increase Allowances for Hotels Under the Jurisdiction of the Rent Stabilization Law

Explanatory Statement and Findings of the Rent Guidelines Board Concerning Increase Allowances for Hotel Units Under the Jurisdiction of the Rent Stabilization Law, Pursuant to Hotel Order Number 49, Effective October 1, 2019 through and including September 30, 2020.

Pursuant to the authority vested in it by the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974, implemented by Resolution Number 276 of 1974 of the New York City Council, and extended by the Housing Stability and Tenant Protection Act of 2019, it is the responsibility of the Rent Guidelines Board to establish guidelines for hotel increases. Hotel Order Number 49, adopted on June 25, 2019, applies to stabilized hotel units occupied by non-transient tenants.

Hotel Order Number 49 provides for an allowable increase of 0% over the lawful rent actually charged and paid on September 30, 2019 for rooming houses, lodging houses, Class B hotels, single room occupancy buildings, and Class A residential hotels. The Order does not limit rental levels for commercial space, non-rent stabilized residential units, or transient units in hotel stabilized buildings during the guideline period. The Order also provides that for any dwelling unit in a hotel stabilized building which is voluntarily vacated by the tenant thereof, the rent charged for a new tenancy may not exceed the rent charged on September 30, 2019.

SPECIAL NOTE

In the past the Board has adopted rent increases to the rent stabilized hotel universe. In recent years, when increases were granted, the Board adopted a proviso that was designed to deny owners from taking these increases under certain conditions. Since the Board voted a 0% increase for all classifications of rent stabilized hotels, this proviso is not included in Hotel Order 49. In the event that increases are considered for subsequent Hotel Orders, at such time the current members of the Rent Guidelines Board urge future Boards to consider reinstating this proviso or some form thereof. Below is the proviso and explanatory language previously adopted in Hotel Order 41:

Rooming house, lodging house, Class B hotel, single room occupancy building, and Class A residential hotel owners shall not be entitled to any of the above rent adjustments, and shall receive a 0% percent adjustment if permanent rent stabilized or rent controlled tenants paying no more than the legal regulated rent, at the time that any rent increase in this Order would otherwise be authorized, constitute fewer than 85% of all units in a building that are used or occupied, or intended, arranged or designed to be used or occupied in whole or in part as the home, residence or sleeping place of one or more human beings.

The following outlines the Rent Guidelines Board's intent of the above proviso:

The Board's intention for the meaning of this proviso is that ALL dwelling units in the hotel, whether occupied, vacant, rented to tourists, transients, contract clients, students or other non-permanent tenants, or to permanent rent stabilized tenants, be counted in the denominator of the calculation. The only type of units in the hotel that may be excluded from the denominator are units that are used as stores or for similar business purposes such as a doctor's office. The numerator of the calculation is the number of units occupied by permanent rent stabilized or rent controlled tenants.

Here are two examples. One: a hotel has 100 units and 2 stores. 32 units are rented to permanent rent stabilized tenants, 10 are vacant and 58 are rented to transients and tourists. The calculation is as follows, the denominator is 100 and the numerator is 32. This calculation results in an occupancy percentage of LESS than 85% under the formula (32%) and an increase CANNOT be taken for the permanent stabilized tenants.

Two: a hotel has 150 units, 2 of which are used by a dentist and a doctor for their businesses, 8 are rented to tourists, 5 are vacant and 135 are occupied by permanent rent stabilized tenants. The denominator would be 148 and the numerator would be 135. This calculation results in an occupancy percentage of GREATER than 85% under the formula (91%) and an increase CAN be taken for the permanent stabilized tenants.

DEFINITIONS

For the purpose of determining the appropriate classification of a hotel stabilized unit, the Board has set its definitions as follows:

- Residential hotels are "apartment hotels" which are designated as Class A multiple dwellings on the Certificate of Occupancy.
Rooming houses are Class B multiple dwellings having fewer than thirty sleeping rooms as defined in Section 4(13) of the multiple dwelling law.

19 This Explanatory Statement explains the actions taken by the Board on individual points and reflects the general views of those voting in the majority. It is not meant to summarize all viewpoints expressed.

- A single room occupancy building is a Class A multiple dwelling which is either used in whole or in part for single room occupancy or as a furnished room house, pursuant to Section 248 of the multiple dwelling law.
- A Class B hotel is a hotel, which carries a Class B Certificate of Occupancy and contains units subject to rent stabilization.
- Lodging houses are those buildings designated as lodging houses on the Certificate of Occupancy.

BACKGROUND

Public meetings of the Board were held on April 5, 18 and 25; and May 16, 2019 following public notices. On May 7, the Board adopted proposed rent guidelines for hotels, apartments, and lofts.

Four public hearings were held on June 11, June 13, June 18, and June 20, 2019 to hear comments on the proposed rent adjustments for rent stabilized hotels and apartments. The hearings were held from 5:30 p.m. to 10:00 p.m. on June 11, 5:10 p.m. to 8:00 p.m. on June 13, 5:30 p.m. to 9:20 p.m. on June 18, and from 5:15 p.m. to 9:55 p.m. on June 20. The Board heard testimony from approximately 14 hotel tenants and tenant representatives, one hotel owner, and one public official. In addition, the Board's office received approximately four written statements from tenants and tenant representatives, one hotel owner, and no public officials. On June 25, 2019, the guidelines set forth in Hotel Order Number 49 were adopted.

Selected Oral and Written Testimony from Tenants and Tenant Groups:

– “The conditions that warranted last year’s 0% vote remain essentially unchanged. SRO tenants continue to struggle to afford rent while buildings designated for residential use by rent-stabilized tenants are increasingly used for other purposes which generate significant profits in these buildings. We hop our testimony today will convince the Board to vote for a 0% rent increase for tenants of SROs again this year.”

– “Rent increases for tenants cannot be justified in SRO buildings that are not fully occupied by permanent rent-stabilized tenants or where the building’s income is dependent primarily on sources other than renting to permanent rent-stabilized tenants. Rental income from permanent tenants is often dwarfed by the staggering profits these landlords make from illegally-operated tourist hotels, student dormitories, and lucrative contracts with City agencies. In the instances where there are no such operations, rental income could be increased simply by returning the warehoused, vacant units to market.”

– “While the City’s increase in funding for civil legal services can help low-income tenants defend against a landlord’s attempts to evict them, only the RGB can keep SRO tenants’ rents at affordable levels. This means freezing SRO rents. A 0% increase for SROs will contribute to the preservation of a desperately needed portion of the housing stock, which fits squarely into the Mayor’s plan of preserving 120,000 units of affordable housing. As the price at the bottom of the housing market inches up, more and more New Yorkers will slowly be priced out of all housing in the City, and will be forced into homelessness.”

– “I’m here on behalf of SRO tenants and I want to thank you for zero guidelines for the remaining SRO tenants in the stock and I really hope you listen to the tenants who come out today.”

– “The Tempo Hotel (formerly the Commander Hotel)...has been downsized to 201 total units of which only 63 are occupied by statutory, permanent, rent stabilized hotel tenants. Many of the tenants are elderly, disabled, unemployed, and low-income....Tenants in my building have been through much over the years but we have endured. In part, this has been due to the RGB granting zero or modest increases with provisos, thereby keeping our rents affordable. Thank you for considering the plights of New York City’s remaining residential hotel and SRO tenants, and for not voting to approve an unwarranted rent increase, which prevents further homelessness”

Selected Oral and Written Testimony from Owners and Owner Groups:

– “It is apparent that there is a definite intention to discriminate against owners of rent stabilized SRO properties. The rationale appears to be that owners of these properties are renting to transient occupants and thereby supplementing their income. In an effort to “punish” such activity the Rent Guidelines Board has permitted no rent increases in the majority of the hotel orders published since 2004. However, this approach incentives owners of traditional stabilized SROs to remove units from the stabilized inventory in order to avoid the discriminatory decisions of the Rent Guidelines Board. Depriving owners of the resources to maintain their buildings will not improve or even allow maintenance of the housing stock. Our experience with NYCHA confirms this.”

– “There is no justification to treat owners of predominately stabilized SRO properties any differently than the owners of ordinary rent stabilized apartment buildings. The Rent Guidelines Board should

recognize this fact and adopt an order making up for prior discrimination as well as putting predominately stabilized SRO properties on equal footing with ordinary rent stabilized apartment buildings.”

– “I specifically propose that the 2019/2020 Hotel Order covering renewal leases in SROs that are predominately rent stabilized permit rent increases similar to those allowed in rent stabilized apartment buildings. In addition, the Rent Guidelines Board should permit vacancy increases of 20% upon vacancy of a stabilized SRO unit. This will be only a small step in restoring fairness in the regulatory scheme governing stabilized SRO buildings.”

– “You guys have basically frozen SRO rents for the last 20 years. And let me tell you something, the SRO units have been frozen, there’s no such thing as a vacancy increase. It’s always been frozen for the last 20 years. If the rent was \$500 20 years ago, it’s \$500 today. There’s no way of surviving. Insurance goes up, and I’ll give you a perfect example. Insurance for my SRO that I have, went from \$90,000 to \$270,000 in one year. These buildings are going to go down faster than the Titanic. And it’s something that you guys have a responsibility, for the people, to increase some of these rents so they can survive.”

Selected Oral and Written Testimony from Public Officials:

– “And I also want to thank the Board. I understand that the gentleman previously who owns SROs, but most SRO units have also market in them and they should not have any increase at all. Zero for SROs.”

MATERIAL CONSIDERED BY THE BOARD

In addition to oral and written testimony presented at its public hearing, the Board’s decision is based upon material gathered from the *2019 Price Index of Operating Costs*, prepared by the staff of the Rent Guidelines Board, reports and testimony submitted by owner and tenant groups relating to the hotel sector, and reports submitted by public agencies. The Board heard and received written testimony from invited guest speakers on April 25, 2019. Guest speakers representing hotel tenants included Stephanie Storke, from the Goddard-Riverside SRO Law Project, Brian Sullivan from MFY Legal Services, Inc., and Larry Wood from the Goddard Riverside Law Project.

FINDINGS OF THE RENT GUIDELINES BOARD

Rent Guidelines Board Research

The Rent Guidelines Board based its determination on its consideration of the oral and written testimony noted above, as well as upon its consideration of statistical information prepared by the RGB staff set forth in these findings and the following reports:

1. *2019 Mortgage Survey Report*, April 2019 (An evaluation of recent underwriting practices, financial availability and terms, and lending criteria);
2. *2019 Income and Affordability Study*, April 2019 (Includes employment trends, housing court actions, changes in eligibility requirements and public benefit levels in New York City);
3. *2019 Price Index of Operating Costs*, April 2019 (Measures the price change for a market basket of goods and services which are used in the operation and maintenance of stabilized hotels);
4. *2019 Housing Supply Report*, May 2019 (Includes information on the conversion of Hotels to luxury apartments and transient use, new housing construction measured by certificates of occupancy in new buildings and units authorized by new building permits, tax abatement and exemption programs, and cooperative and condominium conversion and construction activities in New York City); and,
5. *Changes to the Rent Stabilized Housing Stock in NYC in 2018*, May 2019 (A report quantifying all the events that lead to additions to and subtractions from the rent stabilized housing stock).

The five reports listed above may be found in their entirety on the RGB’s website, www.nyc.gov/rgb, and are also available at the RGB offices, 1 Centre St., Suite 2210, New York, NY upon request.

Price Index of Operating Costs for Rent Stabilized Hotel Units

The Hotel Price Index includes separate indices for each of three categories of rent stabilized hotels (due to their dissimilar operating cost profiles) and a general index for all rent stabilized Hotels. The three categories of hotels are: 1) “traditional” hotels — a multiple dwelling that has amenities such as a front desk, maid or linen services; 2) Rooming Houses — a multiple dwelling other than a hotel with thirty or fewer sleeping rooms; and 3) single room occupancy hotels (SROs) — a multiple dwelling in which one or two persons reside separately and independently of other occupants in a single room.

The Price Index for all rent stabilized Hotels increased 5.5% this year, a 1.6 percentage point difference from the 3.9% rise in 2018.

This year there were increases in all seven of the PIOC Hotel components. The Fuel component witnessed the highest increase, rising 13.8%. The Fuel component accounts for just over 15% of the entire Hotel Index. The remaining six components witnessed more moderate cost increases, with Insurance Costs rising 6.0%, Labor Costs 4.4%, Taxes 4.9%, Maintenance 2.4%, Administrative Costs 1.8%, and Utilities 1.5%. See the table on the next page for changes in costs and prices for all rent stabilized hotels from 2018-2019.

Among the different categories of Hotels, the index for “traditional” hotels increased 4.7%, Rooming Houses by 6.2%, and SROs by 6.4%

**Percent Change in the Components of the Price Index of Operating Costs
March 2018 to March 2019, By Hotel Type and All Hotels**

Item Description	All Hotels	Hotel	Rooming House	SRO
TAXES	4.9%	3.6%	6.4%	6.0%
LABOR COSTS	4.4%	4.3%	4.3%	5.0%
FUEL	13.8%	13.4%	15.3%	14.4%
UTILITIES	1.5%	0.9%	3.2%	0.4%
MAINTENANCE	2.4%	2.3%	2.8%	2.6%
ADMINISTRATIVE COSTS	1.8%	1.4%	3.2%	2.8%
INSURANCE COSTS	6.0%	6.0%	6.0%	6.0%
ALL ITEMS	5.5%	4.7%	6.2%	6.4%

Source: 2019 Price Index of Operating Costs

Changes in Housing Affordability

Preliminary results from the 2017 Housing and Vacancy Survey were released in February of 2018, and showed that the vacancy rate for New York City is 3.63%. Approximately 44% of renter households in NYC are rent stabilized, with a vacancy rate of 2.06%. The survey also shows that the median household income in 2016 was \$44,560 for rent stabilized tenants, versus \$47,200 for all renters. The median gross rent for rent stabilized tenants was also lower than that of all renters, at \$1,375 versus \$1,450 for all renters. And rent stabilized tenants saw a median gross rent-to-income ratio of 36.0% in 2017, compared to 33.7% for all renters.²⁰

NYC’s economy in 2018 showed many strengths as compared with the preceding year. Positive indicators include growing employment levels, which rose for the ninth consecutive year, increasing 1.9% in 2018.²¹ The unemployment rate also fell, declining by 0.5 percentage points, to 4.1%, the lowest level recorded in at least the last 43 years.²² Gross City Product (GCP) also increased for the ninth consecutive year, rising in inflation-adjusted terms by 3.0% in 2018.²³ Also during 2018, the number of non-payment filings in Housing Court fell by 4.7%, calendared cases by 10.5%,²⁴ and tenant evictions by 13.9%.²⁵ There was also a decrease in cash assistance caseloads of 2.8%, while SNAP caseloads fell 3.6% and Medicaid enrollees fell 7.8%.²⁶ Inflation also rose at a slightly slower pace, with the Consumer Price Index rising 1.9% in 2018, 0.1 percentage points slower than 2017.²⁷ In addition, following two years of stagnation, inflation-adjusted wages rose during the most recent 12-month period for which data is available (the fourth quarter of 2017 through the third quarter of 2018), rising 3.5% over the corresponding time period of the prior year.²⁸

20 “Selected Initial Findings of the 2017 New York City Housing and Vacancy Survey.” NYC Department of Housing Preservation and Development. February 9, 2018.
 21 NYS Dept. of Labor; <http://www.labor.state.ny.us>; Data accessed March 2019. Data is revised annually and may not match data reported in prior years.
 22 NYS Dept. of Labor; <http://www.labor.state.ny.us>; Data accessed March 2019. Data is revised annually and may not match data reported in prior years.
 23 Data from the NYC Comptroller’s Office as of March, 9 GCP figures are adjusted annually by the New York City Comptroller’s Office. The figures in this report are the latest available estimate from that office, based on inflation adjusted 2012 chained dollars.
 24 Civil Court of the City of New York data.
 25 NYC Department of Investigation, Bureau of Auditors data.
 26 New York City Human Resources Administration. HRA Charts: <http://www.nyc.gov/html/hra/html/facts/charts.shtml>
 27 Bureau of Labor Statistics; <http://www.bls.gov>; Data accessed March, 2019.
 28 NYS Dept. of Labor; <http://www.labor.state.ny.us>; Data accessed March 2019. Data is revised annually and may not match data reported in prior years.

Negative indicators include personal bankruptcy filings, which rose 8.2% in New York City in 2018.²⁹ In addition, homeless levels rose for the tenth consecutive year, although at a slowing rate, by 0.9%.³⁰ The most recent numbers, from the fourth quarter of 2018 (as compared to the fourth quarter of 2017), show many positive indicators, including cash assistance levels down 1.5%; SNAP recipients down 3.5%; GCP rising, by 3.0% in real terms; employment levels up 1.7%; the unemployment rate down 0.3 percentage points; and in Housing Court, the number of cases heard (calendared) down 3.2%³¹ and the number of non-payment filings down 2.7%.³² However, homeless rates were up 1.0% during the fourth quarter of 2018.

Consumer Price Index

The Board reviewed the Consumer Price Index. The table that follows shows the percentage change for the NY-Northeastern NJ Metropolitan area since 2011.

Percentage Changes in the Consumer Price Index for the New York City - Northeastern New Jersey Metropolitan Area, 2011-2019 (For “All Urban Consumers”)									
	2011	2012	2013	2014	2015	2016	2017	2018	2019
1st Quarter Avg. ³³	2.0%	2.7%	2.1%	1.4%	-0.2%	0.7%	2.5%	1.6%	1.5%
Yearly Avg.	2.8%	2.0%	1.7%	1.3%	0.1%	1.1%	2.0%	1.9%	NA

Source: U.S. Bureau of Labor Statistics.

Effective Rates of Interest

The Board took into account current mortgage interest rates and the availability of financing and refinancing. It reviewed the staff’s 2019 Mortgage Survey Report of lending institutions. The table below gives the reported rate and points for the past ten years as reported by the Mortgage Survey.

2019 Mortgage Survey ³⁴ Average Interest Rates and Points for New and Refinanced Permanent Mortgage Loans 2010-2019										
New Financing of Permanent Mortgage Loans, Interest Rate and Points										
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2018
Avg. Rates	6.3%	5.8%	4.6%	4.4%	4.9%	4.3%	4.0%	4.3%	4.8%	4.7%
Avg. Points	0.79	0.61	0.63	0.59	0.54	0.70	0.42	0.44	0.44	0.38
Refinancing of Permanent Mortgage Loans, Interest Rate and Points										
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Avg. Rates	6.3%	5.7%	4.7%	4.4%	4.9%	--*	--*	--*	--*	--*
Avg. Points	0.83	0.61	0.63	0.40	0.50	--*	--*	--*	--*	--*

Source: 2010–2019 Annual Mortgage Surveys, RGB.

* Questions specific to refinancing are no longer asked on the survey.

SRO Housing and Airbnb Rentals

Conversion of single room occupancy (SRO) buildings also continued over the past year. SRO owners may convert SRO housing to other uses after obtaining a “Certificate of No Harassment” from HPD. For the

29 Administrative Office of the U.S. Courts; <https://www.uscourts.gov/statistics-reports/caseload-statistics-data-tables>; Accessed March, 2019.
 30 Data from the Policy & Planning Office of the NYC Department of Homeless Services (DHS), DHS daily reports, DHS Data Dashboard Tables, and monthly Citywide Performance Reporting reports. Note that in addition, the NYC Department of Housing Preservation and Development, the NYC Department of Youth and Community Development, and the NYC Human Resources Administration also operate emergency shelters, which house approximately 5,000 persons per night, which is not included in the totals presented in this report.
 31 This data is obtained from the Civil Court of the City of New York, which cannot provide exact “quarterly” data. The Court has 13 terms in a year, each a little less than a month long. This data is for terms 10-13, which is from approximately the middle of September through the end of the year. It is compared to the same period of the prior year.
 32 See Endnote 13.
 33 1st Quarter Average refers to the change of the CPI average of the first three months of one year to the average of the first three months of the following year.
 34 Institutions were asked to provide information on their “typical” loan to rent stabilized buildings. Data for each variable in any particular year and from year to year may be based upon responses from a different number of institutions.

third consecutive year, the number of approved certificates fell, from 92 in 2017 to 83 in 2018, a decrease of 9.8%.³⁵

Efforts are also underway to ensure that SROs are used for permanent housing rather than as transient hotels. As of May 1, 2011, laws were newly passed strengthening the City's ability to crack down on housing being used illegally for transient occupancy. Transient occupancy is now clearly defined as stays of fewer than 30 days.³⁶ Governor Cuomo signed a bill in October of 2016 that further increased the fine for illegally advertising short-term rentals to as much as \$7,500.³⁷

Between May of 2011 and April of 2019, approximately 16,000 violations were issued to illegal hotel operators (including private apartments, hostels, and SROs). This includes more than 3,000 violations issued between May, 2018 and April, 2019, a decrease from the approximately 3,500 violations over the same time period of the prior year.³⁸

The effect in NYC of Airbnb and other short-term rental companies, which facilitate short-term and vacation rentals worldwide, continues to be studied by various City agencies and interest groups. Two 2018 reports (explored in depth in the 2018 Housing Supply Report) found that Airbnb both removes permanent housing from NYC's housing stock, and increases rents.³⁹ In an effort to curb the influence of companies like Airbnb (and other short-term rental companies), NYC continues to push for additional legislation and oversight of these companies. A law which was passed last July would require online home-sharing sites to disclose to the Mayor's Office of Special Enforcement, on a monthly basis, all listings within NYC. The data would include the identities and addresses of the hosts, and companies would be subject to a \$1,500 fine for each listing not disclosed. The law was intended to go into effect in February of this year, but in January a federal judge issued a preliminary injunction of the law on constitutional grounds.⁴⁰

A 2019 report from the School of Urban Planning at McGill University (an update to one of the aforementioned 2018 reports; see Endnote 21) analyzed the effect the currently blocked short-term rental disclosure regulations would have on the NYC rental market.⁴¹ Starting with a baseline of August 31, 2018 (when the report found that there were 30.6% more units renting for 120 nights or more as compared to the previous year, or a total of 9,000 such listings), the authors found that without new regulations, over the next year the number of housing units taken off the market would increase by an additional 1,800 units (to 10,800); average daily listings would increase 0.8%, to 57,300; 68% of listing revenue would be earned from illegal reservations; rent would increase for permanent tenants by an aggregate of \$8.6 million (with a \$60 million increase over three years); and commercial operators would manage 18.5% of all entire-home listings (up from 16.7% today).

Using San Francisco as a guide (where more stringent regulations went into place in January of 2018), the report predicts that with the new regulations there would be an average daily listing decline of 46% (to 31,000); 8,700 housing units would come back into the permanent market; rental vacancy rates would increase, especially in those neighborhoods most popular on listing sites; rent would decrease by an aggregate of \$19 million (and by \$130 million over three years); and illegal revenue would decrease by 69%.

OTHER RELEVANT INFORMATION

The NYS Division of Housing and Community Renewal released a memo to the Board dated April 17, 2019 in which they outline information from their registration database relating to Hotels/SROs/Rooming Houses. The following is an excerpt from that memo (Pages 3-4):

10. What is the total number of SRO/Hotel units registered with the DHCR in 2018? How many of these units are rent stabilized? How many are temporarily and permanently exempt? How many are registered as transient? How many as vacant?

Rent Stabilized Units 10,524

35 NYC Department of Housing Preservation and Development.
 36 Mayor Bloomberg Announces Results of City's Efforts to Curb Dangerous Illegal Hotels in New York City After State Legislation Enhances Enforcement Abilities." Mayor's Office Press Release 157-12. April 27, 2012.
 37 "Cuomo signs bill that deals huge blow to Airbnb," New York Post, October 21, 2016.
 38 Office of the Criminal Justice Coordinator, Mayor's Office of Special Enforcement. Complete April 2019 data was not yet finalized as of the publication of this report. Inclusive of data through approximately April 23, 2019.
 39 See the 2018 Housing Supply Report for more information on the following two reports: "The High Cost of Short-Term Rentals in New York City," by David Wachsmuth, David Chaney, Danielle Kerrigan, Andrea Shillolo, and Robin Basalaev-Binder (McGill University), January 30, 2018 and "The Impact of Airbnb on NYC Rents," NYC Comptroller's Office, April 2018.
 40 "Judge Blocks New York City Law Aimed at Curbing Airbnb Rental," New York Times, January 3, 2019.
 41 "The Impact of New Short-term Rental Regulations on New York City," by David Wachsmuth Jennifer Combs and Danielle Kerrigan (McGill University), January, 2019.

Vacant Units	1,310
Temporary Exempts Units	4,549
*of these 2,778 are Transient Units	
Permanent Exempt Units	97
Total Number of Units	16,480

11. What is the total number of SRO/Hotel units registered with the DHCR on an annual basis from 2009-2018?
 - In 2012 the total number of units registered was 19,757
 - In 2013 the total number of units registered was 17,792
 - In 2014 the total number of units registered was 18,787
 - In 2015 the total number of units registered was 18,322
 - In 2016 the total number of units registered was 16,996
 - In 2017 the total number of units registered was 16,469 and
 - In 2018 the total number of units registered was 16,480
12. What is the average and median rent for rent stabilized SRO/Hotel units in 2018?
 - The average rent stabilized rent for SRO/Hotel units in 2018 is \$1,324; the median rent is \$1,195.

On April 22, 2019, staff released a memo to the Board analyzing hotel data contained in the NYS Division of Housing and Community Renewal's 2017 and 2018 apartment and building registration databases. Below is the memo in its entirety.

Since 2007, Rent Guidelines Board staff has periodically⁴² analyzed registration data⁴³ filed with New York State Homes and Community Renewal (HCR) by owners of hotels and rooming houses.⁴⁴ This memorandum sets forth staff's most recent analysis, which includes data on rent levels for rent stabilized units in rooming houses and hotels identified from HCR registration filings for 2017 and 2018.⁴⁵

The basis for the 2019 analysis are those buildings identified as rooming houses or hotels in a memo dated June 12, 2017, the first memo utilizing a new methodology which attempted to correct for registration errors in HCR data.⁴⁶ At that time, staff identified and reported data on 174 rooming houses and 83 hotels. For the 2019 analysis, staff searched the two most recent HCR registration files for the same group of buildings identified in the 2017 memorandum.⁴⁷ This analysis identified 140 rooming houses and 72 hotels for which information, including available rent data, is provided below.

Rooming Houses

Staff identified 140 rooming house buildings in the 2017 and 2018 HCR registration files, a decrease from the 148 identified in the 2018 memo and 174 identified in the 2017 memo.⁴⁸ These 140 buildings

42 Previous memos are from June 4, 2007; June 4, 2009; June 12, 2012; June 4, 2013; May 22, 2015; June 12, 2017, and May 31, 2018 which analyzed hotel registration data filed with the NYS Homes and Community Renewal (HCR) in 2005, 2008, 2011, 2012, 2014, 2015/2016, and 2016/2017, respectively.
 43 Each year owners are required to provide HCR with listings of every rent stabilized unit in their buildings, including the rent level and whether the unit is currently rent stabilized, vacant, or permanently or temporarily exempt.
 44 Single Room Occupancy (SRO) residence is not a category available for registration. SRO residences would most commonly be registered as a hotel.
 45 Because the 2018 registration data is not final, two years of registration data were examined to capture buildings that may not appear in the 2018 data due to late registration. Note also that HCR registration filings may not reflect a complete count of hotels and rooming houses, as not all owners register their buildings, may register late, or may fail to correctly identify a building as a hotel or rooming house.
 46 It is important to note that prior to 2017, staff had relied on owners to provide correct information regarding the type of building being registered. In some cases, staff individually examined selected records with especially high rent levels to determine if the building was in fact a hotel or rooming house, and then omitted these records from the analysis if it was found to be incorrectly registered. However, as a general rule, staff used the building type information reported by owners without any secondary checks. The 2017 analysis attempted to compile a more accurate list of rooming houses and hotels by individually researching those buildings which self-identified as such and eliminating those buildings that were more likely to be Class A apartment buildings. The full methodology for that process is outlined in the June 12, 2017 memo.
 47 Rent data was used from 2018 registration files where available, and from 2017 only if the building was not registered in 2018.
 48 Using the list of buildings identified in 2017 as a starting point, staff searched the most recent HCR registration records, from 2018 (as released to the RGB in March of 2019), for the 174 buildings identified in the 2017 memo. A total of 125 buildings that were previously identified as rooming houses were contained in the most recent registration filings available to staff. Another 15 buildings were matched with 2017 registration data. A total of 34 buildings could not be located in either registration file. Staff did not research whether any new rooming house buildings may have been registered in 2018.

contained a total of 3,641 housing units.⁴⁹ By category, 2,589 (71.1%) of these units were registered as “rent stabilized” (indicating that they were occupied by a rent stabilized tenant at the time of registration). HCR files contain rent information for 2,587 of these units. With respect to the remaining units, 612 units (16.8%) are reported as “temporarily exempt;” 433 units (11.9%) as “vacant;” and seven units (0.2%) as “permanently exempt.” Among the temporarily exempt units, the most common reason given for the exemption is “Hotel/SRO (Transient)” (53.9% of temporarily exempt units). The second most common reason is “Not Prime Residence” (29.4% of temporarily exempt units), followed by “Owner/Employee Occupied” (16.0% of temporarily exempt units). The remaining 0.7% of units are classified as either “Commercial/Professional” or “Other.” Of the 140 buildings identified for this analysis, 24 (17.1%) consist entirely of exempt and/or vacant units (384 units or 10.5% of total units). In addition, 77 of these 140 buildings (55.0%) contain less than 85%⁵⁰ permanently stabilized units. These 77 buildings contain 1,303 units (35.8% of total units).

