



# THE CITY RECORD

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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

*See Also: Procurement; Agency Rules*

## CITY PLANNING COMMISSION

### ■ PUBLIC HEARINGS

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

held in person in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY. Anyone attending the meeting in-person is encouraged to wear a mask.

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

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

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

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

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

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

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

## CITYWIDE

## No. 1

## CITY OF YES FOR CARBON NEUTRALITY

## CITYWIDE

N 230113 ZRY

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

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

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

## ARTICLE I

## GENERAL PROVISIONS

## Chapter 2

## Construction of Language and Definitions

\* \* \*

## 12-00

## RULES FOR CONSTRUCTION OF LANGUAGE

\* \* \*

## 12-10

## DEFINITIONS

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

\* \* \*

## Accessory use, or accessory

An "accessory use":

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

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

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

- (1) Living or sleeping accommodations for servants in connection with a #use# listed in Use Groups 1 and 2;
- (2) Living or sleeping accommodations for caretakers in connection with any #use# listed in Use Groups 3 through 18 inclusive, provided that:
  - (i) no #building# contains more than one living or sleeping accommodation for caretakers;
  - (ii) no such living or sleeping accommodation shall exceed 1,200 square feet of #floor area#;
  - (iii) the owner shall sign a Restrictive Declaration that any such caretaker will provide maintenance and/or repair services, and containing a list of services to be performed by such caretaker. Such Restrictive Declaration shall be recorded in the Office of the City Register, or, where applicable, the County Clerk's Office, of the county where the #building# is located. A copy of such declaration shall be provided to the Department of Buildings;
  - (iv) in C6-2M, C6-4M, M1-5M, M1-6M and M1-5B Districts, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#; and

- (v) such living or sleeping accommodation shall not be considered a #residential use# or cause a #building# to be considered a #mixed building#.

- (3) Living or sleeping accommodations in connection with #commercial# or #manufacturing uses#, including living or sleeping accommodations in connection with a studio listed in Use Group 9, provided that:
  - (i) no #building# contains more than two kitchens; and
  - (ii) no such living or sleeping accommodations are located in a C7, C8 or #Manufacturing District#.
- (4) Keeping of domestic animals, but not for sale or hire. A #commercial# stable or kennel is not an #accessory use#.
- (5) Swimming pools not located within a #building# listed in Use Group 1 or 2, provided that:
  - (i) the #use# of such pools shall be restricted to occupants of the principal #use# and guests for whom no admission or membership fees are charged;
  - (ii) if #accessory# to a #use# listed in Use Group 2, except if such #use# is a #single-family# or #two-family residence#, the edge of the pool shall be located not less than 100 feet from any #lot line#;
  - (iii) if #accessory# to a #use# listed in Use Group 1 or Use Group 2, which #use# is a #single-family residence# or #two-family residence#, the edge of the pool shall be located not less than five feet from any #lot line#, except that such minimum distance between the edge of the pool and any #side lot line# may be not less than three feet in the case of lots less than 25 feet in width, providing that it is screened from adjoining lots by a six foot high continuous solid opaque fence along the #side lot line# adjacent to such pool. In the event that such pool is located between 50 and five feet from any #rear lot line# or #side lot line#, it shall be screened by a continuous fence supplemented with a strip of densely planted trees or shrubs at least four feet high at the time of planting along such #rear lot line# to such pool; and
  - (iv) illumination of such pools shall be limited to underwater lighting.  
Swimming pool clubs are not #accessory uses#.
- (6) Domestic or agricultural storage in a barn, shed, tool room, or similar #building or other structure#.
- (7) #Home occupations#.
- (8) A newsstand primarily for the convenience of the occupants of a #building#, which is located wholly within such #building# and has no exterior #signs# or displays.
- (9) Incinerators.
- (10) In connection with #commercial# or #manufacturing uses#, the storage of goods normally carried in stock, used in, or produced by such #uses#, unless the storage is expressly prohibited under the applicable district regulation. The #floor area# used for such #accessory# storage shall be included in the maximum #floor area# permitted for specified #uses# set forth in the Use Groups.
- (11) Incidental repairs, unless expressly prohibited under the applicable district regulations. The #floor area# used for such #accessory# repairs shall be included in the maximum #floor area# permitted for specified #uses# set forth in the Use Groups.
- (12) The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a #building or other structure# on the same #zoning lot#, or in connection with the regrading of a #zoning lot#, but in the latter case, not below the legal #street# grade.
- (13) #Accessory# off-street parking spaces, ~~open or enclosed~~.
- (14) #Accessory# off-street loading berths.
- (15) #Accessory signs#.
- (16) #Accessory# radio or television towers.
- (17) #Accessory# activities when conducted underground as part of the operation of railroad passenger terminals, such as switching, storage, maintenance or servicing of trains.
- (18) #Accessory# sewage disposal plants, except such plants serving more than 50 #dwelling units#.
- (19) An ambulance outpost operated by or under contract with a government agency or a public benefit corporation and located either on the same #zoning lot# as, or on a #zoning lot# adjacent to, a #zoning lot# occupied by a fire or police station.

(20) Electric vehicle charging in connection with parking facilities.

(21) Solar energy systems

(20) Composting, without prohibition on the sale of compost to customers, or on the acceptance of organic material produced on another zoning lot.

(21) #Accessory# mechanical equipment, including equipment serving the following #building# systems:

- (i) mechanical, electrical, or plumbing systems;
- (ii) fire protection systems;
- (iii) power systems, including energy generation systems such as solar or wind energy systems and generators; and
- (iv) energy storage systems, where the amount of energy being stored shall not exceed 24 hours of the electrical load generated at peak demand by the principal #use# on the #zoning lot#. Where a #zoning lot# contains multiple #uses#, such calculation may be applied to the total demand of all the #uses# such power system is #accessory# to.

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

\* \* \*

### Attached (building)

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

### Automated parking facility

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

### Automotive service station

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

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

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

\* \* \*

### Energy infrastructure equipment

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

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

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

\* \* \*

### Floor area

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

\* \* \*

- (k) floor space that is or becomes unused or inaccessible within a #building#;
- (l) floor space that has been eliminated from the volume of an existing #building# in conjunction with the #development# of a new #building# or in the case of a major #enlargement#;

as set forth in Section 11-31 (General Provisions), of another #building# on the same #zoning lot#;

- (m) floor space used for mechanical equipment that exceeds 50 square feet for the first #dwelling unit#, an additional 30 square feet for the second #dwelling unit#, and an additional 10 square feet for each additional #dwelling unit# in R2X, R3, R4 or R5 Districts. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;
- (n) (k) floor space in exterior balconies or in open or roofed terraces if more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. For the purposes of such calculation, exterior #building# walls on adjoining #zoning lots abutting# an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony; and
- (o) (l) any other floor space not specifically excluded.

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

\* \* \*

### [RELOCATING MECHANICAL EQUIPMENT DESCRIPTIONS TO ACCESSORY USE DEFINITION]

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

\* \* \*

- (12) #qualifying exterior wall thickness#, up to eight inches:

- (i) where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch; or
- (ii) where such wall thickness is part of an exterior wall constructed after April 30, 2012, equal to the number of inches by which the wall's total thickness exceeds eight inches, provided the above-grade exterior walls of the #building# envelope are more energy efficient than required by the New York City Energy Conservation Code (NYCECC) as determined by the following:

- (1) the area-weighted average U-factor of all opaque above-grade wall assemblies shall be no greater than 80 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC; and
- (2) the area-weighted average U-factor of all above-grade exterior wall assemblies, including vertical fenestrations, shall be no more than 90 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC. For the purposes of calculating the area-weighted average U-factor, the amount of fenestration shall equal the amount of fenestration provided in such exterior walls, or an amount equal to the maximum fenestration area referenced in the NYCECC for the calculation of the baseline energy code requirement, whichever is less;

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

- (13) floor space in a #qualifying rooftop greenhouse# permitted pursuant to Sections 75-01 (Certification for Rooftop Greenhouses);
- (14) floor space on a sun control device, where such space is inaccessible other than for maintenance;:
- (15) floor space within a #fully electrified building# or a #ultra-low-energy building#, limited to an amount of floor space equivalent to no more than five percent of the #floor area# located within such #building#.

\* \* \*

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

#### Fully electrified building

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

\* \* \*

#### Private road

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

\* \* \*

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

\* \* \*

#### Public parking garage

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

- (a) that provides parking or storage for motor vehicles, but not for ~~commercial or public utility vehicles or~~ the dead storage of motor vehicles; and
- (b) some or all of whose parking spaces are non-#accessory#.

[MOVING TO PARKING CHAPTERS]

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

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

#### Public parking lot

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

- (a) used for the parking or storage of motor vehicles, but not for ~~commercial or public utility vehicles or~~ the dead storage of motor vehicles; and
- (b) not #accessory# to a #use# on the same or another #zoning lot#.

[MOVING TO PARKING CHAPTERS]

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

\* \* \*

#### Publicly accessible open area

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

#### Qualifying exterior wall thickness

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

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

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

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

#### Qualifying ground floor

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

\* \* \*

#### Qualifying rooftop greenhouse

A “qualifying rooftop greenhouse” shall refer to any rooftop greenhouse that:

- (a) is located on the roof of a #building# that does not contain #residences#;
- (b) will be used primarily for cultivation of plants; and
- (c) has roofs and walls consisting of at least 70 percent transparent materials.

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

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

\* \* \*

#### Ultra low energy building

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

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

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

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

of paragraphs (b)(2)(i) or (b)(2)(ii) of this definition; or the referenced standard in paragraph (b)(2)(ii) of this definition.

\* \* \*

### Chapter 3

## Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core

### 13-00

#### GENERAL PURPOSES

\* \* \*

### 13-02

#### Definitions

\* \* \*

[MOVING TO SECTION 12-10]

#### Automated parking facility

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

\* \* \*

### 13-10

#### PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE

\* \* \*

[NOW COVERED BY UNDERLYING RULES]

### 13-101

#### Calculating parking spaces in automated parking facilities

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

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

\* \* \*

[NOW COVERED BY UNDERLYING RULES]

### 13-16

#### Permitted Parking for Car Sharing Vehicles and Commercial Vehicles

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

##### (a) #Accessory# off-street parking facilities

#Car sharing vehicles# may occupy parking spaces in an #accessory# off-street parking facility, provided that such #car sharing vehicles# shall not exceed 20 percent of all parking spaces in such facility, or five spaces, whichever is greater;

##### (b) #Public parking garages# and #public parking lots#

(1) In C1-5, C1-6, C1-7, C1-8, C1-9, C2 and C4 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#;

(2) In C5, C6, C8, M1, M2 and M3 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#. In addition, commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted, provided that the total amount of parking spaces occupied by commercial vehicles, including any #car sharing vehicles# and automobile rental establishment vehicles, shall not exceed, in total, 50 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#.

\* \* \*

### 13-20

#### SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES

\* \* \*

### 13-23

#### Floor Area

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

[NOW COVERED BY UNDERLYING RULES]

##### (a) Attended parking facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, individual lifted trays upon which a vehicle is stored which, in operation, rise to a height in excess of 23 feet, as measured above #curb level#, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

##### (b) #Automated parking facilities#

Floor space used for off-street parking spaces in an #accessory# #automated parking facility# up to a height of 40 feet above #curb level# shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission, pursuant to the provisions of Section 13-432 (Floor area exemption for automated parking facilities).

[NOW COVERED BY UNDERLYING RULES]

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

\* \* \*

### Chapter 6

## Comprehensive Off-Street Parking Regulations in the Long Island City Area

\* \* \*

### 16-10

#### PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA

\* \* \*

[NOW COVERED BY UNDERLYING RULES]

### 16-16

#### Permitted Parking for Car Sharing Vehicles and Commercial Vehicles

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

##### (a) #Accessory# off-street parking facilities

#Car sharing vehicles# may occupy parking spaces in an #accessory# off-street parking facility, provided that such #car sharing vehicles# shall not exceed 20 percent of all parking spaces in such facility, or five spaces, whichever is greater. #Accessory# #residential# off-street parking spaces shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after a written request therefor is made to the landlord.

##### (b) #Public parking garages# and #public parking lots#

(1) #Car sharing vehicles# shall be permitted within #public parking garages# and, where authorized pursuant to Section 16-342, #public parking lots#, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted.

(2) Commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted within #public parking garages# and, where authorized pursuant to Section 16-342, #public parking lots#, provided that the total amount of parking spaces occupied by commercial vehicles shall not exceed 10 percent of the total number of parking spaces permitted, or 10 spaces, whichever is less.

\* \* \*

### ARTICLE II

## RESIDENCE DISTRICT REGULATIONS

\* \* \*

## Chapter 2 USE REGULATIONS

\* \* \*

### 22-14 Use Group 4

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

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

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

\* \* \*

B. Open #uses#

\* \* \*

### C. Special infrastructure

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

G. D. #Accessory# #uses#

\* \* \*

## Chapter 3 Residential Bulk Regulations in Residence Districts

### 23-00 APPLICABILITY AND GENERAL PURPOSES

\* \* \*

### 23-012 Lower density growth management areas

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

\* \* \*

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

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

### 23-10 OPEN SPACE AND FLOOR AREA REGULATIONS

\* \* \*

### 23-12 Permitted Obstructions in Open Space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

- (a) Air conditioning condensation units, #accessory#, for #single-# or #two-family# #residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are not more than 18 inches from a #street wall#, and fully screened from the #street# by vegetation;
- (b) Awnings and other sun control devices. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:
  - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

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

- (c) (a) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (d) (b) Breezeways;
- (e) (c) Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percentages set forth in Section 25-64 (Restrictions on Use of Open Space for Parking);
- (f) Eaves, gutters or downspouts, projecting into such #open space# not more than 16 inches or 20 percent of the width of such #open space#, whichever is the lesser distance;
- (g) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #open space# width, up to a maximum thickness of eight inches;
- (d) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-442;
- (e) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of the #open space#;
- (h) (f) Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per #dwelling unit#, when #accessory# to a #single-family#, #two-family# or three-family# #residence#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#. However, two such spaces for a #single-family# #residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;
- (i) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:
  - (1) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:—
    - (i) all generators and cogeneration equipment #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building# or other structure#, except as necessary for mechanical ventilation;
    - (ii) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;
    - (iii) where any equipment is located between a #street wall#, or prolongation thereof, and a #street line#, the entire width of such portion of the equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and
- (2) the size of all equipment, including any screening or portions of any #building# or other structure# enclosing such equipment, shall not exceed:
  - (i) an area equivalent to 25 percent of a required #open space#;
  - (ii) in R1 through R5 Districts, a height of 10 feet above the adjoining grade; and
  - (iii) in R6 through R10 Districts, a height of 15 feet above the adjoining grade.
- (j) Ramps or lifts for people with physical disabilities;
- (k) (g) Solar energy systems;

- (1) on the roof of an #accessory# #building#, limited to 18 inches in height as measured perpendicular to the roof surface; or
- (2) affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;
- (2) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (h) Steps;
- (h)(i) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#;
- (m)(j) Terraces, unenclosed, fire escapes or planting boxes, provided that no such items project more than six feet into or over such #open space#.

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

\* \* \*

## 23-142

### Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts

R1 R2 R3 R4 R5

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

\* \* \*

In addition, the following rules shall apply:

- (c) In R3, R4 and R5 Districts, the permitted #floor area# of a #single-# or #two-family# #detached# or #semi-detached# #residence# #developed# after June 30, 1989, may be increased by up to 300 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (e) (c), 23-4413 (Location of garages in side yards of corner lots) or 23-4424 (Location of garages in side yards of other zoning lots).
  - (d) In R1-2A Districts and in R3, R4-1 and R4A Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family# #detached# or #semi-detached# #residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12, paragraph (e), 23-4413 or 23-4424, except that in R1-2A Districts, such parking spaces need not be located in the #side lot ribbon#.
- \* \* \*

## 23-40

### YARD REGULATIONS

\* \* \*

## 23-44

### Permitted Obstructions in Required Yards or Rear Yard Equivalents

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

[EXISTING OBSTRUCTIONS TO BE MOVED TO SUBSECTIONS]

- (a) In any #yard# or #rear yard equivalent# :
  - (1) Air conditioning condensation units, #accessory#, for #single-# or #two-family# #residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are not more than 18 inches from a #street wall#, and fully screened from the #street# by vegetation;
  - (2) Arbors or trellises;
  - (3) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

- (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
- (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (4) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-13. Such balconies are not permitted in required #side yards#;
- (5) Canopies;
- (6) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
- (7) Eaves, gutters or downspouts projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#; whichever is the lesser distance;
- (8) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;
- Where #buildings# that have added exterior wall thickness, pursuant to this Section, are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;
- (9) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots# a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;
- (10) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;
- (11) Flagpoles;
- (12) Overhanging portions of a #building# in R4 and R5 Districts, except R4-1, R4A, R4B, R5A, R5B or R5D Districts, which are above the first #story# including the #basement# and which project not more than three feet into the required 18-foot #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;
- (13) Parking spaces for automobiles or bicycles, off-street, open, #accessory#, within a #side# or #rear yard#;
- (14) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:

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

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

R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached# #building# in an R3-1 or R4-1 District;

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

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

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

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

- (a) an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;
- (b) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and
- (c) in R6 through R10 Districts, a height of 15 feet above the adjoining grade;

- (16) Ramps or lifts for people with physical disabilities;

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

- (18) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;

- (19) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;

- (20) Terraces or porches, open;

- (21) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;

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

- (1) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (2) Breezeways;
- (3) Fire escapes;
- (4) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
- (5) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:

- (i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed 10 feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#. In addition, solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#;

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

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

- (6) Recreational or drying yard equipment;

- (7) Sheds, tool rooms or other similar #accessory# #buildings# or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;

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

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

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

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

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

## 23-441

### General permitted obstructions

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

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

1. #Accessory# mechanical equipment, limited in depth to 18 inches from an exterior wall;



2. Arbors or trellises;
- (2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
  - (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
  - (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (3) Bicycles or micromobility parking, including necessary ancillary structures
- (4) Canopies;
- (5) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
- (6) Eaves, gutters, downspouts, or other similar projections, extending into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
- (7) Electric vehicle charging equipment;
- (8) Flagpoles;
- (9) #Qualifying exterior wall thickness#;
- (10) Ramps or lifts for people with physical disabilities;
- (11) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:
  - (i) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects; or
  - (ii) above other permitted obstructions, as applicable, provided that the additional height shall be limited to 18 inches;
- (12) Terraces or porches, open;
- (13) Window sills, or similar projections extending into such #yard# or #rear yard equivalent# not more than four inches;
- (b) In any #rear yard# or #rear yard equivalent#:
  - (1) Breezeways;
  - (2) Fire escapes;
  - (3) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
  - (4) Recreational or drying yard equipment;
  - (5) Sheds, tool rooms or other similar #accessory# #buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
  - (6) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:
    - i. on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a detached #accessory# #building or other structure#, or on any roof with a slope greater than 20 degrees; or
    - (ii) affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;
  - (7) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

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

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

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

- (a) In any #yard# or #rear yard equivalent#:
    - (1) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-13. Such balconies are not permitted in required #side yards#;
    - (2) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots# a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;
    - (3) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;
    - (4) Overhanging portions of a #building# in R4 and R5 Districts, except R4-1, R4A, R4B, R5A, R5B or R5D Districts, which are above the first #story# including the #basement# and which project not more than three feet into the required 18-foot #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;
    - (5) Parking spaces for automobiles, off-street, open, #accessory#, within a #side# or #rear yard#;
    - (6) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:
      - (i) in R1, R2, R3-1, R3A, R3X, R4-1, R4A and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-621 (Location of parking spaces in certain districts);
      - (ii) in R3-2 Districts, R4 Districts other than R4-1, R4A and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-621;
      - (iii) in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof;
- However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached# #building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached# #building# in an R3-1 or R4-1 District;
- (7) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:
    - i. all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
    - (ii) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:
      - a. an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;
      - (b) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and

- (c) in R6 through R10 Districts, a height of 15 feet above the adjoining grade;
- (8) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;
- (9) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;
- (10) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;
- (b) In any #rear yard# or #rear yard equivalent# :
- (1) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (2) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:
- (i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed 10 feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#;
- (ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed 10 feet above adjoining grade, including the apex of a pitched roof in R3, R4 or R5 Districts, or 15 feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#;
- (iii) enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single-# or #two-family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption);
- (3) any portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residences for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), provided that:
- (i) such #zoning lot# is located in an R6 through R10 District other than an R6B, R7B or R8B District;
- (ii) the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less;
- (iii) such #building# portion is located within 100 feet of a #wide street#; and
- (iv) such space shall be accessible to all residents of the #building#.

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

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

## 23-441

### 23-443

#### Location of garages in side yards of corner lots

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

## 23-442

### 23-444

#### Location of garages in side yards of other zoning lots

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

\* \* \*

## 23-461

### Side yards for single- or two-family residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

\* \* \*

#### (c) Additional regulations

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

Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall-air conditioning condensation units; chimneys, downspouts, eaves, exterior wall thickness, gutters, open #accessory# off-street parking spaces, #qualifying exterior wall thickness#, ramps for access by people with disabilities, and steps as set forth in paragraph (a)-the applicable provisions of Section 23-44, inclusive, shall be permitted obstructions in open areas required pursuant to paragraphs (c)(1) and (c)(2) of this Section, provided that such obstructions, not including #accessory# off-street parking spaces, #qualifying exterior wall thickness# or #accessory# mechanical equipment, may not reduce the minimum width of the open area by more than three feet.

\* \* \*

## 23-462

### Side yards for all other buildings containing residences

R3-2 R4 R5 R6 R7 R8 R9 R10

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

R6 R7 R8 R9 R10

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

\* \* \*

## 23-60

### HEIGHT AND SETBACK REGULATIONS

\* \* \*

## 23-62

### Permitted Obstructions

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

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

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

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
  - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
  - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
  - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with paragraph (j) of this Section. When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;
- (b) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 23-63, 23-64, 23-65 (Tower Regulations) or 23-66;
- (d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (f) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached# #single-# or #two-family residence#;
- (g) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
  - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
  - (2) all mechanical equipment shall be screened on all sides;
  - (3) such obstructions and screening are contained within a volume that complies with one of the following:
    - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or
    - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

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

- (h) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;
- (i) Flagpoles or aerials;
- (j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
  - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
  - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher; provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
    - (i) in R1 through R5 Districts, a height of six feet;
    - (ii) in R6 through R10 Districts, a height of 15 feet; and
    - (iii) when located on a bulkhead or other obstruction pursuant to paragraph (g) of this Section, a height of six feet;
  - (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.
- (n) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (o) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (p) Wind energy systems on portions of #buildings# with a height of 100 feet or greater, provided:
  - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
  - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
  - (3) the diameter of the swept area of the rotor does not exceed 15 feet;
- (q) Window washing equipment mounted on a roof;

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

\* \* \*

### 23-621

#### General permitted obstructions

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

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

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

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

- (l) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;
- (m) Window washing equipment mounted on a roof;
- (n) Wire, chain link or other transparent fences.

\* \* \*

### 23-622

#### Additional permitted obstructions

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

- (a) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (b) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached# #single-# or #two-family residence#;
- (c) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:
1. such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
  2. the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;
  3. the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and
  - (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:
    - i. in R3-2, R4, and R5 Districts, except R4-1, R4A, R4B and R5A Districts, a height of 25 feet above the maximum permitted height;
    - ii. in R6 through R10 Districts:
      - i. where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height; and
      - ii. where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
  - (5) all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
- (d) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:
- (1) the highest point of the wind turbine assembly does not exceed 55 feet;
  - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
  - (3) the diameter of the swept area of the rotor does not exceed 15 feet;

### 23-621

### 23-623

#### Permitted obstructions in certain districts

R2A R2X R3 R4 R4-1 R4A R5A

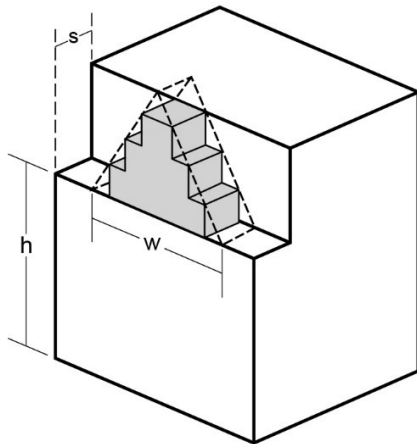
- (a) In the districts indicated, permitted obstructions are limited to chimneys, #qualifying exterior wall thickness#, flag poles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-

621. However, in R3-2 and R4 Districts, except R4-1, R4A and R4B Districts, elevator or stair bulkheads, roof water tanks, #energy infrastructure equipment# and #accessory# mechanical equipment provided pursuant to paragraph (g) of Section 23-62 shall additionally be permitted for #buildings# containing #affordable independent residences for seniors#.

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

R6 R7 R8 R9 R10

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



h - Maximum base height

s - Required setback or *initial setback distance*

w - Maximum width of dormer at maximum base height (60% of *street wall* width of highest story entirely below maximum base height)

 Dormer

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

\* \* \*

## 23-663

### Tower regulations in R9D and R10X districts

R9D R10X

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

\* \* \*

## 23-711

### Standard minimum distance between buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

\* \* \*

In addition, the following rules shall apply:

- (f) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph, (f), shall apply to any #zoning lot# with two or more #buildings# where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a "front building," and any #building# containing #residences# with at least 75 percent of its #floor
- (g) for #buildings# existing on April 30, 2012, the minimum distances set forth in the table in this Section, and any #non-complying# distance greater than eight feet, may be reduced by up to eight inches of exterior wall thickness, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A #non-complying# distance of eight feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings.

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

\* \* \*

## 23-80

### COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS

\* \* \*

## 23-861

### General provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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

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

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

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

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

\* \* \*

### 23-862

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

R9 R10

In the districts indicated, on a #corner lot# less than 10,000 square feet in #lot area#, a #legally required window# may open on a #yard# bounded on one side by a #front lot line# and having a minimum width of 20 feet, provided that the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not apply to such #yard#. However, #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, awnings and other sun control devices, exterior wall thickness #qualifying exterior wall thickness#, and solar energy systems on walls, as set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted within such minimum distance.

\* \* \*

### 23-87

#### Permitted Obstructions in Courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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

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

- (e)(a) Fences;

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

#### [MOVING SCREENING PROVISIONS TO SECTION 26-60]

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

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

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

\* \* \*

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

\* \* \*

### 24-30 YARD REGULATIONS

\* \* \*

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

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

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

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

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

- (7)(1) Fences;
- (8) Flagpoles;
- (9)(2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
- (3) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-442;
- (10) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:
  - (i) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:
    - (a) all generators and cogeneration equipment shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;
    - (b) all other types of equipment may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25-square feet, the entirety of such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open;
    - (c) where any equipment is located in a #front yard#, the entire width of such portion of the equipment facing a #street#, whether

open or enclosed, shall be fully screened by vegetation; and

- (ii) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:
  - (a) an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;
  - (b) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and
  - (c) in R6 through R10 Districts, a height of 15 feet above the adjoining grade;
- (11) Solar energy systems, on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (12)(4) Steps, and ramps or lifts for people with physical disabilities;
- (13) Terraces or porches, open;
- (14)(5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.
- (b) In any #rear yard# or #rear yard equivalent#:
  - (1) Balconies, unenclosed, subject to the provisions of Section 24-165 24-166;
  - (2) Breezeways;
  - (3)(2) Any #building# or portion of a #building# used for #community facility# #uses#, including #accessory# parking spaces for bicycles within such #building#, provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#, and further provided that the area within such #building# dedicated to #accessory# parking spaces for bicycles shall not exceed the area permitted to be excluded from #floor area#, pursuant to Section 25-85 (Floor Area Exemption). In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, pursuant to Section 24-51 (Permitted Obstructions), shall be permitted above such an #accessory building#, or portion thereof. However, the following shall not be permitted obstructions:
    - (i) in all #Residence Districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;
    - (ii) in R1, R2, R3-1, R3A, R3X, R4-1 R4A or R4B Districts, any portion of a #building# used for any #community facility# #use#;
    - (iii) in all #Residence Districts# not listed in paragraph (b)(3)(ii) of this Section, beyond 100 feet of a #wide street#, any portion of a #building# used for a #community facility# #use# other than a #school#, house of worship, college or university, or hospital and related facilities;
  - (4) Fire escapes;
  - (5) Greenhouses, #accessory#, non-commercial, limited to one #story# or 15 feet in height above natural grade level, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard# or #rear yard equivalent# on a #zoning lot#;
  - (6)(3) Parking spaces, off-street, #accessory# to a #community facility# #use#, provided that the height of an #accessory building#, or portion of a #building# used for such purposes, shall not exceed 15 feet above #curb level#. However, such #accessory building# or portion of a #building# shall not be a permitted obstruction in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts;
  - (7) Recreation or drying yard equipment;



- (8) Sheds, tool rooms or other similar #accessory buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
- (9) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #community facility# #use# or attached parking structure; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
- (10) Water conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

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

\* \* \*

## 24-35

### Minimum Required Side Yards

R1 R2 R3 R4 R5

- (a) In the districts indicated, if a #building# containing a #community facility# #use# has an #aggregate width of street walls# equal to 80 feet or less or, for #abutting# #buildings#, if the combined #aggregate width of street walls# of all such #abutting# #buildings# on a #zoning lot# is equal to 80 feet or less, then two #side yards# shall be provided, each with a minimum required width of eight feet. If such #building# or #buildings# have an #aggregate width of street walls# equal to more than 80 feet, two #side yards# shall be provided, each equal to not less than 10 percent of the #aggregate width of street walls#. The provisions of this paragraph (a) shall not apply in R5D Districts. In lieu thereof, the #side yard# regulations set forth in Sections 23-461 and 23-462, as applicable, shall apply.

R6 R7 R8 R9 R10

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

\* \* \*

## 24-50

### HEIGHT AND SETBACK REGULATIONS

\* \* \*

## 24-51

### Permitted Obstructions.

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

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

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
  - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
  - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
  - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 23-62 (Permitted Obstructions);

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection

of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

- (b) (a) Balconies, unenclosed, subject to the provisions of Section 24-166;
- (c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 24-52, 24-53 or 24-54 (Tower Regulations);
- (d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (f) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:

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

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

- (b) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:
  - 1. such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
  - 2. the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;
  - 3. the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and



- (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:
- where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
  - where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
- (5) all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
- (g) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;
- (h) Flagpoles or aerials;
- (i)(c) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (k), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (l)(d) #Qualifying Rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#; - permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (m) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (n) Solar energy systems:
- on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
  - on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
    - in R1 through R5 Districts, a height of six feet;
    - in R6 through R10 Districts, a height of 15 feet; and
    - when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of six feet;
  - on walls existing on April 30, 2012, projecting no more

than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

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

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

\* \* \*

## 24-55

### Required Side and Rear Setbacks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

\* \* \*

## 24-60

### COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

\* \* \*

## 24-65

### Minimum Distance Between Required Windows and Walls or Lot Lines

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

\* \* \*

## 24-68

### Permitted Obstructions in Courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #courts# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #court#;
- (e)(a) Fences;
- (f)(b) Fire escapes in #inner courts#, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;
 

Fire escapes in #outer courts#;

Fire escapes in #outer court recesses#, not more than five feet in depth;

Fire escapes in #outer court recesses#, more than five feet in depth, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;
- (g) Flagpoles;
- (c) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-442;

#### [MOVING SCREENING PROVISIONS TO SECTION 26-60]

- (h) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that:
  - (1) all equipment shall be subject to the following location, enclosure, and screening requirements, as applicable:
    - (i) all generators and cogeneration equipment shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;
    - (ii) all other types of equipment may be unenclosed, provided that such equipment is located at least five feet from any #lot line#. However, if the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, the entirety of such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open; and
    - (iii) where any equipment at the ground floor level is located between a #street wall#, or prolongation thereof, and a #street line#, the entire width of such portion of the equipment facing a #street#, whether open or enclosed, shall be fully screened by vegetation; and
  - (2) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:
    - (i) an area equivalent to 25 percent of any #court# containing #legally required windows#;
    - (ii) in R1 through R5 Districts, a height of 10 feet above the lowest level of such #court#; and
    - (iii) in R6 through R10 Districts, a height of 15 feet above the lowest level of such #court#;

- (i)(d) Recreational or yard drying equipment;
- (j)(e) Steps, and ramps or lifts for people with physical disabilities;
- (k) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (l) Terraces, open, porches or steps.

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

\* \* \*

### **Chapter 5**

### **Accessory Off-street Parking and Loading Regulations**

\* \* \*

#### **25-40**

#### **RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES**

#### **25-41**

#### **Purpose of Spaces and Rental to Non-Residents**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

#### **25-411**

#### **In R1 or R2 Districts**

R1 R2

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

#### **25-412**

#### **In all other Residence Districts**

R3 R4 R5 R6 R7 R8 R9 R10

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

However, such spaces may be:

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

occupied by #car sharing vehicles, provided that:

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

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

#### **25-42**

#### **Use of Spaces Accessory to Permitted Non-Residential Uses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-residential uses# shall be used only by occupants, visitors, customers

or employees of such #uses# and shall not be rented, except as set forth in this Section.

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

#### R1 R2 R3 R4 R5A

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

#### R5 R5B R5D R6 R7 R8 R9 R10

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

#### 25-43

#### Restrictions on Automotive Repairs and Sale of Motor Fuel

#### R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

#### 25-431

#### Limited repairs or motor fuel sales permitted in specified districts

#### R3 R4 R5 R6 R7 R8 R9 R10

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

#### 25-44

#### Electric Vehicle Charging

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

\* \* \*

#### 25-60

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

\* \* \*

#### 25-62

#### Size and Location of Spaces

#### R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

##### a. Minimum maneuvering space

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

##### 1. Standard attended facilities

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

[EXISTING TEXT BEING RELOCATED]

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

##### 2. Attended facilities with parking lift systems

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

##### 3. #Automated parking facilities#

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

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

##### b. Driveway access

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

[RELOCATING ABOVE]

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

##### c. Minimum size for each parking space

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

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

##### d. Special rules for certain areas

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

\* \* \*

#### 25-626

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

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

\* \* \*

#### 25-65

#### Surfacing

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

\* \* \*

**25-68****For Parking Facilities Containing Car Sharing Vehicles**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

- "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility;
- "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility; and
- where such parking facility contains #accessory residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord."

\* \* \*

**25-76****Surfacing**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

\* \* \*

**25-80****BICYCLE PARKING**

\* \* \*

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

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

\* \* \*

**25-84****Certification for Off-site Bicycle Parking Spaces**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

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

A plaque shall be placed within 30 feet of a #building# entrance,

with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

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

\* \* \*

**25-85****Floor Area Exemption**

\* \* \*

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

\* \* \*

**26-00****APPLICABILITY OF THIS CHAPTER**

The regulations of this Chapter shall apply:

\* \* \*

- to #developments#, #enlargements# or #conversions# in all districts, as applicable, as set forth in Section 26-40 (STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS); and
- to #Quality Housing buildings# where supplemental ground floor level rules apply to #buildings# with #qualifying ground floors#, as set forth in Section 26-50 (SPECIAL GROUND FLOOR LEVEL PROVISIONS FOR QUALIFYING GROUND FLOORS); and
- to all #energy infrastructure equipment# and #accessory# mechanical equipment not located within a #completely enclosed building#, as set forth in Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS).

\* \* \*

**26-41****Street Tree Planting**

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

**(a) Design criteria**

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

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

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

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

**(b) Alternate compliance**

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

**(1) Raingardens**

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

## (2) Planters

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

## (3) Off-site locations

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

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

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

## (4) Payment option

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

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

\* \* \*

**26-60****SPECIAL SCREENING AND ENCLOSURE PROVISIONS****26-61****Special At-grade Screening and Enclosure Regulations**

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

**[RELOCATING FROM PERMITTED OBSTRUCTIONS AND EXPANDING APPLICABILITY]**

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

a #street#, whether open or enclosed, shall be fully screened by vegetation.

**26-62****Special Rooftop Screening and Enclosure Regulations**

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

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

\* \* \*

**ARTICLE III****COMMERCIAL DISTRICT REGULATIONS**

\* \* \*

**Chapter 2****Use Regulations****32-00****GENERAL PROVISIONS**

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, including each #use# listed separately therein, are permitted in #Commercial Districts# as indicated in Sections 32-11 through 32-25, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 32-01 (Special Provisions for Adult Establishments). For the purposes of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto.

\* \* \*

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

\* \* \*

**32-15****Use Group 6**

C1 C2 C4 C5 C6 C8

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

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

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

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

\* \* \*

**D. Public Service Establishments<sup>5</sup>**

\* \* \*

Public utility stations for oil or gas metering or regulating<sup>1</sup>

Solar energy systems

**E. Clubs**

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

**F. Special infrastructure**

Electric vehicle charging and battery swapping, open or enclosed

#Energy infrastructure equipment#, open or enclosed, with no size limitations, and subject to the provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS)

Public bicycle and micromobility parking, open or enclosed

Recycling, or organic material, receiving, limited to 5,000 square feet per establishment

F. G. #Accessory# #uses#

\* \* \*

### 32-16

#### Use Group 7

C2 C6\* C8

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

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

\* \* \*

#### D. Auto Service Establishments

Automobile glass and mirror shops [PRC-B1]

Automobile seat cover or convertible top establishments, selling or installation [PRC-B1]

[MOVING TO USE GROUP 6]

Electric vehicle charging stations and automotive battery swapping facilities [PRC-B1]

Tire sales establishments, including installation services [PRC-B1]

\* \* \*

### 32-17

#### Use Group 8

\* \* \*

#### C. Automotive Service Establishments

\* \* \*

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

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

\* \* \*

### 32-23

#### Use Group 14

C2 C3 C7 C8

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

\* \* \*

#### B. Clubs

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

#### C. Special infrastructure

Electric vehicle charging and battery swapping, open or enclosed

#Energy infrastructure equipment#, open or enclosed, with no size limitations, and subject to the provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS)

Public bicycle and micromobility parking, open or enclosed

Recycling, or organic material, receiving, limited to 5,000 square feet per establishment

G. D. #Accessory# #uses#

\* \* \*

### 32-40

#### SUPPLEMENTARY USE REGULATIONS

### 32-41

#### Enclosure Within Buildings

C1 C2 C3 C4 C5 C6 C8

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

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

\* \* \*

### 32-42

#### Location Within Buildings

### 32-421

#### Limitation on floors occupied by commercial uses

C1 C2 C3

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

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

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

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

### 32-422

#### Location of floors occupied by commercial uses

C4 C5 C6

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

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

\* \* \*

### 32-43

#### Ground Floor Use in Certain Locations

\* \* \*

**32-435****Ground floor use in high density Commercial Districts**

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

\* \* \*

**(c) Retail Continuity**

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

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

\* \* \*

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

\* \* \*

**33-04****Lower Density Growth Management Areas**

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

\* \* \*

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

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

\* \* \*

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

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

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

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

- (1) Arbors or trellises;
- (2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
  - (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
  - (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (3) Canopies;
- (4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;

- (5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
- (6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;
 

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;
- (7)(1) Fences;
- (8) Flagpoles;
- (9)(2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
- (10)(3) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:
  - i. all equipment shall be subject to the applicable provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS); and
  - ii. the height of all equipment shall not exceed a height of 23 feet above #curb level#;

#Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that all equipment shall not exceed a height of 23 feet above #curb level#;
- (11) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (12)(4) Steps, and ramps or lifts for people with physical disabilities;
- (13) Terraces or porches, open;
- (14)(5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.
- (b) In any #rear yard# or #rear yard equivalent#:
- (1) Balconies, unenclosed, subject to the provisions of Section 24-166;
- (2) Breezeways;
- (3)(2) Any #building# or portion of a #building# used for any permitted #use# other than #residences#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 33-42 (Permitted Obstructions), shall be permitted above such a #building#, or portion thereof;
- (4) Fire escapes;
- (5)(3) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 33-42, shall be permitted above such an #accessory# #building#, or portion thereof; or
- (4) Solar energy systems affixed to solar canopies and located over parking spaces associated with #public parking lots#, automobile rental establishments, or commercial or public utility vehicle parking facilities, as permitted, provided that the height shall not exceed 15 feet above the level of the adjoining grade.

- (6) Solar energy systems:
- (i) on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial# or #community facility# #use# or attached parking structure;
  - (ii) on the roof of a #building# permitted as an obstruction to such #yard#, shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
  - (iii) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (7) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

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

\* \* \*

### 33-25 Minimum Required Side Yards

C1 C2 C3 C4 C5 C6 C7 C8

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

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

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

\* \* \*

### 33-42 Permitted Obstructions

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

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

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

When located on the first #story# above a setback, awnings and other sun-control devices shall be limited to a projection of 50-

percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

- (b) (a) Balconies, unenclosed, subject to the provisions of Section 24-166;
- (c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 33-43, 33-44 or 33-45 (Tower Regulations);
- (d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (f) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
  - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
  - (2) all mechanical equipment shall be screened on all sides;
  - (3) such obstructions and screening are contained within a volume that complies with one of the following:
    - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
    - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet; and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

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

- (b) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:
  - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
  - (2) the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;
  - (3) the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage#



of the #building# shall not exceed 15 feet above the maximum permitted height; and

- (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:
- iii. where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
- iv. where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
- (5) all equipment shall be subject to the applicable provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS):
- (g) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;
- (h) Flagpoles or aerials;
- (i) (c) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (l) (d) #Qualifying Rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#; permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (m) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (n) Solar energy systems:
- (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
- (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
- (i) in #Commercial Districts# mapped within R1 through R5 Districts and in C3 and C4-1 Districts, a height of six feet;
- (ii) in all other #Commercial Districts# and #Commercial Districts# mapped within R6 through

R10 Districts, a height of 15 feet; and

- (iii) when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of six feet;
- (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.
- However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;
- (o) (e) Spires or belfries;
- (p) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (q) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (r) (f) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided that:
- (1) the highest point of the wind turbine assembly does not exceed 55 feet;
- (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
- (3) in districts where new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet;
- (s) Window washing equipment mounted on a roof;
- (t) Wire, chain link or other transparent fences.

\* \* \*

### 33-431

#### In C1 or C2 Districts with bulk governed by surrounding Residence District

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

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

\* \* \*

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

\* \* \*

### 33-432

#### In other Commercial Districts

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

\* \* \*

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

\* \* \*

### 33-441

#### In C1 or C2 Districts with bulk governed by surrounding Residence District

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

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be determined

by the #Residence District# in which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

\* \* \*

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

\* \* \*

### 33-442

#### In other Commercial Districts

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

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

\* \* \*

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

\* \* \*

### Chapter 4

#### Bulk Regulations for Residential Buildings in Commercial Districts

\* \* \*

### 34-232

#### Modification of side yard requirements

C1 C2 C3 C4 C5 C6

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

\* \* \*

### Chapter 5

#### Bulk Regulations for Mixed Buildings in Commercial Districts

\* \* \*

### 35-52

#### Modification of Side Yard Requirements

C1 C2 C3 C4 C5 C6

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

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

\* \* \*

### 35-65

#### Height and Setback Requirements for Quality Housing Buildings

C1 C2 C4 C5 C6

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

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

\* \* \*

### 35-653

#### Tower regulations

C6-3D C6-4X

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

\* \* \*

### Chapter 6

#### Accessory Off-Street Parking and Loading Regulations

### 36-00

#### GENERAL PURPOSES AND DEFINITIONS

\* \* \*

### 36-02

#### Applicability of District Regulations

Except as otherwise provided in this Section, the regulations of this Chapter on permitted and required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#, #community facility# #uses# or #commercial# #uses#, as set forth in the provisions of the various Sections. In addition, the regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference. In limited instances certain regulations also apply to #public parking garages# and #public parking lots#.

\* \* \*

### 36-029

#### Applicability of regulations to public parking garages and public parking lots

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

Section 36-462	<u>(Restrictions on the Use of Parking Spaces in Public Parking Garages and Public Parking Lots)</u>
Section 36-524	<u>(Calculating floor area in parking facilities with lift systems, or in automated parking facilities)</u>
Section 36-53	<u>(Width of Curb Cuts and Location of Access to the Street)</u>
Section 36-55	<u>(Surfacing)</u>
Section 36-56	<u>(Screening)</u>
Section 36-58	<u>(Parking Lot Maneuverability and Curb Cut Regulations)</u>

\* \* \*

### 36-40

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

\* \* \*

### 36-46

#### Restrictions on the Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots

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

C1 C2 C3 C4 C5 C6 C7 C8

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

- (a) Any off-street parking spaces #accessory# to #residences# which are not needed by the occupants of such #residences#, may be rented to persons who are not occupants of such #residences# for the accommodation of private passenger motor vehicles used by such persons, provided that:

[EXISTING TEXT MOVED FROM SUBSEQUENT SECTIONS]

1. in C1 and C5 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#, provided, however that rental for shorter periods may be permitted by the Board of Standards and Appeals in accordance with the provisions of Section 73-47 (Rental of Accessory Off-street Parking Spaces to Non-Residents); and
  2. in C3 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.
- (b) In C1 or C2 Districts mapped within, or with an equivalent of R3-2 through R10 Districts, other than other than R4-1, R4A, R4B and R5A Districts, and in C3 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to: publicly available electric vehicle charging facilities, #car sharing vehicles#, or vehicles stored by automobile rental establishments.
- (c) In C4, C5, C6, C7 and C8 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to: publicly available electric vehicle charging facilities, #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

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

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

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

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

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

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

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

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

In addition, the rental of such spaces to non-residents shall be subject to the restrictions applying to the specified districts as set forth in Sections 36-461 and 36-462, except that such restrictions shall not

apply to spaces occupied by #car sharing vehicles#.

[CONSOLIDATING WITH SECTION ABOVE]

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

C1 C5

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

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

C3

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

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

C1 C2 C3 C4 C5 C6 C7 C8

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

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

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

C1 C2 C3 C4 C5 C6 C7 C8

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

**36-48****Electric Vehicle Charging**

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

\* \* \*

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

\* \* \*

**36-52****Size, Location and Identification of Spaces**

C1 C2 C3 C4 C5 C6 C7 C8

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

**36-521****Size of spaces**

C1 C2 C3 C4 C5 C6 C7 C8

a. Minimum maneuvering space

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

1. Standard attended facilities

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

[EXISTING TEXT BEING RELOCATED FROM BELOW]

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

2. Attended facilities with parking lift systems

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

3. #Automated parking facilities#

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

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

b. Driveway access

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

[EXISTING TEXT BEING RELOCATED ABOVE]

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

c. Minimum size for each parking space

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

d. Special rules for certain areas

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, for #commercial# or #community facility# #uses#, each required parking space not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58

(Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (PARKING LOTS) shall also apply.

\* \* \*

**36-524****Calculating floor area in parking facilities with lift systems, or in automated parking facilities**

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

\* \* \*

**36-55****Surfacing**

C1 C2 C3 C4 C5 C6 C7 C8

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

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

\* \* \*

**36-70****BICYCLE PARKING**

\* \* \*

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

C1 C2 C3 C4 C5 C6 C7 C8

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

\* \* \*

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

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

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

\* \* \*

**36-74****Certification for Off-site Bicycle Parking Spaces**

C1 C2 C3 C4 C5 C6 C7 C8

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

Commission certifies to the Department of Buildings that all such bicycle parking spaces are:

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

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

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

\* \* \*

### 36-75 Floor Area Exemption

\* \* \*

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

### 37-00 GENERAL PURPOSES

#### Chapter 7 Special Urban Design Regulations

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

The provisions of this Chapter shall apply as follows:

\* \* \*

- (a) Section 37-10 sets forth applicability of Article II, Chapter 6 to zoning lots accessed by private roads in C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts; as well as sets forth special regulations for lower density growth management areas in the Borough of Staten Island;
- (b) Section 37-20, inclusive, sets forth special regulations for lower density growth management areas in the Borough of Staten Island;

Section 37-20, inclusive, sets forth special regulations for all #energy infrastructure equipment# and #accessory# mechanical equipment not located within a #completely enclosed building#;

- (c) Section 37-30, inclusive, sets forth special streetscape provisions that apply in conjunction with provisions specified in the supplemental use provisions of Article III, Chapter 2, special provisions for certain areas in Article VI, or in Special Purpose Districts in Articles VIII through XIV;
- (d) Section 37-40, inclusive, sets forth provisions for relocating or renovating subway stairs in certain areas;
- (e) Section 37-50, inclusive, sets forth requirements for pedestrian circulation spaces that apply in conjunction with provisions specified in certain Special Purpose Districts;
- (f) Section 37-60, inclusive, sets forth provisions for publicly accessible open areas such as plazas, residential plazas and urban plazas created prior to October 17, 2007;
- (g) Section 37-70, inclusive, sets forth provisions for public plazas;
- (h) Section 37-80 sets forth provisions for arcades; and
- (i) Section 37-90, inclusive, sets forth provisions for certain open parking areas, including landscaping.

\* \* \*

### 37-10 SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER

### DENSITY GROWTH MANAGEMENT AREAS APPLICABILITY OF ARTICLE II, CHAPTER 6, TO LOTS WITH PRIVATE ROADS

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

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

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

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

[EXISTING TEXT BEING RELOCATED]

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

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

[RELOCATING RULES TO 37-12]

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

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

#### 37-21 Special At-grade Screening and Enclosure Regulations

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

[EXPANDING SCREENING RULES TO APPLY TO COMMERCIAL DISTRICTS]

- a. all generators and cogeneration equipment utilizing fossil fuels which are #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;
- (b) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #side# or #rear lot line# and where located between a #street wall#, or prolongation thereof, and the #street line#, such equipment is within three feet of a #street wall#; and
- (c) where the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all

sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.

### 37-22

#### Special Rooftop Screening and Enclosure Regulations

##### RELOCATING MECHANICAL SCREENING RULES AND EXPANDING APPLICABILITY

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

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

\* \* \*

### 37-50

#### REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE

\* \* \*

### 37-53

#### Design Standards for Pedestrian Circulation Spaces

##### (a) Arcade

\* \* \*

##### (3) Permitted obstructions

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

\* \* \*

##### (b) #Building# entrance recess area

\* \* \*

##### (2) Permitted obstructions

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

\* \* \*

##### (c) Corner arcade

\* \* \*

##### (2) Permitted obstructions

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

\* \* \*

##### (d) Corner circulation space

\* \* \*

##### (2) Permitted obstructions

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

\* \* \*

##### (f) Sidewalk widening

\* \* \*

##### (3) Permitted obstructions

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

\* \* \*

##### (h) Through #block# connection

\* \* \*

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

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

\* \* \*

### 37-70

#### PUBLIC PLAZAS

\* \* \*

### 37-72

#### Access and Circulation

\* \* \*

### 37-721

#### Sidewalk frontage

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

- (a) At least 50 percent of such area shall be free of obstructions and comply with the following provisions:
  - (1) at least 50 percent of the #public plaza# frontage along each #street line# or sidewalk widening line shall be free of obstructions; and
  - (2) such unobstructed access area shall extend to a depth of 15 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.
- (b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted obstructions) shall be allowed, provided such obstructions are not higher than two feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, exterior wall thickness #qualifying exterior wall thickness# pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

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

\* \* \*

### 37-726

#### Permitted obstructions

- a. #Public plazas# shall be open to the sky and unobstructed except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: water features, including fountains, reflecting pools and waterfalls; sculptures and other works of art; seating, including benches, seats and moveable chairs; trees, planters, planting beds, lawns and other landscape features; arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights and lighting stanchions; public telephones; public restrooms;

permitted temporary exhibitions; permitted awnings, canopies or marquees; permitted freestanding #signs#; play equipment; exterior wall thickness #qualifying exterior wall thickness# added pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents); permitted kiosks and open-air cafes; stages; subway station entrances, which may include escalators; and drinking fountains.

\* \* \*

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

\* \* \*

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

### 37-90 PARKING LOTS

\* \* \*

#### 37-92 Landscaping

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

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

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

#### 37-921 Perimeter landscaping

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

\* \* \*

#### 37-922 Interior landscaping

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

\* \* \*

#### 37-923 Alternative compliance for solar canopies

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

- a. the tree planting requirements of paragraph (b)(3) of Section

37-921 need not apply where a solar canopy is proposed within 10 feet of a portion of a perimeter landscaped area along a #street# frontage necessitating a tree; and

- b. the interior landscaping requirements of Section 37-922 need not apply to such portion covered by a solar canopy.

\* \* \*

## ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

### 42-00 GENERAL PROVISIONS

#### [CLEANING UP INCONSISTENT REFERENCES TO ACCESSORY USE]

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

Use Groups 4B, 4C, 5, 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18, including each #use# listed separately therein, and certain #uses# listed in Use Groups 3A, 4A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts# as indicated in Sections 42-11 to 42-15, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

\* \* \*

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

##### M1

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

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

\* \* \*

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

##### M1 M2 M3

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

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

\* \* \*

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

\* \* \*

#### 42-14 Use Group 17

##### M1 M2 M3

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

- (1) can conform to high performance standards by controlling objectionable influences; and

- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

\* \* \*

C. Miscellaneous #uses#

Agriculture, including greenhouses, nurseries or truck gardens  
Composting, open or enclosed  
 Docks for passenger ocean vessels, other than #gambling vessels#

D. Special #uses# in M1-5B Districts

M1-5B

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

\* \* \*

- (2) #Commercial# and #manufacturing# #uses# below the floor level of the second #story# provided, in M1-5B Districts, in any #buildings#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B; or 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings# unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781;

\* \* \*

**42-15**

**Use Group 18**

M3

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

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

\* \* \*

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

Coal or gas storage

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

Electric power or steam generating plants

\* \* \*

**42-141**

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

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

\* \* \*

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

\* \* \*

**42-41**

**Enclosure of Commercial or Manufacturing Activities**

M1 M2 M3

In all districts, as indicated, all commercial or manufacturing activities established by #development#, #enlargement#, #extension# or change of #use#, except storage of materials or products, shall be subject to the provisions of this Section with respect to enclosure, except as otherwise

specifically provided in the Use Groups permitted in the district, and in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-street Loading Berths). With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

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

\* \* \*

**Chapter 3**

**Bulk Regulations**

\* \* \*

**43-20**

**YARD REGULATIONS**

**Definitions and General Provisions**

\* \* \*

**43-23**

**Permitted Obstructions in Required Yards or Rear Yard Equivalents**

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

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

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

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

- (7)(1) Fences;
- (8) Flagpoles;
- (9)(2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
- (10)(3) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that the height of all equipment shall not exceed a height of 23 feet above #curb level#;
- Power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that all equipment shall not exceed a height of 23 feet above #curb level#;
- (11) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more



than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

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

(13) Terraces or porches, open;

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

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

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

(2) Breezeways;

(3) Fire escapes;

(4)(2) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#; or

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

(5) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#:

(i) up to four feet in height as measured perpendicular to the roof surface when located above a permitted-#commercial# or #community facility# #use# or attached parking structure; or

(ii) shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;

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

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

\* \* \*

#### 43-40

### HEIGHT AND SETBACK REGULATIONS

#### Definitions and General Provisions

\* \* \*

#### 43-42

### Permitted Obstructions

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

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

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

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;

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

(3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with this Section.

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

(b) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 43-43, 43-44 or 43-45 (Tower Regulations);

(c) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;

(d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

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

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

(2) all mechanical equipment shall be screened on all sides;

(3) such obstructions and screening are contained within a volume that complies with one of the following:

(i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or

(ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

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

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

(1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;

(2) the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;

(3) the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and

- (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building# shall not exceed:
- v. where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
  - vi. where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
- (5) all equipment shall be subject to the applicable provisions of Section 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
- (f) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;
- (g) Flagpoles or aerials;
- (h)(b) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (i) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (j) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (j), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (k)(c) #Qualifying Rrooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#; permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (t) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
- (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
  - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
    - (i) a height of 15 feet;
    - (ii) a height of six feet when located on a bulkhead or other obstruction, pursuant to paragraph (e) of this Section;
  - (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.
- However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;*
- (n)(d) Spires or belfries;
- (o) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (q)(e) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:
- (1) the highest point of the wind turbine assembly does not exceed 55 feet;
  - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
  - (3) in districts where #residences# or #joint living-work quarters for artists# are permitted as-of-right, by special permit or by authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet;
- (r) Window washing equipment mounted on a roof;
- (s) Wire, chain link or other transparent fences.
- \* \* \*
- ### 43-624 Height and setback in M1-6D Districts
- In M1-6D Districts, the height and setback provisions of this Section shall apply to all #buildings#.
- (a) Rooftop and permitted obstruction regulations
- (1) Permitted obstructions
- The provisions of Section 33-42 shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.
- In addition, a maximum base height or #sky exposure plane# may be penetrated, as follows:
- (i) Structural columns
- Structural columns may penetrate a maximum height limit or #sky exposure plane#, provided that such columns are one story or less in height, have a #street wall# no greater than 30 inches in width, and are spaced not less than 15 feet on center.
- (ii) Dormers
- On any #street# frontage, dormers may be provided in accordance with the provisions of paragraph (c) of Section 23-621 23-623 (Permitted obstructions in certain districts).
- (2) Screening requirements for mechanical equipment
- For all #developments# and #enlargements#, and #conversions# of #non-residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be subject to the provisions of Section 37-22 (Special Rooftop Screening and Enclosure Regulations) fully screened on all sides. However, no such screening requirements shall apply to water tanks.
- \* \* \*
- ### Chapter 4 Accessory Off-Street Parking and Loading Regulations
- \* \* \*
- #### 44-02 Applicability
- Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces

apply to #manufacturing#, #commercial# or #community facility# #uses#, as set forth in the provisions of the various Sections. In limited instances certain regulations also apply to #public parking garages# and #public parking lots#.

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

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

\* \* \*

#### 44-026

##### Applicability of regulations to public parking garages and public parking lots

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

Section 44-352	(Restrictions on the Use of Parking Spaces in Public Parking Garages and Public Parking Lots)
Section 44-423	(Calculating floor area in parking facilities with lift systems, or in automated parking facilities)
Section 44-43	(Location of Access to the Street)
Section 44-44	(Surfacing)
Section 44-45	(Screening)
Section 44-47	(Parking Lot Maneuverability and Curb Cut Regulations)

\* \* \*

#### 44-21

##### **General Provisions**

M1 M2 M3

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

\* \* \*

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

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

\* \* \*

#### 44-35

##### Restrictions on the Use of Accessory Parking Spaces and Spaces in Public Parking Garages and Public Parking Lots

#### 44-351

##### **Restriction on Use of Accessory Off-street Parking Spaces**

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or

visitors of the #use# or #uses# to which such spaces are #accessory#\_ except as set forth in this Section.

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

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

#### 44-352

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

M1 M2 M3

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

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

#### 44-36

##### **Restrictions on Automotive Repairs and Sale of Motor Fuel**

M1 M2 M3

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

#### 44-37

##### **Electric Vehicle Charging**

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

\* \* \*

#### 44-42

##### **Size and Identification of Spaces**

#### 44-421

##### **Size of spaces**

M1 M2 M3

- Size of spaces Minimum maneuvering space

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

- Standard attended facilities

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

[EXISTING TEXT BEING RELOCATED FROM BELOW]

In any case where a reduction of the required area per parking space is permitted on the basis of the applicant's certification that such spaces will be fully attended, it

shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

## 2. Attended facilities with parking lift systems

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

## 3. #Automated parking facilities#

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

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

## (b) Driveway access

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

[EXISTING TEXT BEING RELOCATED ABOVE]

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

## (c) Minimum size for each parking space

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

## 44-422

### Identification of car sharing vehicles

## (b) Identification of #car sharing vehicles#

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

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

## 44-423

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

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

\* \* \*

## 44-44

### Surfacing

M1 M2 M3

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

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

\* \* \*

## 44-60

### BICYCLE PARKING

\* \* \*

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

\* \* \*

## ARTICLE V

### NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

\* \* \*

## Chapter 2

### Non-Conforming Uses

## 52-22

### Structural Alterations

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

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

\* \* \*

## 52-41

### General Provisions

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

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

\* \* \*

## 52-60

### DISCONTINUANCE

## 52-61

### General Provisions

\* \* \*

Except in Historic Districts as designated by the Landmarks Preservation Commission, the provisions of this Section shall not apply to vacant ground floor or #basement# stores in #buildings designed for residential use# located in R5, R6 or R7 Districts where the changed or reactivated #use# is listed in Use Group 6A, 6B, or 6C or 6F excluding

post offices, veterinary medicine for small animals, automobile supply stores, electrolysis studios and drive-in banks. In addition, the changed or reactivated #use# shall be subject to the provisions of Section 52-34 (Commercial Uses in Residence Districts).