Table 1 shows the number of rent stabilized rooming house units and buildings that registered legal rents with HCR in 2017/2018. Legal rents are the maximum amount that an owner can charge to tenants (or potentially to government agencies subsidizing tenants), but do not necessarily reflect what a tenant is actually paying. Table 1 also provides the median and average legal rents for these units, Citywide.

Table 1: 2017/2018⁵¹ Median and Average “Legal” Rents for Rooming House Units Identified as Rent Stabilized (excludes exempt and vacant units)

	# of Stabilized Units	# of Stabilized Buildings	Median Legal Rent	Average Legal Rent
Citywide	2,587	116	\$1,157	\$1,073

Source: 2017 and 2018 HCR Building and Apartment Registration filings

Table 2 presents information with respect to median and average “preferential” rents reported for 30% of *rent stabilized* rooming house units. Preferential rents are rents that owners voluntarily choose to charge to tenants, which are lower than legal rents.

Table 2: 2017/2018⁵² Median and Average “Preferential” Rents for Rooming House Units Identified as Rent Stabilized (excludes exempt and vacant units)

	# of Stabilized Units	Median		Average	
		Preferential Rent*	% Difference from Legal Rent**	Preferential Rent*	% Difference from Legal Rent**
Citywide	779	\$872	-39%	\$801	-41%

*Only for those units reporting a preferential rent.
 **Refers to the legal rents of just those units that reported preferential rents.
 Source: 2017 and 2018 HCR Building and Apartment Registration filings

Table 3 presents the median and average “actual” rents reported for 42% of *rent stabilized* rooming house units. These are the rents that are paid by tenants out of pocket, with the balance being paid by government programs such as Section 8, Shelter Plus or SCRIE. Also shown is the percentage difference from the median and average legal rents of *just those units with reported actual rents*. Theoretically, the owners of the 1,077 units reporting actual rents can receive the difference between the actual and legal rents from government programs, and in fact, 78% of these units do not report any “preferential” rents, suggesting that in most cases owners do receive the full legal rent for these units. The median Citywide legal rent for these units is \$1,202 and the average legal rent is \$1,169. Not reported here are detailed statistics for the 241 units that report both actual and preferential rents (which would indicate that the owners of these units *do not* receive the full legal rent). The Citywide median preferential rent for these 241 units is \$909 and the average preferential rent is \$968.

49 Registration records were not checked against other sources in regard to the number of housing units. Note that while some owners may register all their units, regardless of regulation status, others may register only those that are rent stabilized.

50 The proviso in RGB Hotel Order 41, the last time the Board granted a renewal lease increase, limited permitted increases to rooming houses with at least 85% permanently rent stabilized occupancy. Note that if the owner has not registered every unit in the building with HCR (as they may not with unregulated units), the percentage of buildings that are 85% or more rent stabilized could be inflated.

51 2018 data used whenever available.

52 2018 data used whenever available.

Table 3: 2017/2018⁵³ Median and Average “Actual” Rents for Rooming House Units Identified as Rent Stabilized (excludes exempt and vacant units)

	# of Stabilized Units	Median		Average	
		Actual Rent*	% Difference from Legal Rent**	Actual Rent*	% Difference from Legal Rent**
Citywide	1,077	\$242	-80%	\$442	-62%

*Only for those units reporting an actual rent.
 **Refers to the legal rents of just those units that reported actual rents.
 Source: 2017 and 2018 HCR Building and Apartment Registration filings.

Table 4 shows median and average “rent received,” which uses a combination of preferential and legal rents to identify the rent actually being collected by owners of rent stabilized rooming houses. For the purposes of this table, “rent received” is defined as the legal rent, unless a preferential rent is registered, in which case the preferential rent is used.

Table 4: 2017/2018⁵⁴ Median and Average “Rent Received” Rents for Rooming House Units Identified as Rent Stabilized (excludes exempt and vacant units)

	# of Stabilized Units	Median “Rent Received”*	Average “Rent Received”*
Citywide	2,587	\$870	\$906

*“Rent Received” refers to the preferential rent (if one is provided), or the legal rent (if a preferential rent is not provided)
 Source: 2017 and 2018 HCR Building and Apartment Registration filings

Table 5 provides a longitudinal analysis⁵⁵ of 96 buildings (with rent information, 116 total) that registered in both 2018 and 2017. The median and average rents of this group of buildings in both years are presented below.

Table 5: 2018 Longitudinal Citywide Rent Data for Rooming House Units Identified as Rent Stabilized (excludes exempt and vacant units)

	Legal Rent	Preferential Rent	Actual Rent	“Rent Received”*
# of Units	2,301	614	933	2,301
Median 2016	\$1,126.67	\$872.00	\$238.00	\$872.00
Median 2017	\$1,150.00	\$872.00	\$242.00	\$856.72
% Change (Median)	2.1%	0.0%	1.7%	-1.8%
Average 2016	\$1,030.66	\$775.11	\$430.56	\$891.93
Average 2017	\$1,057.88	\$787.97	\$457.05	\$902.19
% Change (Average)	2.6%	1.7%	6.2%	1.2%

*“Rent Received” refers to the preferential rent (if one is provided), or the legal rent (if a preferential rent is not provided)
 Source: 2017 and 2018 HCR Building and Apartment Registration filings)

Hotels

The 2017 and 2018 HCR registration files contained 72⁵⁶ buildings that could be identified as hotels, a decrease from the 74 identified in the 2018 memo and the 83 identified in the 2017 memo.⁵⁷ According to

53 2018 data used whenever available.

54 2018 data used whenever available.

55 Note that unlike Tables 1-4, which rely on a combination of two years’ worth of data to report a single median or average rent figure, the longitudinal analysis relies solely on comparing 2018 data to 2017 data. All but nine of the rooming houses registered in 2018 were also registered in 2017.

56 Five of these “buildings” filed more than one registration with HCR, for adjacent addresses (a total of 11 records, treated here as five records). They are generally considered to be a single building, and are treated as such in this analysis.

57 Using the list of buildings identified in 2018 as a starting point, staff searched the most recent HCR registration records available to staff, from 2018 (as released to the RGB in March of 2019), for the 83 buildings identified in the 2017 memo. A total of 68 buildings that

HCR records, these buildings contained a total of 6,178 units of housing.⁵⁸ Of the units registered with HCR, 2,241 (36.3%) were registered as “rent stabilized.” Rent information was provided for 2,237 of these units. Of the remaining units, 3,536 (57.2%) were registered as “temporarily exempt”; 393 (6.4%) as “vacant;” and eight (0.1%) as “permanently exempt.” With respect to temporarily exempt units, the most common reason given for this status is “Hotel/SRO (Transient)” (78.1%). The second most common reason provided for temporarily exempt status is “Not Prime Residence” (16.5%). With respect to the remaining temporarily exempt units, the reasons for exemption are almost entirely “other” or “owner- or employee-occupied.” Of these 72 buildings, six (8.3%) consist entirely of exempt and/or vacant units (320 units or 5.2% of total units). In addition, 40 buildings (55.6%) contain less than 85% permanently stabilized units.⁵⁹ These 40 buildings contain 4,581 units, or 74.2% of the total units registered with HCR.

HCR registration files provided to the RGB provide information only for hotel units that owners register, which may or may not accurately reflect the total number of units in the building. Staff therefore researched two additional sources of information to determine the number of units in registered hotels.⁶⁰ For each hotel building, staff researched both registration records from the Department of Housing and Preservation Development (HPD), as well as internet sites, such as Expedia and Hotels.com, and the individual websites of the hotels, where available. In many cases, the unit count data from these different sources was inconsistent. For purposes of this analysis, staff has generally used the highest of the figures (whether HCR, HPD, or the travel or hotel websites) to estimate an actual unit count in these buildings. Taking this approach, staff found that these 72 buildings contained an *estimated* total of 16,148 units of housing. As a proportion of this higher number of units, units registered as “rent stabilized” are 13.9% of the total (versus 36.3% of the registered HCR units). As a proportion of the higher number of units, 67 buildings (93.1% of the total buildings) contain less than 85% permanently stabilized units.⁶¹ These 67 buildings contain 15,292 units, or 94.7% of the total units.

Table 6 shows the number of rent stabilized units and buildings that registered legal rents with HCR in 2017/2018. Legal rents are the maximum amount that an owner can charge to tenants (or to government agencies subsidizing tenants), but do not necessarily reflect what a tenant is actually paying. The table also provides the median and average legal rents for these units, Citywide.

Table 6: 2017/2018⁶² Median and Average “Legal” Rents for Hotel Units Identified as Rent Stabilized (excludes exempt and vacant units)

	# of Stabilized Units	# of Stabilized Buildings	Median Legal Rent	Average Legal Rent
Citywide	2,237	68	\$745	\$1,083

Source: 2017 and 2018 HCR Building and Apartment Registration filings

Table 7 presents the median and average “preferential” rents reported for 13% of *rent stabilized* units. Preferential rents are rents that owners voluntarily choose to charge to tenants, which are lower than legal rents.

were previously identified as rooming houses were contained in the most recent registration filings available to staff. Another four buildings were matched with 2017 registration data. A total of 10 buildings could not be located in either registration file. Staff did not research whether any new hotel buildings may have been registered in 2017.

58 Note that while some owners may register all their units, regardless of regulation status, others may register only those that are rent stabilized.

59 The proviso in RGB Hotel Order 41, the last time the Board granted a renewal lease increase, limited permitted increases to hotels with at least 85% permanently rent stabilized occupancy. If the owner has not registered every unit in the building with HCR (as they may not with unregulated units), the percentage of buildings that are 85% or more rent stabilized could be inflated.

60 Note that this analysis was not undertaken for rooming houses.

61 See footnote 41.

62 2018 data used whenever available.

Table 7: 2017/2018⁶³ Median and Average “Preferential” Rents for Hotel Units Identified as Rent Stabilized (excludes exempt and vacant units)

	# of Stabilized Units	Median		Average	
		Preferential Rent*	% Difference from Legal Rent**	Preferential Rent*	% Difference from Legal Rent**
Citywide	282	\$538	-60%	\$613	-74%

*Only for those units reporting a preferential rent.

**Refers to the legal rents of just those units that reported preferential rents. Source: 2017 and 2018 HCR Building and Apartment Registration filings

Table 8 shows the median and average “actual” rents reported for 21% of *rent stabilized* hotel units. These are the rents that are paid by tenants out of pocket, with the balance being paid by government programs such as Section 8, Shelter Plus or SCRIE. Also shown is the percentage difference from the median and average legal rents of *just those units with reported actual rents*. Theoretically, the owners of the 462 units reporting actual rents can receive the difference between the actual and legal rents from government programs, and in fact, 86% of these units do not report any “preferential” rents, suggesting that in most cases owners do receive the full legal rent for these units. The median Citywide *legal* rent for these units is \$745 and the average *legal* rent is \$849. Not reported here are detailed statistics for the 63 units that report both actual and preferential rents (which would indicate that the owners of these units *do not* receive the full legal rent). The median Citywide *preferential* rent for these units is \$897 and the average *preferential* rent is \$901.

Table 8: 2017/2018⁶⁴ Median and Average “Actual” Rents for Hotel Units Identified as Rent Stabilized (excludes exempt and vacant units)

	# of Stabilized Units	Median		Average	
		Actual Rent	% Difference from Legal Rent**	Actual Rent	% Difference from Legal Rent**
Citywide	462	\$326*	-56%	\$502*	-41%

*Only for those units reporting an actual rent.

**Refers to the legal rents of just those units that reported actual rents. Source: 2017 and 2018 HCR Building and Apartment Registration filings

Table 9 shows median and average “rent received,” which uses a combination of preferential and legal rents to identify the rent actually being collected by owners of rent stabilized hotels. For the purposes of this table, “rent received” is defined as the legal rent, unless a preferential rent is registered, in which case the preferential rent is used.

Table 9: 2017/2018⁶⁵ Median and Average “Rent Received” Rents for Hotel Units Identified as Rent Stabilized (excludes exempt and vacant units)

	# of Stabilized Units	Median “Rent Received”*	Average “Rent Received”*
Citywide	2,237	\$718	\$862

*“Rent Received” refers to the preferential rent (if one is provided), or the legal rent (if a preferential rent is not provided)

Source: 2017 and 2018 HCR Building and Apartment Registration filings

Table 10 provides a longitudinal analysis⁶⁶ of 59 hotel buildings (with rent information, 66 total) that registered in both 2017 and 2018. The median and average rents for this group of buildings are presented below.

Table 10: 2018 Longitudinal Citywide Rent Data for Hotel Units Identified as Rent Stabilized (excludes exempt and vacant units)

	Legal Rent	Preferential Rent	Actual Rent	“Rent Received”*
# of Units	1,818	249	409	1,818
Median 2016	\$744.83	\$533.03	\$336.00	\$713.60

63 2018 data used whenever available.

64 2018 data used whenever available.

65 2018 data used whenever available.

66 Note that unlike Tables 6-9, which rely on a combination of two years’ worth of data to report a single median or average rent figure, the longitudinal analysis relies solely on comparing 2018 data to 2017 data. All but two of the Hotels registered in 2018 were also registered in 2017.

Median 2017	\$744.83	\$536.63	\$328.00	\$719.42
% Change (Median)	0.0%	0.7%	-2.4%	0.8%
Average 2016	\$1,127.01	\$611.70	\$503.81	\$862.66
Average 2017	\$1,145.38	\$617.35	\$507.37	\$877.15
% Change (Average)	1.6%	0.9%	0.7%	1.7%

*"Rent Received" refers to the preferential rent (if one is provided), or the legal rent (if a preferential rent is not provided)
Source: 2017 and 2018 HCR Building and Apartment Registration filings

Summary

In summary, while this memo cannot capture every rent stabilized hotel or rooming house in New York City, it provides information on the universe of registered units that are likely to be rent stabilized. Tables 11 and 12 summarize some of the data presented above.

Table 11 summarizes data on the regulatory status of rooming house and hotel units registered with HCR in 2017/2018.

Table 11: 2017/2018⁶⁷ Rent Regulation Status of Registered Rooming Houses and Hotels

	# of Units*	Occupied Rent Stabilized	Vacant	Temporarily Exempt	Permanently Exempt
Rooming Houses	3,641	2,589	433	612	7
Hotels	6,178	2,241	393	3,536	8
Rooming Houses and Hotels (combined)	9,819	4,830	826	4,148	15

*Includes only those units registered with HCR
Source: 2017 and 2018 HCR Building and Apartment Registration filings

Table 12 provides a summary of the legal and received rents for rooming houses and hotels, as well as the average and median rents of rooming houses and hotels combined.

Table 12: 2017/2018⁶⁸ Median and Average Legal Rent and "Rent Received" Rents for Rooming House and Hotel Units Identified as Rent Stabilized (excludes exempt and vacant units)

	# of Stabilized Units	Median Legal Rent	Average Legal Rent	Median "Rent Received" ^{**}	Average "Rent Received" ^{**}
Rooming Houses	2,587	\$1,157	\$1,073	\$870	\$906
Hotels	2,237	\$745	\$1,083	\$718	\$862
Rooming Houses and Hotels (combined)	4,824	\$843	\$1,078	\$745	\$886

*"Rent Received" refers to the preferential rent (if one is provided), or the legal rent (if a preferential rent is not provided)
Source: 2017 and 2018 HCR Building and Apartment Registration filings

VOTE

The vote of the Rent Guidelines Board on the adopted motion pertaining to the provisions of Order Number 49 was as follows:

Yes No Abstentions

Guidelines for Hotels 7 2 -

Dated: June 25, 2019
Filed with the City Clerk: June 28, 2019

David Reiss
Chair
NYC Rent Guidelines Board

BIBLIOGRAPHY

The City of New York Rent Stabilization Law of 1969 Section 26 - 501 et, seq.
Chapter 576 of the Laws of 1974 (The Emergency Tenant Protection Act).
Resolution Number 276 of 1974 of the New York City Council.
Chapter 203 of the Laws of 1977.
Chapter 933 of the Laws of 1977 (Open Meetings Law).

67 2018 data used whenever available.
68 2018 data used whenever available.

Local Laws of the City of New York for the year 1979, No. 25.
Chapter 234 of the Laws of 1980.
Chapter 383 of the Laws of 1981.
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Chapter 403 of the Laws of 1983.
Chapter 248 of the Laws of 1985.
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Chapter 82 of the Laws of 2003.
Chapter 97 of the Laws of 2011.
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Housing Stability and Tenant Protection Act of 2019
RGB Staff, 2019 Price Index of Operating Costs.
RGB Staff, 2019 Income and Affordability Study.
RGB Staff, 2019 Mortgage Survey Report.
RGB Staff, 2019 Housing Supply Report.
RGB Staff, Changes to the Rent Stabilized Housing Stock in NYC in 2018.
Written and oral submissions by tenants, tenant organizations, owners, and owner organizations.



THE CITY OF NEW YORK
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David Reiss
Chair
Rent Guidelines Board
1 Centre St, Suite 2210
New York, NY 10007

Re: 2019 Rent Guidelines
No. 2019 RG 032

Dear Chair Reiss:

Pursuant to New York City Charter § 1043 subd. c, the above-referenced rule has been reviewed and determined to be within the authority delegated by law to your agency.

Sincerely,

Steven J. Goulden
STEVEN GOULDEN
Senior Counsel
Division of Legal Counsel

al



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 **8/14/2019**, 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	5030	72

Acquired in the proceeding entitled: MAPLE STREET PASSIVE RECREATION SPACE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

← a1-14

LABOR LAW ARTICLE 8 - NYC PUBLIC WORKS

Workers, Laborers and Mechanics employed on a public work project must receive not less than the prevailing rate of wage and benefits for the classification of work performed by each upon such public work. Pursuant to Labor Law Article 8 the Comptroller of the City of New York has promulgated this schedule solely for Workers, Laborers and Mechanics engaged by private contractors on New York City public work projects. Prevailing rates are required to be annexed to and form part of the public work contract pursuant to § 220 (3).

This schedule is a compilation of separate determinations of the prevailing rate of wage and supplements made by the Comptroller for each trade classification listed herein pursuant to New York State Labor Law section § 220 (5). The source of the wage and supplement rates, whether a collective bargaining agreement, survey data or other, is listed at the end of each classification.

Agency Chief Contracting Officers should contact the Bureau of Labor Law's Classification Unit with any questions concerning trade classifications, prevailing rates or prevailing practices with respect to procurement on New York City public work contracts. Contractors are advised to review the Comptroller's Prevailing Wage Schedule before bidding on public work contracts. Contractors with questions concerning trade classifications, prevailing rates or prevailing practices with respect to public work contracts in the procurement stage must contact the contracting agency responsible for the procurement.

Any error as to compensation under the prevailing wage law or other information as to trade classification, made by the contracting agency in the contract documents or in any other communication, will not preclude a finding against the contractor of prevailing wage violation.

Any questions concerning trade classifications, prevailing rates or prevailing practices on New York City public work contracts that have already been awarded may be directed to the Bureau of Labor Law's Classification Unit by calling (212) 669-4443. All callers must have the agency name and contract registration number available when calling with questions on public work contracts. Please direct all other compliance issues to: Bureau of Labor Law, Attn: Wasyl Kinach, P.E., Office of the Comptroller, 1 Centre Street, Room 651, New York, N.Y. 10007; Fax (212) 669-4002.

The appropriate schedule of prevailing wages and benefits must be posted at all public work sites pursuant to Labor Law § 220 (3-a) (a).

This schedule is applicable to work performed during the effective period, unless otherwise noted. Changes to this schedule are published on our web site comptroller.nyc.gov/wages. Contractors must pay the wages and supplements in effect when the worker, laborer, mechanic performs the work. Preliminary schedules for future one-year periods appear in the City Record on or about June 1 each succeeding year. Final schedules appear on or about July 1 in the City Record and on our web site comptroller.nyc.gov/wages.

The Comptroller's Office has attempted to include all overtime, shift and night differential, Holiday, Saturday, Sunday or other premium time work. However, this schedule does not set forth every prevailing practice with respect to such rates with which employers must comply. All such practices are nevertheless part of the employer's prevailing wage obligation and contained in the collective bargaining agreements of the prevailing wage unions. These collective bargaining agreements are available for inspection by appointment. Requests for appointments may be made by calling (212) 669-4443, Monday through Friday between the hours of 9 a.m. and 5 p.m.

Prevailing rates and ratios for apprentices are published in the Construction Apprentice Prevailing Wage Schedule. Pursuant to Labor Law § 220 (3-e), only apprentices who are individually registered in a bona fide program to which the employer contractor is a participant, registered with the New York State Department of Labor, may be paid at the apprentice rates. Apprentices who are not so registered must be paid as journey persons.

New York City public work projects awarded pursuant to a Project Labor Agreement ("PLA") in accordance with Labor Law section 222 may have different labor standards for shift, premium and overtime work. Please refer to the PLA's pre-negotiated labor agreements for

wage and benefit rates applicable to work performed outside of the regular workday. More information is available at the Mayor's Office of Contract Services (MOCS) web page at:

<https://www1.nyc.gov/site/mocs/legal-forms/project-labor-agreements.page>

All the provisions of Labor Law Article 8 remain applicable to PLA work including, but not limited to, the enforcement of prevailing wage requirements by the Comptroller in accordance with the trade classifications in this schedule; however, we will enforce shift, premium, overtime and other non-standard rates as they appear in a project's pre-negotiated labor agreement.

In order to meet their obligation to provide prevailing supplemental benefits to each covered employee, employers must either:

- 1) Provide bona fide fringe benefits which cost the employer no less than the prevailing supplemental benefits rate; or
- 2) Supplement the employee's hourly wage by an amount no less than the prevailing supplemental benefits rate; or
- 3) Provide a combination of bona fide fringe benefits and wage supplements which cost the employer no less than the prevailing supplemental benefits rate in total.

Although prevailing wage laws do not require employers to provide bona fide fringe benefits (as opposed to wage supplements) to their employees, other laws may. For example, the Employee Retirement Income Security Act, 29 U.S.C. § 1001 et seq., the Patient Protection and Affordable Care Act, 42 U.S.C. § 18001 et seq., and the New York City Paid Sick Leave Law, N.Y.C. Admin. Code § 20-911 et seq., require certain employers to provide certain benefits to their employees. Labor agreements to which employers are a party may also require certain benefits. The Comptroller's Office does not enforce these laws or agreements.

Employers must provide prevailing supplemental benefits at the straight time rate for each hour worked unless otherwise noted in the classification.

Paid Holidays, Vacation and Sick Leave when listed must be paid or provided in addition to the prevailing hourly supplemental benefit rate.

For more information, please refer to the Comptroller's Prevailing Wage Law Regulations in Title 44 of the Rules of the City of New York, Chapter 2, available at comptroller.nyc.gov/wages.

Wasyl Kinach, P.E.
Director of Classifications
Bureau of Labor Law

ASBESTOS HANDLER
SEE HAZARDOUS MATERIAL HANDLER

BLASTER

Blaster

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$55.86
Supplemental Benefit Rate per Hour: \$44.48

Blaster- Hydraulic Trac Drill

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$50.00
Supplemental Benefit Rate per Hour: \$44.48

Blaster - Wagon: Air Trac: Quarry Bar: Drillrunners

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$49.17
Supplemental Benefit Rate per Hour: \$44.48

Blaster - Journeyperson

(Laborer, Chipper/Jackhammer including Walk Behind Self Propelled Hydraulic Asphalt and Concrete Breakers and Hydro (Water) Demolition, Powder Carrier, Hydraulic Chuck Tender, Chuck Tender and Nipper)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$42.65
Supplemental Benefit Rate per Hour: \$44.48

Blaster - Magazine Keepers: (Watch Person)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$21.33
Supplemental Benefit Rate per Hour: \$44.48

Overtime

Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Thanksgiving Day
- Christmas Day

Paid Holidays

- Labor Day
- Thanksgiving Day

Shift Rates

When two shifts are employed, single time rate shall be paid for each shift. When three shifts are found necessary, each shift shall work seven and one half hours (7 1/2), but shall be paid for eight (8) hours of labor, and be permitted one half hour for lunch.

(Local #731)

BOILERMAKER

Boilermaker

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$59.17

Supplemental Benefit Rate per Hour: \$44.59

Supplemental Note: For time and one half overtime - \$66.44 For double overtime - \$88.28

Overtime Description

For Repair and Maintenance work:

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

For New Construction work:

Double time the regular rate after an 8 hour day.

Double time the regular time rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Columbus Day
- Election Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

Quadruple time the regular rate for work on the following holiday(s).

- Labor Day

Paid Holidays

- Good Friday
- Day after Thanksgiving
- Day before Christmas
- Day before New Year's Day

Shift Rates

When shifts are required, the first shift shall work eight (8) hours at the regular straight-time hourly rate. The second shift shall work seven and one-half (7 1/2) hours and receive eight hours at the regular straight time hourly rate plus twenty-five cents (\$0.25) per hour. The third shift shall work seven (7) hours and receive eight hours at the regular straight time hourly rate plus fifty cents (\$0.50) per hour. A thirty (30) minute lunch period shall not be considered as time worked. Work in excess of the above shall be paid overtime at the appropriate new construction work or repair work overtime wage and supplemental benefit hourly rate.

(Local #5)

BRICKLAYER

Bricklayer

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$56.32

Supplemental Benefit Rate per Hour: \$33.11

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

- New Year's Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

Paid Holidays

None

Shift Rates

Overtime rates to be paid outside the regular scheduled work day.

(Bricklayer District Council)

CARPENTER - BUILDING COMMERCIAL

Building Commercial

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$52.50

Supplemental Benefit Rate per Hour: \$46.38

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

- New Year's Day
- Washington's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Presidential Election Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

Paid Holidays

None

Shift Rates

The employer may work two (2) shifts with the first shift at the straight time wage rate starting at the established time between 7 a.m. and 9 a.m. The second shift will receive one hour at the double time rate of pay for the last hour of the shift; eight (8) hours pay for seven (7) hours of work, nine (9) hours pay for eight (8) hours of work. When it is not possible to conduct alteration work during regular working hours in a building occupied by tenants, the rule for the second shift will apply.

(Carpenters District Council)

CARPENTER - HEAVY CONSTRUCTION WORK

(Construction of Engineering Structures and Building Foundations)

Heavy Construction Work

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$54.68

Supplemental Benefit Rate per Hour: \$51.73

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

- New Year's Day
- President's Day

Memorial Day
Independence Day
Labor Day
Columbus Day
Presidential Election Day
Thanksgiving Day
Christmas Day

Paid Holidays
None

Shift Rates
Off shift work commencing between 5:00 P.M. and 11:00 P.M. shall work eight and one half hours allowing for one half hour for lunch. The wage rate shall be 113% of the straight time hourly wage rate.

(Carpenters District Council)

CARPENTER - HIGH RISE CONCRETE FORMS
(Excludes Engineering Structures and Building Foundations)

Carpenter High Rise A
Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$50.78
Supplemental Benefit Rate per Hour: \$43.44

Carpenter High Rise B
Carpenter High Rise B worker is excluded from high risk operations such as erection decking, perimeter debris netting, leading edge work, self-climbing form systems, and the installation of cocoon systems unless directly supervised by a Carpenter High Rise A worker.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$40.19
Supplemental Benefit Rate per Hour: \$16.75

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.
Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays
Time and one half the regular rate for work on the following holiday(s).
New Year's Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Presidential Election Day
Thanksgiving Day
Christmas Day

Paid Holidays
None

Shift Rates
The second shift wage rate shall be 113% of the straight time hourly wage rate. There must be a first shift in order to work a second shift.

(Carpenters District Council)

CARPENTER - SIDEWALK SHED, SCAFFOLD AND HOIST

Carpenter - Hod Hoist
(Assisted by Mason Tender)
Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$50.50
Supplemental Benefit Rate per Hour: \$39.56

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.
Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays
Double time the regular rate for work on the following holiday(s).
New Year's Day
President's Day
Memorial Day

Independence Day
Labor Day
Columbus Day
Presidential Election Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays
None

Shift Rates
The second shift will receive one hour at the double time rate of pay for the last hour of the shift; eight hours pay for seven hours of work, nine hours pay for eight hours of work. There must be a first shift in order to work a second shift.

(Carpenters District Council)

CARPENTER - WOOD WATER STORAGE TANK

Tank Mechanic
Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$34.14
Supplemental Benefit Rate per Hour: \$19.00

Tank Helper
Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$27.30
Supplemental Benefit Rate per Hour: \$19.00

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.
Time and one half the regular rate for work on a holiday plus the day's pay.

Paid Holidays
New Year's Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Thanksgiving Day
Day after Thanksgiving
1/2 day on Christmas Eve if work is performed in the A.M.
1/2 day on New Year's Eve if work is performed in the A.M.

Vacation
Employed for one (1) year.....one (1) week vacation (40 hours)
Employed for three (3) yearstwo (2) weeks vacation (80 hours)
Employed for more than twenty (20) yearsthree (3) weeks vacation (120 hours)

SICK LEAVE:
Two (2) sick days after being employed for twenty (20) years.