\* \* \*

## Chapter 4 Non-Complying Buildings

\* \* \*

### 54-21 General Provisions

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

\* \* \*

### 54-30 ENLARGEMENTS OR CONVERSIONS

#### 54-31 General Provisions

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

#### 54-42 Use of Alternative Formula

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

### 54-50 MODIFICATIONS TO THE PROVISIONS OF THIS CHAPTER

#### 54-51 Energy Infrastructure or Retrofits

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

- (a) where locating such equipment into a #non-complying# #open space#, #yard#, #rear yard equivalent#, or #court#, as applicable, such equipment shall comply with the applicable height and area restrictions for the respective open area set forth in the applicable underlying district regulations, as applied to the level and size of the #non-complying# open area;
- (b) where locating such equipment onto the rooftop of a #building# that is #non-complying# with height and setback regulations, such equipment shall comply with the height and area regulations for such permitted obstruction set forth in the applicable underlying district regulations, as applied to the level of the rooftop, inclusive

of any #non-compliance# into a required setback area, #yard#, or other required open area;

- (c) at any level, all #energy infrastructure equipment# or #accessory# mechanical equipment will be enclosed or screened in compliance with the applicable provisions for such permitted obstructions; and
- (d) where locating #qualifying exterior wall thickness# into either a #non-complying# #open space#, #yard#, #rear yard#, or #court#, or into a #non-complying# distance between two #buildings# or a #non-complying distance between a #building# and #lot line#, or in a location not otherwise permitted by underlying #street wall location rules#, such additional encroachment of wall thickness shall not exceed the depth permitted by the underlying permitted obstruction regulations.

\* \* \*

## ARTICLE VI SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

\* \* \*

### Chapter 2 Special Regulations Applying in the Waterfront Area

\* \* \*

#### 62-11 Definitions

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

#### Development

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

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

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

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

\* \* \*

#### 62-341 Developments on land and platforms

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

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

\* \* \*

- (4) Permitted obstructions

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

- (i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in paragraph (d) of

this Section, provided that such dormer complies with the provisions of paragraph (c)(1) of Section 23-621 23-623.

\* \* \*

## 62-80 SPECIAL REVIEW PROVISIONS

\* \* \*

## 62-82 Authorizations by the City Planning Commission

\* \* \*

## 62-825 Modifications for wind energy systems

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

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

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

\* \* \*

## Chapter 3 Special Regulations Applying to FRESH Food Stores

\* \* \*

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

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

\* \* \*

## Chapter 4 Special Regulations Applying in Flood Zones

\* \* \*

## 64-30 SPECIAL BULK REGULATIONS

\* \* \*

## 64-311 Special floor area modifications for all buildings

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

### (a) Mechanical equipment

In R1-2A, R2A, R2X, R3, R4 or R5 Districts, the limitations on exempting #floor area# for mechanical equipment set forth in paragraphs (m) and (8) in the definition of #floor area# in Section 12-10 (DEFINITIONS), shall not apply, provided that all mechanical equipment is located at or above the #flood-resistant construction elevation#.

### (b) Flood control devices

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

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

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

\* \* \*

## 64-312

### Permitted obstructions in required yards, courts, and open spaces for all zoning lots

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

### (a) Mechanical equipment

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

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

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

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

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

### (b) Berms

In all districts, structural landscaped berms and associated flood

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

(c) Flood control devices

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

(d) Steps

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

### 64-313

#### Special height and setback regulations for all buildings

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

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

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

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

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

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

mechanical equipment, other than solar or wind energy systems, may be modified as follows:

- (1) where the maximum permitted height of a #building#, or portion thereof is less than 120 feet:
  - (i) the maximum #lot coverage# may be increased from 20 percent to 30 percent of the #lot coverage# of the #building#, provided that such obstructions are limited to a maximum height of 25 feet; or
  - (ii) the maximum permitted height of such volume may be increased from 25 feet to 33 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#;
- (2) where the maximum permitted height of a #building#, or portion thereof is 120 feet or greater:
  - (i) the maximum #lot coverage# may be increased from 20 percent to a maximum #lot coverage# of 30 percent of the #lot coverage# of the #building#, provided that such obstructions are limited to a maximum height of 40 feet; or
  - (ii) the maximum permitted height of such volume may be increased from 40 feet to 55 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#.

(c) (a) Dormers

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

\* \* \*

### Chapter 6

#### Special Regulations Applying Around Mass Transit Stations

\* \* \*

### 66-234

#### Special height and setback modifications

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

(a) Permitted obstructions

(1) #Easement volumes#

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

(2) Dormers

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

\* \* \*

### ARTICLE VII

#### ADMINISTRATION

\* \* \*

### Chapter 3

#### Special Permits by the Board of Standard of Appeals

\* \* \*

### 73-11

#### General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to 73-35,

inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

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

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

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

\* \* \*

### 73-14

#### Public Service Establishments

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

- a. The Board may permit the following #uses#:
  - eElectric or gas utility substations, limited in each case to a site of not more than 10,000 square feet,
  - pPotable water pumping stations, or
  - tTelephone exchanges or other communications equipment structures, or
  - #Energy infrastructure equipment#, without size restriction.
 provided that the following findings are made:
- b. In order to grant such permit, the Board shall find:
  - (a)(1) that such #use# will serve the residential area within which it is proposed to be located;
  2. that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and
  - (b)(3) in the case of such electric or gas utility substations or potable water pumping stations, that the site for such #use# has a minimum #lot area# of 4,500 square feet.

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

\* \* \*

### 73-65

#### Public Utilities and Special Infrastructure

### 73-651

#### Enlargement of Public Utility Facilities

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

- a. The Board may permit an #enlargements# which does not comply with the applicable district #bulk# regulations for any #building or other structures# existing on December 15, 1961, within which any one of the following public utilities is located:
  - Electric or gas utility substations
  - Telephone exchanges or other communications equipment structures
  - Water or sewage pumping stations; or
  - #Energy infrastructure equipment#
- b. In order to grant such permit, the Board shall find:
 

provided that the following findings are made:

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

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

### 73-652

#### Energy infrastructure equipment and mechanical equipment

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

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

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

\* \* \*

### Chapter 5

#### Certifications

### 75-00

#### CERTIFICATIONS

### 75-01

#### Certification for Rooftop Greenhouses

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

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



the greenhouse will be located, and access to and from the #building# to the greenhouse;

- (2) that the design of the greenhouse incorporates a rainwater collection and reuse system; and
- (3) any portions of the greenhouse dedicated to office or storage space #accessory# to the greenhouse, which shall be limited to 20 percent of the floor space of the greenhouse, and shall be exempt from the transparency requirement in paragraph (d) of this Section.

Plans submitted shall include sections and elevations, as necessary to demonstrate compliance with the provisions of paragraphs (a) through (f) of this Section, as applicable. A copy of the proposed rooftop greenhouse plan shall be delivered to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the Commission. The certification of a rooftop greenhouse shall not be complete until the earlier of the date that the affected Community Board submits comments regarding such proposal to the Chairperson of the Commission or informs the Chairperson that such Community Board has no comments; or 45 days from the date that such proposal was submitted to the affected Community Board.

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

\* \* \*

## Chapter 8 Special Regulations Applying to Large-Scale Residential Developments

\* \* \*

### 78-06 Ownership

\* \* \*

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

\* \* \*

### 78-22 Accessory Uses in Large-Scale Residential Developments

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

\* \* \*

### 78-35 Special Bonus Provisions

\* \* \*

### 78-353

### Bonus for enclosed parking

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

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

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

\* \* \*

## ARTICLE VIII SPECIAL PURPOSE DISTRICTS

\* \* \*

### Chapter 1 Special Midtown District

\* \* \*

### 81-252 Permitted obstructions

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

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

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

\* \* \*

### Chapter 2 Special Lincoln Square District

\* \* \*

### 82-40 SPECIAL HEIGHT LIMITATION

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

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

- (1) contains not more than four #stories# or 40 feet, whichever is less; and

- (2) the gross area of each #story# does not exceed 80 percent of the gross area of that #story# directly below it.

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

\* \* \*

#### Chapter 4 Special Battery Park City District

\* \* \*

#### 84-135 Limited height of buildings

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

\* \* \*

#### [REMOVING LIST AND REFERENCING UNDERLYING]

- (e) Sections 23-62 and 33-42 (Permitted obstructions) are hereby made inapplicable. Any portion of a #building# that exceeds an established height limit shall be subject to the following provisions:

- (1) The obstructions set forth in Section 23-62 and 33-42, as applicable, along with heliostats, may following shall not be considered obstructions and may thus penetrate a maximum height limit:
  - (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
  - (ii) Elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment (including enclosure walls), pursuant to Section 33-42;
  - (iii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
  - (iv) External wall thickness, pursuant to Section 33-42;
  - (v) Flagpoles and aerials;
  - (vi) Heliostats and wind energy systems;
  - (vii) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
  - (viii) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (e)(1)(viii), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
  - (ix) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
  - (x) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
  - (xi) Solar energy systems:
    - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
    - (2) on the roof of a #building#, greater than four feet in

height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section 33-42, do not exceed a height of six feet;

- (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects. However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;
- (xii) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (xiii) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (xiv) Wire, chain link or other transparent fences.
- (2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:
  - (i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (e)(1) of this Section;
  - (ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and
  - (iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top; and
- (f) in #special height locations# in Appendices 2.2 and 3.2 of this Chapter, no portion of a #building#, including permitted obstructions, shall exceed a height of 450 feet above #curb level#.

\* \* \*

#### 84-333 Limited height of buildings

#### [REMOVING LIST AND REFERENCING UNDERLYING]

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

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

- (a) the maximum height of any #building or other structure#, or portion thereof, shown as a #special height location#, shall not exceed the height set forth in Appendix 3.2; and
- (b) Sections 23-62 and 33-42 (Permitted obstructions) are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:
  - (1) The obstructions set forth in Section 23-62 and 33-42, as applicable, may following shall not be considered obstructions and may thus penetrate a maximum height limit:
    - (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# or a #building# at any level;

- (ii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
  - (iii) Elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosure walls), pursuant to Section 33-42;
  - (iv) Fences, wire, chain link or other transparent type;
  - (v) Flagpoles and aerials;
  - (vi) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
  - (vii) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (b)(1)(vii), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
  - (viii) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
  - (ix) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
  - (x) Solar energy systems:
    - (a) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
    - (b) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section 33-42, do not exceed a height of six feet;
    - (c) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.
 

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;
  - (xi) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
  - (xii) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher.
- (2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by

authorization of the City Planning Commission, provided the Commission finds that:

- (i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (b)(1) of this Section;
  - (ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and
  - (iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top.
- (c) In no event shall the height of any #building#, including permitted obstructions, exceed 800 feet above #curb level#.

\* \* \*

## Chapter 5 Special United Nations Development District

\* \* \*

[ALLOWING ENERGY GENERATION AND STORAGE TO BE ADDED]

### 85-05

#### Limited Height of Buildings

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

\* \* \*

## Chapter 6 Special Forest Hills District

\* \* \*

### 86-12

#### Modification of Uses Along Austin Street

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

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

\* \* \*

## Chapter 7 Special Harlem River Waterfront District

\* \* \*

### 87-31

#### Permitted obstructions

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

\* \* \*

### 87-322

#### Base heights and transition heights

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

\* \* \*

- (b) Required setbacks

\* \* \*

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

\* \* \*

### 87-323

#### Tower provisions

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

\* \* \*

#### (b) Setbacks

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

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

\* \* \*

### 88-33

#### Height and Setback

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

#### (a) Rooftop regulations ~~Permitted obstructions~~

##### 1. Permitted obstructions

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

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

##### (2) Screening requirements for mechanical equipment

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

\* \* \*

## ARTICLE IX

### SPECIAL PURPOSE DISTRICTS

\* \* \*

#### Chapter 1

#### Special Lower Manhattan District

\* \* \*

### 91-111

#### Additional uses in C5 Districts

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

From Use Group 7:

Use Groups 7B and 7E

From Use Group 8:

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

From Use Group 12:

Use Groups 12A\*\*, 12B; and 12C and 12E

\* \* \*

### Chapter 2

#### Special Park Improvement District

\* \* \*

### 92-043

#### Special height limitation

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

\* \* \*

### Chapter 3

#### Special Hudson Yards District

\* \* \*

### 93-052

#### Applicability of Article I, Chapter 3

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

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

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

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

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

\* \* \*

### 93-41

#### Rooftop Regulations

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

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

##### (b) Subdistrict F

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

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

(a) #Zoning lots# with Eighth Avenue frontage

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

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

**Chapter 7****Special 125th Street District****97-212****Uses not permitted on the ground floor of buildings**

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

From Use Group 2:

All #uses#.

From Use Groups 3A and 3B:

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

From Use Groups 4A and 4B:

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

From Use Group 5A:

All #uses#.

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

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

From Use Group 6D:

All #uses#.

From Use Group 7:

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

From Use Groups 8A and 8B:

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

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

All #uses#.

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

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

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

Depositories for storage, and wholesale offices or showrooms.

Use Group 11:

All #uses#.

Use Groups 12A and 12B:

Trade expositions.

Use Groups 12C and 12D:

All #uses#.

Use Group 14A and 14B:

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

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

**97-431****Permitted obstructions**

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

**Chapter 8****Special West Chelsea District****98-422****Special rooftop regulations**

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

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

**ARTICLE X****SPECIAL PURPOSE DISTRICTS****Chapter 1****Special Downtown Brooklyn District****101-00****GENERAL PURPOSES****101-01****Definitions**

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

[MOVING TO SECTION 12-10]

**Automated parking facility**

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

Development or to develop

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

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

**101-20****SPECIAL BULK REGULATIONS****101-221****Permitted Obstructions**

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

[WILL BE ADDRESSED IN UNDERLYING PROVISIONS]

**101-534****Stackers in garages**

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

**101-535****Automated parking facilities**

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

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

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

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

\* \* \*

**Chapter 4****Special Manhattanville Mixed Use District**

\* \* \*

**104-131****Use Group 6A**

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

\* \* \*

**104-32****Rooftop Regulations**

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

**104-321****Rooftop Mechanical equipment**

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

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

**104-322****Permitted obstructions**

The obstructions set forth in Section 33-42, other than the rooftop

equipment permitted pursuant to Section 104-321, as well as the following obstructions, following shall not be considered obstructions and thus may penetrate the applicable maximum #building# height and the applicable maximum height for rooftop mechanical equipment set forth in Appendix B of this Chapter, and may also penetrate the #sky exposure plane# set forth in Section 104-321 (Mechanical Rooftop equipment). Within 50 feet of the #upper street wall#, the width of such obstructions shall be limited in total to 10 percent of the #aggregate width of street walls# of a #building#, per #street# frontage, at any level above the maximum level of rooftop mechanical equipment as set forth in Section 104-321. Beyond 50 feet from the #upper street wall#, the permitted obstructions may occupy an area not to exceed 30 percent of the #building# coverage at the ground level. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#. However, in no event shall such obstructions be located within 10 feet of the #upper street wall#.

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

10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

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

- (n) Spires or belfries;
- (o) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (q) Window washing equipment mounted on the roof;
- (r) Wire, chain-link or other transparent fences.

\* \* \*

## Appendix B Base Plane and Building Height Table

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

\* \* \*

## Chapter 7 Special South Richmond Development District

\* \* \*

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

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

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

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

\* \* \*

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

\* \* \*

### 107-48 Special Landscaping and Buffering Provisions

\* \* \*

### 107-483 Planting and screening for open parking areas

- (a) Tree planting requirements

One tree, of three inch caliper or more, pre-existing or newly planted, shall be provided for each four parking spaces. Such trees may be located in the perimeter landscaped area of the parking area or in planting islands within the parking area.

However, where 30 or more parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section 37-922 (Interior landscaping).

For open parking areas with at least 36 parking spaces, the total number of trees required pursuant to Section 37-922 (Interior landscaping) shall be superseded by the number of trees required pursuant to this Section.

Notwithstanding the above, For open parking areas where solar canopies will cover more than 75 percent of the parking spaces in a #accessory# off-street parking facility or #public parking lot#, or any portion thereof with more than 10 parking spaces, the provisions of Section 37-923 (Alternative compliance for solar canopies), including associated applicability and modifications to the provisions of Sections 37-921 (Perimeter landscaping) and 37-922, may be applied in lieu of the provisions of this Section.

\* \* \*

### 107-671 In Areas F and K

In Areas F and K, as shown in the District Plan (Map 4 in Appendix A), the City Planning Commission may authorize one or more #uses# in the Use Groups specified in this Section not permitted by the underlying district regulations.

\* \* \*

In each case the Commission may prescribe additional conditions and safeguards, including requirements for adequate screening, planting or landscaping.

Areas (as designated on the District Map)	Permitted Use Groups
F	12
K	7A 7B 7D 7E

\* \* \*

## Chapter 8 Special Little Italy District

\* \* \*

### 109-124 Height and setback regulations

The maximum height of any #building# or other structure# shall not exceed 75 feet or seven #stories# above the #curb level#, whichever is less, unless allowed by the City Planning Commission pursuant to Section 109-514.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section 33-42.

However, the provisions of this Section shall not apply to #enlargements# if, prior to February 2, 2011, a building permit has been lawfully issued authorizing such construction.

\* \* \*

### 109-323 Height and setback regulations

The maximum permitted height of a #street wall# at the #street line# without setback shall not exceed 100 feet above #curb level# and, above this height, no portion of a #building# or other structure# shall

penetrate a #sky exposure plane# commencing at 100 feet and rising over the #zoning lot# at a ratio of 1.5 to 1.0.

In addition, no portion of a #building or other structure# shall penetrate a #rear sky exposure plane# commencing at a height of 100 feet above #curb level# and at a distance of 100 feet from and parallel to the #street line#, and rising over the #zoning lot# at a ratio of 1.5 to 1.0 along #wide streets# and at a ratio of 1.0 to 1.0 along #narrow streets#.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section 33-42.

\* \* \*

## ARTICLE XI SPECIAL PURPOSE DISTRICTS

\* \* \*

### Chapter 1 Special Tribeca Mixed Use District

\* \* \*

#### 111-20 SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

\* \* \*

(d) Areas A4, A5, A6 and A7

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

\* \* \*

### Chapter 4 Special Bay Ridge District

\* \* \*

#### 114-12 Special Height and Setback Regulations

##### 114-121 Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section ~~23-621~~ 23-623 (Permitted obstructions in certain districts).

##### 114-122 Maximum building height and setback

In the #Special Bay Ridge District#, the height and setback and maximum #building# height regulations of the underlying districts have been modified as follows:

(a) In C8-2 Districts

In C8-2 Districts, the maximum height of a #building or other structure# shall be 70 feet. Any portion of a #building or other structure# that exceeds a height of 60 feet shall be set back with a depth of at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

(b) For #community facilities# in #Residence Districts#

In R3A, R3X, R3-2, R4A, R4-1, R4B and R5B Districts, the maximum height of a #building or other structure# containing #community facility uses# shall not exceed 32 feet.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Sections 24-51 or 33-42, as applicable.

\* \* \*

### Chapter 5 Special Downtown Jamaica District

\* \* \*

#### 115-15 Modification of Use Regulations in M1-4 Districts

\* \* \*

Use Groups 6 and 10

All #uses# listed in Sections 32-15 (Use Group 6) and 32-19 (Use Group 10), shall be permitted and shall not be subject to the limitations specified in Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, ~~10C~~, 11, 12A, 12C, 12D, ~~12E~~, 13, 14 and 16).

\* \* \*

From Use Group 18:

Breweries, limited to 10,000 square feet of #floor area# per establishment

#Uses# #accessory# to the preceding listed #uses#

\* \* \*

#### 115-20 SPECIAL BULK REGULATIONS

\* \* \*

##### 115-231 Permitted obstructions

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

\* \* \*

### Chapter 6 Special Stapleton Waterfront District

\* \* \*

#### 116-20 SPECIAL BULK REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

The special #bulk# regulations of Section 116-20, inclusive, shall apply to Subareas A, B and C, the #Esplanade#, #Pier Place# and the #Cove#.

\* \* \*

##### 116-231 Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in Subareas A, B and C, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section ~~23-621~~ 23-623 (Permitted obstructions in certain districts).

\* \* \*

##### 116-233 Height and setback

Within the #Special Stapleton Waterfront District#, the underlying height and setback regulations shall be modified as follows:

(a) Subareas A and B1

(3) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section ~~23-621~~ 23-623 (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is lower.

\* \* \*

### Chapter 7 Special Long Island City Mixed Use District

\* \* \*

#### 117-22 Modification of Use Group 6A

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, ~~10C~~, 11, 12A, 12C, 12D, ~~12E~~, 13, 14 and 16) pertaining to Use Group 6A shall be modified as follows:

Food stores, including supermarkets, grocery stores or delicatessen stores, shall not be limited as to #floor area# per establishment.

\* \* \*

#### 117-62 Special Use Regulations

In the Dutch Kills Subdistrict, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, ~~10C~~, 11, 12A, 12C, 12D, ~~12E~~, 13, 14 and 16) shall be modified to permit food



stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

\* \* \*

## Chapter 8 Special Union Square District

\* \* \*

### 118-30 STREET WALL, HEIGHT AND SETBACK REGULATIONS

\* \* \*

No #development# or #enlargement# shall penetrate such #sky exposure plane# except pursuant to Section 33-45 (Tower Regulations). However, Section 33-45 shall not be applicable to any portion of a #building# located within 100 feet of a #street line# opposite a #public park#.

However, #energy infrastructure equipment# and #accessory# mechanical equipment shall be permitted obstructions above such height limits, subject to the provisions of Section 33-42.

\* \* \*

## ARTICLE XII SPECIAL PURPOSE DISTRICTS

\* \* \*

### Chapter 1 Special Garment Center District

\* \* \*

#### 121-42 Height of Street Walls and Maximum Building Height Within Subdistrict A-2

##### (b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) any portion of the #building or other structure# #developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 (Tower Regulations) or 35-64 (Special Tower Regulations for Mixed Buildings), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and
- (2) permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621 23-623 (Permitted obstructions in certain districts), may penetrate the #sky exposure plane#.

\* \* \*

### Chapter 4 Special Willets Point District

\* \* \*

#### 124-22 Height and Setback Regulations

\* \* \*

##### (b) Required setbacks and maximum #building# height

Except as provided in paragraph (c)(6) of this Section, setbacks are required for all portions of #buildings or other structures# that exceed a height of 85 feet. Such setbacks shall be provided at a height not lower than 60 feet. The depth of the required setback shall be at least 10 feet measured from any required #street wall# fronting on a #wide street#, and at least 15 feet from any required #street wall# fronting on a #narrow street#. Where portions of #buildings or other structures# that exceed a height of 85 feet are not located above a required #street wall#, such portions shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. However, dormers may penetrate a height of 85 feet in accordance with the provisions of paragraph (c) of Section 23-621 23-623 (Permitted obstructions in certain districts). Within the area limited to 232 feet above mean sea level, as shown on Map 3 in the Appendix to this Chapter, no portion of a #building or other structure# shall exceed a height of 120 feet except in accordance with the tower provisions of

paragraph (c) of this Section.

\* \* \*

### Chapter 5 Special Southern Hunters Point District

\* \* \*

#### 125-31 Rooftop Regulations

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

\* \* \*

### Chapter 6 Special College Point District

\* \* \*

#### 126-11 Recreational Uses

The regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following #uses# as-of-right within the #Special College Point District#:

From Use Group 4A:

Non-commercial recreation centers

From Use Group 4B:

Golf courses

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residences#

#Public parks#, playgrounds or private parks

From Use Group 4C:

#Accessory# #uses#

\* \* \*

### Chapter 8 Special St. George District

\* \* \*

#### 128-31 Rooftop Regulations

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

\* \* \*

#### 128-33 Maximum Base Height

In C4-2 Districts within the Upland Subdistrict, the maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. Where a maximum base height of 65 feet applies as shown on Map 3, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 128-35. When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet.

In R7-3 Districts, the maximum base height shall be 75 feet.

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, all portions of #buildings or other structures# above such maximum base heights shall provide a setback at least 10 feet in depth measured from any #street wall# facing a #wide street# and 15 feet in depth from any #street wall# facing a #narrow street#.

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, dormers may exceed the maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 23-623 (Permitted obstructions in certain districts). However, on any #zoning lot# that includes a tower #developed# or #enlarged# pursuant to Section 128-35, dormers shall not be permitted.

\* \* \*

**128-61****Special Permit for North Waterfront Sites**

\* \* \*

Pursuant to such Proposed Plans, the Commission may:

(a) permit the following #uses# :

- (1) #commercial# #uses# as set forth in Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) with no limitation on #floor area# per establishment;

\* \* \*

**ARTICLE XIII****SPECIAL PURPOSE DISTRICTS****Chapter 1****Special Coney Island District**

\* \* \*

**131-132****Coney North and Coney West Subdistricts**

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the "building line" shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

\* \* \*

- (b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:

All #uses#

From Use Groups 3A and 3B:

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

From Use Groups 4A and 4B:

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

From Use Group 5A:

All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, where permitted pursuant to Section 32-02

From Use Groups 6B, and 6E:

Offices, veterinary medicine offices or non-commercial clubs

From Use Group 6C:

Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue

Electrolysis studios, frozen food lockers and loan offices

From Use Group 6D:

All #uses#

From Use Group 7:

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

From Use Groups 8A and 8B:

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

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

All #uses#

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

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

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

Depositories for storage, and wholesale offices or showrooms

Use Group 11:

All #uses#

Use Groups 12A and 12B:

Trade expositions

Use Groups 12C and 12D:

All #uses#

Use Group 14A and 14B:

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

\* \* \*

**131-41****Rooftop Regulations**

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

\* \* \*

**Chapter 3****Special Southern Roosevelt Island District**

\* \* \*

**133-234****Permitted obstructions**

Sections 23-62, 24-51 and 33-42 (Permitted obstructions) shall be modified to allow #energy infrastructure equipment# and #accessory# mechanical equipment ~~#accessory# energy generating systems~~ on the roof of a #building#, or any other structures supporting such systems, as permitted obstructions, without limitations.

\* \* \*

**Chapter 4****Special Governors Island District**

\* \* \*

**134-24****Height and Setback Regulations**

- (b) Southern Subdistrict

Within the Southern Subdistrict, the following height and setback regulations shall apply.

Where heights are measured from the #base plane#, the #base plane# shall be established at 12.348 feet above Manhattan Datum.

\* \* \*

- (4) Permitted obstructions in the Eastern Subarea and Western Subarea

In the Eastern Subarea and Western Subarea, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, modified as follows:

- (i) the obstructions permitted by paragraph ~~(f)~~ (b) of Section 33-42 may exceed the maximum #building# height by 40 feet with no restriction on area; and
- (ii) no such obstructions shall be permitted within the setback required by paragraph (b)(2) of this Section.

\* \* \*

## Chapter 5 Special Bay Street Corridor District

\* \* \*

### 135-14 Modification of Supplemental Use Provisions

In Subdistricts A, B and C, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified as follows:

- (a) For #mixed buildings#, offices, as listed in Use Group 6B, shall be permitted on the lowest two #stories# of a #building#, provided that no access exists between such offices and any #residential uses#;
- (b) For #commercial buildings#, the provisions restricting the location of #uses# listed in Use Groups 6A, 6B, 6C, 6F, 7, 8, 9 or 14 to two #stories#, shall not apply; and
- (c) Any brewery #developed# or #enlarged# in accordance with the provisions of Section 135-14, shall be subject to the provisions of Section 32-421.

\* \* \*

### 135-25 Special Height and Setback Regulations

The underlying height and setback provisions are modified by the provisions of this Section.

Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#. Such visual corridors shall be considered #wide streets# for the purposes of applying the height and setback regulations of this Section.

- (d) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section ~~23-621-23-623~~ (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is less.

\* \* \*

## Chapter 6 Special Downtown Far Rockaway District

\* \* \*

### 136-313 Minimum and maximum base height

Within Subdistrict A, the provisions of Section 136-222 (Minimum and maximum base height) shall not apply. In lieu thereof, for #residential buildings#, #mixed buildings# and #commercial buildings#, the provisions of this Section shall apply. The #street wall# height and setback regulations of the underlying district shall apply except as modified in this Section.

- (b) Dormers

The provisions of paragraph (c) of Section ~~23-621 23-623~~ (Permitted obstructions in certain districts) shall be modified to allow dormers as a permitted obstruction within the required front setback distance above a maximum base height, as follows:

- (1) Within 75 feet of intersecting #streets#, dormers shall be permitted without limitation on width.
- (2) Where dormers are provided pursuant to paragraph (b)(1) of this Section, and such dormers exceed the maximum width permitted pursuant to paragraph (c) of Section ~~23-621 23-623~~, for any portion of a #building# with an #aggregate width of street walls# greater than 75 feet, a setback shall be provided above the maximum base height between such dormer and any other dormer for a width of at least 20 feet, or the remaining width of such #street wall#, as applicable.
- (3) Beyond 75 feet of intersecting #streets#, the provisions of paragraph (c) of Section ~~23-621 23-623~~ shall apply. The width of any dormers provided pursuant to the provisions of paragraph (b)(1) of this Section shall be included in the aggregate width of all dormers.

However, the provisions of this paragraph (b) shall not apply to portions of #buildings# with frontage on Redfern Avenue, except that these provisions shall apply to portions of #buildings# with frontage on both Redfern Avenue and Mott Avenue.

\* \* \*

## Chapter 9: Special Gowanus Mixed Use District

\* \* \*

### 139-221 Permitted obstructions in required yards

In all #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the permitted obstruction provisions of paragraph (b)(3)-(2) of Section 33-23 and paragraph (b)(1) of Section 43-23 shall be modified such that, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use# (except any #building# portion containing rooms used for living or sleeping purposes) shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

\* \* \*

### 139-237 Special street wall articulation requirements

In all subdistricts, for #street walls# with widths exceeding 200 feet, a minimum of 20 percent and no more than 50 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such recess or projection shall be considered a permitted obstruction into a required setback, and the depth of such recess or projection shall not exceed three feet.

In addition, in Subdistrict D, the underlying dormer provisions of paragraph (c) of Section ~~23-621 23-623~~ shall be modified for portions of #buildings# facing Third Street, so that above the maximum base height, dormers shall be permitted only within 75 feet of the intersection of two #streets#.

\* \* \*

### 139-315 Use of parking facilities for car sharing vehicles

[UNNECESSARY, COVERED BY UNDERLYING REGULATIONS]

The underlying regulations regarding the occupation of #accessory# or required off-street parking spaces by #car sharing vehicles# shall be modified so that, in all districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 20 percent of all spaces in a #group parking facility#.

### 139-316 Use of parking facilities for public parking

All #accessory# off-street parking spaces may be made available for public use. However, parking spaces #accessory# to #residences# shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request is made to the landlord.

\* \* \*

### 139-221 Permitted obstructions in required yards

In all #Commercial#, #Manufacturing#, and #Mixed Use Districts#, the permitted obstruction provisions of paragraph (b)(3)(2) of Section 33-23 and paragraph (b)(1) of Section 43-23 shall be modified such that, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use# (except any #building# portion containing rooms used for living or sleeping purposes) shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#. Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 33-23 or 44-23, as applicable, shall be permitted above such modified height limitations.

\* \* \*

### 139-232 Permitted obstructions

In all districts, the underlying permitted obstruction regulations shall be modified by this Section.

[UNNECESSARY, COVERED BY UNDERLYING REGULATIONS]

- (a) Solar energy systems

The underlying permitted obstruction regulations shall be modified to permit solar energy systems as a permitted obstruction up to a #lot coverage# of 100 percent of the #lot coverage# of the roof.

**(b)(a) Balconies**

Unenclosed balconies complying with the provisions of Section 23-132 (Balconies in R6 through R10 Districts) may encroach into any required open area on the #zoning lot#. However, balconies that encroach into #waterfront public access areas# shall be regulated by the provisions of paragraph (a)(1) Section 139-51 (Area-wide Modifications).

**(c) (b) Dormers**

Above the maximum base height, dormers shall be permitted to encroach into a required setback area, except setback areas adjoining tower portions of #buildings# and setback areas facing #waterfront public access areas#, provided that:

\* \* \*

[UNNECESSARY, COVERED BY UNDERLYING REGULATIONS]

**139-32****Special Permitted Off-street Parking Regulations**

For portions of an #automated parking facility#, as that term is defined in Section 13-02, each tray upon which a vehicle is stored shall be considered one parking space, regardless of its size. In addition, at a height in excess of 23 feet above #curb level# each parking tray shall be considered #floor area# in an amount of 153 square feet or the size of such lifted tray, whichever is greater.

**139-33****139-32****Special Loading Regulations**

\* \* \*

**139-42****Street Tree Requirements**

In all districts, all #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

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

\* \* \*

**Article XIV - Special Purpose Districts****Chapter 1****Special Jerome Corridor District**

\* \* \*

**141-21****Special Yard Regulations**

In #Commercial Districts#, for #zoning lots# or portions thereof, with #street lines# along the elevated rail structure on Jerome or River Avenues and within 100 feet of such #street lines#, the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to permit any #building# or portion of a #building# used for any permitted #use# other than #residences#, to be a permitted obstruction within a required #yard#, #rear yard equivalent# or other #open space# required pursuant to the provisions of Section 33-20 (YARD REGULATIONS), inclusive, or Section 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS), inclusive, provided that the height of such portion of a #building# shall not exceed two #stories#, excluding #basement#, nor in any event 30 feet above #curb level#. Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 33-23, shall be permitted above such modified height limitations.

\* \* \*

**141-23****Special Height and Setback Regulations Along the Elevated Rail Structure Outside Subdistrict A**

For #zoning lots#, or portions thereof, within 100 feet of #street lines# along the elevated rail structure on Jerome or River Avenues, and located outside Subdistrict A, the underlying height and setback provisions are modified by the provisions of this Section.

**(c) Required and permitted articulation**

For #street walls# fronting the elevated rail structure on Jerome or River Avenues with widths exceeding 100 feet, a minimum of 20 percent of the surface area of such #street walls# above the level of the second #story#, or a height of 30 feet, whichever is lower, shall either recess or project a minimum of three feet from the remaining surface of the #street wall#. Any such projections

shall be considered a permitted obstruction into a required setback, and the depth of such projections along the elevated rail structure shall not exceed three feet.

In addition, the underlying dormer provisions of paragraph (c) of Section 23-621 23-623 shall be modified for portions of #buildings# facing the elevated rail structure, so that above the maximum base height set forth in paragraph (b) of this Section, dormers shall be permitted only within 75 feet of a corner.

\* \* \*

**141-24****Special Height and Setback Regulations in Subdistrict A**

In Subdistrict A, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback provisions are modified by the provisions of this Section.

**(c) Required and permitted articulation**

\* \* \*

In addition, the underlying dormer provisions of paragraph (c) of Section 23-621 23-623 shall apply, except that in Subareas A1 through A3, for #street walls# intersecting within 100 feet of the corners designated on Maps 2, 3 and 4, and irrespective of the width of the #street wall# below the maximum base height, dormers shall be permitted within 100 feet of such intersecting #street walls#. Such dormers need not decrease in width as the height above the maximum base height increases.

\* \* \*

**Chapter 2****Special Inwood District**

\* \* \*

**142-41****Permitted Obstructions in Subareas A2, A3, B1, B3 and B4**

In Subareas A2, A3, B1, B3 and B4, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, along all #street# frontages, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 23-623 (Permitted obstructions in certain districts), and balconies shall be permitted in conjunction with #residential uses# as set forth in Section 23-132 (Balconies in R6 through R10 Districts).

\* \* \*

**Chapter 3****Special SoHo-NoHo Mixed Use District**

\* \* \*

**143-23****Special Yard Regulations**

The applicable #rear yard# and #rear yard equivalent# regulations shall be modified as follows:

**(a) Permitted obstructions**

In any #rear yard# or #rear yard equivalent#, any #building# or portion of a #building# used for #commercial#, #manufacturing#, or #residential uses#, other than dwelling units, shall be a permitted obstruction, provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#.

In addition, in M1-5 Districts paired with an R9X District north of Howard Street, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use#, shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section 43-23 Decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 43-42 (Permitted obstructions), shall be permitted above such modified height limitations.

**143-24****Special Height and Setback Regulations**

For the purposes of this Section, Watts Street, West Broadway, Centre Street, and Great Jones Street shall be considered #wide streets#.

The applicable height and setback regulations are modified as follows:

## (d) Dormers

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

\* \* \*

[END]

Sara Avila, Calendar Officer  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
Telephone (212) 720-3366

Accessibility questions: (212) 720-3508, AccessibilityInfo@planning.nyc.gov, by: Thursday, July 20, 2023, 5:00 P.M.



jy12-26

## COMMUNITY BOARDS

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that the following matter has been scheduled for a public hearing by Bronx Community Board:

#### BOROUGH OF THE BRONX

COMMUNITY BOARD 10 - Wednesday, July 26, 2023 at 7:00 P.M., Greek American Institute, 3573 Bruckner Boulevard South, Bronx, NY 10461.

A public hearing with respect to an application to the NYS Office of Cannabis Management (OCM) from Green Sun, Inc. to open an adult-use retail dispensary, at 3220 Westchester Avenue, Bronx, NY 10461.



jy19-26

## BOARD OF EDUCATION RETIREMENT SYSTEM

### ■ MEETING

The Board of Education Retirement System Board of Trustees Meeting will be held in-person at our 55 Water Street office (50th floor) on Tuesday, July 25, 2023 from 4:00 P.M. - 6:00 P.M. If you would like to attend this meeting, please contact BERS Executive Director, Sanford Rich, at Srich4@bers.nyc.gov.

jy17-25

## HOUSING AUTHORITY

### ■ NOTICE

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, July 26, 2023 at 10:00 A.M. in the Ceremonial Room on the 5th Floor of 90 Church Street, New York, New York (unless otherwise noted). Copies of the Calendar will be available on NYCHA's website or may be picked up at the Office of the Corporate Secretary at 90 Church Street, 5th Floor, New York, New York, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes will also be available on NYCHA's website or may be picked up at the Office of the Corporate Secretary no earlier than 3:00 P.M. on the Friday following the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's website at <https://www1.nyc.gov/site/nycha/about/board-meetings.page> to the extent practicable at a reasonable time before the meeting.

The meeting is open to the public. Pre-registration, at least 45 minutes before the scheduled Board Meeting, is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

The meeting will be streamed live on NYCHA's YouTube Channel at <https://www.youtube.com/c/nycha> and NYCHA's website at <https://www1.nyc.gov/site/nycha/about/board-meetings.page>.

For additional information, please visit NYCHA's website or contact (212) 306-6088.

Accessibility questions: Office of the Corporate Secretary, (212) 306-6088, by: Monday, July 24, 2023 4:00 P.M.



jy6-26

## LANDMARKS PRESERVATION COMMISSION

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, July 25, 2023, a public hearing will be held in the public hearing room at 1 Centre Street, 9th Floor, Borough of Manhattan, with respect to the following properties, and then followed by a public meeting. Participation by videoconference may be available as well. Please check the hearing page on LPC's website (<https://www.nyc.gov/site/lpc/hearings/hearings.page>) for updated hearing information. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Please note that the order and estimated times are subject to change. An overflow room is located outside of the primary doors of the public hearing room. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact Gregory Cala, Community and Intergovernmental Affairs Coordinator, at [gcala@lpc.nyc.gov](mailto:gcala@lpc.nyc.gov) or (212) 602-7254 no later than five (5) business days before the hearing or meeting. Members of the public not attending in person can observe the meeting on LPC's YouTube channel at [www.youtube.com/nycplpc](http://www.youtube.com/nycplpc) and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's website, on the Monday before the public hearing. Finally, please be aware: COVID-19 safety protocols are in effect at the location; all attendees over the age of two who are medically able to tolerate a face covering will be required to wear a face covering, regardless of vaccination status.

#### **41 Willow Street - Brooklyn Heights Historic District**

**LPC-23-09526** - Block 220 - Lot 9 - **Zoning: R6**

#### **CERTIFICATE OF APPROPRIATENESS**

An altered rowhouse built before 1900 and a freestanding garage. Application is to construct a rear yard addition, modify the façade and install a bay window on the house, enlarge and alter the garage, excavate in the rear yard, and install fencing.

#### **287 Carroll Street - Carroll Gardens Historic District**

**LPC-23-01667** - Block 443 - Lot 59 - **Zoning: R6B**

#### **CERTIFICATE OF APPROPRIATENESS**

A rowhouse designed by William J. Bedell and built in 1874. Application is to alter windows, install sun shades and construct a rear yard addition.

#### **39-10 47th Street - Sunnyside Gardens Historic District**

**LPC-23-02961** - Block 149 - Lot 42 - **Zoning: R4**

#### **CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style rowhouse designed by Clarence Stein, Henry Wright and Frederick Ackerman and built in 1925. Application is to legalize coating of the rear façade without Landmarks Preservation Commission permit(s).

#### **37-45 87th Street - Jackson Heights Historic District**

**LPC-23-08090** - Block 1475 - Lot 55 - **Zoning: R5**

#### **CERTIFICATE OF APPROPRIATENESS**

An Anglo-American Garden Home style semi-detached house designed by C.F. McAvoy and built in 1924. Application is to legalize the construction of a side addition and modify a retaining wall and fence, all constructed without Landmarks Preservation Commission permit(s).

#### **57-34 Catalpa Avenue - Ridgewood South Historic District**

**LPC-23-11738** - Block 3466 - Lot 25 - **Zoning: C4-3A**

#### **CERTIFICATE OF APPROPRIATENESS**

A Renaissance and Romanesque Revival style model tenement building designed by Louis Berger and Company and built in 1909. Application is to install a storefront.

#### **319 38th Road, aka 319 Hillside Avenue - Douglaston Historic District**

**LPC-22-10864** - Block 8068 - Lot 31 - **Zoning: R1-2**

**CERTIFICATE OF APPROPRIATENESS**

A Post-Modern style free-standing house designed by Hsu Associates and built in 1995. Application is to demolish the existing house, construct a new house and garage, regrade the site, and install retaining walls and paving.

**137-141 Duane Street, aka 62-66 Thomas Street - Tribeca East Historic District**

**LPC-23-07645** - Block 147 - Lot 7509 - **Zoning:** C6-2A

**CERTIFICATE OF APPROPRIATENESS**

A Gothic Revival/Early 20th Century Commercial style store and loft building, altered from a combination of three 19th and early 20th century buildings by Joseph J. Furman in 1934-1935. Application is to legalize the removal of leaded glass transoms and the installation of signage without Landmarks Preservation Commission permit(s).

**1 Bond Street - NoHo Historic District**

**LPC-23-00202** - Block 529 - Lot 7504 - **Zoning:** M1-5B

**CERTIFICATE OF APPROPRIATENESS**

A French Second Empire style factory building designed by Stephen Decatur Hatch and built in 1879-80. Application is to create new window openings.

**36 Perry Street - Greenwich Village Historic District**

**LPC-23-10508** - Block 612 - Lot 13 - **Zoning:** R6

**CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style rowhouse built in 1845. Application is to construct rooftop and rear yard additions, and alter the rear façade.

**154 West 73rd Street - Upper West Side/Central Park West Historic District**

**LPC-23-08265** - Block 1144 - Lot 54 - **Zoning:** R8B

**CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style rowhouse with Queen Anne style elements designed by Martin V. B. Ferdon and built in 1882-83. Application is to construct rooftop and rear yard additions and excavate at the rear yard.

**985 Fifth Avenue - Metropolitan Museum Historic District**

**LPC-23-11727** - Block 1491 - Lot 4 - **Zoning:** R10

**CERTIFICATE OF APPROPRIATENESS**

An apartment building designed by Wechsler & Schimenti and built in 1969-70. Application is to demolish the existing building and construct a new building.

**163-165 East 78th Street - Individual Landmark**

**LPC-23-11878** - Block 1413 - Lot 26 - **Zoning:** R8B

**CERTIFICATE OF APPROPRIATENESS**

A pair of vernacular rowhouses with Italianate style influences built in 1861 and later combined and enlarged. Application is to modify an entry, alter the penthouse, construct rear yard and rooftop additions, and perform excavation.

**10 East 76th Street - Upper East Side Historic District**

**LPC-23-11675** - Block 1390 - Lot 64 - **Zoning:** R8B

**CERTIFICATE OF APPROPRIATENESS**

A rowhouse designed by John G. Prague and built in 1881-82 and altered in the Beaux-Arts style by Schwartz & Gross in 1907-08. Application is to replace areaway ironwork installed without Landmarks Preservation Commission permit(s), replace windows, alter the rear facades, construct a rear yard addition, and construct rooftop bulkheads.

jl12-25

## COURT NOTICES

### SUPREME COURT

#### NEW YORK COUNTY

##### ■ NOTICE

NEW YORK COUNTY  
I.A.S. PART 17  
NOTICE OF ACQUISITION  
INDEX NUMBER 451304/2023  
CONDEMNATION PROCEEDING

**IN THE MATTER OF** the Application of the CITY OF NEW YORK,  
Petitioner,

To Acquire by Exercise of its Powers of Eminent Domain, a Fee Interest in Certain Real Property Known as Tax Block 709, Lot 17; Located in the Borough of Manhattan, Required as Part of the

#### HUDSON PARK AND BOULEVARD PROJECT, PHASE 2, STAGE 5

**PLEASE TAKE NOTICE**, that by Order of the Supreme Court of the State of New York, County of New York, IAS Part 17 (Hon. Shlomo S. Hagler, J.S.C.), duly entered in the office of the Clerk of the County of New York on June 27, 2023 (the "Order") [DE 29], the application of the City of New York (the "City") to acquire title in fee simple absolute to Tax Block 709, Lot 17 (subject to certain exclusions), for the purpose of extending the Hudson Park and Boulevard in connection with the HUDSON PARK AND BOULEVARD PROJECT, PHASE 2, STAGE 5, was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of the County of New York and the Office of the City Register, Borough of Manhattan. Said map, showing the property acquired by the City, was filed with the Office of the City Register on June 30, 2023, and was filed with the Office of the Clerk on June 30, 2023. The property interests vested in the City on June 30, 2023.

**PLEASE TAKE FURTHER NOTICE**, that the property acquired by the City in this Phase 2, Stage 5 of the Hudson Park and Boulevard Project includes a fee interest in Manhattan Tax Block 709, Lot 17 (the "Stage 5 Acquisition Parcel"), which is in the area generally bounded by Tenth and Eleventh Avenues, West 37<sup>th</sup> to West 38<sup>th</sup> Streets, in the Borough of Manhattan, City, County and State of New York. This acquisition is for the purpose of extending the Hudson Park and Boulevard. When complete, the mid-block park will run from 33rd to 39th Street and Hudson Boulevard will run from 33rd to 38th Street, between 10th and 11th Avenues.

**PLEASE TAKE FURTHER NOTICE**, that the City's acquisition of the Stage 5 Acquisition Parcel is under and subject to all right, title, and interest of Amtrak, which were remised, released, and quitclaimed unto Amtrak pursuant to a Deed and Indenture, from CRC Properties, Inc., dated June 27, 1986, and recorded in the Office of the City Register, New York County, in Reel 1203, Page 1015 (the "Amtrak Deed").

**PLEASE TAKE FURTHER NOTICE**, that the City's acquisition of the Stage 5 Acquisition Parcel is under and subject to the terms and conditions of that certain unrecorded agreement titled Mid-Town – Jerrart – Amtrak Access and Construction Agreement Regarding Amtrak's West Side Rail Line, dated April 23, 1990, by and among Mid-Town Development Limited Partnership ("Mid-Town"), Jerrart Venture ("Jerrart"), and Amtrak (the "Access and Construction Agreement") that is attached as Exhibit D to the City's Petition [DE 5], but the City's acquisition of the Stage 5 Acquisition Parcel is not subject to Exhibits A-1, A-2, A-3, B-1, or C-1 to the Access and Construction Agreement. The City's acquisition of the Stage 5 Acquisition Parcel includes Mid-Town's interests in the Access and Construction Agreement but excludes Amtrak's interests in the Access and Construction Agreement.

**PLEASE TAKE FURTHER NOTICE**, that upon acquisition of the Stage 5 Acquisition Parcel, the City obtained, under and subject to the terms and conditions of (i) the Amtrak Deed, and (ii) Amtrak's rights under the Access and Construction Agreement, the rights and obligations of the "Developer" of the Stage 5 Acquisition Parcel, as the term "Developer" is defined and used in the Amtrak Deed (including Exhibit A to the Amtrak Deed) and in the Access and Construction Agreement.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law ("EDPL") of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof shall have until (and including) December 27, 2023 to file a written claim with the Clerk of the Court of New York County, and to serve within the same timeframe a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 and upon Carter Ledyard & Milburn LLP, 28 Liberty Street, 41<sup>st</sup> Floor, New York, New York 10005. Pursuant to EDPL § 504, the claim shall include:

- (A) the name and post office address of the condemnee;
- (B) reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- (C) a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,

(D) if represented by an attorney, the name, address and telephone number of the condemnee's attorney.  
Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY, 10007.

Dated: New York, NY  
July 6, 2023

HON. SYLVIA O. HINDS-RADIX, CORPORATION COUNSEL OF THE CITY OF NEW YORK  
CARTER LEDYARD & MILBURN LLP

By: Michael Chestnov  
Senior Counsel  
100 Church Street  
New York, New York 10007  
(212) 356-3529  
*Attorneys for Petitioner,  
The City of New York*

By: Michael H. Bauscher  
John R. Casolaro  
28 Liberty Street  
New York, New York 10005  
(212) 732-3200  
*Attorneys for Petitioner,  
The City of New York*

jy14-27

**NEW YORK COUNTY  
I.A.S. PART 17  
NOTICE OF ACQUISITION  
INDEX NUMBER 451242/2023  
CONDEMNATION PROCEEDING**

In the Matter of the Application of the CITY OF NEW YORK,  
Petitioner,

To Acquire by Exercise of its Powers of Eminent Domain, a Fee Interest in Certain Real Property Known as Tax Block 710, Lot 15; Located in the Borough of Manhattan, Required as Part of the

**HUDSON PARK AND BOULEVARD PROJECT, PHASE 2,  
STAGE 4**

**PLEASE TAKE NOTICE**, that by Order of the Supreme Court of the State of New York, County of New York, IAS Part 17 (Hon. Shlomo S. Hagler, J.S.C.), duly entered in the office of the Clerk of the County of New York on June 27, 2023 (the "Order") [DE 29], the application of the City of New York (the "City") to acquire title in fee simple absolute to Tax Block 710, Lot 15 (subject to certain exclusions), for the purpose of extending the Hudson Park in connection with the HUDSON PARK AND BOULEVARD PROJECT, PHASE 2 STAGE 4, was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of the County of New York and the Office of the City Register, Borough of Manhattan. Said map, showing the property acquired by the City, was filed with the Office of the City Register on June 30, 2023, and was filed with the Office of the Clerk on June 30, 2023.

**PLEASE TAKE FURTHER NOTICE**, that the property acquired by the City in this Phase 2, Stage 4 of the Hudson Park and Boulevard Project includes a fee interest in Manhattan Tax Block 710, Lot 15 (the "Stage 4 Acquisition Parcel"), which is in the area generally bounded by Tenth and Eleventh Avenues, West 38<sup>th</sup> to West 39<sup>th</sup> Streets, in the Borough of Manhattan, City, County and State of New York. This acquisition is for the purpose of extending the Hudson Park. When completed, the mid-block park will run from 33<sup>rd</sup> to 39<sup>th</sup> Street and Hudson Boulevard will run from 33<sup>rd</sup> to 38<sup>th</sup> Street, between 10<sup>th</sup> and 11<sup>th</sup> Avenues.

**PLEASE TAKE FURTHER NOTICE**, that the City's acquisition of the Stage 4 Acquisition Parcel is under and subject to all right, title, and interest of Amtrak, which were remised, released and quitclaimed unto Amtrak pursuant to a Deed and Indenture, from CRC Properties, Inc., dated June 27, 1986, and recorded in the Office of the City Register, New York County, in Reel 1203, Page 1015 (the "Amtrak Deed").

**PLEASE TAKE FURTHER NOTICE**, that the City's acquisition of the Stage 4 Acquisition Parcel is under and subject to the terms and conditions of that certain unrecorded agreement titled Mid-Town – Jerrart – Amtrak Access and Construction Agreement Regarding Amtrak's West Side Rail Line, dated April 23, 1990, by and among

Mid-Town Development Limited Partnership, Jerrart Venture ("Jerrart"), and Amtrak (the "Access and Construction Agreement") that is attached as Exhibit D to the City's Petition [DE 5], but the City's acquisition of the Stage 4 Acquisition Parcel is not subject to Exhibits A-1, A-2, A-3, B-1, or C-1 to the Access and Construction Agreement. The City's acquisition of the Stage 4 Acquisition Parcel includes Jerrart's interests in the Access and Construction Agreement, but excludes Amtrak's interests in the Access and Construction Agreement.

**PLEASE TAKE FURTHER NOTICE**, that the City's acquisition of the Stage 4 Acquisition Parcel is under and subject to the terms and conditions of that certain unrecorded agreement titled Easement Agreement Between National Railroad Passenger Corporation and Jerrart Ventures dated August 27, 2015, by and between Jerrart and Amtrak (the "2015 Easement") that is attached as Exhibit E to the City's Petition [DE 6]. The City's acquisition of the Stage 4 Acquisition Parcel includes Jerrart's interest in the 2015 Easement, but excludes Amtrak's interests in the 2015 Easement.

**PLEASE TAKE FURTHER NOTICE**, that the City's acquisition of the Stage 4 Acquisition Parcel is subject to Amtrak's rights under the 2015 Easement including but not limited to Amtrak's easement rights in the signal shed, the billboard, and any other improvements made by Amtrak or utilized by Amtrak that are located on the Stage 4 Acquisition Parcel.

**PLEASE TAKE FURTHER NOTICE**, that upon acquisition of the Stage 4 Acquisition Parcel, the City obtained, under and subject to the terms and conditions of (i) the Amtrak Deed, (ii) Amtrak's rights under the Access and Construction Agreement, and (iii) Amtrak's rights under the 2015 Easement, the rights and obligations of the "Developer" of the Stage 4 Acquisition Parcel, as the term "Developer" is defined and used in the Amtrak Deed (including Exhibit A to the Amtrak Deed) and in the Access and Construction Agreement.

**PLEASE TAKE FURTHER NOTICE**, that the City's acquisition of the Stage 4 Acquisition Parcel is subject to that certain 31-page (excluding exhibits) Billboard Advertising Agreement between Amtrak and Clear Channel Outdoor, Inc. ("Clear Channel"), as amended by that certain three-page First Amendment to Billboard Advertising Agreement dated December 20, 2015 (as so amended, the "Billboard Advertising Agreement"), and shall not impair the rights of Amtrak or Clear Channel in the Billboard Advertising Agreement.

**PLEASE TAKE FURTHER NOTICE**, that the City's acquisition of the Stage 4 Acquisition Parcel shall not impair the rights of Amtrak or Jerrart in that certain eight-page Revenue Sharing Agreement dated August 27, 2015 between Amtrak and Jerrart (the "Revenue Sharing Agreement")

**PLEASE TAKE FURTHER NOTICE**, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law ("EDPL") of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof shall have until (and including) December 27, 2023 to file a written claim with the Clerk of the Court of New York County, and to serve within the same timeframe a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 and upon Carter Ledyard & Milburn LLP, 28 Liberty Street, 41<sup>st</sup> Floor, New York, New York 10005. Pursuant to EDPL § 504, the claim shall include:

- (A) the name and post office address of the condemnee;
- (B) reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- (C) a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- (D) if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007.

Dated: New York, NY  
July 6, 2023

HON. SYLVIA O. HINDS-RADIX, CARTER LEDYARD & MILBURN LLP  
CORPORATION COUNSEL OF  
THE CITY OF NEW YORK

By: Michael Chestnov  
Senior Counsel  
100 Church Street  
New York, New York 10007  
(212) 356-3529  
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By: Michael H. Bauscher  
John R. Casolaro  
28 Liberty Street  
New York, New York 10005  
(212) 732-3200  
*Attorneys for Petitioner,  
The City of New York*

jy14-27

## PROPERTY DISPOSITION

*The City of New York in partnership with PublicSurplus.com posts online auctions. All auctions are open to the public.*

Registration is free and new auctions are added daily. To review auctions or register visit <https://publicsurplus.com>

## CITYWIDE ADMINISTRATIVE SERVICES

### ■ SALE

The City of New York in partnership with IAAI.com posts vehicle and heavy machinery auctions online every week at:

<https://iaai.com/search?keyword=dcas+public>

All auctions are open to the public and registration is free.

Vehicles can be viewed in person at:  
Insurance Auto Auctions, Green Yard  
137 Peconic Avenue, Medford, NY 11763  
Phone: (631) 207-3477

No previous arrangements or phone calls are needed to preview.  
Hours are Monday from 10:00 A.M. – 2:00 P.M.

jy29-j17

## PROCUREMENT

### *“Compete To Win” More Contracts!*

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

- Win More Contracts, at [nyc.gov/competetowin](https://nyc.gov/competetowin)

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

## HHS ACCELERATOR PREQUALIFICATION

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic HHS Accelerator Prequalification Application using the City’s PASSPort system. The PASSPort system is a web-based system maintained by the City of New York for use by its Mayoral Agencies to manage procurement. Important business information collected in the Prequalification Application is required every three years. Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete. Prequalification applications will be reviewed to validate compliance with corporate filings and organizational capacity. Approved organizations will be eligible to compete and would submit electronic proposals through the PASSPort system. The PASSPort Public Portal, which lists all RFPs, including HHS RFPs that require HHS Accelerator Prequalification, may be viewed at [https://passport.cityofnewyork.us/page.aspx/en/rfp/request\\_browse\\_public](https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public). All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding. For additional information about HHS Accelerator Prequalification and PASSPort, including background materials, user guides and video tutorials, please visit <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>.

## CHIEF MEDICAL EXAMINER

### ■ AWARD

*Services (other than human services)*

**CHEMICAL WASTE REMOVAL AND DISPOSAL SERVICES -** M/WBE Noncompetitive Small Purchase - PIN#81623W0041001 - AMT: \$500,000.00 - TO: Gianco Environmental Services Inc, 35 Pinelawn Road, Suite 209E, Melville, NY 11747.

The Contractor has been selected by OCME pursuant to M/WBE Noncompetitive Innovative Procurement method. The Contractor will provide Chemical Waste Removal and Disposal Services from OCME facilities. Services include, but are not limited to, the identification, labeling, collection, transportation, and disposal of hazardous wastes generated by the OCME.

jy21

## COMPTROLLER

### ASSET MANAGEMENT

### ■ AWARD

*Services (other than human services)*

**U.S. SMALL CAP ACTIVE EQUITY INVESTMENT MANAGEMENT SERVICES -** Renewal - PIN#015-188-20508 QS-R1 - AMT: \$15,275,000.00 - TO: Wasatch Advisors Inc., 505 Wakara Avenue, Suite 300, Salt Lake City, UT 84108-1236.

jy21

## INFORMATION TECHNOLOGY

### ■ AWARD

*Services (other than human services)*

**CHECKBOOK SYSTEM MAINTENANCE AND WEB HOSTING SERVICES -** Renewal - PIN#01520BIS42939 - AMT: \$5,280,363.36 - TO: REI Systems, Inc., 14325 Willard Road, Suite 200, Chantilly, VA 20151-2110.

jy21

## DESIGN AND CONSTRUCTION

### ■ AWARD

*Construction / Construction Services*

**SER002329: INSTALLATION OF NEW STORM SEWERS AND REPLACEMENT OF SANITARY SEWERS AND WATERMAINS IN FOREST HILL ROAD -** Competitive Sealed Bids - PIN#85023B0054001 - AMT: \$17,529,381.92 - TO: Inter Laperuta JV, 35 Colonial Place, Mount Vernon, NY 10550.



Between Norwich Street and Willowbrook Road, etc. including street lighting and pedestrian ramp work together with all work incidental there to Borough of Staten Island, City of New York.

☛ jy21

## PROGRAM MANAGEMENT

### ■ SOLICITATION

*Construction / Construction Services*

#### FOUR SPARROW MARSH TIDAL WETLAND MITIGATION

- Competitive Sealed Bids - PIN# 85023B0072 - Due 8-15-23 at 11:00 A.M.

Late Bids Will Not Be Accepted.

This contract is subject to Special Experience Requirements.

\*This project is subject to HireNYC\*

This Competitive Sealed Bid (CSB) is being released through PASSPort, New York City's online procurement portal. Responses to this CSB should be submitted via PASSPort. To access the solicitation, vendors should visit the PASSPort Public Portal at <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page> and click on the "Search Funding Opportunities in PASSPort" blue box. This will take you to the Public Portal of all procurements in the PASSPort system. To quickly locate the CSB, insert the EPIN (85023B0072) into the Keywords search field.

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, First Floor, Long Island City, NY 11101. Lorraine Holley (718) 391-1362; csb\_projectinquiries@ddc.nyc.gov*

☛ jy21

## ECONOMIC DEVELOPMENT CORPORATION

### CONTRACTS

### ■ SOLICITATION

*Goods and Services*

**IDEAS FOR IMPACT RFEI** - Request for Proposals - PIN# 10492 - Due 12-31-25 at 11:59 P.M.

Since its inception, New York City Economic Development Corporation ("NYCEDC") has leveraged a wide range of public-private partnerships to help make New York City a better place to live and work. Some of these partnerships were driven by economic trends and rapid technological advancement, while others were developed in response to natural disasters and public health crises. Regardless of the impetus, NYCEDC has always relied on its deep ties to private and non-profit partners to craft thoughtful solutions to pressing problems. As new challenges arise and the City of New York's (the "City") priorities evolve, NYCEDC remains open to innovative and impactful project ideas and ways of working with outside partners to seize future opportunities.