(Carpenters District Council)

CEMENT & CONCRETE WORKER

Cement & Concrete Worker
Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$43.53
Supplemental Benefit Rate per Hour: \$28.95
Supplemental Note: \$32.45 on Saturdays; \$35.95 on Sundays & Holidays

Cement & Concrete Worker - (Hired after 2/6/2016)
Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$33.05
Supplemental Benefit Rate per Hour: \$20.95
Supplemental Note: \$22.45 on Saturdays; \$23.95 on Sundays & Holidays

Overtime Description
Time and one half the regular rate after 7 hour day (time and one half the regular rate after an 8 hour day when working with Dockbuilders on pile cap forms and for work below street level to the top of the foundation wall, not to exceed 2 feet or 3 feet above the sidewalk-brick shelf, when working on the foundation and structure.)

Overtime
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Good Friday
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Presidential Election Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 1/2 day before Christmas Day
 1/2 day before New Year's Day

Shift Rates
 On shift work extending over a twenty-four hour period, all shifts are paid at straight time.

(Cement Concrete Workers District Council)

CEMENT MASON

Cement Mason

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$44.97
 Supplemental Benefit Rate per Hour: \$40.56
 Supplemental Note: Supplemental benefit time and one half rate: \$71.19; Double time rate: double the base supplemental benefit rate.

Overtime Description
 Time and one-half the regular rate after an 8 hour day, double time the regular rate after 10 hours. Time and one-half the regular rate on Saturday, double time the regular rate after 10 hours. Double time the regular rate on Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).

New Year's Day
 President's Day
 Good Friday
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Presidential Election Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 Any worker who reports to work on Christmas Eve or New Year's Eve pursuant to his employer's instruction shall be entitled to three (3) hours afternoon pay without working.

Shift Rates
 For an off shift day, (work at times other than the regular 7:00 A.M. to 3:30 P.M. work day) a cement mason shall be paid at the regular hourly rate plus a 25% per hour differential. Four Days a week at Ten (10)hour day.

(Local #780) (BCA)

CORE DRILLER

Core Driller

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$40.44
 Supplemental Benefit Rate per Hour: \$26.70

Core Driller Helper

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$32.12
 Supplemental Benefit Rate per Hour: \$26.70

Core Driller Helper(Third year in the industry)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$28.91
 Supplemental Benefit Rate per Hour: \$26.70

Core Driller Helper (Second year in the industry)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$25.70
 Supplemental Benefit Rate per Hour: \$26.70

Core Driller Helper (First year in the industry)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$22.48
 Supplemental Benefit Rate per Hour: \$26.70

Overtime Description
 Time and one half the regular rate for work on a holiday plus Holiday pay when worked.

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.
 Time and one half the regular rate for work on the following holiday(s).

Paid Holidays
 New Year's Day
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 Christmas Day

Shift Rates
 The shift day shall be the continuous eight and one-half (8½) hours from 6:00 A.M. to 2:30 P.M. and from 2:30 P.M. to 11:00 P.M., including one-half (½) hour of employees regular rate of pay for lunch. When two (2) or more shifts are employed, single time shall be paid for each shift, but those employees employed on a shift other than from 8:00 A.M. to 5:00 P.M. shall, in addition, receive seventy-five cents (\$0.75) per hour differential for each hour worked. When three (3) shifts are needed, each shift shall work seven and one-half (7 ½) hours paid for eight (8) hours of labor and be permitted one-half (½) hour for mealtime.

(Carpenters District Council)

DERRICKPERSON AND RIGGER

Derrick Person & Rigger

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$50.91
 Supplemental Benefit Rate per Hour: \$54.11
 Supplemental Note: The above supplemental rate applies for work performed in Manhattan, Bronx, Brooklyn and Queens. \$55.53 - For work performed in Staten Island.

Derrick Person & Rigger - Site Work

Assists the Stone Mason-Setter in the setting of stone and paving stone.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$42.59
 Supplemental Benefit Rate per Hour: \$42.37

Overtime Description
 The first two hours of overtime on weekdays and the first seven hours of work on Saturdays are paid at time and one half for wages and supplemental benefits. All additional overtimes is paid at double time for wages and supplemental benefits. Deduct \$1.42 from the Staten Island hourly benefits rate before computing overtime.

Overtime
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).

New Year's Day
 Washington's Birthday
 Good Friday
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 1/2 day on Christmas Eve if work is performed in the A.M.

(Local #197)

DIVER

Diver (Marine)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$69.22
 Supplemental Benefit Rate per Hour: \$51.73

Diver Tender (Marine)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$49.14
 Supplemental Benefit Rate per Hour: \$51.73

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.
 Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Presidential Election Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 None

Shift Rates
 When three shifts are utilized each shift shall work seven and one half-hours (7 1/2 hours) and paid for 8 hours, allowing for one half hour for lunch.

(Carpenters District Council)

DOCKBUILDER - PILE DRIVER

Dockbuilder - Pile Driver

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$54.63
 Supplemental Benefit Rate per Hour: \$51.73

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.
 Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Presidential Election Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 None

Shift Rates
 Off shift work commencing between 5:00 P.M. and 11:00 P.M. shall work eight and one half hours allowing for one half hour for lunch. The wage rate shall be 113% of the straight time hourly wage rate.

(Carpenters District Council)

DRIVER: TRUCK (TEAMSTER)

Driver - Dump Truck

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$41.18
 Supplemental Benefit Rate per Hour: \$49.65
 Supplemental Note: Over 40 hours worked: at time and one half rate - \$22.08; at double time rate - \$29.44

Driver - Tractor Trailer

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$43.84
 Supplemental Benefit Rate per Hour: \$49.03
 Supplemental Note: Over 40 hours worked: at time and one half rate - \$19.80; at double time rate - \$26.40

Driver - Euclid & Turnapull Operator

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$44.40

Supplemental Benefit Rate per Hour: \$49.03
 Supplemental Note: Over 40 hours worked: at time and one half rate - \$19.80; at double time rate - \$26.40

Overtime Description
 For Paid Holidays: Holiday pay for all holidays shall be prorated based two hours per day for each day worked in the holiday week, not to exceed 8 hours of holiday pay. For Thanksgiving week, the prorated share shall be 5 1/3 hours of holiday pay for each day worked in Thanksgiving week.

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Paid Holidays
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Shift Rates
 Off single shift work commencing between 6:00 P.M. and 5:00 A.M. shall work eight and one half (8 1/2) hours allowing for one half hour for lunch and be paid 117.3% of the straight time hourly wage rate.

Driver Redi-Mix (Sand & Gravel)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$39.00
 Supplemental Benefit Rate per Hour: \$45.52
 Supplemental Note: Over 40 hours worked: time and one half rate \$16.78; double time rate \$22.37

Overtime Description
 For Paid Holidays: Employees working two (2) days in the calendar week in which the holiday falls are to be paid for these holidays, provided they shape each remaining workday during that calendar week.

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 President's Day
 Columbus Day
 Veteran's Day

Triple time the regular rate for work on the following holiday(s).
 New Year's Day
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Election Day
 Thanksgiving Day

Christmas Day

(Local #282)

ELECTRICIAN

(Including installation of low voltage cabling carrying data, video and/or voice on building construction/alteration/ renovation projects.)

Electrician "A" (Regular Day / Day Shift)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$56.00
Supplemental Benefit Rate per Hour: \$56.54

Electrician "A" (Regular Day Overtime after 7 hrs / Day Shift Overtime after 8 hrs)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$84.00
Supplemental Benefit Rate per Hour: \$60.07

Electrician "A" (Swing Shift)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$65.71
Supplemental Benefit Rate per Hour: \$64.36

Electrician "A" (Swing Shift Overtime After 7.5 hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$98.57
Supplemental Benefit Rate per Hour: \$68.51

Electrician "A" (Graveyard Shift)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$73.60
Supplemental Benefit Rate per Hour: \$70.94

Electrician "A" (Graveyard Shift Overtime After 7 hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$110.40
Supplemental Benefit Rate per Hour: \$75.59

Overtime

Time and one half the regular rate after a 7 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on a holiday.
New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays

None

Shift Rates

When so elected by the Employer, one or more shifts of at least five days duration may be scheduled as follows: Day Shift: 8:00 am to 4:30 pm, Swing Shift 4:30 pm to 12:30 am, Graveyard Shift: 12:30 am to 8:00 am.

For multiple shifts of temporary light and/or power, the temporary light and/or power employee shall be paid for 8 hours at the straight time rate. For three or less workers performing 8 hours temporary light and/or power the supplemental benefit rate is \$24.92.

Electrician "M" (First 8 hours)

"M" rated work shall be defined as jobbing; electrical work of limited duration and scope, also consisting of repairs and/or replacement of electrical and tele-data equipment. Includes all work necessary to retrofit, service, maintain and repair all kinds of lighting fixtures and local lighting controls and washing and cleaning of foregoing fixtures.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$29.00
Supplemental Benefit Rate per Hour: \$23.43
First and Second Year "M" Wage Rate Per Hour: \$24.50
First and Second Year "M" Supplemental Rate: \$21.07

Electrician "M" (Overtime After First 8 hours)

"M" rated work shall be defined as jobbing; electrical work of limited duration and scope, also consisting of repairs and/or replacement of electrical and tele-data equipment. Includes all work necessary to retrofit, service, maintain and repair all kinds of lighting fixtures and local lighting controls and washing and cleaning of foregoing fixtures.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$43.50
Supplemental Benefit Rate per Hour: \$25.26
First and Second Year "M" Wage Rate Per Hour: \$36.75
First and Second Year "M" Supplemental Rate: \$22.62

Overtime

Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays

None

(Local #3)

ELECTRICIAN - ALARM TECHNICIAN

(Scope of Work - Inspect, test, repair, and replace defective, malfunctioning, or broken devices, components and controls of Fire, Burglar and Security Systems)

Alarm Technician

Effective Period: 7/1/2019 - 3/9/2020
Wage Rate per Hour: \$33.40
Supplemental Benefit Rate per Hour: \$17.68
Supplemental Note: \$16.06 only after 8 hours worked in a day

Effective Period: 3/10/2020 - 6/30/2020
Wage Rate per Hour: \$33.90
Supplemental Benefit Rate per Hour: \$18.43
Supplemental Note: \$16.80 only after 8 hours worked in a day

Overtime Description

Time and one half the regular rate for work on the following holidays: Columbus Day, Veterans Day, Day after Thanksgiving.
Double time the regular rate for work on the following holidays: New Year's day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

Overtime

Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Paid Holidays

New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Shift Rates

Night Differential is based upon a ten percent (10%) differential between the hours of 4:00 P.M. and 12:30 A.M. and a fifteen percent (15%) differential for the hours 12:00 A.M. to 8:00 A.M.

Vacation

At least 1 year of employmentten (10) days
5 years or more of employment.....fifteen (15) days
10 years of employmenttwenty (20) days
Plus one Personal Day per year

Sick Days:
One day per Year. Up to 4 vacation days may be used as sick days.

(Local #3)

ELECTRICIAN-STREET LIGHTING WORKER

Electrician - Electro Pole Electrician

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$56.00
Supplemental Benefit Rate per Hour: \$58.44

Electrician - Electro Pole Foundation Installer

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$42.66
Supplemental Benefit Rate per Hour: \$43.52

Electrician - Electro Pole Maintainer

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$36.61
Supplemental Benefit Rate per Hour: \$39.16

Overtime Description
Electrician - Electro Pole Electrician: Time and one half the regular rate after a 7 hour day and after 5 consecutive days worked per week.
Electrician - Electro Pole Foundation Installer: Time and one half the regular rate after 8 hours within a 24 hour period and Saturday and Sunday.
Electrician - Electro Pole Maintainer: Time and one half the regular rate after a 7 hour day and after 5 consecutive days worked per week. Saturdays and Sundays may be used as a make-up day at straight time when a day is lost during the week to inclement weather.

Overtime Holidays
Time and one half the regular rate for work on the following holiday(s).
New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays
None

(Local #3)

ELEVATOR CONSTRUCTOR

Elevator Constructor

Effective Period: 7/1/2019 - 3/16/2020
Wage Rate per Hour: \$66.95
Supplemental Benefit Rate per Hour: \$36.65

Effective Period: 3/17/2020 - 6/30/2020
Wage Rate per Hour: \$69.56
Supplemental Benefit Rate per Hour: \$37.47

Overtime Description
For New Construction: work performed after 7 or 8 hour day, Saturday, Sunday or between 4:30pm and 7:00am shall be paid at double time rate.

Existing buildings: work performed after an 8 hour day, Saturday, Sunday or between 5:30pm and 7:00 am shall be paid time and one half.

Overtime
Double time the regular rate for work on the following holiday(s).

Paid Holidays
New Year's Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving

Christmas Day

Vacation

Employer contributes 8% of regular basic hourly rate as vacation pay for employees with more than 15 years of service, and 6% for employees with 5 to 15 years of service, and 4% for employees with less than 5 years of service.

(Local #1)

ELEVATOR REPAIR & MAINTENANCE

Elevator Service/Modernization Mechanic

Effective Period: 7/1/2019 - 3/16/2020
Wage Rate per Hour: \$52.44
Supplemental Benefit Rate per Hour: \$36.55

Effective Period: 3/17/2020 - 6/30/2020
Wage Rate per Hour: \$54.56
Supplemental Benefit Rate per Hour: \$37.37

Overtime Description
For Scheduled Service Work: Double time - work scheduled in advance by two or more workers performed on Sundays, Holidays, and between midnight and 7:00am.

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.
Time and one half the regular rate for work on a holiday plus the day's pay.

Paid Holidays
New Year's Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Shift Rates
Afternoon shift - regularly hourly rate plus a (15%) fifteen percent differential. Graveyard shift - time and one half the regular rate.

Vacation
Employer contributes 8% of regular basic hourly rate as vacation pay for employees with more than 15 years of service, and 6% for employees with 5 to 15 years of service, and 4% for employees with less than 5 years of service.

(Local #1)

ENGINEER

Engineer - Heavy Construction Operating Engineer I

Cherry pickers 20 tons and over and Loaders (rubber tired and/or tractor type with a manufacturer's minimum rated capacity of six cubic yards and over).

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$70.71
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime
Shift Wage Rate: \$113.14

Engineer - Heavy Construction Operating Engineer II

Backhoes, Basin Machines, Groover, Mechanical Sweepers, Bobcat, Boom Truck, Barrier Transport (Barrier Mover) & machines of similar nature. Operation of Churn Drills and machines of a similar nature, Stetco Silent Hoist and machines of similar nature, Vac-Alls, Meyers Machines, John Beam and machines of a similar nature, Ross Carriers and Travel Lifts and machines of a similar nature, Bulldozers, Scrapers and Turn-a-Pulls: Tugger Hoists (Used exclusively for handling excavated material); Tractors with attachments, Hyster and Roustabout Cranes, Cherry pickers, Austin Western, Grove and machines of a similar nature, Scoopmobiles, Monorails, Conveyors, Trenchers: Loaders-Rubber Tired and Tractor: Barber Greene and Eimco Loaders and Eimco Backhoes; Mighty Midget and similar breakers and Tampers, Curb and Gutter Pavers and Motor Patrol, Motor Graders and all machines of a similar nature. Locomotives 10 Tons or under. Mini-Max, Break-Tech and machines of a similar nature; Milling machines, robotic and demolition machines and

machines of a similar nature, shot blaster, skid steer machines and machines of a similar nature including bobcat, pile rig rubber-tired excavator (37,000 lbs. and under), 2 man auger.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$68.58
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime
Shift Wage Rate: \$109.73

Engineer - Heavy Construction Operating Engineer III

Minor Equipment such as Tractors, Post Hole Diggers, Ditch Witch (Walk Behind), Road Finishing Machines, Rollers five tons and under, Tugger Hoists, Dual Purpose Trucks, Fork Lifts, and Dempsey Dumpers, Fireperson.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$65.00
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime
Shift Wage Rate: \$104.00

Engineer - Heavy Construction Maintenance Engineer I

Installing, Repairing, Maintaining, Dismantling and Manning of all equipment including Steel Cutting, Bending and Heat Sealing Machines, Mechanical Heaters, Grout Pumps, Bentonite Pumps & Plants, Screening Machines, Fusion Coupling Machines, Tunnel Boring Machines Moles and Machines of a similar nature, Power Packs, Mechanical Hydraulic Jacks; all drill rigs including but not limited to Churn, Rotary Caisson, Raised Bore & Drills of a similar nature; Personnel, Inspection & Safety Boats or any boats used to perform functions of same, Mine Hoists, Whirlies, all Climbing Cranes, all Tower Cranes, including but not limited to Truck Mounted and Crawler Type and machines of similar nature; Maintaining Hydraulic Drills and machines of a similar nature; Well Point System-Installation and dismantling; Burning, Welding, all Pumps regardless of size and/or motor power, except River Cofferdam Pumps and Wells Point Pumps; Motorized Buggies (three or more); equipment used in the cleaning and televising of sewers, but not limited to jet-rodder/vacuum truck, vacall/vactor, closed circuit television inspection equipment; high powered water pumps, jet pumps; screed machines and concrete finishing machines of a similar nature; vermeers.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$68.25
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime
Shift Wage Rate: \$109.20

Engineer - Heavy Construction Maintenance Engineer II

On Base Mounted Tower Cranes

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$90.00
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime
Shift Wage Rate: \$144.00

Engineer - Heavy Construction Maintenance Engineer III

On Generators, Light Towers

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$44.64
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime
Shift Wage Rate: \$71.42

Engineer - Heavy Construction Maintenance Engineer IV

On Pumps and Mixers including mud sucking

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$45.83
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime
Shift Wage Rate: \$73.33

Engineer - Steel Erection Maintenance Engineers

Derrick, Travelers, Tower, Crawler Tower and Climbing Cranes

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$65.31
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime
Shift Wage Rate: \$104.50

Engineer - Steel Erection Oiler I

On a Truck Crane

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$61.05
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime
Shift Wage Rate: \$97.68

Engineer - Steel Erection Oiler II

On a Crawler Crane

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$46.18
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime
Shift Wage Rate: \$73.89

Overtime Description

On jobs of more than one shift, if the next shift employee fails to report for work through any cause over which the employer has no control, the employee on duty who works the next shift continues to work at the single time rate.

Overtime

Double time the regular rate after an 8 hour day.
Double time the regular time rate for Saturday.
Double time the regular rate for Sunday.
Double time the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day
Lincoln's Birthday
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

Engineer - Building Work Maintenance Engineers I

Installing, repairing, maintaining, dismantling (of all equipment including: Steel Cutting and Bending Machines, Mechanical Heaters, Mine Hoists, Climbing Cranes, Tower Cranes, Linden Peine, Lorain, Liebherr, Mannes, or machines of a similar nature, Well Point Systems, Deep Well Pumps, Concrete Mixers with loading Device, Concrete Plants, Motor Generators when used for temporary power and lights), skid steer machines of a similar nature including bobcat.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$62.45
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime

Engineer - Building Work Maintenance Engineers II

On Pumps, Generators, Mixers and Heaters

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$48.26
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime

Engineer - Building Work Oilers I

All gasoline, electric, diesel or air operated Gradealls: Concrete Pumps, Overhead Cranes in Power Houses: Their duties shall be to assist the Engineer in oiling, greasing and repairing of all machines; Driving Truck Cranes: Driving and Operating Fuel and Grease Trucks, Cherrypickers (hydraulic cranes) over 70,000 GVW, and machines of a similar nature.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$59.33
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime

Engineer - Building Work Oilers II

Oilers on Crawler Cranes, Backhoes, Trenching Machines, Guniting Machines, Compressors (three or more in Battery).

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$43.78
Supplemental Benefit Rate per Hour: \$39.74
Supplemental Note: \$72.08 on overtime

Overtime Description

On jobs of more than one shift, if an Employee fails to report for work through any cause over which the Employer has no control, the Employee on duty will continue to work at the rate of single time.

Overtime
 Double time the regular rate after an 8 hour day.
 Double time the regular time rate for Saturday.
 Double time the regular rate for Sunday.
 Double time the regular rate for work on the following holiday(s).

Paid Holidays
 New Year's Day
 Lincoln's Birthday
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Christmas Day
 Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

Shift Rates
 Off Shift: double time the regular hourly rate.
 (Local #15)

ENGINEER - CITY SURVEYOR AND CONSULTANT

Party Chief

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$40.41
 Supplemental Benefit Rate per Hour: \$22.75
 Supplemental Note: Overtime Benefit Rate - \$27.25 per hour (time & one half) \$31.75 per hour (double time).

Instrument Person

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$33.13
 Supplemental Benefit Rate per Hour: \$22.75
 Supplemental Note: Overtime Benefit Rate - \$27.25 per hour (time & one half) \$31.75 per hour (double time).

Rodperson

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$28.54
 Supplemental Benefit Rate per Hour: \$22.75
 Supplemental Note: Overtime Benefit Rate - \$27.25 per hour (time & one half) \$31.75 per hour (double time).

Overtime Description
 Time and one half the regular rate after an 8 hour day, Time and one half the regular rate for Saturday for the first eight hours worked, Double time the regular time rate for Saturday for work performed in excess of eight hours, Double time the regular rate for Sunday and Double time the regular rate for work on a holiday.

Paid Holidays
 New Year's Day
 Lincoln's Birthday
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day
 Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday
 (Operating Engineer Local #15-D)

ENGINEER - FIELD (BUILDING CONSTRUCTION)

(Construction of Building Projects, Concrete Superstructures, etc.)

Field Engineer - BC Party Chief

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$65.44
 Supplemental Benefit Rate per Hour: \$35.12
 Supplemental Note: Overtime Benefit Rate - \$49.33 per hour (time & one half) \$63.54 per hour (double time).

Field Engineer - BC Instrument Person

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$50.83

Supplemental Benefit Rate per Hour: \$35.12
 Supplemental Note: Overtime Benefit Rate - \$49.33 per hour (time & one half) \$63.54 per hour (double time).

Field Engineer - BC Rodperson

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$32.84
 Supplemental Benefit Rate per Hour: \$35.12
 Supplemental Note: Overtime Benefit Rate - \$49.33 per hour (time & one half) \$63.54 per hour (double time).

Overtime Description

Time and one half the regular rate after a 7 hour work and time and one half the regular rate for Saturday for the first seven hours worked, Double time the regular time rate for Saturday for work performed in excess of seven hours, Double time the regular rate for Sunday and Double time the regular rate for work on a holiday.

Paid Holidays

New Year's Day
 President's Day
 Good Friday
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Christmas Day
 Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday
 (Operating Engineer Local #15-D)

ENGINEER - FIELD (HEAVY CONSTRUCTION)

(Construction of Roads, Tunnels, Bridges, Sewers, Building Foundations, Engineering Structures etc.)

Field Engineer - HC Party Chief

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$74.18
 Supplemental Benefit Rate per Hour: \$36.51
 Supplemental Note: Overtime benefit rate - \$51.29 per hour (time & one half), \$66.07 per hour (double time).

Field Engineer - HC Instrument Person

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$54.47
 Supplemental Benefit Rate per Hour: \$36.51
 Supplemental Note: Overtime benefit rate - \$51.29 per hour (time & one half), \$66.07 per hour (double time).

Field Engineer - HC Rodperson

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$45.70
 Supplemental Benefit Rate per Hour: \$36.51
 Supplemental Note: Overtime benefit rate - \$51.29 per hour (time & one half), \$66.07 per hour (double time).

Overtime Description

Time and one half the regular rate after an 8 hour day, Time and one half the regular rate for Saturday for the first eight hours worked, Double time the regular time rate for Saturday for work performed in excess of eight hours, Double time the regular rate for Sunday and Double time the regular rate for work on a holiday.

Paid Holidays

New Year's Day
 Lincoln's Birthday
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Christmas Day
 Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday
 (Operating Engineer Local #15-D)

ENGINEER - FIELD (STEEL ERECTION)

Field Engineer - Steel Erection Party Chief

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$69.15
Supplemental Benefit Rate per Hour: \$36.01
Supplemental Note: Overtime benefit rate - \$50.54 per hour (time & one half), \$65.07 per hour (double time).

Field Engineer - Steel Erection Instrument Person

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$53.88
Supplemental Benefit Rate per Hour: \$36.01
Supplemental Note: Overtime benefit rate - \$50.54 per hour (time & one half), \$65.07 per hour (double time).

Field Engineer - Steel Erection Rodperson

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$36.04
Supplemental Benefit Rate per Hour: \$36.01
Supplemental Note: Overtime benefit rate - \$50.54 per hour (time & one half), \$65.07 per hour (double time).

Overtime Description
Time and one half the regular rate for Saturday for the first eight hours worked.
Double time the regular rate for Saturday for work performed in excess of eight hours.

Overtime
Time and one half the regular rate after an 8 hour day.
Double time the regular rate for Sunday.
Double time the regular rate for work on the following holiday(s).

- Paid Holidays
New Year's Day
Lincoln's Birthday
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day
Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

(Operating Engineer Local #15-D)

ENGINEER - OPERATING

Operating Engineer - Road & Heavy Construction I

Back Filling Machines, Cranes, Mucking Machines and Dual Drum Paver.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$81.17
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$129.87

Operating Engineer - Road & Heavy Construction II

Backhoes, Power Shovels, Hydraulic Clam Shells, Steel Erection, Moles and machines of a similar nature.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$84.01
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$134.42

Operating Engineer - Road & Heavy Construction III

Mine Hoists, Cranes, etc. (Used as Mine Hoists)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$86.69
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$138.70

Operating Engineer - Road & Heavy Construction IV

Gradealls, Keystones, Cranes on land or water (with digging buckets), Bridge Cranes, Vermeer Cutter and machines of a similar nature, Trenching Machines.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$84.62
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$135.39

Operating Engineer - Road & Heavy Construction V

Pile Drivers & Rigs (employing Dock Builder foreperson):
Derrick Boats, Tunnel Shovels.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$82.96
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$132.74

Operating Engineer - Road & Heavy Construction VI

Mixers (Concrete with loading attachment), Concrete Pavers, Cableways, Land Derricks, Power Houses (Low Air Pressure Units).

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$78.85
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$126.16

Operating Engineer - Road & Heavy Construction VII

Barrier Movers , Barrier Transport and Machines of a Similar Nature.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$63.81
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$102.10

Operating Engineer - Road & Heavy Construction VIII

Utility Compressors

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$49.67
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$62.44

Operating Engineer - Road & Heavy Construction IX

Horizontal Boring Rig

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$75.02
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$120.03

Operating Engineer - Road & Heavy Construction X

Elevators (manually operated as personnel hoist).

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$69.01
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$110.42

Operating Engineer - Road & Heavy Construction XI

Compressors (Portable 3 or more in battery), Driving of Truck Mounted Compressors, Well-point Pumps, Tugger Machines Well Point Pumps, Churn Drill.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$53.74
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$85.98

Operating Engineer - Road & Heavy Construction XII

All Drills and Machines of a similar nature.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$79.68
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$127.49

Operating Engineer - Road & Heavy Construction XIII

Concrete Pumps, Concrete Plant, Stone Crushers, Double Drum Hoist, Power Houses (other than above).

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$77.19
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$123.50

Operating Engineer - Road & Heavy Construction XIV

Concrete Mixer

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$73.82

Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$118.11

Operating Engineer - Road & Heavy Construction XV

Compressors (Portable Single or two in Battery, not over 100 feet apart), Pumps (River Cofferdam) and Welding Machines, Push Button Machines, All Engines Irrespective of Power (Power-Pac) used to drive auxiliary equipment, Air, Hydraulic, etc.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$49.99
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$79.98

Operating Engineer - Road & Heavy Construction XVI

Concrete Breaking Machines, Hoists (Single Drum), Load Masters, Locomotives (over ten tons) and Dinkies over ten tons, Hydraulic Crane-Second Engineer.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$70.53
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$112.85

Operating Engineer - Road & Heavy Construction XVII

On-Site concrete plant engineer, On-site Asphalt Plant Engineer, and Vibratory console.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$71.06
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$113.70

Operating Engineer - Road & Heavy Construction XVIII

Tower Crane

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$101.71
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$162.74

Operating Engineer - Paving I

Asphalt Spreaders, Autogrades (C.M.I.), Roto/Mil

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$78.85
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$126.16

Operating Engineer - Paving II

Asphalt Roller

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$76.83
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$122.93

Operating Engineer - Paving III

Asphalt Plants

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$65.08
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$104.13

Operating Engineer - Concrete I

Cranes

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$84.25
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours

Operating Engineer - Concrete II

Compressors

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$50.37
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours

Operating Engineer - Concrete III

Micro-traps (Negative Air Machines), Vac-All Remediation System.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$67.45
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours

Operating Engineer - Steel Erection I

Three Drum Derricks

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$87.14
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$139.42

Operating Engineer - Steel Erection II

Cranes, 2 Drum Derricks, Hydraulic Cranes, Fork Lifts and Boom Trucks.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$83.75
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$134.00

Operating Engineer - Steel Erection III

Compressors, Welding Machines.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$49.95
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$79.92

Operating Engineer - Steel Erection IV

Compressors - Not Combined with Welding Machine.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$47.58
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours
 Shift Wage Rate: \$76.13

Operating Engineer - Building Work I

Forklifts, Plaster (Platform machine), Plaster Bucket, Concrete Pump and all other equipment used for hoisting material.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$69.51
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work II

Compressors, Welding Machines (Cutting Concrete-Tank Work), Paint Spraying, Sandblasting, Pumps (with the exclusion of Concrete Pumps), All Engines irrespective of Power (Power-Pac) used to drive Auxiliary Equipment, Air, Hydraulic, Jacking System, etc.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$52.21
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work III

Double Drum

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$79.02
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work IV

Stone Derrick, Cranes, Hydraulic Cranes Boom Trucks.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$83.68
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work V

Dismantling and Erection of Cranes, Relief Engineer.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$77.15
 Supplemental Benefit Rate per Hour: \$32.95
 Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work VI

4 Pole Hoist, Single Drum Hoists.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$76.35
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work VII

Rack & Pinion and House Cars

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$60.84
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
For New House Car projects Wage Rate per Hour \$48.70

Overtime Description
On jobs of more than one shift, if an Employee fails to report for work through any cause over which the Employer has no control, the Employee on duty will continue to work at the rate of single time.