In an effort to catalyze the development of projects that advance NYCEDC's strategic priorities, NYCEDC is issuing this unique Request for Expressions of Interest ("RFEI") to facilitate submission and review of partnership ideas that fall outside the scope of NYCEDC's other active solicitations (i.e., traditional Request for Proposals or "RFPs", RFEIs, leasing opportunities, etc.). Through this RFEI, private sector and non-profit organizations can propose NYCEDC partnerships for a wide variety of projects, which may include but are not limited to:

- Programmatic initiatives
- Technology pilots
- Capital projects
- Impact investment opportunities
- Improvements to NYCEDC operations

NYCEDC encourages respondents ("Respondents", each a "Respondent") to propose creative, economically viable and financially sustainable projects that directly benefit the people and businesses of New York City. Although NYCEDC may be able to provide limited amounts of targeted seed capital to initiate a project with a demonstrated need, this RFEI is primarily focused on sourcing proposals that thoughtfully leverage NYCEDC's in-kind, non-financial resources to drive impact. Examples of resources that Respondents could benefit from include but are not limited to:

- Access to NYCEDC asset(s)
- Marketing and publicity support
- Technical assistance and project management support
- Community and network building assistance
- Other types of strategic partnership support

Proposals submitted through this RFEI will undergo a tiered evaluation process, allowing NYCEDC to provide feedback on the project concept before either party has committed to an in-depth due diligence process. Strong proposals may then be implemented in a variety of ways depending on the nature of the idea, availability of resources, and NYCEDC procurement policies. Respondents may be awarded a contract directly through this RFEI, a subsequent competitive procurement or an alternative partnership structure.

NYCEDC plans to evaluate the proposals on the basis of factors stated in the RFEI which include, but are not limited to: the proposal profile, the financial profile, and the impact profile.

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 to ensure certified Minority and Women-Owned Business Enterprises ("M/WBE") share in the economic opportunities generated by NYCEDC's projects and initiatives.

Companies who have been certified with the New York City Department of Small Business Services as M/WBEs are strongly encouraged to apply. To learn more about M/WBE certification and NYCEDC's M/WBE program, please visit <https://sbsconnect.nyc.gov/certification-directory-search/>.

An optional informational session will be held virtually (with telephonic access) on Wednesday, August 2, 2023, at 2:00 P.M. E.S.T. Those who wish to attend should RSVP by email to [IdeasforImpact@edc.nyc](mailto:IdeasforImpact@edc.nyc) by 4:00 P.M. E.S.T. on Tuesday, August 1, 2023. Instructions for accessing the optional informational session will be emailed to those who RSVP before the event.

This OPEN RFEI has multiple deadlines to submit questions and/or clarification requests. Respondents may submit questions and/or request clarifications from NYCEDC on or before Friday, August 4, 2023 at 5:00 P.M. E.S.T. Questions regarding the subject matter of this RFEI should be directed to [IdeasforImpact@edc.nyc](mailto:IdeasforImpact@edc.nyc). For all questions that do not pertain to the subject matter of this OPEN RFEI please email [RFPRequest@edc.nyc](mailto:RFPRequest@edc.nyc). Answers to all questions will be posted to <https://edc.nyc/rfps> by Friday, August 11, 2023.

After the initial Friday, August 11, 2023, posting, questions and clarification requests may then be submitted by Monday, January 15, 2024, and will be answered in a Q&A document posted by Wednesday, January 31, 2024.

After the first two Q&A deadline sets above, NYCEDC will post answers to questions every six months (the "Rolling Six-Month Q&A period") by the final business day of every sixth month (i.e., the first such instance would be Wednesday, July 31, 2024). To have questions answered in that and all subsequent website postings, potential Respondents must submit their questions by the 15th of the sixth month of the Rolling Six-Month Q&A Period (i.e., Monday, July 15, 2024, for the Wednesday, July 31, 2024, posting).

Detailed submission guidelines and requirements are outlined in the RFEI, available as of Friday, July 21, 2023. To download a copy of the solicitation documents please visit <https://edc.nyc/rfps>.

This OPEN RFEI allows Respondents to submit proposals prior to one of twelve (12) monthly submission deadlines (each, a "Submission Deadline") each year until the final submission deadline of Wednesday, December 31, 2025. The monthly Submission Deadlines will be on the last business day of each month at 11:59 P.M. E.S.T.

Please click the link in the "Deadlines" section of this project's web page (which can be found on <https://edc.nyc/rfps>) to electronically upload a proposal for this solicitation.

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, Please follow the instruction outlined on the RFEI's webpage for electronically submitting a response. Ideas for Impact RFEI Team (212) 312-3649; [IdeasforImpact@edc.nyc](mailto:IdeasforImpact@edc.nyc)*

Accessibility questions: Equal Access Office, [equalaccess@edc.nyc](mailto:equalaccess@edc.nyc), (212) 312-3602, by: Tuesday, August 1, 2023 4:00 P.M.



☛ jy21

## ENVIRONMENTAL PROTECTION

### WASTEWATER TREATMENT

#### ■ AWARD

#### *Construction Related Services*

**REPAIR AND MAINTENANCE OF APG NEUROS TURBO BLOWERS AT DEP FACILITIES** - Renewal - PIN#82621B8013KXLR001 - AMT: \$309,863.00 - TO: APGN Inc., 1270 Michèle-Bohec, Blainville, QC 11111.

The uninterrupted continuation of this contract is needed to keep providing Repair and Maintenance of APG Neuros Turbo Blowers at various Wastewater Treatment Plants, Pum Stations and Associated DEP Facilities. DEP intends to prove world-class and sustainable water at their Wastewater Treatment Plants by maximizing operational efficiencies and minimizing costs and energy usage. Proper aeration and blower control becomes a primary concern for the Wastewater Treatment Plant when considering its demanding energy consumption. The repairs and maintenance of APG-Neuros Turbo Blowers under Contract 1523-BLO shall ensure the blower systems remain efficient, stable, and adaptive to the fluctuating conditions of the Wastewater Treatment Plant by optimizing proper oxygen supply levels.

✶ jy21

## FIRE DEPARTMENT

### AGENCY CHIEF CONTRACTING OFFICER

#### ■ SOLICITATION

#### *Services (other than human services)*

**REPAIR AND MAINTENANCE OF THE HYDRA RAM FORCIBLE ENTRY TOOL** - Sole Source - Available only from a single source - PIN# 057230000749 - Due 7-21-23 at 4:00 P.M.

The Fire Department intends to enter into sole source negotiations with Hydra Ram Inc., to provide ongoing Repair and Preventative Maintenance and Services for the Hydra Ram Forcible Entry Tool. Any firm that believes that it can provide these services is invited to do so in writing.

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

Fire Department, 9 MetroTech Center, 5th Floor, 5S-09K, Brooklyn, NY 11201. David Holmes (718) 999-8162; david.holmes@fdny.nyc.gov

jy17-21

### FACILITY MANAGEMENT (BUILDINGS UNIT)

#### ■ AWARD

#### *Goods*

**ELECTRICAL, PLUMBING AND HVAC SUPPLIES** - Intergovernmental Purchase - PIN#0572300005001 - AMT: \$100,000.00 - TO: Edge Electronics Inc, 75 Orville Drive, Suite 2, Bohemia, NY 11716-2525.

✶ jy21

### MARINE DIVISION

#### ■ INTENT TO AWARD

#### *Goods*

**05724Y0268-057240000243 - CBRN FILTERS** - Request for Information - PIN# 05724Y0268 - Due 7-27-23 at 2:00 P.M.

The New York City Fire Department intends to enter into sole source negotiations with HDT Expeditionary Systems Inc for the CBRN Filters Engineering: Filter change on FB Feehan & FB343, 5-19-6722-N Filter set gas particulate 200, 5-19-7435-031 Filter gas part M48A1 ASZM-TEDA P 33446 are specifically designed for Emerging Threats.

Any vendor besides HDT Expeditionary Systems Inc., that believes they can supply the CBRN Filters Engineering: Filter change on FB Feehan & FB343, 5-19-6722-N Filter set gas particulate 200, 5-19-7435-031 Filter gas part M48A1 ASZM-TEDA P 33446 is invited to express their interest by submitting a response in PASSPort.

Please complete the Acknowledgement tab and submit a response in the Manage Responses Questionnaire tab. If you have questions about the details of the RFx please submit them through the discussion with buyer tab.

Vendor resources and materials can be found at the link below under the Findings and Responding to RFx (Solicitations) heading: [https://www.nyc.gov/assets/mocs/downloads/Opportunities/doing-business-with-the-city-of-new-york/Finding\\_and\\_Responding\\_to\\_RFx\\_Vendor\\_Manual\\_10.8.21.pdf](https://www.nyc.gov/assets/mocs/downloads/Opportunities/doing-business-with-the-city-of-new-york/Finding_and_Responding_to_RFx_Vendor_Manual_10.8.21.pdf).

If you need additional assistance, please contact MOCS Service desk at: <https://mocssupport.atlassian.net/servicedesk/customer/portal/8>, once there - click on Request Assistance to submit your question.

jy20-26

## HEALTH AND MENTAL HYGIENE

#### ■ AWARD

#### *Human Services/Client Services*

**HOPWA PERMANENT SUPPORTIVE HOUSING** - Negotiated Acquisition - Other - PIN#81623N0040001 - AMT: \$580,483.51 - TO: Services for the Underserved Inc, 463 7th Avenue, 17th Floor, New York, NY 10018.

DOHMH will enter into a Negotiated Acquisition Extension with SERVICES FOR THE UNDERSERVED Inc. for the continuation of HOPWA Permanent Supportive Housing for low-income individuals living with HIV/AIDS and their families. These services will assist the eligible persons to achieve housing stability, promote self-sufficiency, and ensure access to and maintenance in primary medical care and support services. This extension will allow uninterrupted services while an RFP is being completed. The term of this contract will be from 7/1/2023 to 6/30/2024. DOHMH anticipates a new award will be in place by the end of this extension.

The Extension of this contract is crucial to ensure uninterrupted continuity of HOPWA services. The Agency Chief Contracting Officer has determined that a Negotiated Acquisition Extension of these services is in the city's best interest to ensure continuity of services. In addition, the current vendor is familiar with the services under the HOPWA guidelines for families living with HIV/AIDS and have been performing satisfactory on their current contract(s).

✶ jy21

### AGENCY CHIEF CONTRACTING OFFICER

#### ■ INTENT TO AWARD

#### *Human Services/Client Services*

**SBHC REPRODUCTIVE HEALTH PROJECT** - Negotiated Acquisition/Pre-Qualified List - PIN# 81623N0055 - Due 8-4-23 at 2:00 P.M.

DOHMH intends to enter into Negotiated Acquisition (limited pool) contracts with 17 vendors who will dispense of birth control methods on-site at designated School-Based Health Centers (SBHCs) as part of the SBHC Reproductive Health Project, which aims to continue to reduce unintended pregnancies among adolescents. The 17 vendors are:

1. Brooklyn Plaza Medical Center
2. Brownsville Multi-Service Family Health d/b/a/Brownsville Community Development Corporation
3. Children's Aid Society
4. Community Healthcare Network
5. H+H Gotham
6. Institute for Family Health
7. Jamaica Hospital Medical Center
8. Montefiore Medical Center
9. Morris Heights Health Center
10. The Mount Sinai Hospital
11. New York and Presbyterian Hospital
12. Long Island Jewish Medical Center
13. Staten Island University Hospital
14. New York University Langone FHC
15. Richmond Medical Center d/b/a Richmond University Medical Center
16. Urban Health Plan Inc
17. William F Ryan Community Health Center Inc.

These providers are licensed under Article 28 of the New York State Public Health Law, and are currently operating SBHCs that serve sexually active students in NYC public schools. As the only providers that can dispense contraceptives in these schools, they are the only vendors qualified to perform these services. The anticipated duration of

the 17 contracts is six years. Vendors that believe they may be able to provide these services may submit an expression of interest to RFP@health.nyc.gov with the subject line "Repro Health EOI" by the due date indicated.

DOHMH determined that there is a limited pool of vendors that can perform services for the DOHMH School-Based Health Center (SBHC) Reproductive Health Project. There are 17 unique SBHC providers operating in sites that serve sexually active students in NYC public schools.

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

Health and Mental Hygiene, 42-09 28th Street, 17th Floor, Long Island City, NY 11101-4132. Richard Cheung (347) 396-6658; RFP@health.nyc.gov

jy17-21

## EPIDEMIOLOGY

### ■ INTENT TO AWARD

*Goods*

**81624Y0453-SURVEY SOFTWARE PANEL MANAGEMENT SYSTEM-23LL033301ROX00** - Request for Information - PIN#81624Y0453 - Due 7-26-23 at 2:00 P.M.

Pursuant to Procurement Policy Board Rule Section 3-05, Department of Health and Mental Hygiene intends to enter into a sole source agreement with Forsta Worldwide Inc, who will provide Survey Software Panel Management System required by DOHMH.

The suite of services being offered in this instance is unique to Forsta Worldwide as the suite is offering Forsta Surveys, Digital Diaries, Video Insights & Digital Interviews in a single package, as well their Forsta Surveys Research & Digital Diaries managed services and sample. Forsta Worldwide is the only provider that can offer these technologies along with our certified in-house TES guidance, etc.

Any vendor who believes are qualified to provide such services is invited to indicate interest by responding to the RFI EPIN 81624Y0453 on PASSport.

jy19-25

## MENTAL HYGIENE

### ■ AWARD

*Human Services/Client Services*

**FY24 RQM THE HENRY STREET SUPPORTIVE SRO** - Required Method (including Preferred Source) - PIN#81623M0006012 - AMT: \$5,272,740.00 - TO: United Jewish Council of the East Side Inc, 465 Grand Street, New York, NY 10002.

To provide individuals with access to permanent and supportive affordable housing in New York City and to assist tenants by preventing homelessness, incarceration, and medical and psychiatric hospitalization.

☛ jy21

## HUMAN RESOURCES ADMINISTRATION

### ■ AWARD

*Human Services/Client Services*

**NAE + ALLOWANCE - TRANSITIONAL CONGREGATE HOUSING** - Negotiated Acquisition - Other - PIN#06923N0061001 - AMT: \$2,264,028.00 - TO: Housing Options & Geriatric Association Resources, 787 East 156th Street, 2nd Floor, Bronx, NY 10455-5106.

The Office of HIV/AIDS Services Administration (HASA) is requesting approval for a FY24 Negotiated Acquisition Extension (NAE) for 55 units of Transitional Congregate housing representing FY24 Transitional NAE for HOGAR + 25% Allowance contract. Contract Term: 7/1/2023 - 6/30/2024. Contract Amount: \$1,925,000.00 with 25% Allowance of \$481,250.00, in the total of \$2,406,250.00. Procurement and award are in accordance with Section 3-01(d)(2)(vii) for the reasons set forth herein. This contract provides non-emergency housing and supportive services for HASA clients. The current contract is ending on June 30, 2023.

This Negotiated Acquisition Extension is necessary to ensure the continuity of critical services provided to Agency's clients by incumbent

provider Housing Options & Geriatric Association Resources Inc. for one year, until a new RFP is processed. Special case is pursuant to PPB Rule 3-01 (d)(2)(vii).

☛ jy21

## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### DEPUTY COMMISSIONER MANAGEMENT AND BUDGET

#### ■ AWARD

*Goods*

**CITYWIDE STREETSCAPE IMAGERY SERVICES CONTRACT** - Intergovernmental Purchase - PIN#85823G0002001 - AMT: \$20,000,000.00 - TO: Cyclomedia Technology Inc, 8215 Greenway Boulevard, Suite 300, Middleton, WI 53562.

☛ jy21

*Services (other than human services)*

**FY 24 MOVERS** - M/WBE Noncompetitive Small Purchase - PIN#85823W0138001 - AMT: \$140,000.00 - TO: Business Relocation Services Inc., 260 Beach 138th Street, Rockaway Park, NY 11694.

☛ jy21

## OFFICE OF THE MAYOR

### MAYORALTY

#### ■ AWARD

*Human Services/Client Services*

**ARTICLE 10 FAMILY COURT FOR LEGAL SERVICES - CITYWIDE** - Negotiated Acquisition - Other - PIN#00223N0024001 - AMT: \$9,313,435.00 - TO: Neighborhood Defender Service Inc., 317 Lenox Avenue, 10th Floor, New York, NY 10027.

The City recognizes the need to provide constitutionally mandated representation in Family Court for Legal services to indigent respondents in Article 10 cases and subsequent Termination of Parental Rights proceedings pursuant of the Family Court Act of the State of New York. During each fiscal year of the term of this Agreement, the Contractor will provide representation for new cases/clients in Family Court. The Parties will monitor new cases, pending caseloads, and cases per attorney throughout the term of the Agreement to discuss progress toward these numbers. The Amendment stipulates that the Vendor will provide representation for cases during Fiscal Year 2024 (including direct appeals per fiscal year). The Parties acknowledge the impacts of new cases on pending caseloads and cases per attorney. The Parties will monitor new cases, pending caseloads, and on-going cases per attorney throughout the term of the Agreement and will meet at the end of each quarter to discuss progress toward these numbers. The budget and or anticipated targets may be adjusted throughout the term of the Agreement to reflect systemic changes. This NAE extends the contract an additional year to FY2025.

☛ jy21

## MAYOR'S OFFICE OF CONTRACT SERVICES

#### ■ AWARD

*Goods*

**LIFERAY EXPERIENCE CLOUD SM PRODUCTS AND IMPLEMENTATION** - M/WBE Noncompetitive Small Purchase - PIN#00223W0017001 - AMT: \$333,807.75 - TO: Compulink Technologies Inc, 260 West 39th Street, Room 302, New York, NY 10018-4434.

☛ jy21

## PARKS AND RECREATION

### AGENCY CHIEF CONTRACTING OFFICE

#### ■ INTENT TO AWARD

*Services (other than human services)*

**84624Y0288-MAINTENANCE, OPERATION AND PROGRAMMING OF CENTRAL PARK, MANHATTAN** - Request for Information - PIN# 84624Y0288 - Due 8-4-23 at 12:00 A.M.

Department of Parks & Recreation intends to enter into sole source negotiations with the Central Park Conservancy, a not-for-profit organization, to provide for the maintenance, operation and programming of Central Park, Manhattan. The non-profit organization is required to raise and spend private funds towards these services. In addition, the not-for-profit will be required to expend the City's contribution for maintenance of Central Park pursuant to the terms of the agreement.

Any vendor, besides Central Park Conservancy, that believes it can provide the above referenced services is invited to express its interest by submitting a response in PASSPort. Please complete the Acknowledgment tab and submit a response in the Manage Responses tab. If you have questions about the details of the RFx, please submit through the Discussion with Buyer tab.

jy17-24

### REVENUE

#### ■ SOLICITATION

*Human Services/Client Services*

**RENOVATION, OPERATION AND MAINTENANCE OF THE CENTRAL PARK TENNIS CENTER, INCLUDING A TENNIS PROFESSIONAL CONCESSION, PRO SHOP CONCESSION, AND SNACK BAR CONCESSION IN CENTRAL PARK, MANHATTAN** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# M10-IT - Due 9-1-23 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a significant Request for Proposals (RFP) for the Renovation, Operation, and Maintenance of the Central Park Tennis Center, including a Tennis Professional Concession, Pro Shop Concession, and Snack Bar Concession in Central Park, Manhattan.

There will be a recommended remote proposer meeting on Wednesday, August 2, 2023, at 11:00 A.M. If you are considering responding to this RFP, please make every effort to attend this recommended remote proposer meeting.

Subject to availability and by appointment only, we may set up a meeting at the proposed concession site, which is located in Central Park, north of the Reservoir and south of the 96th Street transverse road.

Hard copies of the RFP can be obtained at no cost, commencing Tuesday, July 18, 2023, through Friday, September 1, 2023, by contacting Lindsay Schott, Project Manager at (212) 360-3405 or at Lindsay.Schott@parks.nyc.gov.

The RFP is also available for download through Friday, September 1, 2023, on Parks' website. To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities> and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

For more information or if you cannot attend the remote proposer meeting, prospective proposers may contact Lindsay Schott, Project Manager, at (212) 360-3405 or at Lindsay.Schott@parks.nyc.gov.

**TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)**  
(212) 504-4115

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

*Parks and Recreation, 830 Fifth Avenue, Room 407, New York, NY 10065. Lindsay Schott (212) 360-3405; Lindsay.schott@parks.nyc.gov*

jy18-31

*Services (other than human services)*

**RENOVATION, OPERATION AND MAINTENANCE OF A SNACK BAR AT FIRST PARK, MANHATTAN** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# M124-SB - Due 8-25-23 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a non-significant Request for Proposals (RFP) for the Renovation, Operation, and Maintenance of a Snack Bar at First Park, Manhattan.

There will be a recommended remote proposer meeting on Wednesday, July 26, 2023, at 11:00 A.M. If you are considering responding to this RFP, please make every effort to attend this recommended remote proposer meeting.

Subject to availability and by appointment only, we may set up a meeting at the proposed concession site, which is located at First Street and First Avenue, Manhattan.

All proposals submitted in response to this RFP must be submitted no later than Friday, August 25, 2023, at 3:00 P.M.

Hard copies of the RFP can be obtained at no cost, commencing July 14, 2023, through August 25, 2023, by contacting Lindsay Schott, Project Manager at (212)360-3405 or at Lindsay.Schott@parks.nyc.gov.

The RFP is also available for download, on July 14, 2023, through August 25, 2023, on Parks' website. To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities> and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

For more information or if you cannot attend the remote proposer meeting, prospective proposers may contact Lindsay Schott, Project Manager, at (212)360-3405 or at Lindsay.Schott@parks.nyc.gov.

**TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)**  
(212) 504-4115.

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

*Parks and Recreation, 830 Fifth Avenue, Room 407, New York, NY 10065. Lindsay Schott (212) 360-3405; Lindsay.Schott@parks.nyc.gov*

jy14-27

### REVENUE AND CONCESSIONS

#### ■ AWARD

*Goods and Services*

**OPERATION OF ONE (1) PROCESSING MOBILE FOOD TRUCK FOR THE SALE OF ICE CREAM AND RELATED PRODUCTS AT JACKIE ROBINSON PARK, BRADHURST AVENUE** - Competitive Sealed Bids - PIN# CWB-2022-A M14-MT - AMT: \$9,983.42 - TO: Maritza Flores, 316 Stephens Avenue, Bronx, NY 10473.

Between West 145th and 155th Streets, Manhattan. The concession, which was solicited by a Request for Bids, will operate pursuant to one (1) five-year term. Compensation to the City is as follows: Year 2023: \$983.42; Year 2024: \$2,100; Year 2025: \$2,200; Year 2026: \$2,300, and Year 2027: \$2,400.

• jy21

**OPERATION OF ONE (1) NON-PROCESSING MOBILE FOOD CONCESSION AT WEST 74TH STREET AND WEST DRIVE, CENTRAL PARK, MANHATTAN** - Competitive Sealed Bids - PIN# CWB-2022-A M10-74-WD - AMT: \$374,896.55 - TO: Wave Nuts, Inc., 43-07 101st Avenue, Jamaica, NY 11435.

The concession, which was solicited by a Request for Bids, will operate pursuant to one (1) five-year term. Compensation to the City is as follows: Year 2023: \$34,256.55; Year 2024: \$75,010; Year 2025: \$81,110; Year 2026: \$88,210, and 2027: \$96,310.

• jy21

**POLICE DEPARTMENT****MANAGEMENT AND BUDGET****■ INTENT TO AWARD***Goods*

**05624Y0116-BALLISTIC SHIELD DOLLY SYSTEM** - Request for Information - PIN# 05624Y0116 - Due 8-7-23 at 2:00 P.M.

Pursuant to Section 3-05 of the NYC Procurement Policy Board Rules, it is the intent of the New York City Police Department ("NYPD"), to enter into sole source negotiations with TYR Tactical with the expectation that TYR Tactical will be awarded a three-year contract with the NYPD for the provision of the Level 3+ Ballistic Shield Dolly System for the NYPD's Emergency Service Unit (ESU). It is the NYPD's belief that this equipment is provided exclusively by TYR Tactical. Any vendor besides TYR Tactical that believes it can provide this equipment is invited to do so. To respond in PASSPort, please complete the Acknowledgement tab and submit a response in the Manage Responses tab. If you have questions about the details of the RFx, please submit through the Discussion with Buyer tab.

jy20-26

**PROBATION****ADULT OPERATIONS****■ AWARD***Human Services/Client Services*

**WORKS PLUS READINESS PROGRAM** - Renewal - PIN#78120P8168KXLR002 - AMT: \$168,061.82 - TO: Union Settlement Association Inc, 237 East 104th Street, New York, NY 10029.

jy21

**NEON (NEIGHBORHOOD OPPORTUNITY NETWORK) WORKS PROGRAM** - Renewal - PIN#78122X8007KXLR001 - AMT: \$334,986.38 - TO: Justice Innovation Inc, 520 8th Avenue, 18th Floor, New York, NY 10018.

jy21

**NEON (NEIGHBORHOOD OPPORTUNITY NETWORK) WORKS PROGRAM** - Renewal - PIN#78121P8368KXLR001 - AMT: \$487,396.85 - TO: The Osborne Association, Inc, 809 Westchester Avenue, Bronx, NY 10455.

jy21

**ARCHES PROGRAM - SOUTH BRONX** - Competitive Sealed Proposals/Pre-Qualified List - PIN#78123P0001009 - AMT: \$787,500.00 - TO: The Children's Village, Echo Hills, Dobbs Ferry NY 10522.

jy21

**NEON (NEIGHBORHOOD OPPORTUNITY NETWORK) WORKS PROGRAM** - Renewal - PIN#78121P8370KXLR001 - AMT: \$497,441.23 - TO: Community Mediation Services, Inc., 89-64 163rd Street, Jamaica, NY 11432-5073.

jy21

**TRANSPORTATION****IT&TELECOMM****■ AWARD***Services (other than human services)*

**VARONIS SOFTWARE MAINTENANCE** - M/WBE Noncompetitive Small Purchase - PIN#84123W0060001 - AMT: \$280,140.00 - TO: Quality And Assurance Technology Corp, 18 Marginwood Drive, Ridge, NY 11961.

jy21

**MARKING PROJECT SENIOR APPLICATION DEVELOPER** - M/WBE Noncompetitive Small Purchase - PIN#84123W0093001 - AMT: \$489,020.00 - TO: Spruce Technology Inc, 1149 Bloomfield Avenue, Suite G, Clifton, NJ 07012.

jy21

**YOUTH AND COMMUNITY DEVELOPMENT****CAPACITY BUILDING****■ AWARD***Human Services/Client Services*

**COMPASS PROGRAM** - Negotiated Acquisition - Other - PIN#26023N0039100 - AMT: \$2,337,198.00 - TO: School Settlement Assoc Inc, 2 Kingsland Avenue, Brooklyn, NY 11211-2306.

jy21

**YOUTH SERVICES****■ AWARD***Human Services/Client Services*

**COMPASS PROGRAM** - Negotiated Acquisition - Other - PIN#26023N0039335 - AMT: \$2,225,715.00 - TO: Kips Bay Boys And Girls Club Inc, 1930 Randall Avenue, Bronx, NY 10473.

jy21

**COMPASS PROGRAM** - Negotiated Acquisition - Other - PIN#26023N0039170 - AMT: \$6,870,357.00 - TO: Bergen Beach Youth Organiz- Ation Inc, 2335 Bergen Avenue, Brooklyn, NY 11234.

jy21

**COMPASS PROGRAMS** - Negotiated Acquisition - Other - PIN#26023N0039247 - AMT: \$3,353,472.00 - TO: Cypress Hills Local Development Corporation Inc., 625 Jamaica Avenue, Brooklyn, NY 11208-1203.

jy21

**COMPASS PROGRAMS** - Negotiated Acquisition - Other - PIN#26023N0039317 - AMT: \$6,584,553.00 - TO: Scan-Harbor Inc, 345 East 102nd Street, Suite 301, New York, NY 10029.

jy21

**COMPASS PROGRAM** - Negotiated Acquisition - Other - PIN#26023N0039050 - AMT: \$3,231,003.00 - TO: The Educational Alliance Inc, 197 East Broadway, New York, NY 10002-5507.

jy21

**COMPASS PROGRAM** - Negotiated Acquisition - Other - PIN#26023N0039164 - AMT: \$1,840,077.00 - TO: The Educational Alliance Inc, 197 East Broadway, New York, NY 10002-5507.

jy21

**COMPASS PROGRAM** - Negotiated Acquisition - Other - PIN#26023N0039071 - AMT: \$1,563,426.00 - TO: The Educational Alliance Inc, 197 East Broadway, New York, NY 10002-5507.

jy21

**COMPASS CONTINUATION NAQ** - Negotiated Acquisition - Other - PIN#26023N0039355 - AMT: \$927,657.00 - TO: Scan-Harbor Inc, 345 East 102nd Street, Suite 301, New York, NY 10029.

jy21

**COMPASS PROGRAM** - Negotiated Acquisition - Other - PIN#26023N0039126 - AMT: \$2,017,890.00 - TO: The Educational Alliance Inc, 197 East Broadway, New York, NY 10002-5507.

jy21

**COMPASS PROGRAM** - Negotiated Acquisition - Other - PIN#26023N0039262 - AMT: \$1,296,912.00 - TO: Al-Madinah School Inc., 383 3rd Avenue, Brooklyn, NY 11215-2706.

jy21

## 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](mailto:DISABILITYAFFAIRS@MOCS.NYC.GOV) OR VIA PHONE AT (212) 298-0734. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.**



## CITYWIDE ADMINISTRATIVE SERVICES

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that Contract Public Hearing will be held remotely on Friday July 28, 2023, at 10:30 AM by means of Zoom Platform. Information to join the meeting can be found below.

Topic: Public Hearing for AutoCad Software Subscription  
Time: July 28, 2023, 10:30 AM Eastern Time (US and Canada)  
Join Zoom Meeting  
<https://dcas-nyc-gov.zoom.us/j/89984439631?pwd=WFV6ZUV5N3RSSVZJZUQwck95bWZaZz09>  
Meeting ID: 899 8443 9631  
Passcode: 003124

**IN THE MATTER OF** a proposed Purchase Order/Contract between the Department of Citywide Administrative Services of the City of New York and Compulink Technologies Inc, located at 260 West 39th Street, Rm 302, New York, NY, 10018 for the provision of AutoCad Software Subscription. The amount of this Purchase Order/Contract is for \$109,562.62. The term of the contract is April 1, 2022, to March 31, 2024. PIN 85622W0053001A001

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/Contracts will be available for public inspection upon request from Jennie Almeida at [jalmeid@dcas.nyc.gov](mailto:jalmeid@dcas.nyc.gov) from July 24, 2023 to July 28, 2023, Monday to Friday excluding weekends and Holidays, from 10:00 A.M to 4:00 P.M.

Pursuant to Section 2-11(c)(3) of the New York City Procurement Policy Board Rules, if DCAS does not receive, by July 26th, 2023, from any individual a written request to speak at such hearing, the hearing shall be cancelled.

• jy21

## HUMAN RESOURCES ADMINISTRATION

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a **SPECIAL CONTRACT PUBLIC HEARING** will be held on Thursday, August 3, 2023, at 10:00 AM. The Public Hearing will be held via Conference Call. Call-in #: 1-646-992-2010, ACCESS CODE: 715 951 139.

**IN THE MATTER OF** a proposed contract between the Human Resources Administration of the City of New York and the contractor listed below, for the provision of Emergency Shelter and Support Services for Domestic Violence Survivors. The contract term shall be from July 1, 2023 to June 30, 2028 with one four-year renewal option from July 1, 2028 to June 30, 2032.

Contractor/ Address	E-PIN #	Amount	Service Area/CB
Help Social Service Corporation 115 East 13th Street New York, NY 10003	06923P0023001	\$20,410,810.09	Manhattan/ 3

The proposed contractor has been selected by Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Human Resources Administration of the City of New York, Office of Contracts, 150 Greenwich Street, 37th Floor, New York, NY 10007, on business days, from July 21, 2023 to August 3, 2023, between the hours of 10:00 AM and 5:00 PM, excluding Saturdays, Sundays and Holidays. If you need to schedule an inspection appointment and/or need additional information, please call (929) 221-6353 or 7305.

In order to access the Public Hearing and testify, please call 1-646-992-2010, ACCESS CODE: 715 951 139 no later than 9:55 AM. If you need further accommodations, please let us know at least five business days in advance of the Public Hearing via email at [DisabilityAffairs@mocs.nyc.gov](mailto:DisabilityAffairs@mocs.nyc.gov) or via phone at 1-212-298-0734.

**IN THE MATTER OF** a proposed contract between the Human Resources Administration of the City of New York and the contractor listed below, for the provision of Financial Advocacy Services to individuals living with HIV/AIDS. The term of this contract will be from July 1, 2023 to June 30, 2026 with one three-year renewal option from July 1, 2026 to June 30, 2029.

Contractor/ Address	E-PIN #	Amount	Service Area/CB
Gay Men's Health Crisis, Inc. 307 West 38th Street New York, NY 10018	06922P0036001	\$1,875,000.00	Manhattan/ 4

The proposed contractor has been selected by Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Human Resources Administration of the City of New York, Office of Contracts, 150 Greenwich Street, 37th Floor, New York, NY 10007, on business days, from July 21, 2023 to August 3, 2023, between the hours of 10:00 AM and 5:00 PM, excluding Saturdays, Sundays and Holidays. If you need to schedule an inspection appointment and/or need additional information, please call (929) 221-6353 or 7305.

In order to access the Public Hearing and testify, please call 1-646-992-2010, ACCESS CODE: 715 951 139 no later than 9:55 AM. If you need further accommodations, please let us know at least five business days in advance of the Public Hearing via email at [DisabilityAffairs@mocs.nyc.gov](mailto:DisabilityAffairs@mocs.nyc.gov) or via phone at 1-212-298-0734.

• jy21

## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on Friday, August 4, 2023, at 10:00 AM. The Public Hearing will be held via Conference Call. Call-in #: 1-917-410-4077, ACCESS CODE: 401 427 248.

**IN THE MATTER OF** a Purchase Order/Contract between the New York City Department of Information Technology and Telecommunications and Raj Somas DBA RUSD Solutions located PO Box 404, Tappan, New York 10983 for Elasticsearch License Renewal. The amount of this Purchase Order/Contract will be \$732,860.00.

The term will be from 06/30/2023 – 07/12/2024. CB 2, Brooklyn. PIN #: 20230550039, E-PIN #: 85824W0012001.

The Vendor has been selected by M/WBE Noncompetitive Small Purchase Method, pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules. In order to access the Public Hearing and testify, please call 1-917-410-4077, ACCESS CODE: 401 427 248 no later than 9:55 AM.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DoITT does not receive, by July 27, 2023, from any individual a written request to speak at this hearing, then DoITT need not conduct this hearing. Written notice should be sent to Joney Mai, NYC DoITT, via email to [JMai@oti.nyc.gov](mailto:JMai@oti.nyc.gov).

• jy21

## PARKS AND RECREATION

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on August 4, 2023, at 2:00 PM. The Public Hearing will be held via Zoom.

In order to access the public hearing and testify, please join the Zoom Virtual Meeting Link  
<https://us02web.zoom.us/j/2290435542?pwd=VFovbDl6UTVFNXl3ZGxPYUVsQU5kZz09>  
 Meeting ID: 229 043 5542; Passcode: 763351

**IN THE MATTER OF** a proposed Purchase Order/Contract between the New York City Department of Parks and Recreation and Prestige Pavers of NYC Inc. 162-48A 14th Avenue, Whitestone, NY 11357 for Q021-122M Cunningham Park Lower Redwood Playground Spray Shower Area in Community Board 8, Queens. The amount of this Purchase Order/Contract is \$211,456.00. The term shall be 270 consecutive calendar days from the Order to Work Notice. PIN#: 84624W0002001

The Vendor has been selected by M/WBE Noncompetitive Small Purchase Method, pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules.

A draft copy of the Contract will be available for public inspection at the Department of Parks, 117-02 Roosevelt Ave, Corona, NY 11368, from July 21, 2023, through August 4, 2023, excluding weekends and Holidays, from 9am-3pm (EST).

Pursuant to section 2-11(c)(3) of the procurement policy board rules, if Parks does not receive, by July 28, 2023, from any individual a written request to speak at this hearing, then Parks need not conduct this hearing. Requests should be made to Ms. Charlene Dawson via email at [Charlene.Dawson@parks.nyc.gov](mailto:Charlene.Dawson@parks.nyc.gov).

✶ jy21

## AGENCY RULES

## FINANCE

### ■ NOTICE

#### Notice of Adoption of Final Rule

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED** in the Commissioner of Finance by section 1043 of the New York City Charter, that the New York City Department of Finance ("DOF" or "Department") promulgates this new chapter 59 of title 19 of the Rules of the City of New York, regarding the business tax credit for creating or expanding a program that provides child care services for their employees with respect to infants (0 to 1.5 years of age) and toddlers (1.5 to 3 years of age) in a permitted child care program.

The proposed rule was published on June 8, 2023. A public hearing was held on July 11, 2023. DOF received no public comments but has made a few minor clarifying changes to the rule, as detailed below.

#### Statement of Basis and Purpose

Part II of Chapter 59 of the Laws of 2022, which is mostly codified in Administrative Code § 11-144, provides that businesses subject to certain New York City business income taxes, specifically the Unincorporated Business Tax (UBT), the General Corporation Tax (GCT) and the Business Corporation Tax (i.e., the Corporate Tax of 2015) may qualify for a refundable tax credit for providing new or expanded child care services for their employees with respect to infants (0 to 1.5 years of age) and toddlers (1.5 to 3 years of age) in a permitted child care program.

The credit amount is generally based on the weekly child care subsidy market rates for infants and toddlers for New York City as set forth in a child care market rate survey report by the New York State Office of Children and Family Services (the "child care rate") published in 2022

and the average number of new or additional child care seats that are occupied while the child care program is in operation. The credit is capped at 25 new or additional child care seats that are occupied. Further, the child care program may not impose a cost on employees in excess of 40 percent of the child care rate. Finally, the credit is subject to an aggregate overall cap of 25 million dollars.

This rule sets forth procedures and requirements for the administration of the credit. These include:

- The eligibility requirements for the credit;
- The method for calculating the credit;
- Procedures concerning the credit application;
- Procedures and requirements concerning the tax years or periods in which the credit may be taken;
- Procedures and requirements for allocating the credit if the credits claimed by taxpayers exceed the twenty-five million-dollar cap.

This rule reflects some minor revisions since the proposed rule. Specifically, DOF revised a few definitions to clarify that the maximum number of seats available for the credit is 25 per taxpayer, even if the taxpayer has 2 or more permitted locations. DOF also revised text in the definitions and examples to clarify that an expanded program involves a program that existed before April 1, 2022.

New material is underlined.

"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

Section 1. Title 19 of the Rules of the City of New York is amended by adding a new chapter 59 to read as follows:

#### § 59-01 Definitions.

**52/53 taxpayer.** The term "52/53 taxpayer" means a taxpayer that elects to have its tax years vary from 52 to 53 weeks under subsection f of section 441 of the internal revenue code.

**Application submitted during the discretionary period.** The term "application submitted during the discretionary period" means an application submitted by a taxpayer to the Department that was incomplete as of the date of the due date but then completed by such taxpayer and resubmitted to the Department during the discretionary period.

**Child care program.** The term "child care program" means a child care program for which a permit or permits to operate such program has been issued by the city department of health and mental hygiene pursuant to article forty-seven of the health code.

**Child care infant rate.** The term "child care rate" means the weekly child care subsidy market rates, based on the 2021-22 New York state child care market rate survey, for infant care provided by a permitted day care center in county cluster five (New York City), as reflected in the 2022 child care market rate survey report published by the New York state office of children and family services in compliance with section 98.45 of title 45 of the code of federal regulations.

**Child care toddler rate.** The term "child care rate" means the weekly child care subsidy market rates, based on the 2021-22 New York state child care market rate survey, for toddler care provided by a permitted day care center in county cluster five (New York City), as reflected in the 2022 child care market rate survey report published by the New York state office of children and family services in compliance with section 98.45 of title 45 of the code of federal regulations.

**Child care seats.** The term "child care seats" means the maximum number of children to be allowed on the premises of a child care program at any time that such program is in operation as specified on the permit issued for such program by the department of health and mental hygiene.

**Child care seats that are occupied.** The term "child care seats that are occupied" means, for each service year in which a child care program is in operation, the average daily number of children in attendance on the premises of such child care program.

**City.** The term "City" means the city of New York.

**Commissioner.** The term "Commissioner" means the commissioner of the department of finance of the city.

**Creates child care.** The term "creates child care" means the making available of child care seats in a child care program by a taxpayer, directly or through a third party, for employees of such taxpayer, where such child care program was not available before April 1, 2022, provided that the costs imposed on such employees for such child care program do not exceed 40 percent of the child care rate.



**Department.** The term “Department” means the department of finance of the city.

**Department of health and mental hygiene.** The terms “department of health and mental hygiene” means the department of health and mental hygiene of the city.

**Discretionary period.** The term “discretionary period” means the period beginning after the due date and ending on November 30 of the calendar year in which the service year ended.

**Due date.** The term “due date” means November 1 of the calendar year in which the service year ended.

**Expands child care.** The term “expands child care” means the increase in the number of child care seats made available by a taxpayer, directly or through a third party, for employees of such taxpayer in a child care program that existed before April 1, 2022, provided that such increase requires a new or amended permit issued by the department of health and mental hygiene pursuant to article forty-seven of the health code on or after April 1, 2022, and, provided further, that the costs imposed on such employees for such child care program do not exceed 40 percent of the child care rate.

**Infant.** The term “infant” means a person 0 to 1.5 years of age.

**Number of calendar weeks in operation.** The term “number of calendar weeks in operation” means the number of calendar weeks a new child care program is in operation for at least one day during the service year.

**Number of calendar weeks of operation following expansion.** The term “number of calendar weeks of operation following expansion” means the number of calendar weeks an existing child care program is in operation for at least one day following the expansion during the service year.

**Seat cap for a created program.** The term “seat cap for a created program” means the lesser of (i) the maximum number of child care seats indicated in the permit or permits for the program issued by the department of health and mental hygiene or (ii) twenty-five per taxpayer.

**Seat cap for an expanded program.** The term “seat cap for an expanded program” means the lesser of (i) the increase in the maximum number of child care seats following the expansion as indicated by the permit or permits for the program issued by the department of health and mental hygiene; or (ii) twenty-five per taxpayer.

**Service year.** The term “service year” means the twelve-month period commencing on October 1 and ending on September 30 in the subsequent calendar year.

**Toddler.** The term “toddler” means a person 1.5 to 3 years of age.

#### **§ 59-02 Eligibility for Credit.**

To be eligible for the credit established by this chapter, a taxpayer must:

a. be subject to the City unincorporated business tax, general corporation tax or the business corporation tax (i.e., the Corporate Tax of 2015);

b. either create child care or expand child care; and

c. submit a complete application in accordance with section 59-03 of this chapter.

#### **§ 59-03 Application.**

a. A taxpayer must submit a complete application on a form prescribed by the Commissioner no later than the due date. An application submitted after the due date will not be considered, except to the extent authorized under paragraph 2 of subdivision d of section 59-04 of this chapter. The Department has no obligation to inform a taxpayer whether an application is complete or incomplete.

b. To be considered complete, an application must contain all information and documentation the commissioner requires, including the following:

1. a permit issued by the department of health and mental hygiene to operate a child care center indicating the number of child care seats or, in the case of a child care center that has expanded child care, a permit issued by such department demonstrating such expansion; and
2. a certification form signed by an independent certified public accountant that provides the following information regarding the service year for which the credit is sought:

(i) the maximum number of child care seats allowed in the permit;

(ii) the total number of child care seats that are occupied, i.e., the average daily number of children in attendance at the child care program, disaggregated by infant seats and toddler seats;

(iv) if the taxpayer has expanded child care, the total number of child care seats that were occupied before such expansion and the total number of child care seats that were occupied after such expansion, i.e., the average daily number of children in attendance at the child care program before such expansion and the average daily number of children in attendance after such expansion, disaggregated by infant seats and toddler seats; and

(v) the number of calendar weeks in operation, or in the case of a child care center that has expanded child care, the number of calendar weeks in operation before such expansion and the number of weeks in operation following expansion.

c. A taxpayer that submits an application must retain all data and documentation that validates the information in the application, including all numbers in the certification form included in the application, through the entire period in which the tax against which the credit was or may be taken may be assessed, including any agreed-upon period of extension of a limitations period for the assessment of such tax. Such taxpayer must make available all such data and documentation to the Department upon the Department's request.

#### **§ 59-04 Determination of Credit.**

a. *Determination by Department.* No later than January 31 immediately following the due date, the Department will:

1. approve a taxpayer's complete and timely application and determine the amount of the credit in accordance with this section; or

2. deny the application.

b. *Calculation of Credit.*

1. Formula for the creation of child care. The amount of credit for a taxpayer that creates child care will be calculated pursuant to the following formula: the product of the amount determined under subparagraph (i) and the amount determined under subparagraph (ii).

(i) The amount determined under this subparagraph will be the sum of:

(A) the product of four percent of the child care infant rate and the number of infant child care seats that are occupied, as determined under subparagraph (iii); and

(B) the product of four percent of the child care toddler rate and the number of toddler child care seats that are occupied, as determined under subparagraph (iii).

(ii) The amount determined under this clause will be the lesser of:

(A) the number of days the child care program is in operation during the service year; or

(B) the product of 260 and a fraction, in which the numerator is the number of calendar weeks such program is in operation and the denominator is 52.

(iii) In determining the number of infant or toddler child care seats that are occupied, the following rules apply:

(A) Except as provided in clause (B) of this subparagraph, the number of infant child care seats that are occupied and the number of toddler child care seats that are occupied are the numbers provided for each respective category in the certification form included in the taxpayer's application.

(B) If the sum of the number of infant child care seats that are occupied and the number of toddler child care seats that are occupied exceeds the seat cap for a created program, the number of infant child care seats that are occupied will be reduced until such sum does not exceed the seat cap. If such sum still exceeds the seat cap after reducing the number of infant child care seats that are occupied to zero, the number of toddler child care seats that are occupied will be reduced until such sum does not exceed the seat cap.

2. Formula for the expansion of child care. The amount of credit for a taxpayer that expands child care will be calculated pursuant to the following formula: the product of the amount determined under subparagraph (i) and the amount determined under subparagraph (ii).

(i) The amount determined under this subparagraph will be the sum of:

(A) the product of four percent of the child care infant rate and the number of additional occupied infant child care seats, as determined under subparagraph (iii); and

(B) the product of four percent of the child care toddler rate and the number of additional occupied toddler child care seats, as determined under subparagraph (iii).

(ii) The amount determined under this clause will be the lesser of:

(A) the number of days the program is in operation following expansion during the service year; or



(B) the product of 260 and a fraction, in which the numerator is the number of calendar weeks such program is in operation following expansion and the denominator is 52.

(iii) In determining the number of additional occupied infant or toddler child care seats, the following rules apply:

(A) Except as provided in clause (B) of this subparagraph, the number of additional occupied infant child care seats is the difference between the number of infant child care seats that were occupied after such expansion and the number of infant child care seats that were occupied before such expansion, as provided in the certification form included in the taxpayer's application, and the number of additional occupied toddler child care seats is the difference between the number of toddler child care seats that were occupied after such expansion and the number of toddler child care seats occupied before such expansion, as provided in the certification form included in the taxpayer's application.

(B) If the sum of the number of additional occupied infant child care seats and the number of additional occupied toddler child care seats exceeds the seat cap for an expanded program, the number of additional occupied infant child care seats will be reduced until such sum does not exceed the seat cap. If such sum still exceeds the seat cap after reducing the number of additional occupied infant child care seats, the number of additional occupied toddler child care seats will be reduced until such sum does not exceed the seat cap.

3. Examples. The principles and calculations set forth in this subdivision are illustrated in the examples set forth in § 59-06.

c. *Maximum Amount of Available Credit.* The total amount of credits to all taxpayers may not exceed \$25 million in any year.

d. *Reduction of Credit.*

1. If the total amount of credits otherwise authorized for taxpayers that submitted completed applications on or before the due date exceed \$25 million, each such credit will be reduced by multiplying such credit by a fraction, in which the numerator is \$25 million and the denominator is the total amount of credits otherwise authorized for such taxpayers.

2. If the total amount of credits authorized for taxpayers that submitted completed applications on or before the due date do not exceed \$25 million, the Commissioner may consider an application submitted during the discretionary period.

(i) Any credit for a taxpayer with an application submitted during the discretionary period will be limited to no more than the amount remaining for the tax year, after subtracting all authorized credits granted to taxpayers whose completed applications were received on or before the due date.

(ii) If the total amount of credits otherwise authorized for taxpayers with an application submitted during the discretionary period exceeds the amount remaining for the tax year, each such credit will be reduced by multiplying such credit by a fraction, in which the numerator is the amount remaining for the tax year and the denominator is the total amount of credits otherwise authorized for such taxpayers.

#### **§ 59-05 Applicable Tax Year for Credit.**

a. *Tax Year of Twelve Months.* The following rules apply to a taxpayer with a 12-month tax year:

1. For a taxpayer, other than a 52/53 week taxpayer, whose 12-month tax year ends on or after December 31 and on or before September 29, the credit will be applied to the tax year in which the service year ends.

2. For a taxpayer, other than a 52/53 week taxpayer, whose 12-month tax year ends on or after September 30 and on or before December 30, the credit will be applied to the tax year immediately following the tax year in which the service year ends.

3. For a 52/53 week taxpayer whose tax year ends (i) on or after January 1 and on or before September 22 or (ii) within 7 days of December 31, the credit will be applied to the tax year in which the service year ends.

4. For a 52/53 week taxpayer whose tax year ends (i) on or after September 23 and on or before December 24 or (ii) within 7 days of September 30, the credit will be applied to the tax year immediately following the tax year in which the service year ends.

b. *Short Tax Year.* The following rules apply to a taxpayer with a short tax year:

1. Except as provided in paragraphs (2) or (3) of this subdivision, for a taxpayer with a short tax year in which the service year concludes, the credit will be applied to such short tax year.

2. For a taxpayer with a short tax year in which the service year ends and such short tax year began before the calendar year in which the service year ends, the credit will be applied to the tax year immediately following such short tax year.

3. For a taxpayer with a short tax year (i) in which the service year ends, (ii) that begins in the calendar year in which the service year ends, and (iii) ends on or after September 30 and on or before December 30 of such calendar year, the credit will be applied to the tax year immediately following such short tax year, provided that such immediately following tax year is longer than such short tax year.

#### **§ 59-06 Examples.**

##### **Example 1**

Taxpayer X has created a new child care program in which a maximum of 22 child care seats is authorized under the permit DOHMH has issued. The child care program operates for 180 days within 38 calendar weeks during the service year. During these 180 days that the program was in operation, a sum total of 2,844 infant child care seats were occupied and a sum total of 747 toddler child care seats were occupied. The credit is determined as follows.

Calculation of the number of infant child care seats and toddler child care seats that are occupied:

Infant child care seats that are occupied, i.e., the average daily number of infants in attendance on the premises of such child care program:  $2,844/180 = 15.8$  (this number must be listed on the certification form)

Toddler child care seats that are occupied, i.e., the average daily number of toddlers in attendance on the premises of such child care program:  $747/180 = 4.15$  (this number must be listed on the certification form)

The sum of 15.8 and 4.15 is 19.95. This number is less than the lesser of 22 (the maximum number of child care seats in the program), or 25 (the maximum number of seats allowed for the credit). Hence, the taxpayer uses both 15.8, the number of infant child care seats that are occupied, and 4.15, the number of toddler child care seats that were occupied to determine the credit amount.

Calculation of four percent of the child care rates:

The child care rate is \$406 for infants and \$370 for toddlers.

Four percent of the infant child care rate:  $(\$406 \times 4 \text{ percent} = \$16.24)$

Four percent of the child care rate:  $(\$370 \times 4 \text{ percent} = \$14.80)$

Calculation of the credit:

The product of the number of infant child care seats that are occupied and four percent of the infant child care rate:  $(15.8 \times \$16.24 = \$256.59)$

The product of the number of toddler child care seats that are occupied and four percent of the toddler child care rate:  $(4.15 \times \$14.80 = \$61.42)$

The sum of these products is  $(\$256.59 + \$61.42 = \$318.01)$

The number of days the program was in operation is 180.

The limitation on the number of days is 260 multiplied by 38 (the number of calendar weeks the program was in operation) and divided by 52  $(260 \times 38/52 = 190)$ .

Because 180 is less than 190, the credit is calculated using 180, the number of days the program was in operation. Hence, the credit amount is:

$\$318.01 \times 180 = \$57,241.80$

##### **Example 2**

The facts are the same as in Example 1 except that Taxpayer X's new child care program operates for 180 days within 34 calendar weeks during the service year. During these 180 days that the program was in operation, a sum total of 3,717 infant child care seats were occupied and a sum total of 747 toddler child care seats were occupied. The credit is determined as follows.

Calculation of the number of infant child care seats and toddler child care seats that are occupied:

Infant child care seats that are occupied, i.e., the average daily number of infants in attendance on the premises of such child care program:  $3,717/180 = 20.65$  (this number must be listed on the certification form)

Toddler child care seats that are occupied, i.e., the average daily number of toddlers in attendance on the premises of such child care program:  $747/180 = 4.15$  (this number must be listed on the certification form)

The sum of 20.65 and 4.15 is 24.8. This number is greater than the lesser of 22 (the maximum number of child care seats in the program), or 25 (the maximum number of seats allowed for the credit). Hence, the number of infant child care seats is reduced by 2.8  $(24.8 - 22 = 2.8)$ , the difference between the sum of 24.8 and 22.

Accordingly, the number of infant child care seats that are occupied is reduced from 20.65 to 17.85  $(20.65 - 2.8 = 17.85)$  in calculating the credit. The number of toddler child care seats that were occupied,

during the service year, is 4.15, and this amount does not have to be reduced and will be used to calculate the credit.

Calculation of four percent of the child care rates:

The child care rate is \$406 for infants and \$370 for toddlers.

Four percent of the infant child care rate: ( $\$406 \times 4 \text{ percent} = \$16.24$ )

Four percent of the toddler child care rate: ( $\$370 \times 4 \text{ percent} = \$14.80$ )

Calculation of the credit:

The product of the number of infant child care seats that are occupied and four percent of the infant child care rate: ( $17.85 \times \$16.24 = \$289.88$ )

The product of the number of toddler child care seats that are occupied and four percent of the toddler child care rate: ( $4.15 \times \$14.80 = \$61.42$ )

The sum of these products is ( $289.88 + 61.42 = \$351.30$ )

The number of days the program was in operation is 180.

The limitation on the number of days is 260 multiplied by 34 (the number of calendar weeks the program was in operation) and divided by 52 ( $260 \times 34/52 = 170$ ).

Because 180 is greater than the limitation of 170, the credit is calculated using 170, the limitation on the number of days for which the credit is available. Hence, the credit amount is:

$\$351.30 \times 170 = \$59,721$ .

### Example 3

On September 1, 2022, Taxpayer Y has expanded a child care program that was in existence before April 1, 2022. Before the expansion, a maximum of 20 child care seats was authorized under the old permit DOHMH had issued. Under this old permit, the child care program operated for a total of 125 days, during which a sum total of 2,000 infant child care seats and a sum total of 250 toddler child care seats were occupied.

After the expansion, the child care program is authorized to have a maximum of 32 child care seats under the new permit DOHMH has issued. The child care program operates for 90 days within 19 calendar weeks following the expansion during the service year. During these 90 days the program was in operation following the expansion, a sum total of 2,430 infant child care seats and a sum total of 360 toddler child care seats were occupied. The credit is determined as follows.

Calculation of the additional occupied infant child care seats and toddler child care seats:

Number of infant child care seats that are occupied following expansion, i.e., the average daily number of infants in attendance on the premises of such child care program following expansion: ( $2,430/90 = 27$ ) (this number must be listed on the certification form)

Less: the number of infant child care seats that were occupied before the expansion, i.e., the average daily number of infants in attendance on the premises of such child care program before the expansion: ( $2,000/125 = 16$ ) (this number must be listed on the certification form)

Number of additional occupied infant child care seats: ( $27 - 16 = 11$ )

Number of toddler child care seats that are occupied following expansion i.e., the average daily number of infants in attendance on the premises of such child care program following expansion: ( $360/90 = 4$ ) (this number must be listed on the certification form)

Less: the number of toddler child care seats that were occupied, i.e., the average daily number of infants in attendance on the premises of such child care program before expansion: ( $250/125 = 2$ ) (this number must be listed on the certification form)

Number of additional occupied toddler child care seats: ( $4 - 2 = 2$ )

The sum of the additional occupied infant child care seats of 11 and additional occupied toddler child care seats of 2 is 13. This number is greater than the lesser of 12 ( $32 - 20 = 12$ ) (the increase in the maximum number of child care seats in the child care program) or 25 (the maximum number of seats allowed for the credit). Hence, the number of additional occupied infant child care seats is reduced by 1, the difference between 13 and 12.

Accordingly, the number of additional occupied infant child care seats is reduced from 11 to 10 ( $11 - 1 = 10$ ) in calculating the credit. The number of additional occupied toddler child care seats is 2, and this amount does not have to be reduced and will be used to calculate the credit.

Calculation of four percent of the child care rates:

The child care rate is \$406 for infants and \$370 for toddlers.

Four percent of the infant child care rate: ( $\$406 \times 4 \text{ percent} = \$16.24$ )

Four percent of the toddler child care rate: ( $\$370 \times 4 \text{ percent} = \$14.80$ )  
Calculation of the credit:

The product of the number of additional occupied infant child care seats and four percent of the infant child care rate is: ( $10 \times \$16.24 = \$162.40$ )

The product of the number of additional occupied toddler child care seats and four percent of the child care rate factor is: ( $2 \times \$14.80 = \$29.60$ )

The sum of these products is: ( $162.40 + 29.60 = \$192$ )

The number of days the program was in operation is 90.

The limitation on the number of days is 260 multiplied by 19 (the number of calendar weeks the program was in operation following expansion) and divided by 52 ( $260 \times 19/52 = 95$ ).

Because 90 is less than 95, the credit is calculated using 90, the number of days the program was in operation following expansion during the service year. Hence, the credit amount is:

$\$192 \times 90 = \$17,280$ .

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## POLICE DEPARTMENT

### ■ NOTICE

#### NOTICE OF ADOPTION OF FINAL RULE

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Commissioner of the New York City Police Department ("NYPD") by Sections 435 and 1043 of the New York City Charter ("Charter") and Section 10-126 of the New York City Administrative Code ("Administrative Code"), in accordance with the requirements of Section 1043 of the Charter, that the NYPD hereby amends Title 38 of the Rules of the City of New York by adding a new Chapter 24, establishing a permitting process for the take-off and landing of unmanned aircraft, including drones.

The proposed rules were first published in the City Record on June 6, 2023, and a public hearing was held on July 7, 2023.

#### STATEMENT OF BASIS AND PURPOSE

As the availability and capabilities of unmanned aircraft, including "drones," have increased, there has been a swell of support for the integration of these devices into recreational, commercial, educational, and governmental endeavors. With regard to the operation of drones, New York City is a unique location, including three separate airports, the densest population in the United States, and towering skyscrapers. These attributes create hazards that are not present in other jurisdictions, significantly complicating the use of drones in the City. As drones have been increasingly used to film stunning cinematic videos, support first responder rescue efforts, aid in research projects, and conduct surveys, it is clear that the City must balance the ever present safety and privacy concerns inherent in widespread drone use against the important gains that may result from this new technology.

Consistent with the City's valid interest in regulating where aircraft may operate on the ground within City limits, the locations for take-off and landing of aircraft are governed by section 10-126 of the Administrative Code. That law provides that "[t]he police commissioner is authorized to make such rules and regulations as the commissioner may deem necessary to enforce the provisions of this section." Accordingly, this rule establishes a process by which members of the public may apply to the NYPD for permits to take off and land unmanned aircraft, including drones, across New York City. Such permits will include a site temporarily designated as a take-off or landing site by the New York City Department of Transportation ("DOT"). NYPD will be working closely with DOT to review proposed sites prior to such designation.

The final rules, added as a new Chapter 24 to Title 38 of the Rules of the City of New York, include:

- § 24-01, defining key terms relevant to the permit application process.
- § 24-02, requiring a permit to take off or land an unmanned aircraft, including a drone, within New York City, with limited exceptions.
- § 24-03, establishing an application process for permits to take off or land an unmanned aircraft, including a drone, within New York City, including:

- o Name and contact information of the applicant, and any proposed operator and visual observer;
  - o A description of the intended purpose or use of the unmanned aircraft;
  - o The proposed date, time, and location of the take-off and landing of the unmanned aircraft;
  - o Information regarding the unmanned aircraft, such as manufacturer and model number;
  - o Documentation of FAA authorization to operate an unmanned aircraft, any relevant waivers, and registration certificate for the unmanned aircraft;
  - o A copy of the required insurance policies;
  - o Copies of the applicants' data privacy and cybersecurity policies, or details regarding the applicant's data privacy and cybersecurity practices; and
  - o Any additional information that the Department determines is necessary to make a determination as to whether a permit should be issued.
- § 24-04, detailing procedures for the approval and disapproval of applications, the appeal procedure for disapproved applications, and the reasons for disapproval of a permit application.
  - § 24-05, providing terms and conditions with which the permittee and any operator of the unmanned aircraft must comply.
  - § 24-06, establishing minimum insurance requirements.
  - § 25-07, establishing a civil penalty for the unauthorized take-off or landing of an unmanned aircraft within New York City without a permit, or for violating a term of a permit or any provision of Chapter 24.