For House Cars and Rack & Pinion only: Overtime paid at time and one-half for all hours in excess of eight hours in a day, Saturday, Sunday and Holidays worked.

Overtime
Double time the regular rate after an 8 hour day.
Double time the regular time rate for Saturday.
Double time the regular rate for Sunday.
Double time the regular rate for work on the following holiday(s).

Paid Holidays
New Year's Day
Lincoln's Birthday
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

Shift Rates
For Steel Erection Only: Shifts may be worked at the single time rate at other than the regular working hours (8:00 A.M. to 4:30 P.M.) on the following work ONLY: Heavy construction jobs on work below the street level, over railroad tracks and on building jobs.

(Operating Engineer Local #14)

FLOOR COVERER

(Interior vinyl composition tile, sheath vinyl linoleum and wood parquet tile including site preparation and synthetic turf not including site preparation)

Floor Coverer

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$50.50
Supplemental Benefit Rate per Hour: \$45.98

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays
Double time the regular rate for work on the following holiday(s).
New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Presidential Election Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays
1/2 day on Christmas Eve if work is performed in the A.M.
1/2 day on New Year's Eve if work is performed in the A.M.

Shift Rates
Two shifts may be utilized with the first shift working 8 a.m. to the end of the shift at straight time rate of pay. The wage rate for the second shift consisting of 7 hours shall be paid

at 114.29% of straight time wage rate. The wage rate for the second shift consisting of 8 hours shall be paid 112.5% of the straight time wage rate.
There must be a first shift to work the second shift.
(Carpenters District Council)

GLAZIER

(New Construction, Remodeling, and Alteration)

Glazier

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$46.05
Supplemental Benefit Rate per Hour: \$43.39
Supplemental Note: Supplemental Benefit Overtime Rate: \$65.10

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.

Overtime Holidays
Time and one half the regular rate for work on the following holiday(s).
New Year's Day
President's Day
Memorial Day
Independence Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays
None

Shift Rates
Shifts shall be any 8 consecutive hours after the normal working day for which the Glazier shall receive 9 hours pay for 8 hours worked.

(Local #1281)

GLAZIER - REPAIR & MAINTENANCE

(For the Installation of Glass - All repair and maintenance work on a particular building, whenever performed, where the total cumulative contract value is under \$141,750)

Craft Jurisdiction for repair, maintenance and fabrication

Plate glass replacement, Residential glass replacement, Residential mirrors and shower doors, Storm windows and storm doors, Residential replacement windows, Herculite door repairs, Door closer repairs, Retrofit apartment house (non-commercial buildings), Glass tinting.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$25.64
Supplemental Benefit Rate per Hour: \$22.29

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Sunday.
Time and one half the regular rate for work on the following holiday(s).
Time and one half the regular hourly rate after 40 hours in any work week.

Paid Holidays
New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

(Local #1281)

HAZARDOUS MATERIAL HANDLER

(Removal, abatement, encapsulation or decontamination of asbestos, lead, mold, or other toxic or hazardous waste/materials)

Handler

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$36.50
 Supplemental Benefit Rate per Hour: \$16.45

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Sunday.
 Time and one half the regular hourly rate after 40 hours in any work week.

Overtime Holidays
 Time and one half the regular rate for work on the following holiday(s).
 New Year's Day
 Good Friday
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 Christmas Day
 Easter

Paid Holidays
 None

(Local #78 and Local #12A)

HEAT AND FROST INSULATOR

Heat & Frost Insulator

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$61.46
 Supplemental Benefit Rate per Hour: \$40.46

Overtime Description
 Double time shall be paid for supplemental benefits during overtime work.
 8th hour paid at time and one half.

Overtime
 Double time the regular rate after an 8 hour day.
 Double time the regular time rate for Saturday.
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 Martin Luther King Jr. Day
 President's Day
 Memorial Day
 Independence Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Triple time the regular rate for work on the following holiday(s).
 Labor Day

Paid Holidays
 None

Shift Rates
 The first shift shall work seven hours at the regular straight time rate. The second and third shift shall work seven hours the regular straight time hourly rate plus a fourteen percent wage and benefit premium.

(Local #12) (BCA)

HOUSE WRECKER

(TOTAL DEMOLITION)

House Wrecker - Tier A

On all work sites the first, second, eleventh and every third House Wrecker thereafter will be Tier A House Wreckers (i.e. 1st, 2nd, 11th, 14th etc). Other House Wreckers may be Tier B House Wreckers.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$37.18
 Supplemental Benefit Rate per Hour: \$29.77

House Wrecker - Tier B

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$26.41
 Supplemental Benefit Rate per Hour: \$22.18

Overtime

Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 None

(Mason Tenders District Council)

IRON WORKER - ORNAMENTAL

Iron Worker - Ornamental

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$45.15
 Supplemental Benefit Rate per Hour: \$55.62
 Supplemental Note: Supplemental benefits are to be paid at the applicable overtime rate when overtime is in effect.

Overtime Description
 Time and one half the regular rate after a 7 hour day for a maximum of two hours on any regular work day (the 8th and 9th hour) and double time shall be paid for all work on a regular work day thereafter, time and one half the regular rate for Saturday for the first seven hours of work and double time shall be paid for all work on a Saturday thereafter.

Overtime
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 None

Shift Rates
 For off shift work - 8 hours pay for 7 hours of work. When two or three shifts are employed on a job, Monday through Friday, the workday for each shift shall be seven hours and paid for ten and one-half hours at the single time rate. When two or three shifts are worked on Saturday, Sunday or holidays, each shift shall be seven hours and paid fifteen and three-quarters hours.

(Local #580)

IRON WORKER - STRUCTURAL

Iron Worker - Structural

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$51.05
 Supplemental Benefit Rate per Hour: \$76.89
 Supplemental Note: Supplemental benefits are to be paid at the applicable overtime rate when overtime is in effect.

Overtime Description
 Monday through Friday- the first eight hours are paid at straight time, the 9th and 10th hours are paid at time and one-half the regular rate, all additional weekday overtime is paid at double the regular rate. Saturdays- the first eight hours are paid at time and one-half the regular rate, double time thereafter. Sunday-all shifts are paid at double time.

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day

Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Paid Holidays
1/2 day on Christmas Eve if work is performed in the A.M.
1/2 day on New Year's Eve if work is performed in the A.M.

Shift Rates
Monday through Friday - First Shift: First eight hours are paid at straight time, the 9th & 10th hours are paid at time and a half, double time paid thereafter. Second and third Shifts: First eight hours are paid at time and one-half, double time thereafter. Saturdays: All shifts, first eight hours paid at time and one-half, double time thereafter: Sunday all shifts are paid at double time.

(Local #40 & #361)

LABORER

(Foundation, Concrete, Excavating, Street Pipe Layer and Common)

Laborer

Excavation and foundation work for buildings, heavy construction, engineering work, and hazardous waste removal in connection with the above work. Landscaping tasks in connection with heavy construction work, engineering work and building projects. Projects include, but are not limited to pollution plants, sewers, parks, subways, bridges, highways, etc.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$42.65
Supplemental Benefit Rate per Hour: \$44.48

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays
Double time the regular rate for work on the following holiday(s).

New Year's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Thanksgiving Day
Christmas Day

Paid Holidays
Labor Day
Thanksgiving Day

Shift Rates
When two shifts are employed, single time rate shall be paid for each shift. When three shifts are found necessary, each shift shall work seven and one half hours (7 1/2), but shall be paid for eight (8) hours of labor, and be permitted one half hour for lunch.

(Local #731)

LANDSCAPING

(Landscaping tasks, as well as tree pruning, tree removing, spraying and maintenance in connection with the planting of street trees and the planting of trees in city parks but not when such activities are performed as part of, or in connection with, other construction or reconstruction projects.)

Landscaper (Year 6 and above)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$31.75
Supplemental Benefit Rate per Hour: \$16.05

Landscaper (Year 3 - 5)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$30.72
Supplemental Benefit Rate per Hour: \$16.05

Landscaper (up to 3 years)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$28.14
Supplemental Benefit Rate per Hour: \$16.05

Groundperson

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$28.14
Supplemental Benefit Rate per Hour: \$16.05

Tree Remover / Pruner

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$36.92
Supplemental Benefit Rate per Hour: \$16.05

Landscaper Sprayer (Pesticide Applicator)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$26.59
Supplemental Benefit Rate per Hour: \$16.05

Watering - Plant Maintainer

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$21.40
Supplemental Benefit Rate per Hour: \$16.05

Overtime Description

For all overtime work performed, supplemental benefits shall include an additional seventy-five (\$0.75) cents per hour.

Overtime

Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.
Time and one half the regular rate for work on a holiday plus the day's pay.

Paid Holidays
New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Shift Rates

Work performed on a 4pm to 12am shift has a 15% differential.
Work performed on a 12am to 8am shift has a 20% differential.

(Local #175)

MARBLE MECHANIC

Marble Setter

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$54.44
Supplemental Benefit Rate per Hour: \$40.77

Marble Finisher

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$42.86
Supplemental Benefit Rate per Hour: \$38.22

Marble Polisher

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$39.81
Supplemental Benefit Rate per Hour: \$30.35

Marble Maintenance Finisher

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$24.31
Supplemental Benefit Rate per Hour: \$13.34

Overtime Description

Supplemental Benefit contributions are to be made at the applicable overtime rates. Time and one half the regular rate after a 7 hour day or time and one half the regular rate after an 8 hour day - chosen by Employer at the start of the project and then would last for the full duration of the project.

Overtime

Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays

None

(Local #7)

MASON TENDERMason Tender

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$38.40

Supplemental Benefit Rate per Hour: \$31.04

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

Shift Rates

The employer may work two (2) shifts with the first shift at the straight time wage rate and the second shift receiving eight (8) hours paid for seven (7) hours work at the straight time wage rate. When it is not possible to conduct alteration work during regular working hours in a building occupied by tenants, the rule for the second shift will apply.

(Local #79)

MASON TENDER (INTERIOR DEMOLITION WORKER)Mason Tender Tier A

Tier A Interior Demolition Worker performs all burning, chopping, and other technically skilled tasks related to interior demolition work.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$36.44

Supplemental Benefit Rate per Hour: \$24.50

Mason Tender Tier B

Tier B Interior Demolition Worker performs manual work and work incidental to demolition work, such as loading and carting of debris from the work site to an area where it can be loaded in to bins/trucks for removal. Also performs clean-up of the site when demolition is completed.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$25.63

Supplemental Benefit Rate per Hour: \$18.82

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

(Local #79)

METALLIC LATHERMetallic Lather

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$46.23

Supplemental Benefit Rate per Hour: \$46.67

Supplemental Note: Overtime Supplemental Benefit rate - \$57.92

Overtime Description

Overtime would be time and one half the regular rate after a seven (7) or eight (8) hours workday, which would be set at the start of the job.

Overtime

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

Washington's Birthday

Memorial Day

Independence Day

Labor Day

Columbus Day

Thanksgiving Day

Christmas Day

Paid Holidays

1/2 day on Christmas Eve if work is performed in the A.M.

1/2 day on New Year's Eve if work is performed in the A.M.

Shift Rates

There will be no shift differential paid on the first shift if more than one shift is employed. The shift differential will remain \$12/hour on the second and third shift for the first eight (8) hours if worked. There will be no pyramiding on overtime worked on second and third shifts. The time and one half (1.5x) rate will be against the base wage rate, not the shift differential

(Local #46)

MILLWRIGHTMillwright

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$54.20

Supplemental Benefit Rate per Hour: \$53.81

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Presidential Election Day

Thanksgiving Day

Christmas Day

Paid Holidays

1/2 day on Christmas Eve if work is performed in the A.M.

1/2 day on New Year's Eve if work is performed in the A.M.

Shift Rates

The first shift shall receive the straight time rate of pay. The second shift receives the straight time rate of pay plus fifteen (15%) per cent. Members of the second shift shall be allowed one half hour to eat, with this time being included in the hours of the workday established. There must be a first shift to work a second shift. All additional hours worked shall be paid at the time and one-half rate of pay plus fifteen (15%) per cent for week-day hours.

(Local #740)

MOSAIC MECHANICMosaic Mechanic - Mosaic & Terrazzo Mechanic

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$49.91

Supplemental Benefit Rate per Hour: \$43.24

Mosaic Mechanic - Mosaic & Terrazzo Finisher

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$48.31
 Supplemental Benefit Rate per Hour: \$43.24
Mosaic Mechanic - Machine Operator Grinder

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$48.31
 Supplemental Benefit Rate per Hour: \$43.24

Overtime
 Time and one half the regular rate after a 7 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 Washington's Birthday
 Good Friday
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Paid Holidays
 None

(Local #7)

PAINTER

Painter - Brush & Roller

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$43.00
 Supplemental Benefit Rate per Hour: \$32.49
 Supplemental Note: \$ 37.75 on overtime

Spray & Scaffold / Decorative / Sandblast

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$46.00
 Supplemental Benefit Rate per Hour: \$32.49
 Supplemental Note: \$ 37.75 on overtime

Overtime
 Time and one half the regular rate after a 7 hour day.
 Time and one half the regular rate for Saturday.
 Time and one half the regular rate for Sunday.

Overtime Holidays
 Time and one half the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 None

(District Council of Painters #9)

PAINTER - LINE STRIPING (ROADWAY)

Striping - Machine Operator

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$35.00
 Supplemental Benefit Rate per Hour: \$12.37
 Supplemental Note: Overtime Supplemental Benefit rate - \$8.02; New Hire Rate (0-3 months) - \$0.00

Lineperson (Thermoplastic)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$39.00
 Supplemental Benefit Rate per Hour: \$12.37
 Supplemental Note: Overtime Supplemental Benefit rate - \$8.02; New Hire Rate (0-3 months) - \$0.00

Overtime Description
 For Paid Holidays: Employees will only receive Holiday Pay for holidays not worked if said employee worked both the weekday before and the weekday after the holiday.

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Time and one half the regular rate for Sunday.
 Time and one half the regular rate for work on the following holiday(s).

Paid Holidays
 New Year's Day
 Good Friday
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Presidential Election Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Shift Rates
 Four (4), ten (10) hour days may be worked at straight time during a week, Monday thru Thursday.
 Friday may be used as a make-up day.

Vacation
 Employees with one to two years service shall accrue vacation based on hours worked: 250 hours worked - 1 day vacation; 500 hours worked - 2 days vacation; 750 hours worked - 3 days vacation; 900 hours worked - 4 days vacation; 1,000 hours worked - 5 days vacation. Employees with two to five years service receive two weeks vacation. Employees with five to twenty years service receive three weeks vacation. Employees with twenty to twenty-five years service receive four weeks vacation. Employees with 25 or more years service receive five weeks vacation. Vacation must be taken during winter months.

(Local #1010)

PAINTER - METAL POLISHER

METAL POLISHER

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$30.58
 Supplemental Benefit Rate per Hour: \$7.16

METAL POLISHER - NEW CONSTRUCTION

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$31.53
 Supplemental Benefit Rate per Hour: \$7.16

METAL POLISHER - SCAFFOLD OVER 34 FEET

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$34.08
 Supplemental Benefit Rate per Hour: \$7.16

Overtime Description
 All work performed on Saturdays shall be paid at time-in-a-half. The exception being; for suspended scaffold work and work deemed as a construction project; an eight (8) hour shift lost during the week due to circumstances beyond the control of the employer, up to a maximum of eight (8) hours per week, may be worked on Saturday at the straight time rate.

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.
 Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.
 Triple time the regular rate for work on the following holiday(s).

Paid Holidays
 New Year's Day
 Martin Luther King Jr. Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Shift Rates
 Four Days a week at Ten (10) hours straight a day.

Local 8A-28A

PAINTER - SIGN

Sign Painter

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$41.98
Supplemental Benefit Rate per Hour: \$20.10

Assistant Sign Painter

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$35.67
Supplemental Benefit Rate per Hour: \$18.47

Overtime

Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.
Double time the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Election Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Vacation

At least 1 year of employment 1 week
2 years or more of employment.....2 weeks
8 years or more of employment.....3 weeks
(Local #8A-28A)

PAINTER - STRUCTURAL STEEL

Painters on Structural Steel

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$49.50
Supplemental Benefit Rate per Hour: \$41.83

Painter - Power Tool

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$55.50
Supplemental Benefit Rate per Hour: \$41.83
Overtime Wage Rate: \$6.00 above the "Painters on Structural Steel" overtime rate.

Overtime Description

Supplemental Benefits shall be paid for each hour worked, up to forty (40) hours per week for the period of May 1st to November 15th or up to fifty (50) hours per week for the period of November 16th to April 30th.

Overtime

Time and one half the regular rate after a 7 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).
New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Paid Holidays

None

Shift Rates

Regular hourly rates plus a ten per cent (10%) differential

(Local #806)

PAPERHANGER

Paperhanger

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$45.40
Supplemental Benefit Rate per Hour: \$34.74
Supplemental Note: Supplemental benefits are to be paid at the appropriate straight time and overtime rate.

Overtime

Time and one half the regular rate after a 7 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).
New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays

None

Shift Rates

Evening shift - 4:30 P.M. to 12:00 Midnight (regular rate of pay); any work performed before 7:00 A.M. shall be at time and one half the regular base rate of pay.

(District Council of Painters #9)

PAVER AND ROADBUILDER

Paver & Roadbuilder - Formsetter

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$46.85
Supplemental Benefit Rate per Hour: \$44.86
Supplemental Note: For time and one half overtime - \$48.74 For double overtime - \$52.61

Paver & Roadbuilder - Laborer

Paving and road construction work, regardless of material used, including but not limited to preparation of job sites, removal of old surfaces, asphalt and/or concrete, by whatever method, including but not limited to milling; laying of concrete; laying of asphalt for temporary, patchwork, and utility paving (but not production paving); site preparation and incidental work for installation of rubberized materials and similar surfaces; installation and repair of temporary construction fencing; slurry/seal coating, paving stones, maintenance of safety surfaces; play equipment installation, and other related work.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$42.98
Supplemental Benefit Rate per Hour: \$44.86
Supplemental Note: For time and one half overtime - \$48.74 For double overtime - \$52.61

Production Paver & Roadbuilder - Screed Person

(Production paving is asphalt paving when using a paving machine or on a project where a paving machine is traditionally used)

Adjustment of paving machinery on production paving jobs.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$47.45
Supplemental Benefit Rate per Hour: \$44.86
Supplemental Note: For time and one half overtime - \$48.74 For double overtime - \$52.61

Production Paver & Roadbuilder - Raker

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$46.85
Supplemental Benefit Rate per Hour: \$44.86
Supplemental Note: For time and one half overtime - \$48.74 For double overtime - \$52.61

Production Paver & Roadbuilder - Shoveler

General laborer (except removal of surfaces - see Paver and Roadbuilder-Laborer) including but not limited to tamper, AC paint and liquid tar work.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$42.98
Supplemental Benefit Rate per Hour: \$44.86
Supplemental Note: For time and one half overtime - \$48.74 For double overtime - \$52.61

Overtime Description

If an employee works New Year's Day or Christmas Day, they receive the single time rate plus 25%.

For Paid Holidays: Holiday pay for all holidays shall be prorated based two hours per day for each day worked in the holiday week, not to exceed 8 hours of holiday pay.

Overtime

Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).
Memorial Day
Independence Day
Labor Day
Columbus Day
Thanksgiving Day

Paid Holidays

Memorial Day
Independence Day
Labor Day
Thanksgiving Day

Shift Rates

When two shifts are employed, the work period for each shift shall be a continuous eight (8) hours. When three shifts are employed, each shift will work seven and one half (7 1/2) hours but will be paid for eight (8) hours since only one half (1/2) hour is allowed for meal time.
When two or more shifts are employed, single time will be paid for each shift.

Night Work - On night work, the first eight (8) hours of work will be paid for at the single time rate, except that production paving work shall be paid at 10% over the single time rate for the screed person, rakers and shovelers directly involved only. This differential is to be paid when there is only one shift and the shift works at night. All other workers will be exempt. Hours worked over eight (8) hours during said shift shall be paid for at the time and one-half rate.

(Local #1010)

PLASTERER

Plasterer

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$45.93
Supplemental Benefit Rate per Hour: \$26.52

Overtime

Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.
Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).
New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Paid Holidays

None

Shift Rates

When it is not possible to conduct work during regular working hours (between 6:30am and 4:30pm), a shift differential shall be paid at the regular hourly rate plus a twelve per cent (12%) per hour differential. Workers on shift work shall be allowed a paid one-half hour meal break.

(Local #262)

PLASTERER - TENDER

Plasterer - Tender

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$38.40
Supplemental Benefit Rate per Hour: \$31.04

Overtime

Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).
New Year's Day
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Presidential Election Day
Thanksgiving Day
Christmas Day

Paid Holidays

None

Shift Rates

When work commences outside regular work hours, workers receive an hour additional (differential) wage and supplement payment. Eight hours pay for seven hours work or nine hours pay for eight hours work.

(Mason Tenders District Council)

PLUMBER

Plumber

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$69.00
Supplemental Benefit Rate per Hour: \$37.20
Supplemental Note: Supplemental benefit contributions are to be made at the applicable overtime rates.

Plumber - Temporary Services

Temporary Services - When there are no Plumbers on the job site, there may be three shifts designed to cover the entire twenty-four hour period, including weekends if necessary, at the following rate straight time.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$55.28
Supplemental Benefit Rate per Hour: \$29.68

Overtime Description

Double time the regular rate after a 7 hour day - unless for new construction site work where the plumbing contract price is \$1.5 million or less, the hours of labor can be 8 hours per day at the employers option. On Alteration jobs when other mechanical trades at the site are working an eighth hour at straight time, then the plumber shall also work an eighth hour at straight time.

Overtime

Double time the regular time rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).
New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Shift Rates

Shift work, when directly specified in public agency or authority documents where plumbing contract is \$8 million or less, will be permitted. 30% shift premium shall be paid for wages and fringe benefits for 4:00 pm and midnight shifts Monday to Friday. 50% shift premium shall be paid for wages and fringe benefits for 4:00 pm and midnight shift work performed on weekends. For shift work on holidays, double time wages and fringe benefits shall be paid.

(Plumbers Local #1)

PLUMBER (MECHANICAL EQUIPMENT AND SERVICE)

(Mechanical Equipment and Service work shall include any repair and/or replacement of the present plumbing system.)

Plumber

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$43.05
 Supplemental Benefit Rate per Hour: \$17.71

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Time and one half the regular rate for Sunday.

Overtime Holidays
 Time and one half the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Paid Holidays
 None
 (Plumbers Local # 1)

PLUMBER (RESIDENTIAL RATES FOR 1, 2 AND 3 FAMILY HOME CONSTRUCTION)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$47.89
 Supplemental Benefit Rate per Hour: \$26.74

Overtime
 Double time the regular rate after an 8 hour day.
 Double time the regular time rate for Saturday.
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Paid Holidays
 None

Shift Rates
 30% shift premium shall be paid for wages and fringe benefits for 4:00 pm and midnight shifts Monday to Friday. 50% shift premium shall be paid for wages and fringe benefits for 4:00 pm and midnight shift work performed on weekends. For shift work on holidays, double time wages and fringe benefits shall be paid.

(Plumbers Local #1)

PLUMBER: PUMP & TANK

Oil Trades (Installation and Maintenance)

Plumber - Pump & Tank

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$67.45
 Supplemental Benefit Rate per Hour: \$25.26

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Time and one half the regular rate for Sunday.

Overtime Holidays
 Time and one half the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Paid Holidays
 None

Shift Rates
 All work outside the regular workday (8:00 A.M. to 3:30 P.M.) is to be paid at time and one half the regular hourly rate
 (Plumbers Local #1)

POINTER, WATERPROOFER, CAULKER, SANDBLASTER, STEAMBLASTER

(Exterior Building Renovation)

Journey person

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$53.42
 Supplemental Benefit Rate per Hour: \$26.52

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Time and one half the regular rate for Sunday.
 Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays
 Time and one half the regular rate for work on the following holiday(s).
 New Year's Day
 Martin Luther King Jr. Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 None

Shift Rates
 All work outside the regular work day (an eight hour workday between the hours of 6:00 A.M. and 4:30 P.M.) is to be paid at time and one half the regular rate.

(Bricklayer District Council)

ROOFER

Roofer

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$43.50
 Supplemental Benefit Rate per Hour: \$33.81

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Time and one half the regular rate for Sunday.

Overtime Holidays
 Time and one half the regular rate for work on the following holiday(s).
 New Year's Day
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 None

Shift Rates
 Second shift - Regular hourly rate plus a 10% differential. Third shift - Regular hourly rate plus a 15% differential.

(Local #8)

SHEET METAL WORKER

Sheet Metal Worker

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$50.15
 Supplemental Benefit Rate per Hour: \$50.55
 Supplemental Note: Supplemental benefit contributions are to be made at the applicable overtime rates.

Sheet Metal Worker - Fan Maintenance

(The temporary operation of fans or blowers in new or existing buildings for heating and/or ventilation, and/or air conditioning prior to the completion of the project.)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$40.12
Supplemental Benefit Rate per Hour: \$50.55

Sheet Metal Worker - Duct Cleaner

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$16.08
Supplemental Benefit Rate per Hour: \$11.63

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays
Double time the regular rate for work on the following holiday(s).

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

Paid Holidays
None

Shift Rates
Work that can only be performed outside regular working hours (eight hours of work between 7:30 A.M. and 3:30 P.M.)
- First shift (work between 3:30 P.M. and 11:30 P.M.) - 10% differential above the established hourly rate. Second shift (work between 11:30 P.M. and 7:30 A.M.) - 15% differential above the established hourly rate.

For Fan Maintenance: On all full shifts of fan maintenance work the straight time hourly rate of pay will be paid for each shift, including nights, Saturdays, Sundays, and holidays.

(Local #28)

SHEET METAL WORKER - SPECIALTY

(Decking & Siding)

Sheet Metal Specialty Worker

The first worker to perform this work must be paid at the rate of the Sheet Metal Worker. The second and third workers shall be paid the Specialty Worker Rate. The ratio of One Sheet Metal Worker, then Two Specialty Workers shall be utilized thereafter.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$46.30
Supplemental Benefit Rate per Hour: \$25.95
Supplemental Note: Supplemental benefit contributions are to be made at the applicable overtime rates.

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays
Double time the regular rate for work on the following holiday(s).

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

Paid Holidays
None

(Local #28)

SHIPYARD WORKER

Shipyard Mechanic - First Class

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$28.50
Supplemental Benefit Rate per Hour: \$3.95

Shipyard Mechanic - Second Class

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$19.07
Supplemental Benefit Rate per Hour: \$3.59

Shipyard Laborer - First Class

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$23.40
Supplemental Benefit Rate per Hour: \$3.75

Shipyard Laborer - Second Class

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$17.38
Supplemental Benefit Rate per Hour: \$3.52

Shipyard Dockhand - First Class

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$21.57
Supplemental Benefit Rate per Hour: \$3.68

Shipyard Dockhand - Second Class

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$17.28
Supplemental Benefit Rate per Hour: \$3.52

Overtime Description
Work performed on holiday is paid double time the regular hourly wage rate plus holiday pay.

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.
Time and one half the regular hourly rate after 40 hours in any work week.

- Paid Holidays
- New Year's Day
 - Martin Luther King Jr. Day
 - President's Day
 - Good Friday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Thanksgiving Day
 - Day after Thanksgiving
 - Christmas Day

Based on Survey Data

SIGN ERECTOR

(Sheet Metal, Plastic, Electric, and Neon)

Sign Erector

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$49.35
Supplemental Benefit Rate per Hour: \$54.63

Overtime
Time and one half the regular rate after a 7 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.
Time and one half the regular rate for work on the following holiday(s).

- Paid Holidays
- New Year's Day
 - President's Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Columbus Day
 - Election Day
 - Thanksgiving Day
 - Day after Thanksgiving
 - Christmas Day

Shift Rates
Time and one half the regular hourly rate is to be paid for all hours worked outside the regular workday either (7:00 A.M. through 2:30 P.M.) or (8:00 A.M. through 3:30 P.M.)

(Local #137)

STEAMFITTER

Steamfitter I

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$57.50
 Supplemental Benefit Rate per Hour: \$57.29
 Supplemental Note: Overtime supplemental benefit rate: \$113.84

Steamfitter -Temporary Services

The steamfitters shall not do any other work and shall not be permitted to work more than one shift in a twenty-four hour day. When steamfitters are present during the regular working day, no temporary services steamfitter will be required

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$43.70
 Supplemental Benefit Rate per Hour: \$46.54

Overtime
 Double time the regular rate after a 7 hour day.
 Double time the regular time rate for Saturday.
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Paid Holidays
 None

Shift Rates
 Work performed between 3:30 P.M. and 7:00 A.M. and on Saturdays, Sundays and Holidays shall be at double time the regular hourly rate and paid at the overtime supplemental benefit rate above.