Based upon consideration of testimony and comments submitted during the public review period, NYPD has made several revisions to the final rules, including:

- Consistent with section 10-126(c) of the Administrative Code, section 24-02 was amended to explicitly exclude the take-off and landing of unmanned aircraft, for which a permit would otherwise be required, in emergency circumstances.
- In response to public comments regarding the requirement in the proposed rules to submit an application 30 days prior to the proposed date and time of take-off and landing, section 24-03(c) establishes a fourteen (14) day processing period for certain eligible applications. The shorter period is available for applications where each proposed operator, including proposed alternate operators, have been listed as an operator on at least one (1) previously-issued permit within one-hundred and eighty (180) days prior to the date of submission of the application, and the previously-issued permit was not revoked for failure to comply with any term or condition of the permit or any other applicable law or rule. Additionally, section 24-03(g) provides that NYPD will review the thirty (30) day processing period for all other applications prior to August 1, 2024 to determine if a shorter time period is operationally feasible.
- Section 24-03(d) allows a single application to include multiple proposed dates, times, and locations. However, to prevent popular locations from being monopolized, applications are capped at five (5) requested combinations of proposed dates, times, and locations. Additionally, applicants may submit an application no earlier than one hundred and eighty (180) days prior to the earliest proposed date and time for take-off or landing.
- Section 24-03(e) was amended to allow for refunds of application fees where a permit is granted but then revoked pursuant to section 24-05 for reasons that are not the fault of the applicant or of any operator listed on the permit. The application fee is necessary to offset the costs of processing and reviewing applications and is calculated based upon a cost estimate in coordination with the New York City Office of Management and Budget.
- Section 24-05(e), relating to community notification of an unmanned aircraft capturing still images, video, or audio, was amended to only require posting within one hundred (100) feet of the take-off and landing site. The permittee must also notify each community board for the community district or districts where the unmanned aircraft is anticipated to capture or transmit such still images, video, or audio.

As set forth in the attached finding of substantial need for earlier implementation, these final rules take effect upon publication in the City Record in order to provide users of unmanned aircraft, including drones, the immediate opportunity to legally and safely take off and land unmanned aircraft so that the City can properly regulate such activity and ensure that users of drones can begin realizing their benefits without jeopardizing public safety.

New material is underlined.

"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. Title 38 of the Rules of the City of New York is amended by adding a new Chapter 24 to read as follows:**

#### **Chapter 24**

#### **Permits for Take-Off and Landing of Unmanned Aircraft**

##### **§ 24-01 Definitions.**

**Applicant.** The term "applicant" means a natural person, corporation, organization, association, or other entity that applies for a permit to take off or land an unmanned aircraft within New York City pursuant to this chapter.

**CFR.** The term "CFR" means the Code of Federal Regulations.

**Department.** The term "Department" means the New York City Police Department.

**FAA.** The term "FAA" means the Federal Aviation Administration.

**NYC Cyber Command.** The term "NYC Cyber Command" means the Office of Cyber Command established pursuant to section 20-j of the New York City Charter.

**Operator.** The term "operator" means a natural person who is directly responsible for conducting the flight of an unmanned aircraft by remotely operating its flight controls.

**Public Aircraft.** The term "public aircraft" has the same meaning as set forth in 14 CFR § 1.1, or any successor provision.

**Cybersecurity Incident.** The term "cybersecurity incident" means an attempt to gain illegal or unauthorized access to an unmanned aircraft or an unmanned aircraft's firmware or software, including any third-party application utilized for the storage or use of still images, video, or audio captured or transmitted by the unmanned aircraft, regardless of whether such attempt was successful.

**Take-Off or Landing Site.** The term "take-off or landing site" means the location for take-off, or for landing, or for take-off and landing, of an unmanned aircraft, designated by the Department of Transportation pursuant to section 10-126 of the Administrative Code, as expressed on a permit issued pursuant to this chapter.

**Unmanned Aircraft.** The term "unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft, including but not limited to a drone or a model aircraft.

##### **§ 24-02 Unmanned Aircraft Permit Requirement.**

(a) A permit issued pursuant to this chapter is required to take off or land an unmanned aircraft within New York City, except as provided in subdivision (b) of this section.

(b) A permit issued pursuant to this chapter is not required:

- (1) To take off or land an unmanned aircraft in an area designated by the Department of Parks and Recreation pursuant to section 18-146(c) of the Administrative Code;
- (2) To take off or land an unmanned aircraft that is a public aircraft operated by an agency of the City or other governmental entity pursuant to a Certificate of Authorization issued by the FAA;
- (3) In an emergency, which for purposes of this chapter includes emergency response operations conducted by a government agency or volunteer fire department; or
- (4) As otherwise authorized pursuant to section 10-126 of the Administrative Code.

##### **§ 24-03 Applications.**

(a) An application for a permit to take off or land an unmanned aircraft within New York City must be filed in a form and manner as prescribed on the Department's website. Applications must contain:

- (1) The name, address, e-mail, and telephone number of the applicant and, where the applicant is a natural person, a copy of a government-issued photo ID for the applicant;

provided that where the applicant is a corporation, organization, association, or other entity, the application must also contain the name, address, e-mail, and telephone number of the person submitting the application on behalf of the applicant, a copy of a government-issued photo ID for such person, and a statement certifying that such person is authorized to sign and submit the application on behalf of the applicant;

- (2) The name, address, e-mail, and telephone number of each proposed operator and each person proposed to serve as an alternate operator or visual observer on the proposed date of take-off or landing of the unmanned aircraft, and a copy of a government-issued photo ID for each such proposed operator or person;
- (3) A description of the intended purpose or use of the unmanned aircraft, including whether the unmanned aircraft will be used to capture or transmit still images, video, or audio;
- (4) The proposed date and time of the take-off of the unmanned aircraft, and the proposed date and time of the landing of the unmanned aircraft;
- (5) The proposed take-off or landing site;
- (6) A description of the specific geographic area where the flight of the unmanned aircraft will be conducted between the proposed take-off and landing sites, or a map showing such specific geographic area, and the anticipated altitude and duration of the flight;
- (7) The make, model, year of manufacture, and weight of the unmanned aircraft;
- (8) Documentation of FAA authorization to operate the unmanned aircraft pursuant to Part 107 of Title 14 of the CFR, including any certifications or waivers, or pursuant to an exemption authorized in accordance with Part 11 of Title 14 of the CFR, for each proposed operator, including any alternate operator;
- (9) A copy of the FAA registration certificate for the unmanned aircraft;
- (10) Proof of insurance as required by subdivision (b) of section 24-06 of this chapter;
- (11) A copy of the applicant's data privacy policy, or a description of the applicant's practices and procedures for protecting data privacy, which shall include steps the applicant will take to ensure the confidentiality of any information or material collected by the unmanned aircraft, practices and procedures for retention of information and material collected by the unmanned aircraft, and practices and procedures for handling still images, video, or audio of a person recorded by the unmanned aircraft, including redaction or pixelization of such material in appropriate circumstances;
- (12) A copy of the applicant's cybersecurity policy, or a description of the applicant's policies and procedures for securing the confidentiality, integrity, and availability of an unmanned aircraft's systems and underlying data, which must include the steps an applicant will take in the event of a cybersecurity incident involving an unmanned aircraft operated pursuant to a permit issued under this chapter;
- (13) A copy of the proposed notice required by subdivision (e) of section 24-05 of this chapter, if applicable;
- (14) Any additional information that the Department determines is required to make a determination as to whether a permit should be issued pursuant to this chapter; and
- (15) An affirmation that:
  - (i) All answers and statements provided on the application are complete and accurate;
  - (ii) All supporting documents submitted with the application are complete and accurate;
  - (iii) The applicant understands and acknowledges that the operator of the unmanned aircraft is responsible for the safe operation of the unmanned aircraft; and
  - (iv) Any operator of the unmanned aircraft will comply with all applicable federal, state, and

local laws, as well as rules and regulations promulgated thereunder.

- (b) Applications may be submitted up to one-hundred and eighty (180) days prior to the proposed date and time of the take-off and landing.
- (c) Applications must be submitted no less than thirty (30) days prior to the earliest proposed date of take-off or landing, except that applications may be submitted no less than fourteen (14) days prior to the earliest proposed date of take-off or landing where:
  - (1) Each proposed operator, including any alternate proposed operator, included on the application has been listed as an operator on at least one permit previously issued pursuant to this chapter within the one-hundred and eighty (180) days prior to the date of submission of the application; and
  - (2) Such previously issued permit was not revoked for failure to comply with the terms and conditions of the permit, these rules, or other applicable laws or rules.
- (d) As used in this chapter, terms in the singular shall include the plural. Notwithstanding any provision of this chapter to the contrary, an applicant may submit a single application for multiple unmanned aircraft, proposed dates and times of take-off and landing, and proposed take-off and landing sites, provided that:
  - (1) All information required by this section must be included for each such unmanned aircraft, proposed date and time of take-off and landing, or proposed take-off and landing site included in the application; and
  - (2) The application includes a total of no more than five (5) combinations of proposed dates and times of take-off and landing and proposed take-off and landing sites.
- (e) A fee of \$150.00 shall accompany the application. The applicant shall pay such fee in a manner prescribed on the Department's website. The fee shall be non-refundable unless the applicant demonstrates that the permit associated with the fee was revoked pursuant to section 24-05(f) of this chapter and that such revocation was not based upon the actions of the applicant or of any operator or alternate operator listed on the permit or the application.
- (f) Applications will be reviewed in the order in which they are received. The Department will only review complete applications. An application will be considered complete after the applicant has submitted all required information, materials, and documents to the Department.
- (g) No later than August 1, 2024, the Department will review the application procedures set forth in this chapter and any other information it deems relevant to determine whether applications not eligible to be processed within fourteen (14) days pursuant to subdivision (c) of this section may be processed in less time than thirty (30) days.

#### **§ 24-04 Approval/Disapproval Procedures.**

- (a) The Department will notify the applicant that the application is either approved or disapproved. If the application is disapproved, the Department will notify the applicant of the basis of the disapproval and of the appeal process.
- (b) Applications may be disapproved for any of the following reasons:
  - (1) The application is not complete;
  - (2) The Department has reason to believe that the application contains a material falsehood or misrepresentation;
  - (3) The application proposes activities that would violate a federal, state, or local law, or rules or regulations promulgated thereunder;
  - (4) A proposed operator or proposed alternate operator of the unmanned aircraft does not have the requisite authorization from the FAA to operate an unmanned aircraft pursuant to Part 107 of Title 14 of the CFR, including any certifications or waivers, or pursuant to an exemption authorized in accordance with Part 11 of Title 14 of the CFR;
  - (5) A proposed unmanned aircraft required by Part 107 of Title 14 of the CFR to be registered with the FAA is not registered with the FAA;
  - (6) Granting of the application could cause an unreasonable danger to the health or safety of the applicant, operator, or others, including members of the public, such as

proximity to another take-off or landing site for which a permit has been issued pursuant to this chapter on the same date or at the same time proposed in the application, proximity to known areas of signal interference, or potential interference with necessary public services;

- (7) The applicant or a proposed operator of the unmanned aircraft has previously submitted an application for a permit to take off or land an unmanned aircraft that contained a material falsehood or misrepresentation, or has failed to comply with the terms and conditions of a permit previously issued pursuant to this chapter; or
- (8) The application proposes that a location be designated as a take-off or landing site for an unreasonable length of time not less than 24 hours.
- (c) If an application is approved, the Department will provide the applicant with a permit, which will identify the designated take-off or landing site and provide any additional information relevant to such take-off or landing.

- (d) If the application is disapproved, the applicant may appeal the disapproval by submitting a signed statement in a form and manner as prescribed on the Department's website within thirty (30) days of issuance of the notification of disapproval. Such statement must set forth the reasons for the appeal.

#### **§ 24-05 Permit Conditions.**

- (a) An operator must comply with all applicable federal, state, and local laws, as well as rules and regulations promulgated thereunder, including, where applicable, Part 107 of Title 14 of the CFR.
- (b) At the date and time of take-off and landing, an operator must have in their physical possession and readily available for inspection, upon request from any federal, state, or local law enforcement official:
  - (1) The permit issued pursuant to this chapter;
  - (2) Documentation of FAA authorization to operate an unmanned aircraft pursuant to Part 107 of Title 14 of the CFR, including any certifications or waivers, or pursuant to an exemption authorized in accordance with Part 11 of Title 14 of the CFR;
  - (3) A copy of the FAA registration certificate for the unmanned aircraft; and
  - (4) A copy of the insurance policies required by section 24-06 of this chapter.
- (c) A permittee must inform the Department of any collision, crash, accident, or other unplanned incident involving the unmanned aircraft that occurs during the take-off, operation, or landing of the unmanned aircraft, including the date, time, and location of any such incident and whether such incident resulted in harm to any person or property. The applicant and operator, and any alternate operator, visual observer, or other natural person named in the application, must cooperate with the Department as necessary with respect to any investigation relating to such incident.
- (d) In the event of a cybersecurity incident involving an unmanned aircraft or data collected by an unmanned aircraft operated pursuant to a permit issued under this chapter, the permittee must:
  - (1) Notify NYC Cyber Command at the telephone number provided on the Department's website within 24 hours of becoming aware of the cybersecurity incident; and
  - (2) Cooperate with the Department and NYC Cyber Command as necessary with respect to any investigation relating to such cybersecurity incident, including notifying third parties of such cybersecurity incident as required by law and responding to reasonable inquiries and requests for records from the Department or NYC Cyber Command.
- (e) Where an unmanned aircraft for which a permit has been issued pursuant to this chapter will capture or transmit still images, video, or audio during its operation, no later than 48 hours prior to the earliest date and time for take-off of the unmanned aircraft as set forth on such permit, the permittee must:
  - (1) Notify each community board for the community district or districts where the unmanned aircraft is anticipated to capture or transmit still images, video, or audio of the following:

- (i) That an unmanned aircraft capturing or transmitting still images, video, or audio will be utilized in their district;
- (ii) The take-off and landing site designated on the permit, the date and time of the take-off of the unmanned aircraft, the date and time of the landing of the unmanned aircraft, and the expected duration of the operation of the unmanned aircraft; and
- (iii) Contact information, including the name and telephone number of a representative of the applicant that persons may contact with questions or concerns relating to the operation of the unmanned aircraft.

- (2) Post notices within one hundred (100) feet of the take-off and landing site designated on the permit advising businesses and residents that an unmanned aircraft capturing or transmitting still images, video, or audio will be utilized in the area, and setting forth the take-off and landing site, the date and time of the take-off and landing of the unmanned aircraft, the expected duration of the operation of the unmanned aircraft, and the name and telephone number of a representative of the applicant that persons may contact with questions or concerns relating to the operation of the unmanned aircraft. A permittee may post such notices on poles, trees, and other similar City-owned structures, provided that, if a permittee posts such notices on trees, elastic bands or string must be used; tape is prohibited. A permittee must remove all signs, including tape, upon completion of the permit.

- (f) The Department may suspend or revoke a permit for failure to comply with any of the terms and conditions of the permit, these rules, or other applicable laws or rules, or upon a determination by the Department that the permitted take-off or landing would pose a risk to the health or safety of the operator or others, or would violate a federal, state, or local law, rule, or regulation.

#### **§ 24-06 Insurance.**

- (a) An applicant must obtain and maintain continuously throughout the term of a permit issued pursuant to this chapter, at its own expense, Commercial General Liability (CGL) insurance and Drone Aviation Liability/Unmanned Aircraft Systems (UAS) coverage. Each such CGL and Drone Aviation Liability/UAS insurance policy must:
  - (1) Cover operations of all owned and non-owned unmanned aircraft operated pursuant to such a permit, whether such operations are pre-take-off, during take-off, in-flight, during landing, or post-landing, and must include coverage for Bodily Injury, Property Damage, Personal Injury, Invasion of Privacy, and Trespass;
  - (2) Be provided by a company that may lawfully issue such policy and that has an A.M. Best rating of at least A- / VII, a Standard & Poor's rating of at least A, a Moody's Investors Service rating of at least A3, or a Fitch Ratings rating of at least A-;
  - (3) Be written on an occurrence basis, and have limits applicable exclusively to operations pursuant to a permit issued under this chapter of two million dollars (\$2,000,000) per occurrence and four million dollars (\$4,000,000) aggregate, which may be obtained through a combination of primary and excess policies, provided that:
    - (i) Coverage under the CGL insurance policy must be at least as broad as that provided by the most recent edition of Insurance Services Office ("ISO") Form CG 00 01; and
    - (ii) Coverage under the Drone Aviation Liability/UAS insurance must be at least as broad as the most recent edition of ISO Form CG 24 50, and must specifically describe, in an endorsement schedule or otherwise, any unmanned aircraft that is the subject of the permit, and may not exclude coverage for any such unmanned aircraft under any circumstance; and
- (4) Include the City of New York, together with its officials and employees, as an Additional Insured, on a primary and non-contributory basis, for claims that may arise from any of the operations of the applicant, its agents, employees, consultants, or independent contractors

pursuant to a permit issued under this chapter, with ongoing-operations and completed-operations coverage at least as broad as the most recent editions of ISO Forms CG 20 26 and 20 37.

(b) As part of an application submitted pursuant to section 24-03 of this chapter, an applicant must provide the Department with the following:

- (1) Where required by applicable law, on a form approved by the Workers' Compensation Board, proof that the applicant has obtained Workers' Compensation and Disability and Paid Family Leave insurance or an attestation of exemption from any such requirement;
- (2) A certificate of insurance that certifies the issuance and effectiveness of the CGL and Drone Aviation Liability/ UAS insurance policies, including that each such policy includes the minimum limits specified in this section, provided that the specific endorsements or policy language by which the City of New York, including its officials and employees, has been made an Additional Insured must be provided with such certificate of insurance; and
- (3) Either a duly executed "Certification by Insurance Broker or Agent" in a form available on the Department's website, or certified copies of all policies referenced in the certificate of insurance, provided that, notwithstanding any provision of this chapter to the contrary, an applicant must submit certified copies of all policies required by this section upon request by the Department or the New York City Law Department.

#### § 24-07 Penalties.

(a) Any person subject to this chapter who controls, operates, or otherwise causes an unmanned aircraft to take off or land within New York City without a permit issued pursuant to this chapter, or who violates the terms and conditions of such permit or any provision of this chapter, shall be subject to a civil penalty in an amount as follows:

- (1) For a first violation, \$250.00;
- (2) For a second violation within a one-year period, \$500.00; and
- (3) For a third and subsequent violation within a one-year period, \$1,000.00.

(b) Notwithstanding subdivision (a) of this section, any person who causes an unmanned aircraft to take off or land in violation of section 10-126 of the Administrative Code may be charged with a misdemeanor pursuant to such section.

#### FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION

In accordance with Section 1043(f)(1)(d) of the New York City Charter, the New York Police Department ("NYPD") has determined there is a substantial need for the earlier implementation of the NYPD rules creating a permitting process allowing for lawful take-off and landing of unmanned aircraft, including drones, throughout the City of New York. The permitting process will be set forth in new Chapter 24 of Title 38 of the Rules of the City of New York immediately upon its final publication in the City Record, thereby waiving the requirement that thirty days elapse prior to the effective date of the rules.

Unmanned aircraft, including drones, are an adaptable, flexible, and efficient technology that can operate in a variety of locations and circumstances, including those posing high risks to human life. These devices can be utilized in countless applications, and allowing for permitted take-offs and landings of such unmanned aircraft will improve sustainability and efficiency in a number of industries within the City. However, privacy concerns, airspace regulations, and public safety must also be considered. The permitting process established in Chapter 24 of Title 38 of the Rules of the City of New York balances the potential benefits offered by unmanned aircraft with privacy and public safety concerns.

Like most outdoor activities, drone use has the potential to increase during warmer weather. As summer has already started, it is imperative that users of drones be given the immediate opportunity to legally and safely launch and land such drones so that the City can properly regulate such activity and enable these users to begin realizing the benefits of drones without jeopardizing public safety.

Therefore, I find pursuant to Section 1043(f)(1)(d) of the New York City Charter that there is a substantial need for the immediate implementation of this rule to create a process by which the public can obtain permits for lawful take-off and landings of unmanned aircraft within New York City.

/s/ Eric Adams

/s/ Edward A. Caban

Eric Adams  
Mayor

Edward A. Caban  
Police Commissioner

July 19, 2023

July 18, 2023

Date

Date

• jy21

## SPECIAL MATERIALS

### CITYWIDE ADMINISTRATIVE SERVICES

#### ■ NOTICE

#### OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9208 FUEL OIL AND KEROSENE

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/17/2023
4287148	1	#2DULS	CITYWIDE BY TW	GLOBAL MONTELLO	0.0992 GAL.	2.8248 GAL.
4287148	2	#2DULS	RACK PICK-UP	GLOBAL MONTELLO	0.0992 GAL.	2.7078 GAL.
4287148	3	#2DULS Winterized	CITYWIDE BY TW	GLOBAL MONTELLO	0.0992 GAL.	2.8630 GAL.
4287148	4	#2DULS Winterized	RACK PICK-UP	GLOBAL MONTELLO	0.0992 GAL.	2.7460 GAL.
4287149	5	#2DULS	CITYWIDE BY TW	SPRAGUE	0.0992 GAL.	3.1094 GAL.
4287149	6	#2DULS Winterized	CITYWIDE BY TW	SPRAGUE	0.0992 GAL.	3.3224 GAL.

4287149	7	B100		CITYWIDE BY TW	SPRAGUE	0.1591 GAL.	5.6628 GAL.
4287149	8	#2DULS		RACK PICK-UP	SPRAGUE	0.0992 GAL.	2.9594 GAL.
4287149	9	#2DULS	Winterized	RACK PICK-UP	SPRAGUE	0.0992 GAL.	3.1724 GAL.
4287149	10	B100		RACK PICK-UP	SPRAGUE	0.1591 GAL.	5.5128 GAL.
4287149	11	#1DULS		CITYWIDE BY TW	SPRAGUE	0.1036 GAL.	3.4813 GAL.
4287149	12	B100		CITYWIDE BY TW	SPRAGUE	0.1591 GAL.	5.6868 GAL.
4287149	13	#1DULS		RACK PICK-UP	SPRAGUE	0.1036 GAL.	3.3313 GAL.
4287149	14	B100		RACK PICK-UP	SPRAGUE	0.1591 GAL.	5.5368 GAL.
4287149	15	#2DULS		BARGE DELIVERY	SPRAGUE	0.0992 GAL.	2.8588 GAL.
4287149	16	#2DULS	Winterized	BARGE DELIVERY	SPRAGUE	0.0992 GAL.	2.9248 GAL.
4287149	17	#2DULSB50		CITYWIDE BY TW	SPRAGUE	0.0992 GAL.	3.7336 GAL.
4287149	18	#2DULSB50		CITYWIDE BY TW	SPRAGUE	0.1591 GAL.	5.2770 GAL.
4287149	19	#2DULSB50		RACK PICK-UP	SPRAGUE	0.0992 GAL.	3.5836 GAL.
4287149	20	#2DULSB50		RACK PICK-UP	SPRAGUE	0.1591 GAL.	5.1270 GAL.
4287126	1	JET		FLOYD BENNETT	SPRAGUE	0.0746 GAL.	3.6830 GAL.
Non-Winterized			Apr 1 - Oct 31				
4287149		#2DULSB5	95% ITEM 5.0 5% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.1022 GAL.	3.2371 GAL.
4287149		#2DULSB10	90% ITEM 5.0 10% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.1052 GAL.	3.3647 GAL.
4287149		#2DULSB20	80% ITEM 5.0 20% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.1112 GAL.	3.6201 GAL.
4287149		#2DULSB5	95% ITEM 8.0 5% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.1022 GAL.	3.0871 GAL.
4287149		#2DULSB10	90% ITEM 8.0 10% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.1052 GAL.	3.2147 GAL.
4287149		#2DULSB20	80% ITEM 8.0 20% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.1112 GAL.	3.4701 GAL.
4287149		#2DULSB50	50% ITEM 17.0 50% ITEM 18.0	CITYWIDE BY TW	SPRAGUE	0.1292 GAL.	4.5053 GAL.
4287149		#2DULSB50	50% ITEM 19.0 50% ITEM 20.0	RACK PICK-UP	SPRAGUE	0.1291 GAL.	4.3553 GAL.
Winterized			Nov 1 - Mar 31				
4287149		#2DULSB5	95% ITEM 6.0 5% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.1022 GAL.	3.4394 GAL.
4287149		#2DULSB10	90% ITEM 6.0 10% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.1052 GAL.	3.5564 GAL.
4287149		#2DULSB20	80% ITEM 6.0 20% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	0.1112 GAL.	3.7905 GAL.
4287149		#2DULSB5	95% ITEM 9.0 5% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.1022 GAL.	3.2894 GAL.
4287149		#2DULSB10	90% ITEM 9.0 10% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.1052 GAL.	3.4064 GAL.
4287149		#2DULSB20	80% ITEM 9.0 20% ITEM 10.0	RACK PICK-UP	SPRAGUE	0.1112 GAL.	3.6405 GAL.
Non-Winterized / Winterized			Year-Round				
4287149		#1DULSB20	80% ITEM 11.0 20% ITEM 12.0	CITYWIDE BY TW	SPRAGUE	0.1147 GAL.	3.9224 GAL.
4287149		#1DULSB20	80% ITEM 13.0 20% ITEM 14.0	RACK PICK-UP	SPRAGUE	0.1147 GAL.	3.7724 GAL.
4287149		#1DULSB5	95% ITEM 11.0 5% ITEM 12.0	CITYWIDE BY TW	SPRAGUE	0.1063 GAL.	3.5915 GAL.
4287149		#1DULSB5	95% ITEM 13.0 5% ITEM 14.0	RACK PICK-UP	SPRAGUE	0.1063 GAL.	3.4415 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9209  
FUEL OIL, PRIME AND START**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/17/2023
4287030	1	#4B5	MANHATTAN	UNITED METRO	0.0900 GAL.	2.6401 GAL.
4287030	2	#4B5	BRONX	UNITED METRO	0.0900 GAL.	2.6601 GAL.
4287030	3	#4B5	BROOKLYN	UNITED METRO	0.0900 GAL.	2.6001 GAL.
4287030	4	#4B5	QUEENS	UNITED METRO	0.0900 GAL.	2.6301 GAL.
4287031	5	#4B5	RICHMOND	APPROVED OIL COMPANY	0.0900 GAL.	2.8201 GAL.
4187014	1	#2B5	MANHATTAN	SPRAGUE	0.1022 GAL.	2.9440 GAL.
4187014	3	#2B5	BRONX	SPRAGUE	0.1022 GAL.	2.8960 GAL.
4187014	5	#2B5	BROOKLYN	SPRAGUE	0.1022 GAL.	2.9090 GAL.
4187014	7	#2B5	QUEENS	SPRAGUE	0.1022 GAL.	2.9170 GAL.
4187014	9	#2B5	STATEN ISLAND	SPRAGUE	0.1022 GAL.	2.9960 GAL.
4187014	11	#2B10	CITYWIDE BY TW	SPRAGUE	0.1052 GAL.	2.9957 GAL.
4187014	12	#2B20	CITYWIDE BY TW	SPRAGUE	0.1112 GAL.	3.1535 GAL.
4187015	2	#2B5	MANHATTAN (RACK PICK-UP)	APPROVED OIL COMPANY	0.1022 GAL.	2.7093 GAL.
4187015	4	#2B5	BRONX (RACK PICK-UP)	APPROVED OIL COMPANY	0.1022 GAL.	2.7093 GAL.
4187015	6	#2B5	BROOKLYN (RACK PICK-UP)	APPROVED OIL COMPANY	0.1022 GAL.	2.7093 GAL.
4187015	8	#2B5	QUEENS (RACK PICK-UP)	APPROVED OIL COMPANY	0.1022 GAL.	2.7093 GAL.
4187015	10	#2B5	STATEN ISLAND (RACK PICK-UP)	APPROVED OIL COMPANY	0.1022 GAL.	2.7093 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9210  
FUEL OIL AND REPAIRS**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/17/2023
20211200451	1	#2B5	All Boroughs (Pickup under delivery)	APPROVED OIL	0.1022 GAL	3.1234 GAL.
20211200451	2	#4B5	All Boroughs (Pickup under delivery)	APPROVED OIL	0.0900 GAL	2.8905 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9211  
GASOLINE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/17/2023
4387063	1.0	REG UL	CITYWIDE BY TW	GLOBAL MONTELLO	0.0271 GAL	2.8227 GAL.
4387063	2.0	PREM UL	CITYWIDE BY TW	GLOBAL MONTELLO	0.0829 GAL	3.2358 GAL.
4387063	3.0	REG UL	RACK PICK-UP	GLOBAL MONTELLO	0.0271 GAL	2.7205 GAL.
4387063	4.0	PREM UL	RACK PICK-UP	GLOBAL MONTELLO	0.0829 GAL	3.1386 GAL.
3787121	5.0	E85	<b>Non-Winterized</b> CITYWIDE BY DELIVERY	UNITED METRO	0.0559 GAL	3.0000 GAL.
3787121	6.0	E70	<b>Winterized</b> CITYWIDE BY DELIVERY	UNITED METRO	0.0502 GAL	3.0549 GAL.

**NOTE:**

1. Federal excise taxes are imposed on taxable fuels, (i.e., gasoline, kerosene, and diesel), when removed from a taxable fuel terminal. This fuel excise tax does not include Leaking Underground Storage Tank (LUST) tax. LUST tax applies to motor fuels for both diesel and gasoline invoices. Going forward, LUST Tax will appear as an additional fee at the rate of \$0.001 per gallon and will be shown as a separate line item on your invoice.
2. The National Oil Heat Research Alliance (NORA) has been extended until February 6, 2029. A related assessment of \$.002 per gallon has been added to the posted weekly fuel prices and will appear as a separate line item on invoices. This fee applies to heating oil only and since 2015 has included #4 heating oil. All other terms and conditions remain unchanged. 3. Items 1 - 4 on contract 4287148 and 5 - 20 on contract 4287149 are effective as of June 1st, 2022.
4. Items 1 – 4 on contract 4387063 are effective as of December 19, 2022.
5. Federal Superfund Tax is included in the DCAS weekly pricing schedule, and it should not show as an additional fee.