Steamfitter II

For heating, ventilation, air conditioning and mechanical public work contracts with a dollar value not to exceed \$30,000,000 and for fire protection/sprinkler public work contracts not to exceed \$3,000,000.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$57.50
 Supplemental Benefit Rate per Hour: \$57.29
 Supplemental Note: Overtime supplemental benefit rate: \$113.84

Steamfitter -Temporary Services

The steamfitters shall not do any other work and shall not be permitted to work more than one shift in a twenty-four hour day. When steamfitters are present during the regular working day, no temporary services steamfitter will be required.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$43.70
 Supplemental Benefit Rate per Hour: \$46.54

Overtime
 Double time the regular rate after an 8 hour day.
 Double time the regular time rate for Saturday.
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Paid Holidays
 None

Shift Rates
 May be performed outside of the regular workday except Saturday, Sunday and Holidays. A shift shall consist of eight working hours. All work performed in excess of eight hours shall be paid at double time. No shift shall commence after 7:00 P.M. on Friday or 7:00 P.M. the day before holidays. All work performed after 12:01 A.M. Saturday or 12:01 A.M. the

day before a Holiday will be paid at double time. When shift work is performed the wage rate for regular time worked is a 15% percent premium on wage and 15% percent premium on supplemental benefits.

On Transit Authority projects, where work is performed in the vicinity of tracks all shift work on weekends and holidays may be performed at the regular shift rates.

Local #638

STEAMFITTER - REFRIGERATION AND AIR CONDITIONER

(Maintenance and Installation Service Person)

Refrigeration and Air Conditioner Mechanic

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$42.35
 Supplemental Benefit Rate per Hour: \$17.46

Refrigeration and Air Conditioner Service Person V

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$34.80
 Supplemental Benefit Rate per Hour: \$15.59

Refrigeration and Air Conditioner Service Person IV

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$28.83
 Supplemental Benefit Rate per Hour: \$14.05

Refrigeration and Air Conditioner Service Person III

Filter changing and maintenance thereof, oil and greasing, tower and coil cleaning, scraping and painting, general housekeeping, taking of water samples.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$24.74
 Supplemental Benefit Rate per Hour: \$12.91

Refrigeration and Air Conditioner Service Person II

Filter changing and maintenance thereof, oil and greasing, tower and coil cleaning, scraping and painting, general housekeeping, taking of water samples.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$20.51
 Supplemental Benefit Rate per Hour: \$11.83

Refrigeration and Air Conditioner Service Person I

Filter changing and maintenance thereof, oil and greasing, tower and coil cleaning, scraping and painting, general housekeeping, taking of water samples.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$15.01
 Supplemental Benefit Rate per Hour: \$10.60

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 Independence Day
 Labor Day
 Veteran's Day
 Thanksgiving Day
 Christmas Day

Double time and one half the regular rate for work on the following holiday(s).
 Martin Luther King Jr. Day
 President's Day
 Memorial Day
 Columbus Day

Paid Holidays
 New Year's Day
 Martin Luther King Jr. Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Christmas Day

(Local #638B)

STONE MASON - SETTER

Stone Mason - Setter

(Assisted by Derrickperson and Rigger)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$54.17
Supplemental Benefit Rate per Hour: \$42.65

Overtime
Time and one half the regular rate after a 7 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays
Double time the regular rate for work on the following holiday(s).

- New Year's Day
- Washington's Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

Paid Holidays
1/2 day on Christmas Eve if work is performed in the A.M.

Shift Rates
For all work outside the regular workday (8:00 A.M. to 3:30 P.M. Monday through Friday), the pay shall be straight time plus a ten percent (10%) differential.

(Bricklayers District Council)

TAPER

Drywall Taper

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$47.82
Supplemental Benefit Rate per Hour: \$26.81

Overtime
Time and one half the regular rate after a 7 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.

Overtime Holidays
Time and one half the regular rate for work on the following holiday(s).

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Thanksgiving Day
- Christmas Day

Paid Holidays
Any worker who reports to work on Christmas Eve or New Year's Eve pursuant to his employer's instruction shall be entitled to three (3) hours afternoon pay without working.

(Local #1974)

TELECOMMUNICATION WORKER

(Install/maintain/repair telecommunications cables carrying data, video, and/or voice except for installation on building construction/alteration/renovation projects.)

Telecommunication Worker

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$44.75
Supplemental Benefit Rate per Hour: \$23.15
Supplemental Note: The above rate applies for Manhattan, Bronx, Brooklyn, Queens. \$22.84 for Staten Island only.

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.

Overtime Holidays
Time and one half the regular rate for work on the following holiday(s).

- New Year's Day

- Lincoln's Birthday
- Washington's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

- Paid Holidays**
- New Year's Day
 - Lincoln's Birthday
 - Washington's Birthday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Columbus Day
 - Election Day
 - Veteran's Day
 - Thanksgiving Day
 - Christmas Day

Employees have the option of observing either Martin Luther King's Birthday or the day after Thanksgiving instead of Lincoln's Birthday

Shift Rates
For any workday that starts before 8A.M. or ends after 6P.M. there is a 10% differential for the applicable worker's hourly rate.

Vacation
After 6 months.....one week.
After 12 months but less than 7 years.....two weeks.
After 7 or more but less than 15 years.....three weeks.
After 15 years or more but less than 25 years.....four weeks. (C.W.A.)

TILE FINISHER

Tile Finisher

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$42.72
Supplemental Benefit Rate per Hour: \$33.57

Overtime
Time and one half the regular rate after a 7 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays
Double time the regular rate for work on the following holiday(s).

- New Year's Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

Paid Holidays
None

Shift Rates
Off shift work day (work performed outside the regular 8:00 A.M. to 3:30 P.M. workday): shift differential of one and one quarter (1¼) times the regular straight time rate of pay for the seven hours of actual off-shift work.

(Local #7)

TILE LAYER - SETTER

Tile Layer - Setter

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$54.84
Supplemental Benefit Rate per Hour: \$38.32

Overtime
Time and one half the regular rate after a 7 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Good Friday
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veteran's Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Shift Rates
 Off shift work day (work performed outside the regular 8:00 A.M. to 3:30 P.M. workday): shift differential of one and one quarter (1¼) times the regular straight time rate of pay for the seven hours of actual off-shift work.
 (Local #7)

TIMBERPERSON

Timberperson

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$50.05
 Supplemental Benefit Rate per Hour: \$51.03

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Double time the regular rate for Sunday.
 Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.
 Time and one half the regular hourly rate after 40 hours in any work week.

Overtime Holidays
 Double time the regular rate for work on the following holiday(s).
 New Year's Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Presidential Election Day
 Thanksgiving Day
 Christmas Day

Paid Holidays
 None

Shift Rates
 Off shift work commencing between 5:00 P.M. and 11:00 P.M. shall work eight and one half hours allowing for one half hour for lunch. The wage rate shall be 113% of the straight time hourly wage rate.

(Local #1536)

TUNNEL WORKER

Blasters, Mucking Machine Operators (Compressed Air Rates)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$65.42
 Supplemental Benefit Rate per Hour: \$56.42

Tunnel Workers (Compressed Air Rates)

Includes shield driven liner plate portions or solidification portions work (8 hour shift) during excavation phase.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$63.21
 Supplemental Benefit Rate per Hour: \$54.60

Top Nipper (Compressed Air Rates)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$62.02
 Supplemental Benefit Rate per Hour: \$53.57

Outside Lock Tender, Outside Gauge Tender, Muck Lock Tender (Compressed Air Rates)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$60.84
 Supplemental Benefit Rate per Hour: \$52.63

Bottom Bell & Top Bell Signal Person: Shaft Person (Compressed Air Rates)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$60.84
 Supplemental Benefit Rate per Hour: \$52.63
Changehouse Attendant: Powder Watchperson (Compressed Air Rates)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$53.40
 Supplemental Benefit Rate per Hour: \$49.60

Blasters (Free Air Rates)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$62.41
 Supplemental Benefit Rate per Hour: \$54.17

Tunnel Workers (Free Air Rates)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$59.72
 Supplemental Benefit Rate per Hour: \$51.89

All Others (Free Air Rates)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$55.18
 Supplemental Benefit Rate per Hour: \$48.03

Microtunneling (Free Air Rates)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$47.78
 Supplemental Benefit Rate per Hour: \$41.51

Overtime Description
 For work performed during excavation and primary concrete tunnel lining phases - Double time the regular rate after an 8 hour day and Saturday, Sunday and on the following holiday(s) listed below.
 For Repair-Maintenance Work on Existing Equipment and Facilities - Time and one half the regular rate after a 7 hour day, Saturday, Sunday and double time the regular rate for work on the following holiday(s) listed below.
 For Small-Bore Micro Tunneling Machines - Time and one-half the regular rate shall be paid for all overtime.
 For work not listed above - Time and one half the regular rate after an 8 hour day and Saturday and double time the regular rate on Sunday and on the following holiday(s) listed below.

Paid Holidays
 New Year's Day
 Lincoln's Birthday
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Election Day
 Veteran's Day
 Thanksgiving Day
 Christmas Day

(Local #147)

UTILITY LOCATOR

(Locate & mark underground utilities for street excavation.)

Utility Locator (Year 7 and above)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$31.56
 Supplemental Benefit Rate per Hour: \$1.93

Utility Locator (Year 5 - 6)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$22.85
 Supplemental Benefit Rate per Hour: \$1.93

Utility Locator (Year 4)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$21.54
 Supplemental Benefit Rate per Hour: \$1.93

Utility Locator (Year 3)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$20.30
 Supplemental Benefit Rate per Hour: \$1.93

Utility Locator (Year 2)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$19.13
 Supplemental Benefit Rate per Hour: \$1.93

Utility Locator (Year 1)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$18.04
Supplemental Benefit Rate per Hour: \$1.93

Utility Locator (Up to 1 year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$17.00
Supplemental Benefit Rate per Hour: \$1.93
Supplemental Note: No benefits for the first 90 days of employment.

Overtime

Time and one half the regular rate for work on the following Paid Holiday(s).
Time and one half the regular hourly rate after 40 hours in any work week.

Paid Holidays

- New Year's Day
- Memorial Day
- Independence Day
- Thanksgiving Day
- Christmas Day

Shift Rates

10% shift differential to employees working any shift starting between noon and 5 AM.

Vacation

For up to 1 year..... 0 hours
For year 1 - 248 hours per year
For year 3 - 996 hours per year
For year 10 or more.....144 hours per year

Sick Days:

For up to 1 year employee receives 40 hours paid sick leave.
For year 1 employee earns 2 hours of paid sick leave for every 100 overtime hours worked.
For year 2 - 9 years employee earns 4 hours of paid sick leave for every 100 overtime hours worked.
For year 10 or more employee earns 6 hours of paid sick leave for every 100 overtime hours worked.

(C.W.A.)

WELDER

TO BE PAID AT THE RATE OF THE JOURNEYPERSON IN THE TRADE PERFORMING THE WORK.

OFFICE OF THE COMPTROLLER
CITY OF NEW YORK
CONSTRUCTION APPRENTICE
PREVAILING WAGE SCHEDULE

Pursuant to Labor Law § 220 (3-e), only apprentices who are individually registered in a bona fide program to which the employer contractor is a participant and registered with the New York State Department of Labor, may be paid at the apprentice rates in this schedule. Apprentices who are not so registered must be paid as journey persons in accordance with the trade classification of the work they actually performed.

Apprentice ratios are established to ensure the proper safety, training and supervision of apprentices. A ratio establishes the number of journey workers required for each apprentice in a program and on a job site. Ratios are interpreted as follows: in the case of a 1:1, 1:4 ratio, there must be one journey worker for the first apprentice, and four additional journey workers for each subsequent apprentice.

BOILERMAKER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Boilermaker (First Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 65% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$31.76

Boilermaker (Second Year: 1st Six Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 70% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$33.59

Boilermaker (Second Year: 2nd Six Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 75% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$35.43

Boilermaker (Third Year: 1st Six Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$37.25

Boilermaker (Third Year: 2nd Six Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 85% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$39.08

Boilermaker (Fourth Year: 1st Six Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 90% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$40.93

Boilermaker (Fourth Year: 2nd Six Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 95% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$42.75

(Local #5)

BRICKLAYER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Bricklayer (First 750 Hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$20.61

Bricklayer (Second 750 Hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 60% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$20.61

Bricklayer (Third 750 Hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 70% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$20.61

Bricklayer (Fourth 750 Hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$20.61

Bricklayer (Fifth 750 Hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 90% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$20.61

Bricklayer (Sixth 750 Hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 95% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$20.61

(Bricklayer District Council)

CARPENTER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Carpenter (First Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 40% of Journeyman's rate
Supplemental Benefit Rate Per Hour For Building Apprentice: \$31.44
Supplemental Benefit Rate Per Hour For Heavy Apprentice: \$33.49

Carpenter (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Benefit Rate Per Hour For Building Apprentice: \$31.44
Supplemental Benefit Rate Per Hour For Heavy Apprentice: \$33.49

Carpenter (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 65% of Journeyman's rate

Supplemental Benefit Rate Per Hour For Building Apprentice:
\$31.44
Supplemental Benefit Rate Per Hour For Heavy Apprentice:
\$33.49

Carpenter (Fourth Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Benefit Rate Per Hour For Building Apprentice:
\$31.44
Supplemental Benefit Rate Per Hour For Heavy Apprentice:
\$33.49

(Carpenters District Council)

CARPENTER - HIGH RISE CONCRETE FORMS

(Ratio of Apprentice to Journeyman: 1 to 1, 2 to 5)

Carpenter - High Rise (First Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$17.52
Supplemental Benefit Rate per Hour: \$16.30

Carpenter - High Rise (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$23.95
Supplemental Benefit Rate per Hour: \$16.43

Carpenter - High Rise (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$30.53
Supplemental Benefit Rate per Hour: \$16.56

Carpenter - High Rise (Fourth Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$38.15
Supplemental Benefit Rate per Hour: \$16.71

(Carpenters District Council)

CEMENT MASON

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Cement Mason (First Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 50% of Journeyman's Rate

Cement Mason (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 60% of Journeyman's Rate

Cement Mason (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 70% of Journeyman's Rate

(Local #780)

CEMENT AND CONCRETE WORKER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Cement & Concrete Worker (First 1333 hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$20.00

Cement & Concrete Worker (Second 1333 hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 65% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$25.45

Cement & Concrete Worker (Last 1334 hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$26.95

Cement & Concrete Worker (Hired after 2/6/2016 - First 1334 hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 53% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$14.04

Cement & Concrete Worker (Hired after 2/6/2016 - Second 1334 hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 69% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$18.97

Cement & Concrete Worker (Hired after 2/6/2016 - Last 1334 hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 85% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$20.05

(Cement Concrete Workers District Council)

DERRICKPERSON & RIGGER (STONE)

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Derrickperson & Rigger (stone) - First Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Benefit Rate Per Hour: 50% of Journeyman's rate

Derrickperson & Rigger (stone) - Second Year: 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 70% of Journeyman's rate
Supplemental Benefit Rate Per Hour: 75% of Journeyman's rate

Derrickperson & Rigger (stone) - Second Year: 2nd Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Benefit Rate Per Hour: 75% of Journeyman's rate

Derrickperson & Rigger (stone) - Third Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 90% of Journeyman's rate
Supplemental Benefit Rate Per Hour: 75% of Journeyman's rate

(Local #197)

DOCKBUILDER/PILE DRIVER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 6)

Dockbuilder/Pile Driver (First Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 40% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$34.12

Dockbuilder/Pile Driver (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$34.12

Dockbuilder/Pile Driver (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 65% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$34.12

Dockbuilder/Pile Driver (Fourth Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$34.12

(Carpenters District Council)

ELECTRICIAN

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Electrician (First Term: 0-6 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$15.75
Supplemental Benefit Rate per Hour: \$14.03
Overtime Supplemental Rate Per Hour: \$15.07

Electrician (First Term: 7-12 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$16.25
Supplemental Benefit Rate per Hour: \$14.28
Overtime Supplemental Rate Per Hour: \$15.36

Electrician (Second Term: 0-6 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$17.25
Supplemental Benefit Rate per Hour: \$14.79
Overtime Supplemental Rate Per Hour: \$15.94

Electrician (Second Term: 7-12 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$18.25
Supplemental Benefit Rate per Hour: \$15.30
Overtime Supplemental Rate Per Hour: \$16.51

Electrician (Third Term: 0-6 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$19.25
Supplemental Benefit Rate per Hour: \$15.81
Overtime Supplemental Rate Per Hour: \$17.09

Electrician (Third Term: 7-12 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$20.25
Supplemental Benefit Rate per Hour: \$16.32
Overtime Supplemental Rate Per Hour: \$17.67

Electrician (Fourth Term: 0-6 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$21.25
Supplemental Benefit Rate per Hour: \$16.83
Overtime Supplemental Rate Per Hour: \$18.24

Electrician (Fourth Term: 7-12 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$23.25
Supplemental Benefit Rate per Hour: \$17.85
Overtime Supplemental Rate Per Hour: \$19.39

Electrician (Fifth Term: 0-12 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$24.50
Supplemental Benefit Rate per Hour: \$21.07
Overtime Supplemental Rate Per Hour: \$22.62

Electrician (Fifth Term: 13-18 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$29.00
Supplemental Benefit Rate per Hour: \$23.43
Overtime Supplemental Rate Per Hour: \$25.26

Overtime Description
Overtime Wage paid at time and one half the regular rate
(Local #3)

ELEVATOR CONSTRUCTOR

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 2)

Elevator (Constructor) - First Year

Effective Period: 7/1/2019 - 3/16/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Rate Per Hour: \$31.52

Effective Period: 3/17/2020 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Rate Per Hour: \$32.14

Elevator (Constructor) - Second Year

Effective Period: 7/1/2019 - 3/16/2020
Wage Rate Per Hour: 55% of Journeyman's rate
Supplemental Rate Per Hour: \$32.03

Effective Period: 3/17/2020 - 6/30/2020
Wage Rate Per Hour: 55% of Journeyman's rate
Supplemental Rate Per Hour: \$32.67

Elevator (Constructor) - Third Year

Effective Period: 7/1/2019 - 3/16/2020
Wage Rate Per Hour: 65% of Journeyman's rate
Supplemental Rate Per Hour: \$33.06

Effective Period: 3/17/2020 - 6/30/2020
Wage Rate Per Hour: 65% of Journeyman's rate
Supplemental Rate Per Hour: \$33.74

Elevator (Constructor) - Fourth Year

Effective Period: 7/1/2019 - 3/16/2020
Wage Rate Per Hour: 75% of Journeyman's rate
Supplemental Rate Per Hour: \$34.08

Effective Period: 3/17/2020 - 6/30/2020
Wage Rate Per Hour: 75% of Journeyman's rate

Supplemental Rate Per Hour: \$34.80
(Local #1)

ELEVATOR REPAIR & MAINTENANCE

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 2)

Elevator Service/Modernization Mechanic (First Year)

Effective Period: 7/1/2019 - 3/16/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Benefit Per Hour: \$31.47

Effective Period: 3/17/2020 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Benefit Per Hour: \$32.09

Elevator Service/Modernization Mechanic (Second Year)

Effective Period: 7/1/2019 - 3/16/2020
Wage Rate Per Hour: 55% of Journeyman's rate
Supplemental Benefit Per Hour: \$31.98

Effective Period: 3/17/2020 - 6/30/2020
Wage Rate Per Hour: 55% of Journeyman's rate
Supplemental Benefit Per Hour: \$32.62

Elevator Service/Modernization Mechanic (Third Year)

Effective Period: 7/1/2019 - 3/16/2020
Wage Rate Per Hour: 65% of Journeyman's rate
Supplemental Benefit Per Hour: \$32.99

Effective Period: 3/17/2020 - 6/30/2020
Wage Rate Per Hour: 65% of Journeyman's rate
Supplemental Benefit Per Hour: \$33.67

Elevator Service/Modernization Mechanic (Fourth Year)

Effective Period: 7/1/2019 - 3/16/2020
Wage Rate Per Hour: 75% of Journeyman's rate
Supplemental Benefit Per Hour: \$34.01

Effective Period: 3/17/2020 - 6/30/2020
Wage Rate Per Hour: 75% of Journeyman's rate
Supplemental Benefit Per Hour: \$34.73

(Local #1)

ENGINEER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 5)

Engineer - First Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$25.38
Supplemental Benefit Rate per Hour: \$26.69

Engineer - Second Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$31.72
Supplemental Benefit Rate per Hour: \$26.69

Engineer - Third Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$34.89
Supplemental Benefit Rate per Hour: \$26.69

Engineer - Fourth Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$38.06
Supplemental Benefit Rate per Hour: \$26.69

(Local #15)

ENGINEER - OPERATING

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 5)

Operating Engineer - First Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour 40% of Journeyman's Rate
Supplemental Benefit Per Hour: \$22.45

Operating Engineer - Second Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's Rate
Supplemental Benefit Per Hour: \$22.45

Operating Engineer - Third Year

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate Per Hour: 60% of Journeyman's Rate
Supplemental Benefit Per Hour: \$22.45

(Local #14)

FLOOR COVERER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Floor Coverer (First Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 40% of Journeyman's rate
Supplemental Rate Per Hour: \$31.24

Floor Coverer (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Rate Per Hour: \$31.24

Floor Coverer (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 65% of Journeyman's rate
Supplemental Rate Per Hour: \$31.24

Floor Coverer (Fourth Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Rate Per Hour: \$31.24

(Carpenters District Council)

GLAZIER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Glazier (First Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 40% of Journeyman's rate

Glazier (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 50% of Journeyman's rate

Glazier (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 60% of Journeyman's rate

Glazier (Fourth Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 80% of Journeyman's rate

(Local #1281)

HAZARDOUS MATERIAL HANDLER

(Ratio of Apprentice Journeyman: 1 to 1, 1 to 3)

Handler (First 1000 Hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 78% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$14.25

Handler (Second 1000 Hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$14.25

Handler (Third 1000 Hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 83% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$14.25

Handler (Fourth 1000 Hours)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 89% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$14.25

(Local #78)

HEAT & FROST INSULATOR

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Heat & Frost Insulator (First Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 35% of Journeyman's rate

Heat & Frost Insulator (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 45% of Journeyman's rate

Heat & Frost Insulator (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 55% of Journeyman's rate

Heat & Frost Insulator (Fourth Year)

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 65% of Journeyman's rate

(Local #12)

HOUSE WRECKER

(TOTAL DEMOLITION)

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

House Wrecker - First Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$21.17
Supplemental Benefit Rate per Hour: \$19.09

House Wrecker - Second Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$22.32
Supplemental Benefit Rate per Hour: \$19.09

House Wrecker - Third Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$23.97
Supplemental Benefit Rate per Hour: \$19.09

House Wrecker - Fourth Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$26.53
Supplemental Benefit Rate per Hour: \$19.09

(Mason Tenders District Council)

IRON WORKER - ORNAMENTAL

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Iron Worker (Ornamental) - 1st Ten Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Rate Per Hour: \$40.20

Iron Worker (Ornamental) - 11 - 16 Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 55% of Journeyman's rate
Supplemental Rate Per Hour: \$41.44

Iron Worker (Ornamental) - 17 - 22 Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 60% of Journeyman's rate
Supplemental Rate Per Hour: \$42.68

Iron Worker (Ornamental) - 23 - 28 Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 70% of Journeyman's rate
Supplemental Rate Per Hour: \$45.17

Iron Worker (Ornamental) - 29 - 36 Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Rate Per Hour: \$47.65

(Local #580)

IRON WORKER - STRUCTURAL

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 6)

Iron Worker (Structural) - 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$26.62
 Supplemental Benefit Rate per Hour: \$53.09
Iron Worker (Structural) - 7- 18 Months
 Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$27.22
 Supplemental Benefit Rate per Hour: \$53.09
Iron Worker (Structural) - 19 - 36 months
 Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$27.83
 Supplemental Benefit Rate per Hour: \$53.09
 (Local #40 and #361)

LABORER (FOUNDATION, CONCRETE, EXCAVATING, STREET PIPE LAYER & COMMON)

(Ratio Apprentice to Journeyman: 1 to 1, 1 to 3)
Laborer (Foundation, Concrete, Excavating, Street Pipe Layer & Common) - First 1000 hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate Per Hour: 50% of Journeyman's rate
 Supplemental Rate Per Hour: \$44.48
Laborer (Foundation, Concrete, Excavating, Street Pipe Layer & Common) - Second 1000 hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate Per Hour: 60% of Journeyman's rate
 Supplemental Rate Per Hour: \$44.48
Laborer (Foundation, Concrete, Excavating, Street Pipe Layer & Common) - Third 1000 hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate Per Hour: 75% of Journeyman's rate
 Supplemental Rate Per Hour: \$44.48
Laborer (Foundation, Concrete, Excavating, Street Pipe Layer & Common) - Fourth 1000 hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate Per Hour: 90% of Journeyman's rate
 Supplemental Rate Per Hour: \$44.48
 (Local #731)

MARBLE MECHANICS

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)
Cutters & Setters - First 750 Hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 40% of Journeyman's rate
 NO BENEFITS PAID DURING THE FIRST TWO MONTHS (PROBATIONARY PERIOD)
Cutters & Setters - Second 750 Hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 45% of Journeyman's rate
Cutters & Setters - Third 750 Hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 50% of Journeyman's rate
Cutters & Setters - Fourth 750 Hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 55% of Journeyman's rate
Cutters & Setters - Fifth 750 Hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 60% of Journeyman's rate
Cutters & Setters - Sixth 750 Hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 65% of Journeyman's rate
Cutters & Setters - Seventh 750 Hours
 Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 70% of Journeyman's rate

Cutters & Setters - Eighth 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 75% of Journeyman's rate

Cutters & Setters - Ninth 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 85% of Journeyman's rate

Cutters & Setters - Tenth 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 95% of Journeyman's rate

Polishers & Finishers - First 900 Hours

Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 70% of Journeyman's rate

NO BENEFITS PAID DURING THE FIRST TWO MONTHS (PROBATIONARY PERIOD)

Polishers & Finishers - Second 900 Hours

Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 80% of Journeyman's rate

Polishers & Finishers - Third 900 Hours

Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 90% of Journeyman's rate

(Local #7)

MASON TENDER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Mason Tender - First Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$21.39
 Supplemental Benefit Rate per Hour: \$19.90

Mason Tender - Second Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$22.54
 Supplemental Benefit Rate per Hour: \$19.90

Mason Tender - Third Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$24.29
 Supplemental Benefit Rate per Hour: \$19.90

Mason Tender - Fourth Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$26.95
 Supplemental Benefit Rate per Hour: \$19.90

(Local #79)

METALLIC LATHER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Metallic Lather (First Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$23.04
 Supplemental Benefit Rate per Hour: \$20.00

Metallic Lather (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$28.38
 Supplemental Benefit Rate per Hour: \$20.66

Metallic Lather (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$34.68
 Supplemental Benefit Rate per Hour: \$21.32

Metallic Lather (Fourth Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$37.18
 Supplemental Benefit Rate per Hour: \$21.82

(Local #46)

MILLWRIGHT

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Millwright (First Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$29.16
 Supplemental Benefit Rate per Hour: \$34.66

Millwright (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$34.46
 Supplemental Benefit Rate per Hour: \$38.31

Millwright (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$39.76
 Supplemental Benefit Rate per Hour: \$42.61

Millwright (Fourth Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$50.36
 Supplemental Benefit Rate per Hour: \$49.27

(Local #740)

PAINTER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Painter - Brush & Roller - First Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$17.20
 Supplemental Benefit Rate per Hour: \$15.05

Painter - Brush & Roller - Second Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$21.50
 Supplemental Benefit Rate per Hour: \$19.39

Painter - Brush & Roller - Third Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$25.80
 Supplemental Benefit Rate per Hour: \$22.79

Painter - Brush & Roller - Fourth Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$34.40
 Supplemental Benefit Rate per Hour: \$29.16

(District Council of Painters)

PAINTER - METAL POLISHER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Metal Polisher (First Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$13.00
 Supplemental Benefit Rate per Hour: \$5.13

Metal Polisher (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$13.00
 Supplemental Benefit Rate per Hour: \$5.13

Metal Polisher (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$15.75
 Supplemental Benefit Rate per Hour: \$5.13

(Local 8A-28)

PAINTER - STRUCTURAL STEEL

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Painters - Structural Steel (First Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 40% of Journeyman's rate

Painters - Structural Steel (Second Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 60% of Journeyman's rate

Painters - Structural Steel (Third Year)

Effective Period: 7/1/2019 - 6/30/2020
 Wage and Supplemental Rate Per Hour: 80% of Journeyman's rate

(Local #806)

PAVER AND ROADBUILDER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Paver and Roadbuilder - First Year (Minimum 1000 hours)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$28.86
 Supplemental Benefit Rate per Hour: \$21.40

Paver and Roadbuilder - Second Year (Minimum 1000 hours)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$30.50
 Supplemental Benefit Rate per Hour: \$21.40

(Local #1010)

PLASTERER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Plasterer - First Year: 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate Per Hour: 40% of Journeyman's rate
 Supplemental Rate Per Hour: \$13.88

Plasterer - First Year: 2nd Six Months

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate Per Hour: 45% of Journeyman's rate
 Supplemental Rate Per Hour: \$14.36

Plasterer - Second Year: 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate Per Hour: 55% of Journeyman's rate
 Supplemental Rate Per Hour: \$16.44

Plasterer - Second Year: 2nd Six Months

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate Per Hour: 60% of Journeyman's rate
 Supplemental Rate Per Hour: \$17.53

Plasterer - Third Year: 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate Per Hour: 70% of Journeyman's rate
 Supplemental Rate Per Hour: \$19.72

Plasterer - Third Year: 2nd Six Months

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate Per Hour: 75% of Journeyman's rate
 Supplemental Rate Per Hour: \$20.81