**REMINDER FOR ALL AGENCIES:**

All entities utilizing DCAS fuel contracts are reminded to pay their invoices **on time** to avoid interruption of service. Please send inspection copy of receiving report for all gasoline (E70, UL PREM) delivered by tank wagon to OCP/Bureau of Quality Assurance (BQA), 1 Centre Street, 18th Floor, New York, NY 10007.

• jy21

**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 8/1/2023 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	4160	360
2, 2A	4160 AND STREETBED ADJACENT TO 4160	359 AND STREETBED ADJACENT TO 359

Acquired in the proceeding entitled: SOUTH SHORE OF STATEN ISLAND – PHASE 1 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

BRAD S. LANDER  
Comptroller  
jy18-31

**NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH** cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on 8/4/2023 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
3, 3A, 5, 5A	1270	12 & 144

Acquired in the proceeding entitled: SOUTH AVENUE FROM NETHERLAND AVENUE TO FOREST AVENUE subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

BRAD S. LANDER  
Comptroller  
jy19-a1

**NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH** cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on 8/4/2023 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
2	990	16

Acquired in the proceeding entitled: GOWANUS CANAL SUPERFUND, PHASE 3 subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

BRAD S. LANDER  
Comptroller  
jy19-a1

**HOUSING PRESERVATION AND DEVELOPMENT****■ NOTICE**

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

**Notice Date: July 14, 2023**

**To: Occupants, Former Occupants, and Other Interested Parties**

Property:	Address	Application #	Inquiry Period
	128 West 121 <sup>st</sup> Street, Manhattan	41/2023	June 20, 2020 to Present
	106 Fort Greene Place, Brooklyn	55/2023	June 20, 2020 to Present
	315 Convent Avenue, Manhattan	56/2023	June 20, 2020 to Present

**Authority: SRO, Administrative Code §27-2093**

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277 or (212) 863-8211**.

For the decision on the Certification of No Harassment Final Determination please visit our website at [www.hpd.nyc.gov](http://www.hpd.nyc.gov) or call (212) 863-8266.

**PETICIÓN DE COMENTARIO  
SOBRE UNA SOLICITUD PARA UN  
CERTIFICACIÓN DE NO ACOSO**

**Fecha de notificación: July 14, 2023**

**Para: Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas**

Propiedad:	Dirección:	Solicitud #:	Período de consulta:
	128 West 121 <sup>st</sup> Street, Manhattan	41/2023	June 20, 2020 to Present
	106 Fort Greene Place, Brooklyn	55/2023	June 20, 2020 to Present
	315 Convent Avenue, Manhattan	56/2023	June 20, 2020 to Present

**Autoridad: SRO, Código Administrativo §27-2093**

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene o haber sido hostigado a los ocupantes legales del edificio durante un período de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a

cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** por carta con matasellos no mas tarde que **30 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al **(212) 863-5277 o (212) 863-8211**.

**Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en [www.hpd.nyc.gov](http://www.hpd.nyc.gov) o llame al (212) 863-8266.**

jy14-24

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

**Notice Date:** July 14, 2023

**To:** Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
159 Wythe Avenue, Brooklyn		42/2023	October 4, 2004 to Present
157 Wythe Avenue, Brooklyn		54/2023	October 4, 2004 to Present

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

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277 or (212) 863-8211**.

**For the decision on the Certification of No Harassment Final Determination please visit our website at [www.hpd.nyc.gov](http://www.hpd.nyc.gov) or call (212) 863-8266.**

**PETICIÓN DE COMENTARIO  
SOBRE UNA SOLICITUD PARA UN  
CERTIFICACIÓN DE NO ACOSO**

**Fecha de notificación:** July 14, 2023

**Para:** Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad:	Dirección:	Solicitud #:	Periodo de consulta:
159 Wythe Avenue, Brooklyn		42/2023	October 4, 2004 to Present
157 Wythe Avenue, Brooklyn		54/2023	October 4, 2004 to Present

**Autoridad:** Greenpoint-Williamsburg Anti-Harassment Area, Código Administrativo Zoning Resolution §§23-013, 93-90

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo

especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** por carta con matasellos no mas tarde que **30 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al **(212) 863-5277 o (212) 863-8211**.

**Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en [www.hpd.nyc.gov](http://www.hpd.nyc.gov) o llame al (212) 863-8266.**

jy14-24

**REQUEST FOR COMMENT  
REGARDING AN APPLICATION FOR A  
CERTIFICATION OF NO HARASSMENT  
PILOT PROGRAM**

**Notice Date:** July 14, 2023

**To:** Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
726 Ocean Avenue, Brooklyn		38/2023	June 28, 2018 to Present

**Authority:** Pilot Program Administrative Code §27-2093.1, §28-505.3

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling on the Certification of No Harassment Pilot Program building list, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** by letter postmarked not later than 45 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277 or (212) 863-8211**.

**For the decision on the Certification of No Harassment Final Determination please visit our website at [www.hpd.nyc.gov](http://www.hpd.nyc.gov) or call (212) 863-8266.**

**PETICIÓN DE COMENTARIO  
SOBRE UNA SOLICITUD PARA UN  
CERTIFICACIÓN DE NO ACOSO  
PROGRAMA PILOTO**

**Fecha de notificación:** July 14, 2023

**Para:** Inquilinos, Inquilinos Anteriores, y Otras Personas Interesadas

Propiedad:	Dirección:	Solicitud #:	Periodo de consulta:
726 Ocean Avenue, Brooklyn		38/2023	June 28, 2018 to Present

**Autoridad:** PILOT, Código Administrativo §27-2093.1, §28-505.3

Antes de que el Departamento de Edificios pueda conceder un permiso para la alteración o demolición de una vivienda múltiple de ocupación de cuartos individuales, el propietario debe obtener una "Certificación de No Acoso" del Departamento de Preservación y Desarrollo de la Vivienda ("HPD") que indique que tiene no haber sido hostigado a los ocupantes legales del edificio durante un periodo de tiempo especificado. El acoso es una conducta por parte de un dueño de edificio que pretende causar, o causa, que los residentes se vayan o renuncien a cualquiera de sus derechos legales de ocupación. Puede incluir, entre

otros, no proporcionar servicios esenciales (como calefacción, agua, gas o electricidad), bloquear ilegalmente a los residentes del edificio, iniciar demandas frívolas y utilizar amenazas o fuerza física.

El dueño del edificio identificado anteriormente ha solicitado una Certificación de No Acoso. Si tiene algún comentario o evidencia de acoso en este edificio, notifique a HPD al **CONH Unit, 100 Gold Street, 6<sup>th</sup> Floor, New York, NY 10038** por carta con matasellos no mas tarde que **45 días** después de la fecha de este aviso o por una declaración en persona realizada dentro del mismo periodo. Para hacer una cita para una declaración en persona, llame al **(212) 863-5277 o (212) 863-8211**.

Para conocer la decisión final sobre la Certificación de No Acoso, visite nuestra pagina web en *www.hpd.nyc.gov* o **llame al (212) 863-8266**.

jy14-24

CHANGES IN PERSONNEL

POLICE DEPARTMENT FOR PERIOD ENDING 05/26/23							
		TITLE					
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
TASOREN	ARIF	70210	\$85292.0000	RETIRED	NO	06/01/22	056
TAVERAS	RICHARD	70210	\$85292.0000	RETIRED	NO	05/28/21	056
TAYLOR	JESSE W	70235	\$118056.0000	RETIRED	NO	05/23/21	056
TAYLOR	ZARIA W	60817	\$34834.0000	APPOINTED	NO	05/05/23	056
TAYLOR-LANG	NICOLE D	90610	\$44496.0000	APPOINTED	YES	05/07/23	056
TELIC	NAILE	56056	\$39676.0000	RESIGNED	YES	04/18/23	056
TERRELL	DEREK M	30080	\$52702.0000	DECEASED	NO	12/02/22	056
TERZIARIO	JOSEPH M	21849	\$69949.0000	RESIGNED	YES	01/29/23	056
THALER	ANDREW M	70210	\$85292.0000	RETIRED	NO	05/07/21	056
THOMAS	KEYSHA L	56056	\$39676.0000	RESIGNED	YES	02/07/23	056
THOMAS	KHALENA D	10144	\$44396.0000	RESIGNED	NO	01/12/23	056
THOMPSON	LAQUANDA R	70205	\$16.3900	APPOINTED	YES	05/12/23	056
TILLWITZ	ROBERT A	70260	\$135511.0000	RETIRED	NO	06/01/22	056
TINEO CASTRO	JULIO J	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
TIPU	SABBIR A	70210	\$42500.0000	APPOINTED	NO	04/26/23	056

POLICE DEPARTMENT FOR PERIOD ENDING 05/26/23							
		TITLE					
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
TISDALE	AHMANI N	60817	\$34834.0000	APPOINTED	NO	05/05/23	056
TITUS	JAMES M	70210	\$85292.0000	RETIRED	NO	06/01/22	056
TODARO	DIANA E	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
TODD	JACKSON	7021B	\$118056.0000	RETIRED	NO	05/01/21	056
TOLENTINO COLLA	STEVE	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
TOMASELLO	GLENN A	7021A	\$105062.0000	RETIRED	NO	05/29/21	056
TOMASULO III	JAMES L	70265	\$142758.0000	PROMOTED	NO	05/16/23	056
TONEY	KATHY	10124	\$66668.0000	INCREASE	NO	10/23/22	056
TOONE	KARL R	70210	\$85292.0000	RETIRED	NO	06/01/22	056
TORIBIO MARTINE	YOHANNA	71012	\$43110.0000	RESIGNED	NO	10/10/22	056
TORRES	BRENDON T	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
TORRES	DANIELLE E	60817	\$34834.0000	APPOINTED	NO	05/05/23	056
TORRES	ISMAEL	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
TORRES	JASON S	70210	\$85292.0000	RETIRED	NO	05/01/21	056
TORRES	JAZMINE L	70210	\$42500.0000	PROMOTED	NO	04/26/23	056
TORRES CORREA	LUIS A	70210	\$85292.0000	RETIRED	NO	06/28/22	056
TOUPUISSANT	HABACUC	70210	\$42500.0000	RESIGNED	NO	05/12/23	056
TOVAR	OSVALDO K	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
TRAN	TRAVIS	10144	\$43103.0000	RESIGNED	NO	11/17/21	056
TRIMM	DANIELLE R	70205	\$16.3900	APPOINTED	YES	05/12/23	056
TRIPLER	DIANE M	70205	\$16.3900	APPOINTED	YES	05/12/23	056
TROIA	ERASMO	70210	\$51000.0000	RESIGNED	NO	05/15/23	056
TSKHAY	ROMAN	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
TUDOR	ALLIEA T	70205	\$15.4500	RESIGNED	YES	04/21/23	056
TUNNOCK	PATRICK W	70210	\$85292.0000	RETIRED	NO	06/24/22	056
TURNER	DOMINIQUE	71012	\$51234.0000	RESIGNED	NO	09/11/21	056
TYSDAL	KENNETH L	7023B	\$135511.0000	RETIRED	NO	06/01/21	056
UDDIN	MAHBUBA	70205	\$16.3900	APPOINTED	YES	05/12/23	056
UDDIN	MD B	70205	\$16.3900	APPOINTED	YES	05/12/23	056
ULLOA	ROY G	70260	\$135511.0000	RETIRED	NO	06/01/21	056
URMI SR	ASRAFUNN A	70205	\$16.3900	APPOINTED	YES	05/12/23	056
VALCOURT	FABRICE	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VALDEZ	MARIO	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VALDEZ - APONTE	CHRISTOP E	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VALENCIA	CHRISTOP A	70210	\$85292.0000	RETIRED	NO	05/06/23	056
VALENTIN	CHRISTIE E	70210	\$42500.0000	DECREASE	NO	07/13/22	056
VALENTINO JR	PASQUALE	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VANDERBEEK	JAMES	70210	\$85292.0000	RETIRED	NO	06/05/21	056
VARGHESE	SENU S	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VASCONES	STEPHANI	60817	\$50207.0000	RESIGNED	NO	05/11/23	056
VASSALLO	ANTHONY	70265	\$142758.0000	PROMOTED	NO	05/16/23	056
VEGA	RAFAEL	7021A	\$105062.0000	RETIRED	NO	06/19/21	056
VELASQUEZ	ERIK A	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VELEZ	ANGEL	70235	\$118056.0000	RETIRED	NO	05/12/21	056
VELEZ	STEPHANI L	71012	\$52771.0000	RESIGNED	NO	06/16/22	056
VELIZ	RANDY	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VELOZ	LINDA S	71012	\$43110.0000	RESIGNED	NO	09/08/22	056
VENTO	ANTHONY J	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VETRANO	RICHARD A	7026B	\$149068.0000	RETIRED	NO	06/01/21	056

VETTER	KENNETH	70235	\$118056.0000	RETIRED	NO	05/18/23	056
VIGNAPIANO	NICHOLAS	70210	\$42500.0000	APPOINTED	NO	04/26/23	056

POLICE DEPARTMENT FOR PERIOD ENDING 05/26/23							
		TITLE					
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
VILLAVICENCIO	NENITA S	40510	\$61267.0000	APPOINTED	NO	05/07/23	056
VIRELLA	CHARLES A	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VIVEROS	RODOLFO J	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VIZCAINO PACHEC	KEVIN E	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VOLPE JR	WILLIAM W	70210	\$85292.0000	RETIRED	NO	05/29/21	056
VOURAKIS	JOANNA S	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VRLIC	JOHN A	7021A	\$105062.0000	RETIRED	NO	05/01/21	056
VUKTILAJ	SUZANA	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
VUSHAJ	DESARA	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WAITE	JUSTIN A	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WALA	RYAN A	56056	\$39676.0000	RESIGNED	YES	07/13/22	056
WALKER	LUCRECIA A	70210	\$42500.0000	DECREASE	NO	01/17/23	056
WALKER	NIECIA F	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WALKER JR	EDWARD D	71012	\$45228.0000	RESIGNED	NO	05/04/23	056
WALSH	KEVIN E	70260	\$135511.0000	RETIRED	NO	05/31/21	056
WALSH	TYLER J	70210	\$47000.0000	RESIGNED	NO	05/19/23	056
WANAMAKER	WILIAM J	70235	\$118056.0000	RETIRED	NO	05/21/21	056
WARREN	ALICIA N	60817	\$34834.0000	APPOINTED	NO	05/12/23	056
WARREN ESPINAL	SAHONY M	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WASHA	EDWARD A	7021A	\$105062.0000	RETIRED	NO	06/10/21	056
WATSON	SAMANTHA	60817	\$34834.0000	APPOINTED	NO	05/05/23	056
WATSON	SHAQUANA F	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WATSON	TYLER D	60817	\$34834.0000	APPOINTED	NO	05/05/23	056
WEBB	JAMES J	60817	\$50207.0000	RETIRED	NO	05/05/23	056
WEBER	MICHAEL G	7023B	\$135511.0000	RETIRED	NO	06/01/22	056
WEGENNAAR	CHRISTOP J	31105	\$41483.0000	APPOINTED	YES	05/07/23	056
WEISS	MICHAEL M	7021D	\$104174.0000	RETIRED	NO	05/01/21	056
WENG	JIMMY	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WERBER	PATRICK V	70210	\$85292.0000	RETIRED	NO	06/01/21	056
WHITE	DEIRDRE	70235	\$118056.0000	RETIRED	NO	05/01/21	056
WHITE	KAYLA E	12626	\$61866.0000	INCREASE	NO	02/26/23	056
WHITE	TAKRYAH S	60817	\$34834.0000	RESIGNED	NO	05/07/23	056
WHITFIELD	MEKHIA	71012	\$39329.0000	RESIGNED	NO	05/04/23	056
WHITLEY	JOANNE	10144	\$44396.0000	RETIRED	NO	11/25/22	056
WILEY	JANIAH L	60817	\$34834.0000	APPOINTED	NO	05/05/23	056
WILKEN	CAMERON M	70210	\$85292.0000	RESIGNED	NO	05/19/23	056
WILKERSON	CHANELLE V	10144	\$36390.0000	RESIGNED	NO	07/10/22	056
WILKINS	DOMINIQUE L	70210	\$42500.0000	RESIGNED	NO	06/15/22	056
WILLIAMS	ADRIAN L	70210	\$46000.0000	RESIGNED	NO	05/14/23	056
WILLIAMS	CHARLES A	7021B	\$118056.0000	RETIRED	NO	05/28/21	056
WILLIAMS	HANNAH O	70205	\$16.3900	APPOINTED	YES	05/12/23	056
WILLIAMS	HARDY	71012	\$56671.0000	RETIRED	NO	04/22/23	056
WILLIAMS	JALEESA S	71012	\$41855.0000	RESIGNED	NO	04/30/22	056
WILLIAMS	JAMES	70210	\$42500.0000	INCREASE	NO	04/26/23	056
WILLIAMS	JELIES S	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WILLIAMS	MELANIE A	71012	\$41855.0000	RESIGNED	NO	05/04/22	056
WILLIAMS	NZINGA A	70205	\$16.3900	RESIGNED	YES	03/02/23	056
WILLIAMS	TAMEIKA D	10144	\$44396.0000	RESIGNED	NO	11/23/22	056
WILLIAMS	TANYA M	71012	\$43110.0000	RESIGNED	NO	08/18/22	056
WILLIAMS	TYKREMA M	60817	\$34834.0000	RESIGNED	NO	05/12/23	056
WILLIAMS JOHNNSO	TENNILLE N	82803	\$118829.0000	INCREASE	YES	03/31/23	056

POLICE DEPARTMENT FOR PERIOD ENDING 05/26/23							
		TITLE					
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
WILLOCKS	ROHAN R	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WILSON	HELEN	70205	\$16.3900	APPOINTED	YES	05/12/23	056
WINTERS	DENNIS M	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WOJNICKI	PATRICIA L	70210	\$85292.0000	RETIRED	NO	06/01/22	056
WOMACK	CANDACE J	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WONG	WILEM S	7023A	\$121048.0000	RETIRED	NO	06/01/21	056
WRIGHT	CAILYN T	70210	\$46000.0000	RESIGNED	NO	05/09/23	056
WRIGHT	DERRICK A	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WRIGHT	SHANNON S	71012	\$41855.0000	RESIGNED	YES	10/28/21	056
WU	ANNE	10209	\$15.7500	RESIGNED	YES	05/11/23	056
WU	GUANNAN	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
WU	YONGKANG	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
XENAKIS	STANLEY J	70260	\$135511.0000	RETIRED	NO	06/19/21	056
YABLONSKYY	OLEH	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
YERA	FRANK J	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
YERETSKIY	MICHAEL	90698	\$239.8400	APPOINTED	YES	05/07/23	056
YILMAZ	CELIN	70205	\$16.3900	APPOINTED	YES	05/12/23	056
YNOA	JOSEPH	70210	\$42500.0000	APPOINTED	NO	04/26/23	056
YONG	JASON	70205	\$16.3900	APPOINTED	YES	05/12/23	056

FIRE DEPARTMENT FOR PERIOD ENDING 05/26/23							
NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
BRAVO	EDGAR	70310	\$47394.0000	APPOINTED	NO	04/23/23	057
CARDENAS	BRIAN	70310	\$47394.0000	APPOINTED	NO	04/23/23	057
CELENTANO	JAMES J	53040	\$79.2300	APPOINTED	YES	05/14/23	057
CHANG	CLAUDIA	12626	\$61866.0000	APPOINTED	NO	05/14/23	057
CHECO	GERALDIN	53053	\$41617.0000	RESIGNED	NO	05/16/23	057
COHEN	BRANDEN E	70310	\$47394.0000	APPOINTED	NO	04/23/23	057
COLON	MICHAEL	70310	\$47394.0000	RESIGNED	NO	04/26/23	057
DEFazio	ELIZABET M	12896	\$127023.0000	RETIRED	YES	05/10/23	057
DENESOPOLIS	TIMOTHY	90775	\$329.4900	PROMOTED	NO	04/30/23	057

FIRE DEPARTMENT FOR PERIOD ENDING 05/26/23							
NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
DERAIMO	LEO J	53053	\$62393.0000	RETIRED	NO	05/01/23	057
ENCARNACION	IMBERT E	70310	\$47394.0000	DISMISSED	NO	05/05/23	057
FOUGERE	KERVIN	70310	\$47394.0000	RESIGNED	NO	04/28/23	057
GAINNEY	TYRRELL M	53053	\$42357.0000	DECREASE	NO	05/17/23	057
GALLIMORE JR	DERRICK	71060	\$70216.0000	INCREASE	YES	04/30/23	057
GILES-TIMMS	COLLEEN V	53059	\$54878.0000	APPOINTED	YES	05/14/23	057
GROSVENOR	JUSTIN M	53053	\$41617.0000	RESIGNED	NO	05/06/23	057
HERCULES	KYLE L	70310	\$47394.0000	RESIGNED	NO	05/04/23	057
HOLDER	THEMA	40510	\$82278.0000	RESIGNED	NO	05/18/23	057
JOHN-HOWELL	TRACYLYN	31121	\$63440.0000	APPOINTED	NO	05/07/23	057
KNIGHTS	SAMUEL A	31662	\$66982.0000	RETIRED	NO	05/17/23	057
KOHUT	ANTHONY G	53053	\$31931.0000	RESIGNED	NO	12/30/14	057
MORALES	MICHAEL A	1005D	\$91000.0000	INCREASE	NO	05/14/23	057
OGUNBIYI	PAUL A	31662	\$74934.0000	RETIRED	NO	05/10/23	057
PEDRERO	OLGA L	53053	\$59534.0000	RESIGNED	NO	04/29/23	057
PEKIJ	DOROTEJA	1002A	\$93244.0000	PROMOTED	NO	05/14/23	057
RICHARDS	ZARIA R	40482	\$41389.0000	APPOINTED	YES	05/07/23	057
RODRIGUEZ	JESSICA S	10124	\$72604.0000	RESIGNED	NO	03/19/23	057
WALLACE	MICHAEL S	53053	\$49047.0000	RESIGNED	NO	05/10/23	057
WSZEBOROWSKI	MARIUSZ	70310	\$47394.0000	RESIGNED	NO	05/18/23	057
ZHEN	ASHLEY	40502	\$82294.0000	DECREASE	NO	05/09/23	057

ADMIN FOR CHILDREN'S SVCS FOR PERIOD ENDING 05/26/23							
NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
ALEXANDER	JAEDAH L	52366	\$64001.0000	RESIGNED	NO	05/07/23	067
ALFORD JR.	ROBERT	70817	\$64190.0000	DISMISSED	NO	04/14/23	067
ALVARADO	LENORA T	5245A	\$42731.0000	APPOINTED	YES	05/07/23	067
BALDWIN	CHINI A	52370	\$86067.0000	PROMOTED	NO	01/08/23	067
BENNETT	LLOYD W	52287	\$52320.0000	RESIGNED	YES	05/08/23	067
BENSON	DENISHA M	70810	\$34834.0000	APPOINTED	YES	05/14/23	067
BLUE	MARISA C	52366	\$53848.0000	RESIGNED	YES	05/07/23	067
BROWN	MICHAEL W	52367	\$88703.0000	INCREASE	NO	03/06/22	067
BYRD	VICTORIA E	70810	\$35985.0000	RESIGNED	NO	05/11/23	067
CABAN	ELIZA K	52366	\$62361.0000	RESIGNED	NO	05/02/23	067
CAREW	GANI O	52366	\$53848.0000	RESIGNED	YES	05/07/23	067
CARMONA	JASMINE A	56058	\$68436.0000	RESIGNED	YES	02/26/23	067
CARNEIRO	LILLIAN M	52366	\$53848.0000	RESIGNED	YES	11/27/22	067
CHAMBLISS	DYQUAN	52287	\$48545.0000	RESIGNED	YES	05/07/23	067
CHERY	SABINE	10056	\$165260.0000	INCREASE	NO	04/23/23	067
CLARKE	KIMBERLY J	52366	\$53848.0000	RESIGNED	YES	05/07/23	067
COCCO-KLEIN	SAMANTHA M	21744	\$84468.0000	APPOINTED	YES	05/07/23	067
COLEMAN	TAIESHA N	52366	\$64001.0000	RESIGNED	NO	05/07/23	067
COOPER	JAMAAL D	56058	\$62215.0000	APPOINTED	YES	05/07/23	067
DAS	PRIYANKA	52366	\$64001.0000	RESIGNED	NO	05/08/23	067

ADMIN FOR CHILDREN'S SVCS FOR PERIOD ENDING 05/26/23							
NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
DE LA CRUZ	NATHALIE	52366	\$53848.0000	RESIGNED	YES	05/14/23	067
DRUMMOND	NICOLE D	52366	\$64001.0000	RESIGNED	NO	05/07/23	067
DUDLEY	SARAH G	95600	\$115927.0000	INCREASE	YES	05/07/23	067
FAKIRA	SHEBANA	56058	\$63000.0000	DECREASE	YES	10/13/19	067
FREEMAN	ALJALE L	70810	\$34834.0000	APPOINTED	YES	05/07/23	067
GAMBLE	DIAMOND E	81803	\$35650.0000	RESIGNED	YES	11/05/21	067
GIBSON	ALLANA R	10251	\$38606.0000	RESIGNED	NO	03/02/23	067
GONZALEZ	PATRICK	10251	\$34022.0000	RESIGNED	NO	05/12/23	067
GOODMAN	DARON	52287	\$59334.0000	TERMINATED	NO	05/05/23	067
HARGETT	DORYCE A	52366	\$51315.0000	DECREASE	NO	06/23/22	067
HERNANDEZ	LISA A	70810	\$34834.0000	APPOINTED	YES	05/07/23	067
HERRERA	JAVIER J	52366	\$53848.0000	RESIGNED	YES	03/23/23	067
HOY CUMBERBATCH	LIZETH M	52366	\$58482.0000	RESIGNED	YES	05/07/23	067
JACKSON	TATYANA N	52366	\$62137.0000	RESIGNED	NO	01/09/22	067
JOHNSON	JANICE	52366	\$68653.0000	RETIRED	NO	04/28/23	067
JONES	TYRA C	52287	\$48545.0000	RESIGNED	YES	05/08/23	067
KAREEM	KOLAWOLE A	52367	\$91388.0000	RETIRED	NO	05/08/23	067
KOPPELMAN	JENNIFER L	52366	\$64001.0000	RESIGNED	NO	05/13/23	067
LAURIA	MARYANN	82976	\$132080.0000	INCREASE	NO	05/07/23	067
LEE	NICOLE Z	52366	\$64001.0000	DISMISSED	NO	05/10/23	067
LUNDI	GLADIA	52366	\$53848.0000	RESIGNED	NO	05/07/23	067
LYNCH	JAMES C	52287	\$47132.0000	RESIGNED	YES	08/10/21	067
MAGGETTE	ASHLEY A	52366	\$64001.0000	RESIGNED	NO	05/15/23	067
MAJIYAGBE	OLANSILK K	5245A	\$44013.0000	RESIGNED	NO	03/15/22	067
MARCELO	SANDY R	5245A	\$45333.0000	RESIGNED	YES	01/18/23	067
MASSAQUOI	EDWARD S	95600	\$102226.0000	INCREASE	YES	04/02/23	067
MEZA GONZALEZ	VICTORIA L	52366	\$58482.0000	RESIGNED	YES	05/07/23	067
MICHEL	TYZHANE S	70810	\$34834.0000	APPOINTED	YES	05/07/23	067
MOLINA	JOSE A	70810	\$34834.0000	APPOINTED	YES	05/14/23	067
MOODIE-JONES	LORNA	95600	\$120613.0000	INCREASE	YES	05/07/23	067

MOON	SHENIELL S	56058	\$54100.0000	APPOINTED	YES	05/14/23	067
OKONKWO	CARING U	52287	\$48545.0000	RESIGNED	NO	05/14/23	067
OLAGUNJU	OLAYINKA A	52366	\$64001.0000	RESIGNED	NO	05/07/23	067
ORELLANA CANDO	PAOLA D	30087	\$91563.0000	RESIGNED	YES	05/16/23	067
OYEBAJNO	NAHEEM A	52304	\$44009.0000	RESIGNED	YES	08/21/22	067

## LATE NOTICE

## CITYWIDE ADMINISTRATIVE SERVICES

### DIVISION OF MUNICIPAL SUPPLY SERVICE

#### ■ SOLICITATION

*Services (other than human services)*

**85724P0001-AD PLACEMENT SERVICES** - Competitive Sealed Proposals - Other - PIN# 85724P0001 - Due 8-18-23 at 10:30 A.M.

The intent of this Request for Proposals (“RFP”) is to obtain firm fixed price proposals from qualified Contractor(s) to provide Ad Placements for recruitment and non-recruitment online, print advertising (i.e. various newspapers, magazines, other periodicals and trade publications), and advertising on Social Media (i.e. Facebook; Instagram; Twitter, etc.).

Please submit your proposals by both acknowledging the receipt of the RFx in the Acknowledgement tab and completing your response in the Manage Responses tab. Vendor resources and materials can be found at the link below under the Finding and Responding to RFx (Solicitations) heading.

If you need additional assistance with PASSPort, please contact the MOCS Service Desk:

<https://mocssupport.atlassian.net/servicedesk/customer/portal/8>

Link: <https://www1.nyc.gov/site/mocs/passport/getting-started-with-passport.page>

After the Question Deadline, questions regarding this solicitation may not be addressed.

Pre-bid conference location -Virtual Pre-Bid Conference will be held via ZOOM Register in advance for this meeting. Date/Time - 2023-07-27 10:30:00 Link: <https://dcas-nyc-gov.zoom.us/joining/register/tZ0kcO2trj4sHtF1xgvu7Jxv-4kxflTfMH67>.

☛ jy21

## BOARD OF STANDARDS AND APPEALS

#### ■ PUBLIC HEARINGS

#### ADDED CASE

**August 7<sup>th</sup>, 2023, and August 8<sup>th</sup>, 2023, 10:00 A.M. and 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of teleconference public hearings, Monday, August 7<sup>th</sup>, 2023, at 10:00 A.M. and 2:00 P.M., and Tuesday August 8<sup>th</sup>, 2023, at 10:00 A.M. and 2:00 P.M., to be streamed live through the Board's website ([www.nyc.gov/bsa](http://www.nyc.gov/bsa)), with remote public participation and in-person portion, on the following matters:

#### ZONING CALENDAR

##### 2023-4-BZ & 202-07-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for Magen David Yeshivah, owner.

SUBJECT – Application January 25, 2023 – Variance (§72-21) to permit the enlargement of an existing two-story, UG 3 (religious nursery and pre-school building) and an Amendment of a previously approved Special Permit (73-19). M1-1 zoning district. PREMISES AFFECTED – 2170 McDonald Avenue, Block 7087, Lot 34, Borough of Brooklyn.

**COMMUNITY BOARD #11BK**

*Shampa Chanda, Chair/Commissioner*



☛ jy21-24