(Local #530)

PLASTERER - TENDER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Plasterer Tender - First Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$21.39
 Supplemental Benefit Rate per Hour: \$19.90

Plasterer Tender - Second Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$22.54
 Supplemental Benefit Rate per Hour: \$19.90

Plasterer Tender - Third Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$24.29
 Supplemental Benefit Rate per Hour: \$19.90

Plasterer Tender - Fourth Year

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$26.95
 Supplemental Benefit Rate per Hour: \$19.90

(Local #79)

PLUMBER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Plumber - First Year: 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$16.28
Supplemental Benefit Rate per Hour: \$5.43

Plumber - First Year: 2nd Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$19.28
Supplemental Benefit Rate per Hour: \$6.43

Plumber - Second Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$27.23
Supplemental Benefit Rate per Hour: \$19.80

Plumber - Third Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$29.33
Supplemental Benefit Rate per Hour: \$19.80

Plumber - Fourth Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$32.18
Supplemental Benefit Rate per Hour: \$19.80

Plumber - Fifth Year: 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$33.58
Supplemental Benefit Rate per Hour: \$19.80

Plumber - Fifth Year: 2nd Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$45.65
Supplemental Benefit Rate per Hour: \$19.80

(Plumbers Local #1)

POINTER, WATERPROOFER, CAULKER, SANDBLASTER, STEAMBLASTER

(Exterior Building Renovation)
(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Pointer, Waterproofer, Caulker, Sandblaster, Steamblaster - First Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$26.36
Supplemental Benefit Rate per Hour: \$14.00

Pointer, Waterproofer, Caulker, Sandblaster, Steamblaster - Second Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$29.42
Supplemental Benefit Rate per Hour: \$18.97

Pointer, Waterproofer, Caulker, Sandblaster, Steamblaster - Third Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$34.80
Supplemental Benefit Rate per Hour: \$21.72

Pointer, Waterproofer, Caulker, Sandblaster, Steamblaster - Fourth Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$41.93
Supplemental Benefit Rate per Hour: \$22.72

(Bricklayer District Council)

ROOFER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 2)

Roofer - First Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 35% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$3.36

Roofer - Second Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$16.92

Roofer - Third Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 60% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$20.29

Roofer - Fourth Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 75% of Journeyman's rate
Supplemental Benefit Rate Per Hour: \$25.37

(Local #8)

SHEET METAL WORKER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Sheet Metal Worker (0-6 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 25% of Journeyman's rate
Supplemental Rate Per Hour: \$6.51

Sheet Metal Worker (7-18 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 35% of Journeyman's rate
Supplemental Rate Per Hour: \$18.57

Sheet Metal Worker (19-30 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 45% of Journeyman's rate
Supplemental Rate Per Hour: \$25.40

Sheet Metal Worker (31-36 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 55% of Journeyman's rate
Supplemental Rate Per Hour: \$29.95

Sheet Metal Worker (37-42 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 55% of Journeyman's rate
Supplemental Rate Per Hour: \$29.95

Sheet Metal Worker (43-48 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 70% of Journeyman's rate
Supplemental Rate Per Hour: \$36.83

Sheet Metal Worker (49-54 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 70% of Journeyman's rate
Supplemental Rate Per Hour: \$36.83

Sheet Metal Worker (55-60 Months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Rate Per Hour: \$41.42

(Local #28)

SIGN ERECTOR

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Sign Erector - First Year: 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 35% of Journeyman's rate
Supplemental Rate Per Hour: \$15.75

Sign Erector - First Year: 2nd Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 40% of Journeyman's rate
Supplemental Rate Per Hour: \$17.86

Sign Erector - Second Year: 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 45% of Journeyman's rate
Supplemental Rate Per Hour: \$19.98

Sign Erector - Second Year: 2nd Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Rate Per Hour: \$22.12

Sign Erector - Third Year: 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 55% of Journeyman's rate
Supplemental Rate Per Hour: \$29.92

Sign Erector - Third Year: 2nd Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 60% of Journeyman's rate

Supplemental Rate Per Hour: \$32.56

Sign Erector - Fourth Year: 1st Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 65% of Journeyman's rate
Supplemental Rate Per Hour: \$35.92

Sign Erector - Fourth Year: 2nd Six Months

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 70% of Journeyman's rate
Supplemental Rate Per Hour: \$38.65

Sign Erector - Fifth Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 75% of Journeyman's rate
Supplemental Rate Per Hour: \$41.33

Sign Erector - Sixth Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Rate Per Hour: \$44.01

(Local #137)

STEAMFITTER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 3)

Steamfitter - First Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate and Supplemental Rate Per Hour: 40% of Journeyman's rate

Steamfitter - Second Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate and Supplemental Rate Per Hour: 50% of Journeyman's rate.

Steamfitter - Third Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate and Supplemental Rate per Hour: 65% of Journeyman's rate.

Steamfitter - Fourth Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate and Supplemental Rate Per Hour: 80% of Journeyman's rate.

Steamfitter - Fifth Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate and Supplemental Rate Per Hour: 85% of Journeyman's rate.

(Local #638)

STONE MASON - SETTER

(Ratio Apprentice of Journeyman: 1 to 1, 1 to 2)

Stone Mason - Setters - First 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 50% of Journeyman's rate

Stone Mason - Setters - Second 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 60% of Journeyman's rate
Supplemental Rate Per Hour: 50% of Journeyman's rate

Stone Mason - Setters - Third 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 70% of Journeyman's rate
Supplemental Rate Per Hour: 50% of Journeyman's rate

Stone Mason - Setters - Fourth 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Rate Per Hour: 50% of Journeyman's rate

Stone Mason - Setters - Fifth 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 90% of Journeyman's rate
Supplemental Rate Per Hour: 50% of Journeyman's rate

Stone Mason - Setters - Sixth 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 100% of Journeyman's rate
Supplemental Rate Per Hour: 50% of Journeyman's rate

(Bricklayers District Council)

TAPER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Drywall Taper - First Year

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 40% of Journeyman's rate

Drywall Taper - Second Year

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 60% of Journeyman's rate

Drywall Taper - Third Year

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 80% of Journeyman's rate

(Local #1974)

TILE LAYER - SETTER

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 4)

Tile Layer - Setter - First 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 50% of Journeyman's rate

Tile Layer - Setter - Second 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 55% of Journeyman's rate

Tile Layer - Setter - Third 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 65% of Journeyman's rate

Tile Layer - Setter - Fourth 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 75% of Journeyman's rate

Tile Layer - Setter - Fifth 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 85% of Journeyman's rate

Tile Layer - Setter - Sixth 750 Hours

Effective Period: 7/1/2019 - 6/30/2020
Wage and Supplemental Rate Per Hour: 95% of Journeyman's rate

(Local #7)

TIMBERPERSON

(Ratio of Apprentice to Journeyman: 1 to 1, 1 to 6)

Timberperson - First Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 40% of Journeyman's rate
Supplemental Rate Per Hour: \$33.76

Timberperson - Second Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 50% of Journeyman's rate
Supplemental Rate Per Hour: \$33.76

Timberperson - Third Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 65% of Journeyman's rate
Supplemental Rate Per Hour: \$33.76

Timberperson - Fourth Year

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate Per Hour: 80% of Journeyman's rate
Supplemental Rate Per Hour: \$33.76

(Local #1536)

**REAL PROPERTY TAX LAW §421-A
NYC ADMINISTRATIVE CODE §6-130**

**PREVAILING WAGE FOR BUILDING SERVICE EMPLOYEES
ON NYC CONTRACTS PURSUANT TO LABOR LAW ARTICLE 9**

Building service employees on public contracts must receive not less than the prevailing rate of wage and supplements for the classification of work performed. In accordance with Labor Law Article 9 the Comptroller of the City of New York has promulgated this schedule of prevailing wages and supplemental benefits for building service employees engaged on New York City public building service contracts in excess of \$1,500.00. Prevailing rates are required to be annexed to and form part of the contract pursuant to §231 (4).

This schedule is a compilation of separate determinations of the prevailing rate of wage and supplements made by the Comptroller for each trade classification listed herein pursuant to New York State Labor Law section 234 (1). The source of the wage and supplement rates, whether a collective bargaining agreement, survey data or other, is listed at the end of each classification.

Agency Chief Contracting Officers should contact the Bureau of Labor Law's Classification Unit with any questions concerning trade classifications, prevailing rates or prevailing practices with respect to procurement on New York City building service contracts. Contractors are advised to review the Comptroller's Prevailing Wage Schedule before bidding on building service contracts. Contractors with questions concerning trade classifications, prevailing rates or prevailing practices with respect to building service contracts in the procurement stage must contact the contracting agency responsible for the procurement.

Any error as to compensation under the prevailing wage law or other information as to trade classification, made by the contracting agency in the contract documents or in any other communication, will not preclude a finding against the contractor of prevailing wage violation.

Any questions concerning trade classifications, prevailing rates or prevailing practices on New York City building service contracts that have already been awarded may be directed to the Bureau of Labor Law's Classification Unit by calling (212) 669-4443. All callers must have the agency name and contract registration number available when calling with questions on building service contracts. Please direct all other compliance issues to: Bureau of Labor Law, Attn: Wasyl Kinach, P.E., Office of the Comptroller, 1 Centre Street, Room 651, New York, N.Y. 10007; Fax (212) 669-4002.

**PREVAILING WAGE FOR BUILDING SERVICE EMPLOYEES
IN BUILDINGS WITH TAX EXEMPTION BENEFITS
PURSUANT TO REAL PROPERTY TAX LAW §421-A**

Covered Landlords shall ensure that all building service employees performing work in buildings with 50 or more dwelling units for which construction was commenced after December 27, 2007, that receive tax exemption benefits under Real Property Tax Law §421-a(8) (or 30 or more dwelling units in buildings that receive tax exemption benefits under Real Property Tax Law §421-a(16) or (17)), are paid no less than the prevailing wage rates listed in this schedule, unless the New York City Department of Housing Preservation and Development determines that, at initial occupancy, at least 50 percent of the dwelling units are affordable to individuals or families with a gross household income at or below 125 percent of the area median income and that any such units which are located in rental buildings will be subject to restrictions to insure that they will remain affordable for the entire period during which they receive benefits under Real Property Tax Law §421-a.

**PREVAILING WAGE FOR BUILDING SERVICE EMPLOYEES
IN NEW YORK CITY LEASED OR FINANCIALLY ASSISTED
FACILITIES PURSUANT TO NYC ADMINISTRATIVE CODE
§6-130**

Covered landlords & covered financial assistance recipients shall ensure that all building service employees performing building service work at the premises to which a lease or financial assistance pertains are paid no less than the prevailing wage listed in this Schedule.

Covered Landlords include:

Businesses (other than not-for-profit organizations) leasing to New York City agencies commercial office space or

commercial office facilities of 10,000 square feet or more where the City leases or rents no less than 51% of the total square footage of the building to which the lease applies (no less than 80% in Staten Island or in an area not defined as an exclusion area pursuant to section 421-a of the real property tax law on the date of enactment of the local law).

Covered Financial Assistance Recipients include:

Businesses (other than not-for-profit organizations) with annual gross revenues of five million dollars or more who have received financial assistance from the City of New York (as defined in New York City Administrative Code §6-130) with a total value of one million dollars or more.

Exemptions: Business Improvement Districts and employers with manufacturing operations at the premises to which the financial assistance pertains.

The information is intended to assist you in meeting your prevailing wage obligation. You should consult New York City Administrative Code §6-130 to determine whether you are covered by this prevailing wage law. New York City Administrative Code §6-130 requires the City to maintain an updated list of covered landlords and financial assistance recipients who are subject to the prevailing wage requirement.

Labor Law §231 (6) and NYC Administrative Law §6-130 requires contractors to post on the site of the work a current copy of this schedule of wages and supplements.

This schedule is applicable to work performed during the effective period, unless otherwise noted. Changes to this schedule are published on our web site comptroller.nyc.gov/wages. Contractors must pay the wages and supplements in effect when the building service employee performs the work. Preliminary schedules for future one-year periods appear in the City Record on or about June 1 each succeeding year. Final schedules appear on or about July 1 in the City Record and on our web site comptroller.nyc.gov/wages.

Contractors are solely responsible for maintaining original payroll records delineating, among other things, the hours worked by each employee within a given classification.

Some of the rates in this schedule are based on collective bargaining agreements. The Comptroller's Office has attempted to include all overtime, shift and night differential, Holiday, Saturday, Sunday or other premium time work. However, this schedule does not set forth every prevailing practice with respect to such rates with which employers must comply. All such practices are nevertheless part of the employer's prevailing wage obligation and contained in the collective bargaining agreements of the prevailing wage unions. These collective bargaining agreements are available for inspection by appointment. Requests for appointments may be made by calling (212) 669-4443, Monday through Friday between the hours of 9 a.m. and 5 p.m.

In order to meet their obligation to provide prevailing supplemental benefits to each covered employee, employers must either:

- 1) Provide bona fide fringe benefits which cost the employer no less than the prevailing supplemental benefits rate; or
- 2) Supplement the employee's hourly wage by an amount no less than the prevailing supplemental benefits rate; or
- 3) Provide a combination of bona fide fringe benefits and wage supplements which cost the employer no less than the prevailing supplemental benefits rate in total.

Although prevailing wage laws do not require employers to provide bona fide fringe benefits (as opposed to wage supplements) to their employees, other laws may. For example, the Employee Retirement Income Security Act, 29 U.S.C. § 1001 et seq., the Patient Protection and Affordable Care Act, 42 U.S.C. § 18001 et seq., and the New York City Paid Sick Leave Law, N.Y.C. Admin. Code § 20-911 et seq., require certain employers to provide certain benefits to their employees. Labor agreements to which employers are a party may also require certain benefits. The Comptroller's Office does not enforce these laws or agreements.

Employers must provide prevailing supplemental benefits at the straight time rate for each hour worked unless otherwise noted in the classification.

Paid Holidays, Vacation and Sick Leave when listed must be paid or provided in addition to the prevailing hourly supplemental benefit rate.

For more information, please refer to the Comptroller's Prevailing Wage Law Regulations in Title 44 of the Rules of the

City of New York, Chapter 2, available at comptroller.nyc.gov/wages.

Wasył Kinach, P.E.
Director of Classifications
Bureau of Labor Law



The City of New York
Office of the Comptroller
Bureau Of Labor Law
1 Centre Street
New York, NY 10007

Scott M. Stringer
Comptroller

If you are a Covered Building Service Employee and you have been paid less than the Prevailing Wage and Benefits, please contact us at (212) 669-4443 or download our complaint form from our website at comptroller.nyc.gov/wages.

Si es un empleado de servicios a edificios elegible y recibió menos del sueldo prevalente y beneficios, por favor contáctenos en (212) 669-4443 o descarga un formulario de reclamo del sitio del Internet comptroller.nyc.gov/wages.

Wasył Kinach, P.E.
Director of Classifications
Bureau of Labor Law

BUILDING CLEANER AND MAINTAINER (OFFICE)

Office Building Class "A" Handyperson (Over 280,000 square feet gross area)

(Includes all building service employees that, by training and experience, possess a certain amount of mechanical or technical skill and devote more than fifty (50) percent of their working time in a building to work involving such skills.)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$29.07
Supplemental Benefit Rate per Hour: \$12.89
Supplemental Note: for new hire 0-3 months of employment - \$0.00

Office Building Class "A" Foreperson, Starter (Over 280,000 square feet gross area)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$28.96
Supplemental Benefit Rate per Hour: \$12.89
Supplemental Note: for new hire 0-3 months of employment - \$0.00

Office Building Class "A" Cleaner/Porter, Elevator Operator, Exterminator, Fire Safety Director (Over 280,000 square feet gross area)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$26.60
Supplemental Benefit Rate per Hour: \$12.89
Supplemental Note: for new hire 0-3 months of employment - \$0.00; for new hire 4-12 months of employment - \$9.69; for new hire 13-24 months of employment - \$12.56

NEW HIRE: Cleaner/Porter, Elevator Operator, Exterminator, Fire Safety Director may be paid 75% of the wage rate above for the first 21 months of employment, 85% of the wage rate above for the 22nd through 42nd months of employment, and upon the completion of 42 months of employment employee shall be paid the full wage rate.

Office Building Class "B" Handyperson (Over 120,000 and less than 280,000 square feet gross area)

(Includes all building service employees that, by training and experience, possess a certain amount of mechanical or technical skill and devote more than fifty (50) percent of their working time in a building to work involving such skills.)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$29.04
Supplemental Benefit Rate per Hour: \$12.89
Supplemental Note: for new hire 0-3 months of employment - \$0.00

Office Building Class "B" Foreperson, Starter (Over 120,000 and less than 280,000 square feet gross area)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$28.93
Supplemental Benefit Rate per Hour: \$12.89
Supplemental Note: for new hire 0-3 months of employment - \$0.00

Office Building Class "B" Cleaner/Porter, Elevator Operator, Exterminator, Fire Safety Director (Over 120,000 and less than 280,000 square feet gross area)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$26.57
Supplemental Benefit Rate per Hour: \$12.89
Supplemental Note: for new hire 0-3 months of employment - \$0.00; for new hire 4-12 months of employment - \$9.69; for new hire 13-24 months of employment - \$12.56

NEW HIRE: Cleaner/Porter, Elevator Operator, Exterminator, Fire Safety Director may be paid 75% of the wage rate above for the first 21 months of employment, 85% of the wage rate above for the 22nd through 42nd months of employment, and upon the completion of 42 months of employment employee shall be paid the full wage rate.

Office Building Class "C" Handyperson (Less than 120,000 square feet gross area)

(Includes all building service employees that, by training and experience, possess a certain amount of mechanical or technical skill and devote more than fifty (50) percent of their working time in a building to work involving such skills.)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$29.00
Supplemental Benefit Rate per Hour: \$12.89
Supplemental Note: for new hire 0-3 months of employment - \$0.00

Office Building Class "C" Foreperson, Starter (Less than 120,000 square feet gross area)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$28.89
Supplemental Benefit Rate per Hour: \$12.89
Supplemental Note: for new hire 0-3 months of employment - \$0.00

Office Building Class "C" Cleaner/Porter, Elevator Operator, Exterminator, Fire Safety Director (Less than 120,000 square feet gross area)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$26.52
Supplemental Benefit Rate per Hour: \$12.89
Supplemental Note: for new hire 0-3 months of employment - \$0.00; for new hire 4-12 months of employment - \$9.69; for new hire 13-24 months of employment - \$12.56

NEW HIRE: Cleaner/Porter, Elevator Operator, Exterminator, Fire Safety Director may be paid 75% of the wage rate above for the first 21 months of employment, 85% of the wage rate above for the 22nd through 42nd months of employment, and upon the completion of 42 months of employment employee shall be paid the full wage rate.

For all BUILDING CLEANER AND MAINTAINER (OFFICE) titles:

New Hire: Shall be defined as an employee who has not worked any hours during the previous six-month period.
Vacation Relief Employee: Employees hired to replace vacationing employees only, may be paid 60% of wage and no benefits for up to 5 months.

Months of Employment: Shall be defined as an Employee's total length of service with the Employer or at the Facility, whichever is greater.

The paid holidays, vacation and sick leave listed below must be paid or provided in addition to the hourly supplemental benefit rate.

Overtime Description
Supplemental Benefits shall be paid for each hour paid, up to forty (40) paid hours per week.

Overtime
Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Time and one half the regular rate for Sunday.
Time and one half the regular rate for work on a holiday plus the day's pay.
Time and one half the regular hourly rate after 40 straight time hours in any work week.

Paid Holidays
New Year's Day
President's Day

Good Friday
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Thanksgiving Day
 Day after Thanksgiving
 Christmas Day

Vacation
 Less than 6 months of work no vacation
 6 months of work three (3) days
 1 year of work ten (10) days
 5 years of work fifteen (15) days
 15 years of work twenty (20) days
 21 years of work twenty-one (21) days
 22 years of work twenty-two (22) days
 23 years of work twenty-three (23) days
 24 years of work twenty-four (24) days
 25 years or more of work twenty-five (25) days
 Plus two Personal Days per year.

Sick Leave:
 10 sick days per year.
 Unused sick leave paid in the succeeding January, one full day pay for each unused sick day.

(Local #32 B/J)

BUILDING CLEANER AND MAINTAINER (RESIDENTIAL)

Residential Building Handyperson

(Includes all building service employees that, by training and experience, possess a certain amount of mechanical or technical skill and devote more than fifty (50) percent of their working time in a building to work involving such skills.)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$27.43
 Supplemental Benefit Rate per Hour: \$12.81
 Supplemental Note: for new hire 0-3 months of employment - \$0.00

Residential Building Cleaner/Porter, Doorperson, Elevator Operator

(Includes all building service employees that keep buildings in clean and orderly condition, provide services to assist tenants such as with elevators, mail, keys and opening doors, and screen and announce visitors.)

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$24.90
 Supplemental Benefit Rate per Hour: \$12.81
 Supplemental Note: for new hire 0-3 months of employment - \$0.00; for new hire 4-12 months of employment - \$9.69; for new hire 13-24 months of employment - \$12.56

NEW HIRE - Cleaner/Porter, Doorperson, Elevator Operator: 0-21 months may be paid 75% of the hourly wage rate published above, 22-42 months may be paid 85% of the hourly wage rate published above. Upon completion of 42 months of employment, the new hire shall be paid the full wage rate. Upon completion of two years of employment the new hire receives the full supplemental benefit rate.

For all BUILDING CLEANER AND MAINTAINER (RESIDENTIAL) titles:

New Hire: Shall be defined as an employee who has not worked any hours during the previous six-month period.
 Vacation Relief Employee: Employees hired to replace vacationing employees only, may be paid 60% of wage and no benefits for up to 5 months.

Months of Employment: Shall be defined as an Employee's total length of service with the Employer or at the Facility, whichever is greater.

The paid holidays, vacation and sick leave listed below must be paid or provided in addition to the hourly supplemental benefit rate.

Overtime Description
 Supplemental Benefits shall be paid for each hour paid, up to forty (40) paid hours per week.

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for work on a holiday plus the day's pay.
 Time and one half the regular hourly rate after 40 straight time hours in any work week.

Paid Holidays

New Year's Day
 Martin Luther King Jr. Day
 President's Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Election Day
 Thanksgiving Day
 Christmas Day

Vacation
 6 months three (3) days
 1 year ten (10) days
 5 years fifteen (15) days
 15 years twenty (20) days
 21 years twenty-one (21) days
 22 years twenty-two (22) days
 23 years twenty-three (23) days
 24 years twenty-four (24) days
 25 years twenty-five (25) days
 Plus two Personal Days per year.

SICK LEAVE
 After 1 year of service ten (10) days per year
 (Local #32 B/J)

BUILDING HVAC SERVICES OPERATOR

Engineer (Refrigeration)

Effective Period: 7/1/2019 - 12/31/2019
 Wage Rate per Hour: \$42.57
 Supplemental Benefit Rate per Hour: \$19.54
 Effective Period: 1/1/2020 - 6/30/2020
 Wage Rate per Hour: \$43.85
 Supplemental Benefit Rate per Hour: \$20.55

NEW HIRE - Engineer (Refrigeration): for the first two years of employment may be paid a starting rate of 90% of the hourly wage rate published above.

Fireperson

Fireperson (Helper): Assist the Engineer

Effective Period: 7/1/2019 - 12/31/2019
 Wage Rate per Hour: \$33.16
 Supplemental Benefit Rate per Hour: \$19.10
 Effective Period: 1/1/2020 - 6/30/2020
 Wage Rate per Hour: \$34.15
 Supplemental Benefit Rate per Hour: \$20.10

Please note that the NYC Comptroller's Office does not publish rates for the Stationary Engineer title.

For all BUILDING HVAC SERVICES OPERATOR titles:

The paid holidays and vacation leave listed below must be paid or provided in addition to the hourly supplemental benefit rate.

Overtime Description
 All hours worked on a holiday shall be paid at two and one half times the regular wage rate in lieu of the paid day off.

Overtime
 Time and one half the regular rate after an 8 hour day.
 Time and one half the regular rate for Saturday.
 Time and one half the regular rate for Sunday.

Paid Holidays

New Year's Day
 Memorial Day
 Independence Day
 Labor Day
 Thanksgiving Day
 Christmas Day
 Plus six (6) floating Holidays

Vacation
 6 months three (3) days
 1 year ten (10) days
 5 years fifteen (15) days
 15 years twenty (20) days
 21 years twenty-one (21) days
 22 years twenty-two (22) days
 23 years twenty-three (23) days
 24 years twenty-four (24) days
 25 years twenty-five (25) days
 (Local #94)

CLEANER (PARKING GARAGE)

Garage Cleaner

Effective Period: 7/1/2019 - 12/30/2019

For Large Employers (11 or more employees)

Wage Rate per Hour: \$15.00

Supplemental Benefit Rate per Hour: \$0.68

For Small Employers (10 or less employees)

Wage Rate per Hour: \$13.50

Supplemental Benefit Rate per Hour: \$2.18

Effective Period: 12/31/2019 - 6/30/2020

Wage Rate per Hour: \$15.00

Supplemental Benefit Rate per Hour: \$0.68

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular hourly rate after 40 straight time hours in any work week.

(Based on data from NYS Department of Labor Occupational Employment Statistics and US Department of Labor Bureau of Labor Statistics and Minimum Wage Law)

FUEL OIL

Fuel Oil, Coal, Fuel Gas, Petroleum Product Chauffeur (5th Year and above)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$34.96

Supplemental Benefit Rate per Hour: \$23.64

Fuel Oil, Coal, Fuel Gas, Petroleum Product Chauffeur (4th Year)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$32.35

Supplemental Benefit Rate per Hour: \$23.64

Fuel Oil, Coal, Fuel Gas, Petroleum Product Chauffeur (3rd Year)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$30.35

Supplemental Benefit Rate per Hour: \$23.64

Fuel Oil, Coal, Fuel Gas, Petroleum Product Chauffeur (2nd Year)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$28.35

Supplemental Benefit Rate per Hour: \$23.64

Fuel Oil, Coal, Fuel Gas, Petroleum Product Chauffeur (1st Year)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$26.35

Supplemental Benefit Rate per Hour: \$23.64

For all FUEL OIL titles:

The paid holidays, vacation and sick leave listed below must be paid or provided in addition to the hourly supplemental benefit rate.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

Martin Luther King Jr. Day

Lincoln's Birthday

Washington's Birthday

Memorial Day

Independence Day

Labor Day

Columbus Day

Election Day

Veteran's Day

Triple time the regular rate for work on the following holiday(s).

New Year's Day

Thanksgiving Day

Christmas Day

Paid Holidays

New Year's Day

Martin Luther King Jr. Day

Lincoln's Birthday
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Columbus Day
Election Day
Veteran's Day
Thanksgiving Day
Christmas Day

Vacation

Less than 75 days worked..... no vacation.

75 days worked, but less

than 110 days worked in

a calendar year five (5) days the following year.

110 days or more worked

in a calendar year..... ten (10) days the following year.

SICK LEAVE:

1 day sick leave earned for each 40 days worked in the preceding calendar year for a maximum of five (5) days per calendar year.

(Local #553)

LANDSCAPING AND GROUNDSKEEPING WORKER

Landscaper / Groundskeeper

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$19.57

Supplemental Benefit Rate per Hour: \$2.18

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular hourly rate after 40 straight time hours in any work week.

(Based on data from NYS Department of Labor Occupational Employment Statistics and US Department of Labor Bureau of Labor Statistics)

LOCKSMITH

Locksmith

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$30.44

Supplemental Benefit Rate per Hour: \$6.35

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular hourly rate after 40 straight time hours in any work week.

(Based on data from NYS Department of Labor Occupational Employment Statistics and US Department of Labor Bureau of Labor Statistics)

MAINTENANCE WORKER, MACHINERY

Mechanic

Performs routine machinery maintenance and minor repairs.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$34.08

Supplemental Benefit Rate per Hour: \$6.35

Mechanic Helper

Lubricates machinery, cleans and changes parts, assists Mechanics.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$20.72

Supplemental Benefit Rate per Hour: \$6.35

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular hourly rate after 40 straight time hours in any work week.

(Based on data from NYS Department of Labor Occupational Employment Statistics and US Department of Labor Bureau of Labor Statistics)

MEDICAL WASTE REMOVAL

Driver

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$23.02
Supplemental Benefit Rate per Hour: \$12.53

Helper

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$19.27
Supplemental Benefit Rate per Hour: \$12.53

Tractor Trailer Driver

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$25.52
Supplemental Benefit Rate per Hour: \$12.53

Overtime Description

Time and one half the regular hourly rate after an 8 hour day or after 40 straight time hours in any work week. The seventh day of work in a workweek is paid at double time the regular hourly rate. Time and one half the regular hourly rate for work on a holiday plus days pay for below paid holidays.

For all MEDICAL WASTE REMOVAL titles:

The paid holidays and vacation leave listed below must be paid or provided in addition to the hourly supplemental benefit rate.

Paid Holidays

- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

Vacation

- 1 year of service but less than five years ten (10) days
- 5 years of service but less than ten years fifteen (15) days
- 10 years of service sixteen (16) days
- 11 years seventeen (17) days
- 12 years eighteen (18) days
- 13 years nineteen (19) days
- 14 years twenty (20) days
- 20 years twenty-one (21) days
- 21 years twenty-two (22) days
- 22 years twenty-three (23) days
- 23 years twenty-four (24) days
- 24 years twenty-five (25) days

Plus 2 Personal Days

(Local #813)

MOVER - OFFICE FURNITURE AND EQUIPMENT

Heavy and Tractor Trailer Truck Driver

Tractor-trailer combination or a truck with a capacity of at least 26,000 pounds Gross Vehicle Weight (GVW)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$28.03
Supplemental Benefit Rate per Hour: \$5.60

Light Truck Driver

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$20.03
Supplemental Benefit Rate per Hour: \$5.60

Laborer and Freight, Stock, and Material Mover, Hand

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$18.03
Supplemental Benefit Rate per Hour: \$5.60

Packer and Packager, Hand

Packs, wraps and labels office furniture and equipment and loads it onto dollies and into elevators.

Effective Period: 7/1/2019 - 12/30/2019

For Large Employers (11 or more employees)
Wage Rate per Hour: \$15.00
Supplemental Benefit Rate per Hour: \$4.73

For Small Employers (10 or less employees)

Wage Rate per Hour: \$14.13
Supplemental Benefit Rate per Hour: \$5.60

Effective Period: 12/31/2019 - 6/30/2020

Wage Rate per Hour: \$15.00
Supplemental Benefit Rate per Hour: \$4.73

Overtime

Time and one half the regular rate after an 8 hour day. Time and one half the regular hourly rate after 40 straight time hours in any work week.

(Based on data from NYS Department of Labor Occupational Employment Statistics and US Department of Labor Bureau of Labor Statistics and Minimum Wage Law)

REFUSE REMOVER

Refuse Remover

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$30.34
Supplemental Benefit Rate per Hour: \$5.60

Overtime

Time and one half the regular rate after an 8 hour day. Time and one half the regular hourly rate after 40 straight time hours in any work week.

(Based on data from NYS Department of Labor Occupational Employment Statistics and US Department of Labor Bureau of Labor Statistics)

SECURITY GUARD (ARMED)

Security Guard (Armed)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$29.50
Supplemental Benefit Rate per Hour: \$6.14
Supplemental Note: for new employee 0-120 days of employment - \$5.59; for new employee 121 days - 2 years of employment - \$5.70

Overtime Description

If President's Day is not observed, then the employer may substitute another holiday not listed below. If an employer observes a holiday not listed they may substitute said holiday with one on the list.

A guard is eligible for Paid Holidays after one year of continuous employment.

A guard who works a holiday is paid the regular rate plus receives the paid holiday.

For all Security Guard (Armed) titles:

Supplemental Benefits shall be paid for each hour paid, up to forty (40) paid hours per week.

Months of employment shall be defined as an Employee's length of service with the Employer or at the Facility, whichever is greater.

The paid holidays, vacation and sick leave listed below must be paid or provided in addition to the hourly supplemental benefit rate.

Overtime

Time and one half the regular rate after an 8 hour day. Time and one half the regular hourly rate after 40 straight time hours in any work week.

Paid Holidays

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day
- Personal Day

Vacation

Months on payroll	Vacation with Pay
6	3 days
12	1 week
24	2 weeks
60	3 weeks
180	4 weeks
300	5 weeks

Sick Leave

0 - 120 days of employment, employees will accumulate one (1) hour for every thirty (30) hours worked
121 days - 36 months of employment, employees will receive five (5) paid sick days
36 months or more of employment, employees will receive six (6) paid sick days

(Local #32B/J)

SECURITY GUARD (UNARMED)

(Security Guards in residential buildings are limited to monitoring and patrolling the interior and exterior of the building premises for the purpose of protecting the safety and property of the building, its residents, visitors and employees.)

Security Guard (Unarmed) 0 - 36 months - (Hired on or after 1/1/2016)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$15.50
Supplemental Benefit Rate per Hour: \$6.14
Supplemental Note: for new employee 0-120 days of employment - \$5.59, for new employee 121 days - 2 years of employment - \$5.70

Security Guard (Unarmed)

(Includes Security Guard (Unarmed) 31 months or more - Hired before 1/1/2016 and Security Guard (Unarmed) over 36 months - Hired on or after 1/1/2016.)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$18.00
Supplemental Benefit Rate per Hour: \$6.14

Overtime Description

If President's Day is not observed, then the employer may substitute another holiday not listed below. If an employer observes a holiday not listed they may substitute said holiday with one on the list.

A guard is eligible for Paid Holidays after one year of continuous employment.

A guard who works a holiday is paid the regular rate plus receives the paid holiday.

For all Security Guard (Unarmed) titles: Supplemental Benefits shall be paid for each hour paid, up to forty (40) paid hours per week.

Months of employment shall be defined as an Employee's length of service with the Employer or at the Facility, whichever is greater.

The paid holidays, vacation and sick leave listed below must be paid or provided in addition to the hourly supplemental benefit rate.

Overtime

Time and one half the regular rate after an 8 hour day.
Time and one half the regular hourly rate after 40 straight time hours in any work week.

Paid Holidays

- New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day
Personal Day

Vacation

Table with 2 columns: Months on payroll, Vacation with Pay. Rows include 6, 12, 24, 60, 180, 300 months and corresponding 3 days, 1 week, 2 weeks, 3 weeks, 4 weeks, 5 weeks of vacation.

Sick Leave

0 - 120 days of employment, employees will accumulate one (1) hour for every thirty (30) hours worked
121 days - 36 months of employment, employees will receive five (5) paid sick days
36 months or more of employment, employees will receive six (6) paid sick days

(Local #32B/J)

WINDOW CLEANER

Window Cleaner

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$30.07
Supplemental Benefit Rate per Hour: \$12.90

Power Operated Scaffolds, Manual Scaffolds, and Boatswain Chairs

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$32.82
Supplemental Benefit Rate per Hour: \$12.90

Window Cleaner Apprentice (0 - 3 months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$22.25
Supplemental Benefit Rate per Hour: None

Window Cleaner Apprentice (4 - 7 months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$24.06
Supplemental Benefit Rate per Hour: \$12.90

Window Cleaner Apprentice (8 - 11 months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$25.50
Supplemental Benefit Rate per Hour: \$12.90

Window Cleaner Apprentice (12 - 15 months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$26.97
Supplemental Benefit Rate per Hour: \$12.90

Window Cleaner Apprentice (16 - 17 months)

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$28.42
Supplemental Benefit Rate per Hour: \$12.90

For all WINDOW CLEANER titles:

Months of employment shall be defined as an Employee's length of service with the Employer or at the Facility, whichever is greater.

The paid holidays, vacation and sick leave listed below must be paid or provided in addition to the hourly supplemental benefit rate.

Overtime

Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.
Time and one half the regular rate for work on a holiday plus the day's pay.

Paid Holidays

- New Year's Day
Martin Luther King Jr. Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Personal Day

Vacation

After 7 months but less than
1 year of servicefive (5) days
1 year but less than 5 years
of service.....ten (10) days
5 years of service but less than
15 years of servicefifteen (15) days
15 years of service but less than
21 years of servicetwenty (20) days
21 yearstwenty-one (21) days
22 yearstwenty-two (22) days
23 yearstwenty-three (23) days
24 yearstwenty-four (24) days
25 years or more of service.....twenty-five (25) days
Plus 1 day per year for medical visit

SICK LEAVE:

10 days after one year worked. Unused sick days to be paid in cash.

(Local #32 B/J)

NYC ADMINISTRATIVE CODE § 6-109

A City service contractor or subcontractor that provides homecare services, day care services, head start services or services to persons with cerebral palsy must pay its covered employees no less than the living wage and must provide its covered employees healthcare benefits or must supplement their hourly wage rate by an amount no less than the health benefits supplement rate.ⁱ

A City service contractor or subcontractor that provides building services, food services or temporary office services must pay its covered employees no less than the living wage or the prevailing wage, whichever is greater. Where the living wage is greater than the prevailing wage, the city service contractor or subcontractor must either provide its covered employees healthcare benefits or must supplement their hourly wage rate by an amount no less than the health benefits supplement rate. Where the prevailing wage is greater than the living wage, the city service contractor or subcontractor must provide its employees the prevailing wage and supplements.

In accordance with NYC Administrative Code § 6-109, the Comptroller of the City of New York has promulgated this schedule of wages and supplemental benefits for the above services on New York City contracts for non-emergency work in excess of the small purchase limit set by the Procurement Policy Board. This schedule is required to be annexed to and form part of the contract pursuant to § 6-109.

This schedule is a compilation of separate determinations of the prevailing rate of wage and supplements made by the Comptroller for each trade classification listed herein pursuant to NYC Administrative Code section § 6-109. The source of the wage and supplement rates, whether a collective bargaining agreement, survey data or other, is listed at the end of each classification.

Agency Chief Contracting Officers should contact the Bureau of Labor Law's Classification Unit with any questions concerning trade classifications, prevailing or living wage rates or practices with respect to procurement on City service contracts. Contractors are advised to review this schedule before bidding on City service contracts. Contractors with questions concerning trade classifications, prevailing or living wage rates or practices with respect to City service contracts in the procurement stage must contact the contracting agency responsible for the procurement.

Any error as to compensation under the prevailing or living wage law or other information as to trade classification, made by the contracting agency in the contract documents or in any other communication, will not preclude a finding against the contractor of prevailing wage violation.

Any questions concerning trade classifications, prevailing or living wage rates or practices on City service contracts that have already been awarded may be directed to the Bureau of Labor Law's Classification Unit by calling (212) 669-4443. All callers must have the agency name and contract registration number available when calling with questions on City service contracts. Please direct all other compliance issues to: Bureau of Labor Law, Attn: Wasyl Kinach, P.E., Office of the Comptroller, 1 Centre Street, Room 651, New York, N.Y. 10007; Fax (212) 669-4002.

NYC Administrative Code § 6-109 requires contractors and subcontractors to post on the site of the work a current copy of this schedule of wages and supplemental benefits.

This schedule is applicable to work performed during the effective period, unless otherwise noted. Changes to this schedule are published on our web site comptroller.nyc.gov/wages. Contractors must pay the wages and supplements in effect when the City service employee performs the work. Preliminary schedules for future one-year periods appear in the City Record on or about June 1 each succeeding year. Final schedules appear on or about July 1 in the City Record and on our web site comptroller.nyc.gov/wages.

Contractors are solely responsible for maintaining original payroll records delineating, among other things, the hours worked by each employee within a given classification.

In order to meet their obligation to provide prevailing supplemental benefits to each covered employee, employers must either:

- 1) Provide bona fide fringe benefits which cost the employer no less than the prevailing supplemental benefits rate; or

- 2) Supplement the employee's hourly wage by an amount no less than the prevailing supplemental benefits rate; or
- 3) Provide a combination of bona fide fringe benefits and wage supplements which cost the employer no less than the prevailing supplemental benefits rate in total.

The New York State Minimum Wage Act, Labor Law § 652 et seq., may require a higher wage than the living wage set forth in this schedule. Although prevailing wage laws do not require employers to provide bona fide fringe benefits (as opposed to wage supplements) to their employees, other laws may. For example, the Employee Retirement Income Security Act, 29 U.S.C. § 1001 et seq., the Patient Protection and Affordable Care Act, 42 U.S.C. § 18001 et seq., and the New York City Paid Sick Leave Law, N.Y.C. Admin. Code § 20-911 et seq., require certain employers to provide certain benefits to their employees. Labor agreements to which employers are a party may also require certain benefits. The Comptroller's Office does not enforce these laws or agreements.

Employers must provide prevailing supplemental benefits at the straight time rate for each hour worked unless otherwise noted in the classification.

For more information, please refer to the Comptroller's Prevailing Wage/Living Wage and Minimum Average Hourly Wage Law Regulations in Title 44 of the Rules of the City of New York, Chapters 2 and 3, available at comptroller.nyc.gov/wages.

Wasyl Kinach, P.E.
Director of Classifications
Bureau of Labor Law

BUILDING CLEANER AND MAINTAINER (OFFICE)

For the above building service classification, see the Building Service Employee Schedule: Labor Law Article 9, Real Property Tax Law 421-a, NYC Administrative Code 6-130.

BUILDING CLEANER AND MAINTAINER (RESIDENTIAL)

For the above building service classification, see the Building Service Employee Schedule: Labor Law Article 9, Real Property Tax Law 421-a, NYC Administrative Code 6-130.

CLEANER (PARKING GARAGE)

For the above building service classification, see the Building Service Employee Schedule: Labor Law Article 9, Real Property Tax Law 421-a, NYC Administrative Code 6-130.

DAY CARE SERVICES

Day Care Services

'Day Care Services' means provision of day care services through the city's center-based day care program administered under contract with the city's Administration for Children's Services. No other day care programs shall be covered, including family-based day care programs administered by city-contracted day care centers.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$10.00

Supplemental Benefit Rate per Hour: \$1.50

(NYC Administrative Code § 6-109)

FOOD SERVICE EMPLOYEES

Cook

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$17.83

Supplemental Benefit Rate per Hour: \$2.18

Cafeteria Attendant

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$15.81

Supplemental Benefit Rate per Hour: \$2.18

Counter Attendant

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$13.50

Supplemental Benefit Rate per Hour: \$2.18

Kitchen Helper / Dishwasher

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$14.09
 Supplemental Benefit Rate per Hour: \$2.18

Overtime
 Time and one half the regular hourly rate after 40 straight time hours in any work week.

(Based on data from NYS Department of Labor Occupational Employment Statistics and US Department of Labor Bureau of Labor Statistics)

HEAD START SERVICES

Head Start Services

'Head Start Services' means provision of head start services through the city's center-based head start program administered under contract with the city's Administration for Children's Services. No other head start programs shall be covered.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$10.00
 Supplemental Benefit Rate per Hour: \$1.50

(NYC Administrative Code §6-109)

HEMOCARE SERVICES

Home Care Services

'Homecare Services' means the provision of homecare services under the city's Medicaid Personal Care/Home Attendant or Housekeeping Programs, including but not limited to the In-Home Services for the Elderly Programs administered by the Department for the Aging.

For homecare services provided under the Personal Care Services program, the wage and supplemental benefit rate above shall apply only as long as the state and federal government maintain their combined aggregate proportionate share of funding and approved rates for homecare services in effect as of the date of the enactment of this section. For contractors or subcontractors providing homecare services, the supplemental benefit rate may be waived by the terms of a bona fide collective bargaining agreement with respect to employees who have never worked a minimum of eighty (80) hours per month for two consecutive months for that covered employer, but such provision may not be waived for any employee once a minimum of eighty (80) hours for two consecutive months has been achieved.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$10.00
 Supplemental Benefit Rate per Hour: \$1.50

(NYC Administrative Code §6-109)

LANDSCAPING AND GROUNDSKEEPING WORKER

For the above building service classification, see the Building Service Employee Schedule: Labor Law Article 9, Real Property Tax Law 421-a, NYC Administrative Code 6-130.

SECURITY GUARD (ARMED)

For the above building service classification, see the Building Service Employee Schedule: Labor Law Article 9, Real Property Tax Law 421-a, NYC Administrative Code 6-130.

SECURITY GUARD (UNARMED)

For the above building service classification, see the Building Service Employee Schedule: Labor Law Article 9, Real Property Tax Law 421-a, NYC Administrative Code 6-130.

SERVICES TO PERSONS WITH CEREBRAL PALSY

Services To Person With Cerebral Palsy

'Services to Persons with Cerebral Palsy' means provision of services which enable persons with cerebral palsy and related disabilities to lead independent and productive lives through an agency that provides health care, education, employment, housing and technology resources to such persons under contract with the city or the department of education.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$10.00
 Supplemental Benefit Rate per Hour: \$1.50
 (NYC Administrative Code §6-109)

TEMPORARY OFFICE SERVICES

Administrative Assistant

Provides high-level administrative support by conducting research, preparing statistical reports and handling information requests in addition to performing clerical functions such as preparing correspondence, receiving visitors, arranging conference calls, and scheduling meetings. May also train and supervise lower-level clerical staff.

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$37.32
 Supplemental Benefit Rate per Hour: \$4.58

Cashier

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$13.50
 Supplemental Benefit Rate per Hour: \$4.58

Computer Assistant

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$25.91
 Supplemental Benefit Rate per Hour: \$4.58

Data Entry Operator

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$18.53
 Supplemental Benefit Rate per Hour: \$4.58

File Clerk

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$17.90
 Supplemental Benefit Rate per Hour: \$4.58

Receptionist

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$17.39
 Supplemental Benefit Rate per Hour: \$4.58

Secretary

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$21.29
 Supplemental Benefit Rate per Hour: \$4.58

Word Processor

Effective Period: 7/1/2019 - 6/30/2020
 Wage Rate per Hour: \$24.17
 Supplemental Benefit Rate per Hour: \$4.58

Overtime

Time and one half the regular hourly rate after 40 straight time hours in any work week.

(Based on data from NYS Department of Labor Occupational Employment Statistics and US Department of Labor Bureau of Labor Statistics or NYC Administrative Code §6-109)

WINDOW CLEANER

For the above building service classification, see the Building Service Employee Schedule: Labor Law Article 9, Real Property Tax Law 421-a, NYC Administrative Code 6-130.

← a1

TRANSPORTATION

■ NOTICE

COMMUTER VAN SERVICE AUTHORITY APPLICATION

NOTICE IS HEREBY GIVEN that the Department of Transportation has received an application, for a new commuter van service authority, for territory and vans in the Borough of Queens. The van company requesting this authority is AJAP Trailways LLC. The address is 522 Albermarle Road, Cedarhurst, NY 11516. The applicant is requesting to provide service 24 hours a day/7 days a week.

The area requested is:

Proposed territory will begin, at corner of Beach 108th Street (Rockaway Park) and continue straight onto Shore Front Parkway, continue onto Beach Front Road, down to Beach 67th Street. Take a slight left onto Beach 67th Street and a right turn onto Rockaway Freeway. Continue straight on Rockaway Freeway, merging slightly on Beach Channel Drive and Mott Avenue. Right turn to Far Rockaway.

Within 30 days of date posted to City Record, comments in support or in opposition to this application, may be emailed, to commuters@dot.nyc.gov, or mailed to:

New York City Department of Transportation
Division of Transportation Planning and Management
55 Water Street, 6th Floor
New York, NY 10041

Those opposing the application must clearly specify why the proposed service will not meet present and/or future public convenience and necessity.

ky19-a1

CHANGES IN PERSONNEL

DEPT OF CITYWIDE ADMIN SVCS
FOR PERIOD ENDING 06/14/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for Dept of Citywide Admin Svcs.

DISTRICT ATTORNEY-MANHATTAN
FOR PERIOD ENDING 06/14/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for District Attorney-Manhattan.

DISTRICT ATTORNEY-MANHATTAN
FOR PERIOD ENDING 06/14/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for District Attorney-Manhattan.

DISTRICT ATTORNEY-MANHATTAN
FOR PERIOD ENDING 06/14/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for District Attorney-Manhattan.

BRONX DISTRICT ATTORNEY
FOR PERIOD ENDING 06/14/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for Bronx District Attorney.

GOMEZ	ANDRES	F	30105	\$18,8300	APPOINTED	YES	06/02/19	902
GORDON JR	LAMOR	S	10209	\$16,0000	APPOINTED	YES	06/02/19	902
HAIN	EITAN	S	10209	\$16,0000	APPOINTED	YES	06/02/19	902
HERNANDEZ	VANESSA		10209	\$16,0000	APPOINTED	YES	06/02/19	902
HOQUE	AMINA	M	30105	\$18,8300	APPOINTED	YES	06/02/19	902
ISMAEL	NOLA		56057	\$42799.0000	RESIGNED	YES	06/02/19	902
JALLOH	IDRISSA		56057	\$42799.0000	APPOINTED	YES	06/02/19	902
KENYON	JUSTIN	P	30105	\$18,8300	APPOINTED	YES	06/02/19	902
LINDSTON	ROBERT	F	30105	\$18,8300	APPOINTED	YES	06/02/19	902
LOYE	AYOMIKUN		30105	\$18,8300	APPOINTED	YES	06/02/19	902
MAIER	RYAN	M	30105	\$18,8300	APPOINTED	YES	06/02/19	902
MALDONADO DE LA	ASHLEY	R	30105	\$18,8300	APPOINTED	YES	06/02/19	902
MCCLURE	ISABEL	L	30105	\$18,8300	APPOINTED	YES	06/02/19	902
MCCRAY	ADONICA	M	10209	\$16,0000	APPOINTED	YES	06/02/19	902
MCDONALD	KATHLEEN		56057	\$42799.0000	RETIRED	YES	05/25/19	902
MOUSSA	ROSSANA	M	30105	\$18,8300	APPOINTED	YES	06/02/19	902
MUSTAFA	MUHAMMAD	Z	30105	\$18,8300	APPOINTED	YES	06/02/19	902
NESHEIWAT	GIOVANNA		30105	\$18,8300	APPOINTED	YES	06/02/19	902
NOVICK	PERI	A	30105	\$18,8300	APPOINTED	YES	06/02/19	902
PAUL	MARLINE		30105	\$18,8300	APPOINTED	YES	06/02/19	902
PENA	ANGELA	L	30105	\$18,8300	APPOINTED	YES	06/02/19	902
PICALLO	LAURA		56057	\$50000.0000	RESIGNED	YES	05/26/19	902
PLAZA	IZAMAR		30105	\$18,8300	APPOINTED	YES	06/02/19	902
PRASHAD	SANDHYA	U	30105	\$18,8300	APPOINTED	YES	06/02/19	902
PRYCE	BRIANNA	S	30105	\$18,8300	APPOINTED	YES	06/02/19	902
RAMOS	THERESA		56058	\$65000.0000	INCREASE	YES	05/19/19	902
RANDAZZO	JOSEPH	R	30105	\$18,8300	APPOINTED	YES	06/02/19	902
REILLY	STEPHANI	M	30114	\$76200.0000	APPOINTED	YES	06/02/19	902
RESREPO BETACOU	ILIANA	A	10209	\$16,0000	APPOINTED	YES	06/02/19	902
ROC	KIMBERLY	L	30105	\$18,8300	APPOINTED	YES	06/02/19	902
ROCQUE	ASHELY	N	30105	\$18,8300	APPOINTED	YES	06/02/19	902
RODRIGUEZ	SAMANTHA	M	10209	\$16,0000	APPOINTED	YES	06/02/19	902
RODRIGUEZ ANDER	MARCOS	J	10209	\$16,0000	APPOINTED	YES	06/02/19	902
ROSENFELD	MAAYAN	N	10209	\$16,0000	APPOINTED	YES	06/02/19	902

BRONX DISTRICT ATTORNEY
FOR PERIOD ENDING 06/14/19

TITLE								
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY		
RUBANOWITZ	DENA	30105	\$18,8300	APPOINTED	YES	06/02/19	902	
SANCHEZ	LUIS	J	10209	\$16,0000	APPOINTED	YES	06/02/19	902
SANTAMARIA	JORGE	J	56057	\$54787.0000	RESIGNED	YES	05/30/19	902
THAXTER	JAH-MOI	T	10209	\$16,0000	APPOINTED	YES	06/02/19	902
VARGAS	ISRAEL		10209	\$16,0000	APPOINTED	YES	06/02/19	902
VENTURA ALMONTE	ROSIBEL		30105	\$18,8300	APPOINTED	YES	06/02/19	902
WALSH	PATRICK	F	05322	\$65815.0000	RESIGNED	YES	06/02/19	902
WALSH	SARAH	L	56057	\$42799.0000	RESIGNED	YES	06/02/19	902
WILLIAMS	MARITA	A	30105	\$18,8300	APPOINTED	YES	06/02/19	902
WILSON	MARY	C	30105	\$18,8300	APPOINTED	YES	06/02/19	902
WINSTON	MARK	R	30114	\$141900.0000	APPOINTED	YES	06/02/19	902

DISTRICT ATTORNEY KINGS COUNTY
FOR PERIOD ENDING 06/14/19

TITLE								
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY		
AKINSANYA	OWOSENI	O	56057	\$54615.0000	RESIGNED	YES	06/02/19	903
BURNS	KELLY	D	56057	\$42799.0000	INCREASE	YES	06/02/19	903
FREY	LAUREN	F	56058	\$65000.0000	APPOINTED	YES	06/02/19	903
GARCIA	NIA	B	56057	\$42799.0000	INCREASE	YES	06/02/19	903
GOLDBRUM	LINDSAY	M	30114	\$70300.0000	RESIGNED	YES	06/02/19	903
JOHNSON	CONSTANC		56057	\$42799.0000	INCREASE	YES	06/02/19	903
LINDSAY	DIONNE	K	30114	\$69000.0000	APPOINTED	YES	06/02/19	903
PEREZ	EMILIA	V	56056	\$41500.0000	RESIGNED	YES	01/10/03	903
RAGIN	DEON	R	56057	\$42799.0000	RESIGNED	YES	05/31/19	903
TALUKDER	SOUROV	D	56057	\$55000.0000	APPOINTED	YES	06/02/19	903

DISTRICT ATTORNEY QNS COUNTY
FOR PERIOD ENDING 06/14/19

TITLE								
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY		
CASTILLO	ARLEEN		56057	\$37216.0000	RESIGNED	YES	06/02/19	904
DALY	LEIGHANN		30114	\$71575.0000	INCREASE	YES	05/29/19	904
DIAGNE	CELINE	F	56057	\$37217.0000	APPOINTED	YES	06/02/19	904
HOWARD	DENISE	G	30114	\$141065.0000	RETIRED	YES	06/01/19	904
LOCASCIO	JORDAN	I	30114	\$71575.0000	INCREASE	YES	05/29/19	904
MCNAMARA	GENEVIEV	K	56057	\$42799.0000	APPOINTED	YES	06/02/19	904
MULLINS	ERIN	M	30114	\$71575.0000	INCREASE	YES	05/29/19	904
PEREZ	NATALIA	E	60888	\$39170.0000	INCREASE	NO	05/09/19	904
THEODOROU	CHRISTOP	M	30114	\$71575.0000	INCREASE	YES	05/29/19	904
TILLMAN MCINTOS	REGINA		56057	\$37217.0000	APPOINTED	YES	05/29/19	904

DISTRICT ATTORNEY RICHMOND COU
FOR PERIOD ENDING 06/14/19

TITLE								
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY		
BARROS	NATALIE		30114	\$99080.2500	RESIGNED	YES	05/30/19	905

DISTRICT ATTORNEY-SPECIAL NARC
FOR PERIOD ENDING 06/14/19

TITLE								
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY		
BAILLEY	ALEXANDR	L	10209	\$1,0000	APPOINTED	YES	05/26/19	906
GLASSER	SARAH		56057	\$52045.0000	RESIGNED	YES	05/26/19	906
KLYUCHNIKOVA	KAROLINA		30114	\$78000.0000	RESIGNED	YES	06/02/19	906
LEE	OLIVER	J	10209	\$1,0000	APPOINTED	YES	05/26/19	906
LUI	MICHAEL	C	30114	\$94500.0000	APPOINTED	YES	05/28/19	906
LUNDEN	GRACE	L	10209	\$1,0000	APPOINTED	YES	05/26/19	906
REYES	JADE	A	10209	\$1,0000	APPOINTED	YES	05/26/19	906
SACHS	BRETT		10209	\$1,0000	APPOINTED	YES	05/26/19	906

PUBLIC ADMINISTRATOR-NEW YORK
FOR PERIOD ENDING 06/14/19

TITLE								
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY		
ADEBOLA JR	ADEYEMI	S	06820	\$40275.0000	APPOINTED	YES	05/29/19	941

PUBLIC ADMINISTRATOR-KINGS
FOR PERIOD ENDING 06/14/19

TITLE								
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY		
ALI	MUHAMMAD		10142	\$40275.0000	RESIGNED	YES	05/19/19	943

FOR PERIOD ENDING 06/28/19

TITLE								
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY		
AHMED	ARMAAN	S	10234	\$15,7500	APPOINTED	YES	06/09/19	002
AHMED	NAFISA	T	10232	\$17,0000	APPOINTED	YES	06/09/19	002
ALEXANDER	MARIANA	R	0668A	\$82555.0000	APPOINTED	YES	06/09/19	002
ALICEA	ELIZA		10234	\$15,7500	APPOINTED	YES	06/09/19	002
AMAR	VICKI		0668A	\$107500.0000	INCREASE	YES	06/02/19	002
CAMERON	TWANNA	T	0668A	\$70000.0000	INCREASE	YES	03/17/19	002
CLEMENT	GRESHAWN	T	10234	\$15,7500	APPOINTED	YES	06/09/19	002
DASARI	PREETI	R	10232	\$17,0000	APPOINTED	YES	06/02/19	002
ETEDGI	NOA		10234	\$15,7500	APPOINTED	YES	06/16/19	002
FERNANDEZ	KATHERIN		10232	\$17,0000	APPOINTED	YES	06/16/19	002
FRASCA	OLIVIA	M	10234	\$15,7500	APPOINTED	YES	06/09/19	002
GLEN	ALICIA	K	12940	\$244643.0000	RESIGNED	YES	03/03/19	002
GONZALEZ	MELISSA	D	0668A	\$73048.0000	RESIGNED	YES	03/21/19	002
HANNUSH	JULIAN	A	0668A	\$125000.0000	APPOINTED	YES	06/16/19	002
HARRISON	AMANDA	G	05277	\$57000.0000	APPOINTED	YES	06/16/19	002
HERNANDEZ	MADISON	M	10234	\$15,7500	APPOINTED	YES	06/09/19	002
HINES	KAELA	G	10234	\$15,7500	APPOINTED	YES	06/09/19	002
HUNT	SINEAD	N	10234	\$15,7500	APPOINTED	YES	06/09/19	002
JORDAN	SIERRA		10234	\$15,7500	APPOINTED	YES	06/09/19	002
KLEINFELD	SAMANTHA	A	0668A	\$100000.0000	APPOINTED	YES	06/16/19	002
LAURENS	ALEXANDE	D	10234	\$15,7500	APPOINTED	YES	06/16/19	002
MALEK	GABRIEL	B	10234	\$15,7500	APPOINTED	YES	06/16/19	002
MARCANO	ALEXIUS	T	05277	\$67500.0000	APPOINTED	YES	06/16/19	002
MENDIETA	JESSICA		10232	\$17,0000	APPOINTED	YES	06/09/19	002
MILLER	PAULINE	A	10232	\$17,0000	APPOINTED	YES	06/09/19	002
NERBY	JENNIFER	A	0527A	\$71575.0000	RESIGNED	YES	03/28/19	002
RAMIREZ GAVIRIA	DENISHUA		06405	\$50000.0000	APPOINTED	YES	06/16/19	002
RINALDI	DANIELLE	L	10234	\$15,7500	APPOINTED	YES	06/09/19	002
ROMERO	DIANA	J	10234	\$15,7500	APPOINTED	YES	06/09/19	002
SHAH	RISHAV	D	10232	\$17,0000	APPOINTED	YES	06/09/19	002
SHVAIKO	ANDREW	R	10234	\$15,7500	APPOINTED	YES	06/09/19	002
SLEEPER-O'CONNOR	JONATHAN	L	30070	\$221105.0000	APPOINTED	YES	06/16/19	002
SMALLS JR	SHAROD	L	10234	\$15,7500	APPOINTED	YES	06/09/19	002
STARK	JOSEPH	C	10232	\$17,0000	APPOINTED	YES	06/09/19	002
STAUFFER	CHRISTOP	J	10234	\$15,7500	APPOINTED	YES	06/09/19	002
TRONCOSO	ISAAC	D	10234	\$15,7500	APPOINTED	YES	06/16/19	002
VENNET	JISSA	A	10234	\$15,7500	APPOINTED	YES	06/16/19	002
WELLES	HANNAH	B	10234	\$15,7500	APPOINTED	YES	06/09/19	002
WING	SAMANTHA	H	10234	\$15,7500	APPOINTED	YES	06/09/19	002
YATES	CHARLOTT	A	10234	\$15,7500	APPOINTED	YES	06/09/19	002

BOARD OF ELECTION
FOR PERIOD ENDING 06/28/19

TITLE								
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY		
COHEN	DANIEL	A	94367	\$15,3400	APPOINTED	YES	06/16/19	003
FLOWERS	LEILA	N	94367	\$15,3400	APPOINTED	YES	06/16/19	003
KYI LA	AMI	D	94367	\$15,3400	APPOINTED	YES	06/16/19	003
LENNON	SHONDE	M	94232	\$20,6400	INCREASE	YES	06/18/19	003
LUBRANO	NICOLAS		94367	\$15,3400	APPOINTED	YES	06/09/19	003
MENDOZA	HENASSI	O	94367	\$15,3400	APPOINTED	YES	06/09/19	003
RACANELLI-HELLE	DANIEL	R	94367	\$15,3400	APPOINTED	YES	06/09/19	003
ROBERTS	AKAYLA	R	94367	\$15,3400	APPOINTED	YES	06/09/19	003
SYLLA	IESHA	N	94367	\$15,3400	APPOINTED	YES	06/16/19	003
TAYLOR	JEFFREY	A	94367	\$15,3400	APPOINTED	YES	06/17/19	003

CAMPAIGN FINANCE BOARD
FOR PERIOD ENDING 06/28/19

SINGH	SANDIP	0660A	\$77868.0000	RESIGNED	YES	06/12/19	004
URENA	BRIANNA N	10209	\$17.3000	APPOINTED	YES	06/12/19	004

NYC EMPLOYEES RETIREMENT SYS
FOR PERIOD ENDING 06/28/19

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
BERNAL	HERMAN	10010	\$160000.0000	INCREASE	YES	06/16/19	009
CHISOLM	TARNICIA	60888	\$70590.0000	INCREASE	NO	06/16/19	009
DARBY- JENKINS	ASIA O	10251	\$20.0800	RESIGNED	YES	06/09/19	009
FAIR	DESIREE	60888	\$49845.0000	INCREASE	NO	06/16/19	009
FITZPATRICK	JAMES	40493	\$74766.0000	RETIRED	NO	06/05/19	009

BOROUGH PRESIDENT-BROOKLYN
FOR PERIOD ENDING 06/28/19

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
EISDORFER	JOEL	56056	\$17.2800	APPOINTED	YES	06/09/19	012
GRANSHAW	ITALIA	09909	\$41.5300	RESIGNED	YES	06/12/19	012
LEVIN	JOSHUA H	09959	\$84927.0000	RESIGNED	YES	06/21/19	012
YULFO	ROBERTO	56057	\$46263.0000	RESIGNED	YES	06/13/19	012

BOROUGH PRESIDENT-STATEN IS
FOR PERIOD ENDING 06/28/19

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
LLANEZA	AMANDA J	10232	\$16.0000	APPOINTED	YES	06/09/19	014

OFFICE OF THE COMPTROLLER
FOR PERIOD ENDING 06/28/19

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
ABAMWA	KEVWE M	10234	\$16.5000	APPOINTED	YES	06/09/19	015
AVIZBAKIYEVA	YEVGENIY	40510	\$48755.0000	INCREASE	NO	06/09/19	015
BARRY	SHELLY	10232	\$20.5000	APPOINTED	YES	06/09/19	015
BELOOSESKY	JORDAN S	10234	\$15.5000	APPOINTED	YES	06/09/19	015
BRICE	DABNEY	10232	\$20.5000	APPOINTED	YES	06/09/19	015
BROWN	ISABEL M	10232	\$22.5000	APPOINTED	YES	06/09/19	015
BROWNE	ZAKIYA	10232	\$19.0000	APPOINTED	YES	06/09/19	015
CABUK	CANSU	10232	\$20.5000	APPOINTED	YES	06/09/19	015
CHANG	SUNNY	10234	\$16.5000	APPOINTED	YES	06/09/19	015
CHEN	MINYU	40510	\$58827.0000	INCREASE	NO	06/09/19	015
DEEN	MUHAMMAD Z	10234	\$15.5000	APPOINTED	YES	06/09/19	015
DIAZ	NATALIA	10234	\$16.5000	APPOINTED	YES	06/09/19	015
FERNANDEZ	KENNETH	10234	\$16.5000	APPOINTED	YES	06/09/19	015
GANESAN	ARAVIND	10232	\$20.5000	APPOINTED	YES	06/09/19	015
GJEVUKAJ	LEONITA	06710	\$48755.0000	APPOINTED	YES	06/16/19	015
GOYKHMAN	DANIELA M	10232	\$20.5000	APPOINTED	YES	06/09/19	015
HAHN	GEORGIA A	10234	\$16.0000	APPOINTED	YES	06/09/19	015
HENRY	TYRA M	10234	\$16.5000	APPOINTED	YES	06/09/19	015
HIGGS	SHEQUELL A	06710	\$48755.0000	APPOINTED	YES	06/02/19	015
IBRAHIM	MOHAMMED S	10234	\$16.5000	APPOINTED	YES	06/09/19	015
KALUTA	JULIA M	10234	\$16.5000	APPOINTED	YES	06/09/19	015
KARLIN	MAX C	10234	\$16.5000	APPOINTED	YES	06/09/19	015
KIDA	BAKARY	10234	\$16.5000	APPOINTED	YES	06/09/19	015
KIM	YOUNG HA	10232	\$22.5000	APPOINTED	YES	06/09/19	015
KOOLPE	EMMA	10234	\$16.0000	APPOINTED	YES	06/09/19	015
LAURENTI	DANIELLE J	10232	\$19.0000	APPOINTED	YES	06/09/19	015

OFFICE OF THE COMPTROLLER
FOR PERIOD ENDING 06/28/19

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
LI	YAN SU	40510	\$56068.0000	INCREASE	NO	06/09/19	015
LOEZA	MIGUEL A	10234	\$16.5000	APPOINTED	YES	06/09/19	015
MCADAM	STEVEN D	10234	\$16.0000	APPOINTED	YES	06/09/19	015
MEDINA	JAVIER E	10234	\$15.5000	APPOINTED	YES	06/09/19	015
MIDDLETON	ZACHARY C	10234	\$16.5000	APPOINTED	YES	06/09/19	015
MILLS	JULIA M	10234	\$16.5000	APPOINTED	YES	06/09/19	015
PARK	HAYOUNG	10234	\$16.5000	APPOINTED	YES	06/09/19	015
PENALOZA PEREZ	EDUARDO	10009	\$75000.0000	APPOINTED	YES	06/16/19	015
PEREZ	REINALDO	10124	\$51917.0000	INCREASE	NO	06/09/19	015
PEREZ TLATENCHI	HENRY	10234	\$16.5000	APPOINTED	YES	06/09/19	015
PHILLIPS	DUKE E	40510	\$56763.0000	RETIRED	YES	06/21/19	015
POWELL	AARON C	10234	\$15.5000	APPOINTED	YES	06/09/19	015
SABIR	BAASIMAH	10234	\$16.0000	APPOINTED	YES	06/09/19	015
TAN	BELMA F	40510	\$56068.0000	INCREASE	NO	06/09/19	015
TAUHIDUL	SAKIB	1000B	\$72500.0000	APPOINTED	YES	06/16/19	015
TONG	CHRISTIN	10232	\$22.5000	APPOINTED	YES	06/09/19	015
TORRES	JOEL A	10234	\$16.0000	APPOINTED	YES	06/09/19	015
TOVAL	LIANNY	10232	\$20.5000	APPOINTED	YES	06/09/19	015
TUHTAMISHEV	HASAN	10234	\$16.0000	APPOINTED	YES	06/09/19	015
TUMPA	NASREEN S	10232	\$20.5000	APPOINTED	YES	06/09/19	015
VASQUEZ	CHRISTOP A	10234	\$16.5000	APPOINTED	YES	06/09/19	015
VEGA	TEJI	10234	\$15.5000	APPOINTED	YES	06/09/19	015
VELEZ	KAYLA L	10232	\$19.0000	APPOINTED	YES	06/09/19	015
VENTURA	CHRISTIA D	10234	\$16.0000	APPOINTED	YES	06/09/19	015
WANG	WENQI	10234	\$16.5000	APPOINTED	YES	06/09/19	015
WASHINGTON	JULIUS W	10234	\$15.5000	APPOINTED	YES	06/09/19	015
YANG	RICHARD	10234	\$16.0000	APPOINTED	YES	06/09/19	015

OFFICE OF EMERGENCY MANAGEMENT
FOR PERIOD ENDING 06/28/19

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
DUARTE	YOKARINA	06765	\$93900.0000	INCREASE	YES	06/16/19	017
GEYDAROV	SARAH F	06765	\$93900.0000	INCREASE	YES	06/16/19	017
KHALED	EEHAB	06766	\$60491.0000	APPOINTED	YES	06/09/19	017
MAHON	LAUREN P	06765	\$83500.0000	INCREASE	YES	06/16/19	017
RIVERA	JANET	06765	\$52.0900	INCREASE	YES	06/16/19	017
WHITNEY	JOSEPH C	06765	\$125000.0000	INCREASE	YES	06/16/19	017
ZAMY	SHAWN C	06766	\$65000.0000	APPOINTED	YES	06/09/19	017

OFFICE OF MANAGEMENT & BUDGET
FOR PERIOD ENDING 06/28/19

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
BEACH	NELLIE C	06088	\$64301.0000	APPOINTED	YES	06/16/19	019
KARAS	ANDREW B	06088	\$68244.0000	RESIGNED	YES	06/09/19	019
NUSSBAUM	ELEANOR H	06088	\$77115.0000	RESIGNED	YES	06/16/19	019
URENA	MARIA G	10234	\$15.7500	APPOINTED	YES	06/02/19	019

TAX COMMISSION
FOR PERIOD ENDING 06/28/19

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
PILGRIM	KAREN C	12860	\$61817.0000	INCREASE	YES	05/05/19	021

LAW DEPARTMENT
FOR PERIOD ENDING 06/28/19

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
AGOSTO	PARTIA L	10251	\$44679.0000	RESIGNED	NO	06/09/19	025
BAILEY	FAYLECIA M	30726	\$67138.0000	INCREASE	YES	06/09/19	025
BAJRAKTARI	MANJOLA	30080	\$41940.0000	RESIGNED	NO	06/09/19	025
BALLENA	OLENKA V	10209	\$15.5000	APPOINTED	YES	06/16/19	025
BOGDANOVIC	SAIDA	10209	\$15.5000	APPOINTED	YES	06/16/19	025
BOURATOGLOU	MAX M	10209	\$15.5000	APPOINTED	YES	06/02/19	025
BROWNE	JAMEL	34190	\$74325.0000	INCREASE	YES	06/09/19	025
BROWNE	SHYANN	30080	\$48230.0000	RESIGNED	NO	06/09/19	025
BRUDER	EMMA L	10209	\$15.7500	APPOINTED	YES	06/16/19	025
BYNOE	DERRICK	60888	\$53751.0000	APPOINTED	NO	05/12/19	025
CHEN	ELAINE J	30112	\$53.7100	RESIGNED	YES	04/18/19	025
CHOUDHURY	ZARIF	10209	\$15.5000	APPOINTED	YES	06/16/19	025
CHOWDHURY	FARHAT	10209	\$15.5000	APPOINTED	YES	06/16/19	025
CLARKE	SEONA A	10209	\$15.7500	APPOINTED	YES	06/16/19	025
CORDERO	DIEGO F	60888	\$74325.0000	INCREASE	NO	06/02/19	025
DOMENICHELLI	VANESSA M	30112	\$73986.0000	RESIGNED	YES	06/20/19	025
EHRENKRANTZ	DANA M	56058	\$52524.0000	APPOINTED	YES	06/09/19	025
FRANCISQUE	NATALIE C	10209	\$15.7500	APPOINTED	YES	06/16/19	025
GIALOURIS	KIM A	30726	\$46316.0000	INCREASE	YES	06/09/19	025
GITTENS	KEISHA	56058	\$52524.0000	APPOINTED	YES	06/18/19	025
GOPAUL	ASHLEY K	10209	\$16.0000	APPOINTED	YES	06/16/19	025
GRANDISON	SHERIECI T	10209	\$15.5000	APPOINTED	YES	06/16/19	025
HARRIS	RAY M	40482	\$21.9900	APPOINTED	YES	06/09/19	025
HENRY	THURMON A	10251	\$40629.0000	RESIGNED	NO	06/18/19	025
HUANG	LEANNE	10209	\$15.5000	APPOINTED	YES	06/16/19	025
HUNTER	SHANIECE O	10209	\$15.7500	APPOINTED	YES	06/16/19	025

LAW DEPARTMENT
FOR PERIOD ENDING 06/28/19

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
KAO	CYNTHIA	06503	\$119352.0000	APPOINTED	YES	06/09/19	025
KATIMS	TOVA F	30112	\$72933.0000	RESIGNED	YES	06/14/19	025
LE	SON K	06503	\$119352.0000	RESIGNED	LE	06/14/19	025
LEWIS	TIANA A	10251	\$19.3400	APPOINTED	YES	06/09/19	025
LICAIRAC	ALEXIS S	60888	\$21.2400	APPOINTED	NO	05/12/19	025
MARSHALL	NICHOLAS J	10209	\$16.0000	APPOINTED	YES	06/16/19	025
MARTIN	KEISHAN S	10209	\$15.7500	APPOINTED	YES	06/16/19	025
MENIN	JULIE	95005	\$221151.0000	APPOINTED	YES	06/09/19	025
MILLER	LAMAR R	06503	\$92119.0000	APPOINTED	YES	06/09/19	025
MINAYA RUIZ	BRENDALI	06503	\$71436.0000	APPOINTED	YES	06/09/19	025
MITCHELL	RICHARD A	10232	\$21.4300	APPOINTED	YES	06/09/19	025
MORSE	MELISSA B	60888	\$53751.0000	INCREASE	NO	05/12/19	025
NAVARRETE	VALARIE	40482	\$48589.0000	RESIGNED	NO	06/09/19	025
ORELLANA	WENDY C	56058	\$60403.0000	RESIGNED	YES	06/12/19	025
PARTRIDGE	PHLEISHA M	10209	\$15.5000	APPOINTED	YES	06/16/19	025
RAPPOPORT	LULA F	10209	\$15.5000	APPOINTED	YES	06/16/19	025
RAYMOND	CHANCEY E	06503	\$72933.0000	APPOINTED	YES	06/16/19	025
ROBLES	MARCY J	06503	\$71436.0000	APPOINTED	YES	06/16/19	025
SIEBEL	JUSTIN L	06503	\$98133.0000	APPOINTED	YES	06/09/19	025
SIEGEL	ELIJAH L	10209	\$15.5000	APPOINTED	YES	06/16/19	025
SIMONETTI	PETER R	10209	\$15.7500	APPOINTED	YES	06/18/19	025
SPEZIO	NIKO J	10209	\$15.5000	APPOINTED	YES	06/16/19	025
STEIRER	JACOB S	10209	\$15.5000	APPOINTED	YES	06/16/19	025
STEWART	ALIEYA V	10209	\$15.7500	APPOINTED	YES	06/16/19	025
THOMPSON	JONELLE A	60888	\$53751.0000	INCREASE	NO	05/12/19	025
URIBURU	ISAAC T	10251	\$19.3400	APPOINTED	YES	06/09/19	025
VALDEZ	ISMEL L	10209	\$15.5000	APPOINTED	YES	06/16/19	025

VALDEZ	JOSEPH	10209	\$15.5000	APPOINTED	YES	06/16/19	025
VASQUEZ	RAQUEL A	10209	\$15.7500	APPOINTED	YES	06/16/19	025
VELASCO	CHAUNCEY F	10251	\$19.3400	APPOINTED	YES	06/09/19	025
WAITE	TISHA T	30726	\$57030.0000	INCREASE	YES	06/09/19	025
WALKER	RAYVEN D	10209	\$15.7500	APPOINTED	YES	06/16/19	025
XIAO	CINDY	10209	\$15.7500	APPOINTED	YES	06/16/19	025

DEPARTMENT OF CITY PLANNING
FOR PERIOD ENDING 06/28/19

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
ABINADER	OLGA E	10053	\$133847.0000	INCREASE	NO	03/31/19	030
BREDE	SHAWN	10053	\$109295.0000	INCREASE	NO	03/31/19	030
CLAIRJEANE	YVETTE	56058	\$63401.0000	INCREASE	YES	03/31/19	030
GRAVEL	JENNIFER A	10053	\$128068.0000	INCREASE	NO	03/31/19	030
HOGAN	JULIA L	20246	\$91823.0000	INCREASE	YES	03/31/19	030
HUANG	JOY	10234	\$17.5000	APPOINTED	YES	06/09/19	030
KANASHETTI	SNEHALAT S	13622	\$81350.0000	RESIGNED	YES	06/15/19	030
KETCHAM	ERIC S	21744	\$84301.0000	APPOINTED	YES	06/16/19	030
KOO	ANGIE	22305	\$58000.0000	APPOINTED	YES	06/16/19	030
MARCUS	HANNAH H	10053	\$106252.0000	INCREASE	NO	03/31/19	030
POSPIS	VERONICA	60216	\$60000.0000	APPOINTED	YES	06/09/19	030
SENGUPTA	SUDARSHA D	12627	\$75591.0000	TRANSFER	NO	06/02/19	030
SOMMER	ALEXANDE	10053	\$112510.0000	INCREASE	YES	03/31/19	030
TING	JACQUELI	10234	\$17.5000	APPOINTED	YES	06/09/19	030
WITTENSTEIN	SAMUEL B	56057	\$52051.0000	RESIGNED	YES	06/09/19	030

DEPARTMENT OF INVESTIGATION
FOR PERIOD ENDING 06/28/19

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
D'AQUILA	CHRISTIA M	31143	\$69826.0000	INCREASE	YES	06/02/19	032
MILLENDFORF	LAURA E	31145	\$140414.0000	APPOINTED	YES	06/16/19	032
WEN	STEPHANI	31143	\$53712.0000	RESIGNED	YES	06/16/19	032

TEACHERS RETIREMENT SYSTEM
FOR PERIOD ENDING 06/28/19

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
GLIBO	VIKTORIY	12752	\$44214.0000	INCREASE	YES	06/09/19	041
GRIFFITHS	HERNANDO A	40493	\$67486.0000	INCREASE	NO	06/16/19	041
MORALES JR	RAFAEL H	91415	\$65765.0000	RESIGNED	YES	06/09/19	041
NATASHA	BELLA	10234	\$17.0000	APPOINTED	YES	06/09/19	041
PRAJAPATI	SHASHIKA R	10234	\$17.0000	APPOINTED	YES	06/02/19	041

CIVILIAN COMPLAINT REVIEW BD
FOR PERIOD ENDING 06/28/19

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
MANCINI	EMILIA	31165	\$54147.0000	INCREASE	YES	02/05/19	054
RODRIGUEZ	YOLEXIS M	31165	\$41061.0000	RESIGNED	YES	06/16/19	054

POLICE DEPARTMENT
FOR PERIOD ENDING 06/28/19

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
ABERNATHY	ANAIYA Q	10234	\$15.0000	APPOINTED	YES	06/09/19	056
ABONI	EDWARD K	70205	\$15.0000	RESIGNED	YES	05/17/19	056
ACEVEDO	JULIO	70210	\$85292.0000	RETIRED	NO	02/28/19	056
ACK	LATISHA N	60817	\$46737.0000	RESIGNED	NO	06/09/19	056



ECONOMIC DEVELOPMENT CORPORATION

■ SOLICITATION

Goods and Services

WATER STREET CORRIDOR STREETScape IMPROVEMENTS, CONSTRUCTION SERVICES - Public Bid - PIN# 48480005 - Due 9-5-19 at 11:00 A.M.

The New York City Economic Development Corporation (NYCEDC), on behalf of the City of New York, is issuing a public bid for construction along Water Street in lower Manhattan. The Water Street Corridor Streetscape Improvements Project, is located along the Water Street Corridor, from Fulton Street to Whitehall Street in lower Manhattan. The improvements shall provide for sidewalk and street reconstruction;

intersection improvements; landscaping; and plaza improvements to Whitehall Plaza and Coenties Slip Plaza, as well as roadway and sidewalk reconstruction on Moore Street between Water Street and Pearl Street. The project site is located along Water Street from Whitehall Street to Fulton Street, and Whitehall Street, Moore Street, and Coenties Slip from Water Street to Pearl Street, in lower Manhattan. Related public and private utility relocations necessary to implement the Project, will be included within the scope of work.

Detailed submission guidelines are outlined in the Bid package. The cost of the Bid package is \$150.00. The only form of payment accepted will be certified check or money order payable to NYCEDC. The bid package will be available for pick up Thursday, August 1, 2019, at the office of NYCEDC.

It is the policy of NYCEDC, to comply with all Federal, State and City laws and regulations, which prohibit unlawful discrimination because of race, creed, color, national origin, sex, age, disability, marital status and other protected category and to take affirmative action in working with contracting parties. Please refer to the Equal Employment and Affirmative Compliance for Construction Contracts Addendum in the IFB.

This project is being funded with Federal Highway Administration funds, through the New York State Department of Transportation, Community Development Block Grant funds, administered by the Lower Manhattan Development Corporation and the United States Department of Housing and Urban Development ("HUD"), Federal Emergency Management Agency ("FEMA") funds, and has Disadvantaged Business Enterprise ("DBE") participation goals.

NYCEDC, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, as amended, issued, pursuant to such Act, hereby notifies all who respond to this NYCEDC IFB, that it will affirmatively insure that in any contract entered into, pursuant to this advertisement, DBEs will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award.

All respondents will be required to submit a Contractor Statement on DBE Goals with their response. A list of certified DBEs can be found, at <https://nysucp.newnycontracts.com>. Minority and Women-Owned Business Enterprises ("M/WBE") are also encouraged to apply.

M/W/DBE Mobilization Loan Program: NYCEDC has established the M/W/DBE Mobilization Loan Program for M/WBEs and DBEs ("M/W/DBE") interested in working on NYCEDC construction projects. The M/W/DBE Mobilization Loan Program facilitates financing for short-term mobilization needs such as insurance, labor, supplies and equipment. Bidders/subcontractors are strongly encouraged to visit the NYCEDC website, at www.nycedc.com/opportunitymwdb, to learn more about the program.

An optional Pre-Bid Meeting, is scheduled for Friday, August 9th, 2019, at 1:00 P.M. Attendees are requested to meet at the NYCEDC.

Respondents may submit questions and/or request clarifications, with regards to the subject matter of the project, from NYCEDC, no later than Thursday, August 15th, 2019, at 5:00 P.M. These questions should be directed, in writing, to waterstreetifb@edc.nyc. Any questions or requests for clarifications received after this date, will not be answered. Answers to all questions will be posted Friday, August 23rd, 2019, to www.nycedc.com/RFP, and will be available to all respondents, if NYCEDC determines that such answers provide material clarification to the Bid. For all other questions that do not pertain to the subject matter of the project, such as directions to NYCEDC, etc. please contact the hotline, at (212) 312-3969.

Sealed Bids must be received, no later than 11:00 A.M., on Thursday, September 5th, 2019, at NYCEDC, to the attention of Maryann Catalano, Chief Contracting Officer, Contracts. Bids will not be accepted after 11:00 A.M. Bids will be opened publicly, at the office of NYCEDC, at the date and time specified above.

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

Economic Development Corporation, One Liberty Plaza, 165 Broadway, 14th Floor, Mailroom, New York, NY 10006. Irene Maropakis (212) 312-3533; Fax: (212) 312-3918; waterstreetifb@edc.nyc

Accessibility questions: equalaccess@edc.nyc, or (212) 312-6602, by: Thursday, August 8, 2019, 5:00 P.M.



READER'S GUIDE

The City Record (CR) is published each business day. The Procurement section of the City Record is comprised of notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Notice of solicitations and other notices for most procurement methods valued at or above \$100,000 for goods, services, and construction must be published once in the City Record, among other requirements. Other procurement methods authorized by law, such as sole source procurements, require notice in the City Record for five consecutive editions. Unless otherwise specified, the agencies and offices listed are open for business Monday through Friday from 9:00 A.M. to 5:00 P.M., except on legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

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

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION-RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$17 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. Registration for these lists is free of charge. To register for these lists, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application, which can be found online at www.nyc.gov/selltonyc. To request a paper copy of the application, or if you are uncertain whether you have already submitted an application, call the Vendor Enrollment Center at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services at 110 William Street, New York, NY 10038. Sessions are convened on the second Tuesday of each month from 10:00 A.M. to 12:00 P.M. For more information, and to register, call (212) 618-8845 or visit www.nyc.gov/html/sbs/nycbiz and click on Summary of Services, followed by Selling to Government.

PRE-QUALIFIED LISTS

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstances. When an agency decides to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR. Information and qualification questionnaires for inclusion on such lists may be obtained directly from the Agency Chief Contracting Officer at each agency (see Vendor Information Manual). A completed qualification questionnaire may be submitted to an Agency Chief Contracting Officer at any time, unless otherwise indicated, and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings (OATH). Section 3-10 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists. For information regarding specific pre-qualified lists, please visit www.nyc.gov/selltonyc.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board Rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, and the Housing Authority. Suppliers interested in applying for inclusion on bidders lists for Non-Mayoral entities should contact these

entities directly at the addresses given in the Vendor Information Manual.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 9:30 A.M. to 5:00 P.M., except on legal holidays. For more information, contact the Mayor's Office of Contract Services at (212) 341-0933 or visit www.nyc.gov/mocs.

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

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

PROMPT PAYMENT

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

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City's website at www.nyc.gov/selltonyc

COMMON ABBREVIATIONS USED IN THE CR

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

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

KEY TO METHODS OF SOURCE SELECTION

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

CSB	Competitive Sealed Bidding including multi-step Special Case Solicitations/Summary of Circumstances:
CSP	Competitive Sealed Proposal including multi-step
CP/1	Specifications not sufficiently definite
CP/2	Judgement required in best interest of City
CP/3	Testing required to evaluate
CB/PQ/4	CSB or CSP from Pre-qualified Vendor List/ Advance qualification screening needed
CP/PQ/4	Demonstration Project
DP	Sole Source Procurement/only one source
RS	Procurement from a Required Source/ST/FED
NA	Negotiated Acquisition
	<i>For ongoing construction project only:</i>
NA/8	Compelling programmatic needs
NA/9	New contractor needed for changed/additional work
NA/10	Change in scope, essential to solicit one or limited number of contractors
NA/11	Immediate successor contractor required due to termination/default
	<i>For Legal services only:</i>

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

HOW TO READ CR PROCUREMENT NOTICES

Procurement notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards, and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section.

At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified unless a different one is given in the individual notice. In that event, the directions in the individual notice should be followed.

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

SAMPLE NOTICE

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM

-Competitive Sealed Bids- PIN# 056020000293 - DUE 04-21-03 AT 11:00 A.M.

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

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

◀m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN #056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 A.M.	Bid submission due 4-21-03 by 11:00 A.M.; bid opening date/time is the same.
<i>Use the following address unless otherwise specified or submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing providing Agency
◀	Indicates New Ad
m27-30	Date that notice appears in The City Record